

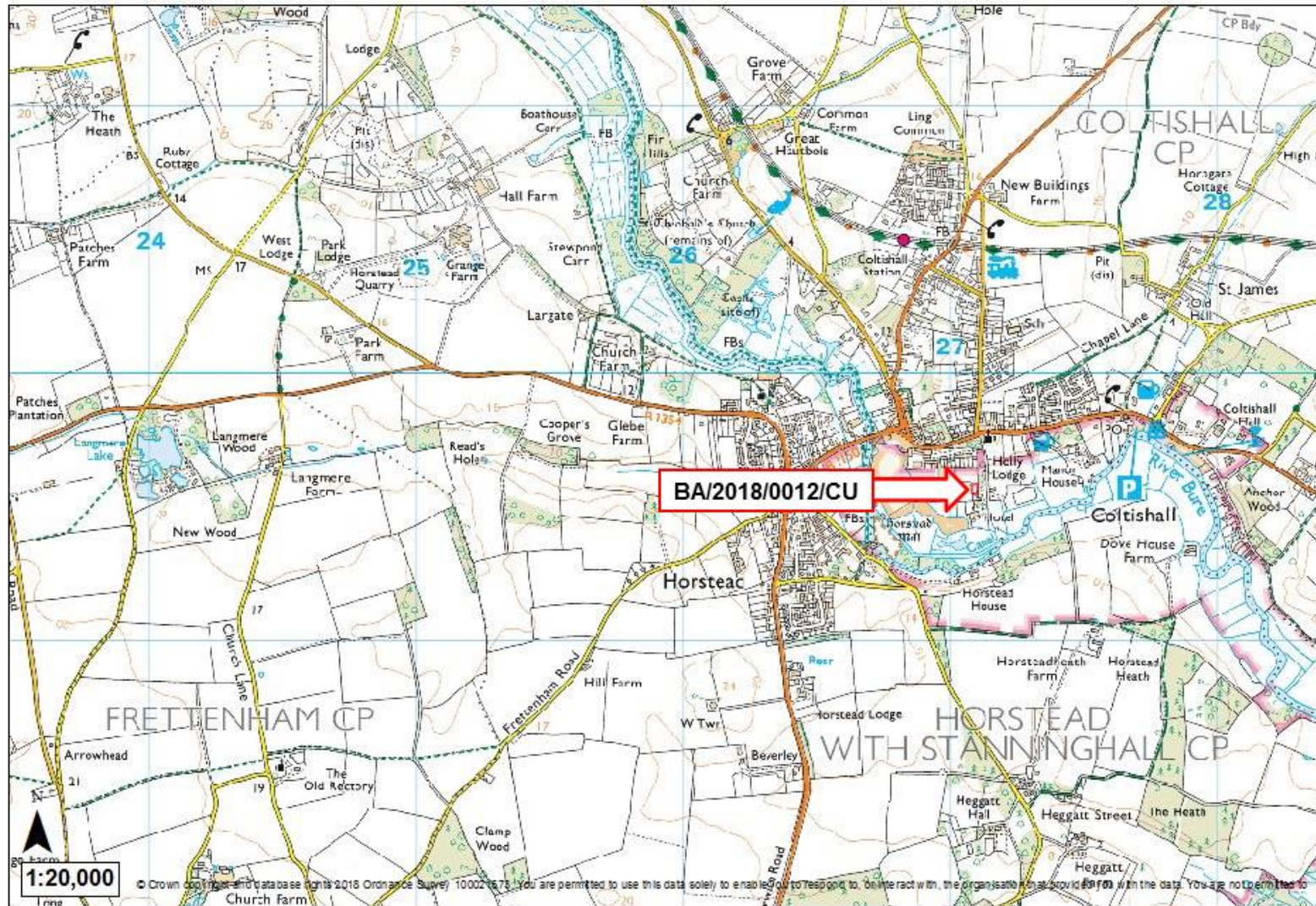
Reference:

BA/2018/0012/CU

Location

Building adjacent to Barn Mead Cottages, Church
Loke, Coltishall

BA/2018/0012/CU



Application for Determination
Report by Planning Officer

Target Date	30 May 2018
Parish:	Coltishall Parish Council
Reference:	BA/2018/0012/CU
Location:	Building Adjacent Barn Mead Cottages, Church Loke, Coltishall
Proposal:	Change of Use from B8 to residential dwelling and self-contained annexe
Applicant:	Mr Gordon Hall
Recommendation:	Refuse
Reason for referral to Committee:	Representations Received

1 Description of Site and Proposals

- 1.1 The building subject of this application is situated approximately 200m south of the B1354 Wroxham Road, at the end of a short road known as Church Loke in Coltishall. There is currently an unformed access off the unadopted driveway at the end of Church Loke.
- 1.2 The building is located on a 0.15ha site lying to the north of the Norfolk Mead Hotel and Barn Mead Cottages, which are also accessed off Church Loke, via the unadopted driveway. The building is in the ownership of, and used by, the applicant who owns and lives in one of the Barn Mead Cottages. A number of residential properties are located along Church Close, approximately 130m to the north of the site.
- 1.3 There are a number of mature trees adjacent to the site, two of which lie in close proximity to the building, and there is Leyland Cypress hedging around the site.
- 1.4 The site is located outside the Development Boundary for Coltishall, however, it is included in the Coltishall and Horstead Conservation Area.

- 1.5 The site is located within Flood Risk Zone 1.
- 1.6 The building itself was originally constructed to be used by the applicant from which to run his fine wine import business. The storage area was to be used for the interim storage of fine wines which would have been delivered from the main warehouse to be distributed around the Norwich area, with an associated office. The building has a gross footprint of 152.41m². It is constructed with the main bulk of the building running north-south, which was designed to accommodate the store and garage, which is 19.84m in length and 5.3m wide. A smaller wing running east-west at the southern end of the main building accommodates the office, measuring 10.1m in length and with a width of 4.8m. The garage/storage area of the building has a ridge height of 5.7m with the office section of the building having a ridge height of 5.5m. The building is clad in natural stained timber cladding with red clay pantiled roof. All joinery is brown stained timber joinery. The building sits on a plinth of red engineering bricks.
- 1.7 This application seeks permission to convert this office/storage building into a dwelling unit with a separate annexe. The storage/garage wing of the building running north-south would accommodate a single ensuite bedroom, a living room and a kitchen. The office wing of the building running east-west would accommodate a bed/living room including a small kitchenette and a small bathroom. The dwelling would be lived in by the applicant and his partner with the applicant's aged father occupying the annexe. Given the current design of the building and the fenestration pattern, the change of use of the building would require no alteration to the external appearance of the building. Foul water is disposed of via a new septic tank installed to the west of the building and the surface water is disposed of via a soakaway created close to the new septic tank.

2 Site History

- 2.1 Planning permission was granted in November 2005 for 'Alterations, Change of Use and Extension of Barn to Warehouse/Store, Ancillary Office and Garage' (05/2005/0745) to allow the conversion of an existing barn. However, as work commenced on the building to implement the conversion it allegedly became apparent that the structure was dangerously unstable and accordingly upon the advice of Building Control the building was demolished. Following demolition new foundations were laid in accordance with the original permission and the owner commenced a full reconstruction of the building. In legal terms, however, given that the building to which the planning permission had related was no longer in situ, the planning permission for conversion could not be implemented as there was no building to convert.
- 2.2 BA/2011/0006/FUL - Reconstruction of demolished barn for storage and minor office use – Approved subject to conditions.
- 2.3 BA/2015/0175/NONMAT - Non material amendment to planning application BA/2011/0006/FUL to allow the relocation of main delivery entrance, addition of window to corridor, alteration from French doors to window and pedestrian access door to store area – Approved.

3 Consultations

3.1 Consultations received

Coltishall Parish Council

The Parish Council objects to the above 'Change of Use' Planning Application.

Our objection is based on the following grounds:

- 1) This site is well outside the settlement limit for Coltishall. The character of Coltishall as a Broads village requires carefully planned development on a controlled basis if it is not to be lost. It is not unusual to receive such change of use applications and if they were to be approved other than very exceptionally it would create significant problems. The Parish Council can find no material justification or merit in the application to treat it on such an exceptional basis.
- 2) The site is on the flood plain. Coltishall Parish Council wishes to discourage residential use of land on the flood plain.
- 3) The site is close to the river and to a dyke. Any inappropriate discharge or seepage could have disastrous consequences for amenity and tourism.
- 4) Access to the site is via a long, single-track road. Its junction with Church Street is already hazardous, and the proximity of the junction to the churchyard entrance is of concern given the number of elderly visitors who tend graves etc. The potential for additional traffic - now and in future - is problematic.
- 5) The fact that the site is in the conservation area is also a consideration. Conservation is about character and spatial amenity as well as individual buildings. The Parish Council does not wish to see further unplanned increase in residential use of land within the conservation area and especially on a site with such problematic access issues.

We would also ask the Broads Authority to note that Coltishall is already under significantly increased pressure from the volume of traffic associated with housing development in North Walsham and Wroxham and has the immediate prospect of 30 new houses and so a planned 420 additional daily car journeys on Rectory Road, which stands opposite the junction with the access road to this site. This is before the implications of the revised Greater Norwich Local Plan have been considered.

For all of these reasons, we ask the Broads Authority to reject this change of use application.

Highway Authority

As you will be aware the Highway Authority have in the past raised concerns about the adequacy of the junction of Church Loke with Church Street/Wroxham Road in terms of substandard visibility, and this concern remains.

However, whilst no traffic information has been submitted, it accepted that the current permitted B8 use does generate traffic movements and it is possible that these could be commercial vehicles. The proposed residential unit will obviously generate traffic movements and given the scale, I suspect these

would be similar to the present use; but more importantly the proposals, if approved, would remove regular commercial vehicle trips which in highway terms is of benefit given the access constraints.

In terms of the annexe, I am of the opinion that, if genuinely used as ancillary accommodation only, then the traffic levels should not increase as there will be the ability to make linked trips with other family members; the LHA would recommend appropriate condition restricting that element of the development to such use, if approved. Accordingly on balance I do not consider that the proposals would give rise to a severe residual cumulative impact in highway terms and therefore raise no objection.

3.2 Representations Received

Two representations have been received objecting to the proposed change of use. The main reasons cited for the objections are:

- This development would set a precedent for further development in the Conservation Area;
- The building is very close to a flood plain in the area;
- The building was designed and constructed as a bungalow with the intention of obtaining a change of use on the premises;
- If permission is granted not one, but two dwellings would be created;
- Reassurance is sought that the sewage system in the area is able to cope with the additional effluent as the dyke around the grazing marsh is in very close proximity;
- The site is outside the development boundary.

4 Policies

4.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

[NPPF](#)

Core Strategy

[Core Strategy Adopted September 2007 pdf](#)

CS1 – Landscape Protection and Enhancement

CS4 – Creation of New Resources

CS5 – Historic and Cultural Environments

CS24 – Residential Development and the Local Community

Development Management Policies DPD

[Development-Management-DPD2011](#)

DP4 – Design

DP11 – Access on Land

- 4.2. The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

Development Management Policies DPD

DP5 – Historic Environment

DP21 – Conversion of Buildings in the Countryside

DP22 – Residential Development within Defined Development Boundaries

DP28 – Amenity

5 Assessment

- 5.1 In determining this application the main issues to be taken into consideration include: the principle of the development; impact on the Conservation Area; highway impact; flood risk; residential amenity.
- 5.2 The subject building is situated outside the Development Boundary of Coltishall. Therefore in accordance with Policy DP22 the creation of a new residential property on this site would be resisted unless the development proposed could satisfy the requirements of one of the relevant residential Policies. As the proposal is for the conversion of an existing building the development should be assessed against Policy DP21 of the Development Management Policies DPD.
- 5.2 Policy DP21 requires buildings situated outside Development Boundaries and in the open countryside to be converted to employment, tourism, recreation or community uses in the first instance. Conversion to a main residence for the occupiers would only be acceptable when it is clearly demonstrated the employment, recreation, tourism or community uses would be unviable. On this basis the application has been supported by a Financial Viability Assessment prepared by the applicant. The letter prepared by the Chartered Surveyors to accompany the Viability Assessment concludes that the conversion of the building to self-catering holiday accommodation is not viable particularly having regard to the property's proximity to the function room of the adjacent Mead Hotel. It also concludes that the village of Coltishall is well served with recreational and community facilities and consequently it is most unlikely that there would be adequate demand for such a use. As the permitted use of the building is for commercial storage and office use (i.e. employment) it is harder to successfully argue the point that the continued use of the building for employment use would be unviable. The Chartered Surveyors writing in support of this application have stated that it is fair to comment that there is a demand for offices in out of town rural locations such as Coltishall. However in their opinion the lack of road frontage does have a detrimental effect on the commercial viability of the subject building. Whilst rental levels of offices in rural locations remain relatively strong, they are not always viable for businesses seeking rural trading premises and, in light of this, the Chartered Surveyors are of the opinion that conversion to residential use is more suitable. However, they do go on to state that the robustness of this opinion/conclusion can only really be tested with the marketing of this

property to let as a commercial property. It should be noted that no such marketing has taken place.

- 5.3 The Financial Viability Assessment and the covering letter prepared by the Chartered Surveyors have been reviewed by the Broads Authority's Independent Financial Consultant. The Authority's Consultant concludes that he agrees with the conclusion that the use of the property for community use is unviable and that holiday use would be marginal. However, based on the evidence currently put forward, and his own consideration of the case he does not agree that the continued commercial use of the subject building is not viable. He agrees with the Chartered Surveyors' view that until the property has been fairly and properly exposed to the market it is difficult to say that there would be no demand for it as a commercial property either in its existing condition or as improved.
- 5.4 Subsequent to this assessment the applicant has provided a valuation of the property from another firm of Chartered Surveyors. However, the Authority's Independent Financial Consultant has concluded that this document has not been prepared for the purposes of addressing the viability case and it does not therefore persuade him to arrive at a different conclusion.
- 5.5 Based on the above information and the assessment of the submitted information it is apparent that a robust argument that the continued use of this building for commercial/employment purposes is unviable cannot be made in the absence of evidence that the property has been marketed in a realistic manner for a number of months and this has demonstrated non-viability. In the absence of such an exercise being undertaken it cannot be concluded that the conversion of the subject building to residential use is the only viable option for the re-use of this building. The development cannot therefore be considered to be in accordance with Policy DP21 of the Development Management Policies DPD.
- 5.6 Members will be aware that planning legislation requires planning applications to be determined in accordance with Development Plan Policies unless material planning considerations indicate otherwise. The applicant has stated that in this case he would like his personal circumstances taken into account as a material planning consideration in the determination of this application. The application has been supported by a Planning Statement setting out various Appeal cases where personal circumstances have been accepted as a material planning consideration. The applicant has therefore submitted a Personal Statement in support of this application. In his Personal Statement he states that whilst it was originally intended to house his wine business in the subject building, by the time planning permission was granted for the construction of the subject building he had sought alternative premises from which to run his business. The building was therefore redundant in terms of the original proposed use and has only been used for minor storage and office use in the interim, in conjunction with the additional premises elsewhere. In addition to this the applicant states that he now has sole responsibility for the care of his 90 year old father who currently lives some distance away and requires both emotional as well as practical support. The applicant therefore

wishes to move his father closer to him so that he is better able to look after him – hence the request for the creation of the annexe in addition to the dwelling. He advises that Barn Mead Cottage, where the applicant currently lives, is not suitable. Whilst an argument could be made that the applicant could move to an established property more appropriate to his needs, he argues that he and his partner have lived on this property for between 20 and 30 years and that the ashes of family members are scattered on land adjoining the subject building. They therefore have a strong emotional bond to this property. The final point he makes is that his current home is closer to the Mead Hotel and joined to the function venue by way of an external wall. The proximity to the hotel and in particular the function venue, has had an adverse effect on the applicant's health and he considers that a move to the subject property would provide a more suitable and tranquil amenity for all concerned.

- 5.7 The decision therefore has to be made whether the personal circumstances are significant enough, and carry sufficient weight, as to justify planning permission being granted contrary to Policy DP21. It is considered that whilst there may be a need for the applicant and his partner to move to a home which is more suitable to also provide safe and supported accommodation for the applicant's father, this need could be met by purchasing or renting an established property elsewhere. The applicant has stated that his health has suffered considerably as a result of living in close proximity to the Mead Hotel. It is questionable whether moving from Barn Mead Cottage to the subject building to live would provide a sufficient degree of separation to satisfactorily address the applicant's issues of living in close proximity to the hotel to result in an improvement to his health and, again, this outcome could be more easily achieved by relocating elsewhere. In terms of the applicant's unique connection with this property with both his relatives, and that of his partner's, ashes having been scattered on the property, this is probably the most 'special' of the personal circumstances cited which tie the applicant and his partner to this property. However if they were to retain ownership of the building and it was rented out to a third party as a business premises, they would still retain that link to this land the special relevance it has to them.
- 5.8 The pros and cons of this application are finely balanced. Whilst the applicant has failed to provide a robust argument that the only financially viable use of the subject building is residential, and has made the decision not to undertake a marketing exercise to test the market, which would strengthen his case, there are personal circumstances associated with this case which should be taken into account as a material planning consideration. Whilst the situation is regrettable it is not wholly unusual and it is concluded that in this instance the personal circumstances do not carry sufficient weight to justify planning permission being granted contrary to Development Plan Policy DP21 of the Development Management Policies DPD.
- 5.9 In terms of any effect this proposal would have on the character of the Conservation Area, it is considered that there would be no adverse impact. At the time the building was originally granted planning permission and subsequently constructed care was taken to ensure that the scale, design and choice of materials complemented the character of the Conservation Area.

The current application for the change of use of this building to residential use would not necessitate any external changes to this building. Furthermore the site is surrounded by other residential properties. It is therefore concluded that the change of use of this building to residential use would not have a material effect on the character of the Conservation Area. The scheme is therefore in accordance with Policies CS5 of the Core Strategy and DP5 of the Development Management Policies DPD.

- 5.10 The consultation response received from Coltishall Parish Council has cited the adverse impact any additional traffic that would be generated by this proposal would have the junction between Church Street and Church Loke as a reason for objecting to the proposal. However the Highway Authority has stated that whilst it has concerns about the adequacy of the junction between Church Street and Church Loke, in terms of substandard visibility, it considers that whilst the proposed residential use of the subject building would generate traffic movements, it is anticipated that these would be similar to the permitted use and more importantly it would remove regular commercial vehicle trips which in highway terms is of a benefit given the access constraints. Therefore the Highway Authority considers that the proposal would not give rise to a severe residual cumulative impact in highway terms and therefore does not object. The proposal therefore has to be considered as compliant with Policy DP11 of the Development Management Policies DPD and the NPPF.
- 5.11 Whilst the representations received and the Parish Council consultation response object to the proposal on the basis that the site is situated in a flood plain the site is in fact situated in Flood Risk Zone 1 as shown on the Strategic Flood Risk Assessment (SFRA). Therefore the change of use of the subject building to residential use would be acceptable in terms of flood risk and in accordance with Policies CS20 of the Core Strategy and DP29 of the Development Management Policies DPD as well as the NPPF.
- 5.12 The building was originally constructed with a septic tank to deal with foul water disposal. It is intended that if planning permission is granted for the residential use of this building that the septic tank would also deal with any foul water generated. There would therefore be no issue of inappropriate discharge or seepage adversely affecting the area.
- 5.13 Given the location of the building in relation to the other residential properties in the vicinity of the site, the fenestration pattern of the building, the mature screening of the site and the fact that the building would be used as a residence means that there would be no adverse impact on the residential amenity of either other dwellings in the area or the subject property. The proposal would not therefore be considered contrary to Policy DP28 of the Development Management Policies DPD.

6 Conclusion

- 6.1 In conclusion, based on the information submitted to support this application, the change of use of the subject building to residential has to be considered as contrary to Policy DP21 of the Development Management Policies DPD.

Whilst it is accepted that the personal circumstances associated with this case can be considered as a material planning consideration, on balance it is considered that they do not carry sufficient weight to justify planning permission being granted contrary to Development Plan Policy. It is therefore recommended that planning permission is refused.

7 Recommendation

Refuse

8 Reason for Recommendation

- In the opinion of the Local Planning Authority insufficient information has been submitted to demonstrate that the residential use of the subject building is the only viable use for the property. The proposal has to therefore be considered as contrary to Policy DP21 of the Development Management Policies DPD. Whilst it is accepted that the personal circumstances associated with this case can be considered as a material planning consideration, on balance it is considered that they do not carry sufficient weight to justify planning permission being granted contrary to Development Plan Policy.
- In all other respects the development proposed is considered to be in accordance with the relevant Development Plan Policies.

Background papers: BA/2018/0012/CU

Author: Alison Cornish

Date of report: 11 May 2018

Appendices: Appendix 1 – Map

BA/2018/0012/CU Building adjacent to Barn Mead Cottages, The Loke, Coltishall

