

Application for Determination

Parish	Potter Heigham	
Reference:	BA/2014/0013/FUL	Target Date: 12/03/2014
Location:	Land to rear of Bridge Stores, Potter Heigham	
Proposal:	Retrospective application for extension and resurfacing of existing car park.	
Applicant:	Bridge Car Park Company Limited	
Reason for referral:	Objection from neighbour	
Recommendation:	Approve with conditions.	

1 Description of Site and Proposals

- 1.1 The application site is located on the north bank of the River Thurne in the settlement surrounding Potter Heigham Bridge. The site is situated between the Broadshaven Tavern public house to the south west and Riverside House, a private dwelling to the north east. The southern boundary of the site abuts the Potter Heigham River Green, a strip of open grassland running alongside the River Thurne between Potter Heigham Old and New Bridges. A 1.8m high reed panel fence separates the site from the Green. The large Lathams Stores site lies to the immediate north of the application site.
- 1.2 The site is accessed from the south west, via a private road which runs perpendicular from Bridge Road (the public highway) through a service area to the rear of Bridge Stores and past the application site. This access is shared, with the operators of Bridge Stores and the residents of Riverside House enjoying right of passage along the access.
- 1.3 In 2010 consent was granted for the continued use of a rectangular area of open grassland measuring 30m x 27m as a private car park to serve owners and guests of the riverside bungalows which are strung out along both banks of the River Thurne at Potter Heigham, and to which there is no vehicular access. The consent regularised a previously informal use of the site as car parking which had been ongoing for a number of decades.
- 1.4 This application seeks retrospective consent for the extension of this car park by an area measuring approximately 23m x 8m and for the resurfacing of the entire car park (i.e. both the existing approved area and

the proposed new car park area). The extension and resurfacing has been completed and comprises a layer of type 3 aggregate, a water permeable geotextile layer, a layer of sharp sand and a system of interlocking plastic ground protection grids which have been backfilled gravel.

- 1.5 The additional car park space has been created through the removal of a large, sectional concrete garage and the ground levels in this area (of approximately 23m x 8m) have been raised by around 400mm using the materials used on the remainder of the car park site.
- 1.6 In addition, the levels at various discrete sites within the existing car park were made up to give a uniform surface level, thereby addressing slumping at various locations of the car park.
- 1.7 The southernmost part of the site lies in Flood Zone 3, the remainder in Flood Zone 2.

2 Site History

- 2.1 In 2010 consent was granted for the use of part of the present application site as a long stay car park to serve residents of and visitors to the River Thurne Bungalows. The application proposed no change to the existing grass surface of the site and the retention of the existing timber sleepers to demarcate parking bays. (BA/2010/0415/FUL)

3 Consultation

Broads Society - No objection.

District Member – No response received.

Potter Heigham Parish Council - Comments awaited.

Environment Agency – No objection. The development should give priority to the use of Sustainable Urban Drainage Systems for the management of surface water.

4 Representations

Representation from the Internal Drainage Board (IDB) confirming there is no objection to the proposal and recommending an informative is placed on any consent granted advising that should surface water management issues arise at the site they should be investigated in conjunction with the IDB.

Letter of objection from residents of Riverside House requesting that the application be refused for the following reasons:

- (1) Failure to demonstrate that significant ground raising undertaken will not lead to an increased risk of flooding to Riverside House

- (2) Failure to provide sufficiently detailed information to enable the Local Planning Authority to properly assess the impact of the proposal on the adjacent residential property
- (3) Failure to propose appropriate boundary treatment/screening to mitigate impact of increased ground levels adjacent to Riverside House curtilage
- (4) Failure to include adequate landscaping measures leads to an unacceptable loss of amenity to the occupiers of Riverside House

5 Policy

- 5.1 The following policies have been assessed for consistency with the NPPF and have found to be fully consistent with the direction of the NPPF.

Adopted Broads Development Management DPD (2011)

[DMP DPD - Adoption version.pdf](#)

[NPPF](#)

DP2 – Landscape

DP4 – Design

DP11 – Access on land

- 5.2 The following policies have been assessed for consistency with the NPPF and have found to be mostly consistent with the direction of the NPPF; any divergence from the NPPF is considered within this report:

DP28 – Amenity

Adopted Broad Local Plan (1997)

[Broads Local Plan - Extant Policies Only Dec 2011](#)

PHB7 – Broadshaven Hotel and Adjacent Sites

- 5.3 Material Considerations

[NPPF](#)

6 Assessment

- 6.1 This application seeks consent for the resurfacing of an existing car park, the extension of that existing car park and the raising of levels of this extended section of car park.
- 6.2 Considering first the policy situation at this site, the application site is covered by a site specific policy from the Broads Local Plan (PHB7). The Local Plan was adopted in 1997 and Part 2 of this plan, which contains site specific policies, is in the process of being replaced with the emerging, though unadopted Broads Site Specific DPD.
- 6.3 Given the advanced stage of the Site Specifics DPD and, having regard to the fact that no objections were received to the emerging policy in any of

the three rounds of consultation the document has been through to date, it is considered that substantial weight can be attached to the emerging policy and only very limited weight ascribed to the adopted Local Plan policy.

- 6.4 In terms of assessment it is considered that this application raises matters relevant to policy DP2 (Landscape), DP11 (Highways), DP28 (Amenity) and DP29 (Flood Risk). Each matter is considered in turn below.
- 6.5 With regards to landscape impacts, it is noted that the demolition of the shed and laying of a uniform surface across the whole of the car park site has resulted in a rather stark appearance. However, the majority of the site has existing consent to operate as a car park and, until the works for which consent are now sought were carried out, the remainder accommodated a storage shed used for ancillary storage for Bridge Stores Shops and the car park site. It is material to note that the site is located at the rear of a public house and shop and sits opposite a row of concrete sectional garages. In this context it is not considered that the appearance of the site subsequent to the works for which consent is now sought is incongruous or unacceptable in terms of impact on the immediate landscape. It is also material to note that when cars are parked at the site they do obscure views of the surface material.
- 6.6 Considering landscape impacts beyond the immediate vicinity of the site, the location of the site and the nature of its boundary fencing to the River Green (1.8m high reed panel fences) mean that the car park is screened from any public view. Furthermore, the site is largely screened from the neighbouring property (Riverside House) by a row of a substantial evergreen trees which are in the ownership of Riverside House.
- 6.7 Whilst it is the case that the landscape of the Broads is protected in its own right to reflect the integral landscape value of the area, and, as such, the fact that a site cannot be seen does not mean that any type of development will be acceptable in landscape terms, it must be recognised that in this instance the site has consent to operate as a car park and that the site and its immediate surroundings (excluding Riverside House and its curtilage) are essentially a service area which has little landscape value but provides essential parking and operational space for the riverside chalets along the Thurne and local businesses set around Repps Staithe.
- 6.8 In this context it is not considered that the re-surfacing and modest extension of the car park has resulted in any unacceptable landscape impacts and, as such, the application is considered to satisfy the requirements of Policy DP1.
- 6.9 In terms of highways impacts, the car park has an existing consent and the proposed extension is not of a sufficient scale to result in any substantial increase in traffic movements to and from the site. Considering the potential for the resurfacing and modest extension of the

car park to impact on the amenity of neighbouring occupiers, the principle concerns relate to impacts on the neighbouring residential property, Riverside House.

- 6.10 It is noted that whilst emerging policy POT1 is largely concerned with areas of the Potter Heigham Bridge other than the application site, it does make the generally applicable point that the amenity of existing residential occupiers will be protected.
- 6.11 In assessing the potential impacts on amenity it must be acknowledged that this site has consent to operate as a car park and that the area of land which forms the extension for which consent is now sought was formerly a large concrete garage used in association with the consented car park use.
- 6.12 In terms of amenity the principal potential for impacts associated with the proposed resurfacing and modest extension relate to noise and disturbance associated with vehicle movements. Whilst the concerns of the residents of Riverside House in respect of a lack of landscaping at the site impacting on their amenity are noted, there is no 'right to a view' in planning and it is not considered that the lack of landscaping raises any issues in regard to amenity impacts on the neighbouring property.
- 6.13 Having regards to the existing consented use of the car park and the previous use of the site as a garage it is not considered that the modest extension proposed in this application would result in any unacceptable impact on the amenity of the occupiers of Riverside House.
- 6.14 Considering the resurfacing of the car park, it is recognised that the back filled plastic grid system installed has the potential to be noisier than the previous grassed surface in terms of tyre noise. However, the system is considered to be less noisy than a loose gravel finish and is not considered to result in any unacceptable impacts and protects the amenity of the residents of Riverside House, a property which is largely screened from the site and where the dwelling is set some 6.5m from the boundary.
- 6.15 The final issue to consider relating to impact on amenity is the issue of overlooking. It is the case that demolition of the storage shed has opened up views into the curtilage of Riverside House from within both the existing approved and proposed extended car park, this being a length of the boundary (around 6m in length) which is not marked by evergreen trees but is instead denoted by a low (circa 1.2m) close board timber fence.
- 6.16 Considering the short period of time people will remain in the car park and the fact that the length of low fencing is the same height as that at the entrance to Riverside House, which is clearly visible from the access road, it is not considered that the proposal results in an unacceptable impact on the amenity of the residents of Riverside House in terms of overlooking. This notwithstanding, in response to the letter of objection from the

neighbouring property the applicant has proposed to install a new 1.8m high fence along that part of the boundary of the site which is not screened by existing trees. Whilst not considered necessary in planning terms, this addition is welcomed and is considered to help address the concerns expressed by the neighbours.

- 6.17 Having regards to the above, the principle issue in determining this application is considered to be the impact of the proposed resurfacing on flood risk.
- 6.18 Considering the issue of flood risk, there is no objection in principle to this application. Whilst the majority of the site lies within Flood Zone 2, with a small part at the eastern end falling in Flood Zone 3, the site has an authorised use a car park and this is a use considered to be 'Less Vulnerable' (with reference to the Technical Guidance to the NPPF) and appropriate to the flood risk level at this site.
- 6.19 Accordingly, in response to consultation both the Environment Agency (EA) and the Internal Drainage Board raise no objection to the application. The Environment Agency do recommend that for applications such as this (generically categorised by the EA as 'Less vulnerable development up to 1ha in size') the appropriate management of surface water is important and that, when seeking to determine whether surface water management proposals are appropriate, planning departments should consult with the relevant Building Control Department and Approved Document H of the building regulations.
- 6.20 Having consulted North Norfolk District Council's Building Control department it is clear that building regulations do not apply to the resurfacing of car parks and, consequently, consent was not required for the works which have been carried out and the Building Control do not wish to offer any further opinion in this regard.
- 6.21 Approved Document Part H does consider the issue of surface water drainage (at Section 3) and, whilst there is no advice specific to the resurfacing of car parks, the document does seek to promote the use of sustainable urban drainage systems (SUDS).
- 6.22 In this instance the applicant has installed a SUDS compliant permeable pavement which allows surface water to filter through the hardstanding and into the sub soil below. The applicant also highlights the removal of a substantial layer of impermeable crushed brick which was used to raise the level of the site in the 1960s and the removal of approximately 30m³ of concrete raft foundations (which supported the concrete garage and access road formerly at the site); it is considered that the removal of these substantial sections of impermeable surfacing/sub-surfacing has had a beneficial impact on the management of surface water at this site and flood storage capacity.
- 6.23 The applicant has provided levels data (comprising extracts from a

Broads-wide levels survey conducted by BESL in 2005 and a site specific survey carried out after the works had been completed in 2012) and photographic evidence indicating that the extension of car park and resurfacing works have resulted in no significant change in levels across the application site. This notwithstanding, it is recognised that the works for which consent is now sought do include a degree of land raising on the site of the former storage building to bring the footprint of this building up to the level of the remainder of the site and the raising of various discrete areas of the site to address spot slumping.

- 6.24 Given the relatively modest size of the area of most significant ground raising (measuring approximately 18m x 6m), and having regard to the fact that the works involved the removal of a substantial section of impermeable concrete raft foundation and its replacement with a SUDS compliant, permeable surface, it is not considered that this element of the proposal is refusable on the grounds of loss of flood storage capacity.
- 6.25 Assessing the application against policy DP29 (Development on sites with a high probability of flooding) it is considered that the proposal satisfies the requirements of the NPPF and supporting Technical Guidance and meets the requirements of other policies within the development plan (criterion 'a'); involves the use of previously developed land ('b'); incorporates appropriate flood resilience measures (through provision of flood warning signage and use of permeable surfacing – 'c'); incorporates appropriate measures to reduce on and offsite flooding (use of permeable surface – 'd'); and has no impact on the effectiveness of flood defence schemes elsewhere. In addition, through specification of a permeable, SUDS compliant surface, the application is considered to address the requirements of the Flood and Water Management Act 2010 which, although not fully implemented, set out a number of principles which are relevant to the issue of flood risk management in this instance.
- 6.26 Having regards to the above, it is considered that the proposal satisfies the criteria set out in Policy DP29 and the relevant national planning guidance within both the NPPF and its Technical Document which is specifically concerned with the issue of flood risk.
- 6.27 The objector's concerns regarding lack of information in respect of flood risk are noted, however, when validating planning applications the Authority must be mindful of guidance within the NPPF and the provisions of Section 6 of the Growth and Infrastructure Act and The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013 (SI 2013/1238); this states that Local Planning Authorities can only require information and evidence which are reasonable having regard, in particular, to the nature and scale of the proposed development.
- 6.28 In this instance the information supplied pertaining to flood risk was considered to be sufficient and proportionate. The relevant technical consultee (the Environment Agency) has considered the application and has not requested any additional information and, whilst the retrospective nature

of the application is regrettable, it has enabled the applicant to demonstrate the efficacy of the surface water management system at the site over one of the wettest times of the year; to this end no instances of flooding appear to have been reported to the Environment Agency since completion of the works in April 2012.

7 Conclusion

- 7.1 This application seeks consent for the extension and subsequent resurfacing of a car park in Potter Heigham. The application is retrospective in nature, with all works having being completed.
- 7.2 The retrospective nature of the application is regrettable however, in accordance with established case law the Authority must consider the application on its planning merits, disregarding the fact that the works have already been carried out.
- 7.3 Considering the planning implications of the works, the principle concerns relate to issues of landscape impacts, amenity and flood risk. In assessing these matters it is the case that both the Local Planning Authority and the relevant technical consultee (the Environment Agency) are satisfied that an appropriate level of detail has been submitted to support the application.
- 7.4 The works carried out are considered to have no unacceptable impacts to either the landscape of the Broads or the amenity of any neighbouring occupier and, as such, the application is considered to accord with Policies DP2 and DP28. Addressing the issue of flood risk, having regard to the modest scale of the extension and the care taken to ensure the resurfacing material was SUDs compliant, it is considered that the proposal satisfies the requirements set out in the NPPF and Policy DP29 of the Broads DM DPD. Accordingly, the recommendation is for approval subject to conditions.

8 Recommendation

Approve, subject to conditions:

- (i) Standard time limit;
- (ii) In accordance with approved plans;
- (iii) The use of the car park hereby permitted shall be restricted to the owners and occupiers of the River Thurne Bungalows (i.e. those 180 plots identified in the Thurne Bungalows Management Company Head Lease from Anglian Water 'Lease A' Plots - and those 42 plots identified in the Head Lease owned by the Broads Authority 'Lease B' Plots) only and shall not be used as a car park open to the general public; and
- (iv) The boundary screening to the south (1.8m high reed panel fence) shall be retained and maintained in good order throughout the life of the development.

And an Informative advising that, should surface water management issues arise at the site, they should be investigated in conjunction with the IDB.

Background Papers: Application File BA/2014/0013/FUL

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Date: 10 February 2014

Appendices: APPENDIX 1 – Site Location Plan

APPENDIX 2

