

Application for Determination

Parish Stalham

Reference: BA/2013/0078/FUL **Target Date:** 06/05/2013

Location: Site Adjacent The Staithe, Stalham

Proposal: Erection of four terraced houses to be used as short term holiday accommodation at Staithe Road, Stalham

Applicant: Mr Norman Ashton

Reason for referral: Objection from Parish Council and neighbours

Recommendation: Approve with conditions

1 Description of Site and Proposals

- 1.1 The application site lies within the parish of Stalham and within the Stalham Staithe Conservation Area. The site is situated to the north-east of Staithe Road and is separated from the road by a brick wall which varies in height from approximately 1.5m at the western end to 1.2m at the eastern end.
- 1.2 The site is currently used as a domestic garden area and totals around 716sq m.
- 1.3 The site is situated between two rows of terraced houses, each comprising four dwellings, and sits opposite Staithe Marsh House, a residential dwelling, and the Grade II Listed Old Granary, now converted to a dwelling.
- 1.4 The proposal here is to erect a new row of terraced houses. The row would create four dwellings, comprising two 2 bed units and two 4 bed units. All the dwellings would provide holiday accommodation.
- 1.5 The units would be two storey, brick built properties with clay pantiled roofs and timber windows and doors. Following the design of the terraces either side of the application site, each unit would have a small front garden situated behind a 1m high brick wall and a larger (though still relatively modest) garden to the rear.
- 1.6 Parking would be provided at the rear of the terrace, accessed via an arch at the centre of the row. The proposal would provide 6 parking spaces and a cycle shed to provide space for up to 10 cycles.

- 1.7 The site lies in Flood Zone 1 (land identified as being at low risk of flooding) and outside of the development boundary.

2 Site History

None

3 Consultation

Broads Society – No objections.

Stalham Town Council – Object: The proposed dwellings are not permanent residential accommodation. Holiday accommodation is totally inappropriate between two existing blocks of terraced residential properties. Permanent residential accommodation is required in Stalham.

District Member – No response received.

Highways - Visibility splays have been provided in accordance with measured speed data, and whist parking standards have not fully been achieved, I am prepared to accept a relaxation in this particular instance due to the location of the site and its access to public transport, the development is for holiday accommodation only and that secured cycle parking has been provided within the development.

Accordingly in highway terms only I have no objection to the proposals outlined in the application subject to the imposition of conditions and informative notes on any permission your Authority is minded to grant.

North Norfolk Planning Department – No response received.

4 Representations

Two letters of objection received both of which raise concerns regarding parking provision. One of the letters also identifies concerns regarding design, surface water management, impact on existing sewage infrastructure, the lack of proven demand for new holiday accommodation in this location, and impacts on amenity caused by overlooking and overshadowing.

5 Policy

- 5.1 The following policy has been assessed for consistency with the NPPF and has been found to be consistent and can therefore be afforded full weight in decision making.

Broads DM DPD (2011)

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

DP1- Ecology

- 5.2 The following policies have been assessed for consistency with the NPPF and have been found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the decision making. The lack of consistency does not result from any conflict between these policies and the NPPF, but the tests in the NPPF are, respectively, more detailed (DP5), less restrictive (DP14) or not referenced in the NPPF (DP15).

DP5 – Historic Environment

DP14 – General Location of Sustainable Tourism and Recreation Development

DP15 – Holiday Accommodation – New Provision and Retention.

- 5.3 **Material Considerations**
National Planning Policy Framework
[NPPF](#)

5 Assessment

- 5.1 This application seeks consent for four new dwellings to be used as holiday accommodation. The site lies outside the development boundary and, as such, is not a location where new residential development would normally be permitted.
- 5.2 It is the case, however, that policies within the Broads Core Strategy and guidance within the NPPF regarding sustainable rural economic development are generally supportive of new sustainable tourism development within the protected landscape of the Broads and, reflecting this support, Policy DP14 of the DM DPD permits new tourism development outside of the development boundary where the site is '*closely associated with an existing tourism site, group of holiday dwellings or established sailing or similar club*'.
- 5.3 In this instance the application site lies within 150m of one of the largest boat hire operations on the Broads system (the Richardsons yard), a few metres from the Museum of the Broads and under 50m from a cluster of new holiday homes situated at the rear of the converted Stalham Granary site.
- 5.4 Whilst it is acknowledged that the site lies in an area which includes residential uses (a fact highlighted in one of the two letters of objection received), it is also an area which relies heavily on tourism and, in addition to the tourist facilities detailed above, includes a number of smaller boatyards, a restaurant and several other holiday let properties.
- 5.5 Consequently, it is considered that the application site satisfies the locational criteria set out in DP14 for new tourism development and, as such, the development is considered acceptable in principle. The support for such development in the NPPF is a strong material consideration.

- 5.6 Policy DP15 permits new holiday accommodation subject to the satisfaction of the locational criteria set out in DP14 (criteria 'a') and the following defined criteria: that any new accommodation will be for short stay holiday use not second home use (criteria 'b'); that it would be available for holiday lettings for a substantial part of the year ('c'); and, that a register of bookings is maintained and made available to the Broads Authority ('d').
- 5.7 With regards to the requirements of DP15, as detailed at paragraphs 5.2 – 5.5 it is considered that the proposal accords with Policy DP14 and it is further considered that criteria 'b' – 'd' can be adequately secured by conditions attached to any consent issued. Consequently, it is considered that the proposal is in accordance with Policy DP15.
- 5.8 In addition to Policies DP14 and DP15, Policy DP5 is also relevant to this application site, which lies within the Stalham Staithe Conservation Area. Policy DP5 requires that new development within the Conservation Area '*protects, preserves or enhances*' the character of the Conservation Area.
- 5.9 In this instance the application proposes the siting of an infill terrace within a domestic garden plot. The existing plot is not developed but is partly screened by the existing wall, and neither the undeveloped plot itself nor the screening wall are considered to contribute either positively nor negatively to the character of the Conservation Area.
- 5.10 It must be noted that Conservation Area designation should not be used as a tool to prevent development, but as a mechanism to ensure that development is appropriate and positively contributes to, reinforces the character and better reveals the understanding of the area. It is considered that, in terms of mass, scale and siting, this proposal achieves a positive reinforcement of the Stalham Staithe Conservation Area by maintaining the building line along this side of Staithe Road and respecting and imitating the scale of the terraces either side of the site.
- 5.11 In terms of the detailed design, following negotiation substantial revisions have been made to proposal and it is considered that these revisions, including the provision of chimneys, barge boards and alterations to the window proportions, significantly improve the appearance of the proposed building. Taking these amendments into consideration, the revised design is considered an appropriate infill between two rows of terraces which will positively reinforce the character and appearance of the Stalham Staithe Conservation Area. Consequently, it is considered that the application satisfies the requirements of Policy DP5.
- 5.12 Having established that the development satisfies the relevant policies within the Development Plan, consideration must be given to whether there are any material considerations which would render the development unacceptable in planning terms and, in particular, those matters raised by objectors to the proposal.
- 5.13 The single common ground of complaint between the two letters received

(and the sole issue raised in one of the letters) relates to the highways impacts of the proposal. The letters' concerns relate to the potential for the proposed new holiday cottages to increase the demand for on-street parking along Staithe Road and, consequently, have a detrimental impact on the safe functioning of the highway.

- 5.14 The application has been considered by Norfolk County Council as Highways Authority who have raised no objection to the proposal. In response to a pre-application enquiry made by the applicant to the Highway Authority, it was noted that the provision of 6 parking spaces to serve the 4 proposed holiday homes did not meet the Norfolk County Council Parking Standards (which require 8 spaces) but, having regards to the proximity of the site to local services, public transport and local tourist attractions, it was unlikely that an objection on the grounds of highways could be sustained.
- 5.15 Having regards to this response, it is the case that the site is considered a sustainable location for new holiday accommodation and the provision of secure cycle parking to enable guests to take advantage of this location is welcomed. Consequently, it is not considered that the application could be refused on the grounds of highways impacts.
- 5.16 The letter of objection received from Staithe Marsh House, directly opposite the application site, also raises concerns regarding impact on amenity. Specifically the letter states that the development would result in overlooking and overshadowing of Staithe Marsh House.
- 5.17 Considering the relationship between the two sites, Staithe Marsh House fronts directly on to Staithe Road and it is the case that the outlook from this property would be altered significantly by the proposed development. However, planning legislation does not protect the right to a view and the key issue is whether the proposal would result in any unacceptable level of overlooking or overshadowing of Staithe Marsh House.
- 5.18 The proposed new holiday units would be sited approximately 12m from Staithe Marsh House, with the two sites being separated from each other by Staithe Road. Whilst the proposed new buildings would be orientated to face Staithe Marsh House this is a natural consequence of continuing the building line set by the two sets of terraces which flank the development site. There are already longer range views into the Staithe Marsh House plot from the side windows of the end terrace to the north (at a distance of 26m) and the view into the plot (and ground floor windows) is unobstructed from Staithe Road itself and the pavement across the road.
- 5.19 Consequently, in the context of the settlement within which the plots lie, which has an almost village-like environment in which a degree of overlooking is an inevitable consequence of the fine grain of built form, and having regard to the distance between the application site and Staithe Marsh House and the existing open views into this neighbouring property from the public highway and pavement (both of which are closer to Staithe Marsh House than the application site), it is not considered that the proposal would

result in any unacceptable degree of overlooking.

- 5.20 In terms of overshadowing, the application site does sit on slightly higher land than Staithe Marsh Cottage (which lies at the water's edge). However, it is not considered that the introduction of a two storey building with a ridge height of 8.5m and situated some 12m away from the neighbouring property, would result in any unacceptable level of overshadowing, particularly as the application site lies due north of Staithe Marsh House.
- 5.21 Finally, in its letter of objection Stalham Town Council notes that the proposed units would be restricted to the provision of holiday accommodation and states, having regards to the housing need within Stalham, that the units should provide permanent residential accommodation. The Council goes on to state that the siting of tourist accommodation between two blocks of residential terraces is '*totally inappropriate*'.
- 5.22 Addressing first the issue of the need for permanent residential housing in the Parish of Stalham, it is recognised that there is a need for certain kinds of affordable housing within Stalham. However, this site lies outside the development boundary and, as such, is not considered the most appropriate location for new permanently occupied residential development.
- 5.23 As stated in paragraphs 5.2 and 5.23, reflecting both the protected landscape of the Broads and the importance of tourism to the Broads economy, policies within the Broads Core Strategy document and the adopted DM DPD permit new tourism accommodation in locations where new permanently occupied housing would not be permitted. In addition, the policies do allow for the provision of affordable housing sites outside the development boundary, although it is recognised that the aspiration of Policy DP23 for these sites to provide 100% affordable housing is unlikely to be readily achievable in the context of the NPPF. This information has been discussed with the applicant as part of pre-application discussions. In submitting this application the applicant has considered this information, had regard to the relevant policies and has submitted an application for holiday accommodation.
- 5.24 Whilst the comments of Stalham Town Council are noted it is the case that the LPA must judge the application submitted and this assessment must be made against adopted policy. As stated above, the Authority's policies permit new holiday accommodation in locations such as the application site and, as such, the development is considered acceptable in principle. Consequently, it is not considered that the Town Council's aspiration to provide additional permanently occupied housing is a material consideration of sufficient weight to justify the refusal of this application, which is in accordance with the adopted Development Plan.
- 5.25 The Town Council's further comments regarding the mutual incompatibility of residential and holiday accommodation are also not considered to be sufficient reason to warrant refusal of this application; holiday homes and residential accommodation successfully coexist in many sites across the Broads including within the settlement of Stalham Staithe.

6 Conclusion

- 6.1 This application seeks consent for the erection of four new holiday units. The site lies outside the development boundary and within Flood Zone 1.
- 6.2 Policies within the adopted Development Plan permit new units of holiday accommodation outside the development boundary subject to the satisfaction of certain defined criteria. It is the case that the circumstances of this application satisfy these defined criteria and, additionally, it is not considered that the proposal would have any detrimental impact on the amenity of neighbouring occupiers, the safe functioning of the highway and that the proposal would preserve the character of the Stalham Staithe Conservation Area.

7 Recommendation

- 7.1 Approve subject to the following conditions:
1. Time limit
 2. In accordance with approved plans
 3. Short stay holiday use only
 4. Details of boundary treatment, fenestration, external materials, and cycle shed to be submitted
 5. Replace any plant which dies within 5 years
 6. Detail of protected species enhancements to be submitted
 7. Cycle shed to be completed and made available for use prior to the first occupation of the units
 8. Highways conditions pertaining to access specification; removing permitted development rights for gates across access; provision of parking area

8 Reasons for Recommendation

- 8.1 The proposed development seeks consent for the erection of four new holiday units. Policy DP15 permits new units of holiday accommodation outside the development boundary subject to the satisfaction of certain defined criteria. It is the case that the circumstances of this application satisfy these defined criteria and, additionally, it is not considered that the proposal would have any detrimental impact on the amenity of neighbouring occupiers, the safe functioning of the highway and that the proposal would preserve the character of the Stalham Staithe Conservation Area. Accordingly, the development is considered to be in accordance with policies DP5, DP14, DP15 and DP28 of the adopted DM DPD (2011).

Background Papers: Application File BA/2013/0078/FUL

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Appendix: APPENDIX 1 - Location Plan

APPENDIX 1

