

Parish:	Castle Acre	
Proposal:	VARIATION OF CONDITION 2 OF PLANNING PERMISSION 16/00034/F: Re-use and develop existing water tower structure to a two bedroom residential dwelling	
Location:	The Water Tower Peddars Way Castle Acre Norfolk	
Applicant:	Mr Dennis Pedersen	
Case No:	17/02168/F (Full Application)	
Case Officer:	Mr C Fry	Date for Determination: 16 January 2018

Reason for Referral to Planning Committee – The Officers Recommendation is contrary to the views of the Parish Council

Neighbourhood Plan: No

Case Summary

The application site relates to a former water tower located on Peddars Way in Castle Acre.

Planning permission was granted in 2016 for the re-use and development of the existing water tower structure to a two bedroom residential dwelling.

The proposal is a variation of the approved plans condition comprising the re-positioning of the roof access hatch and ladder, adding twelve solar panels to the shipping containers already approved, and removal of a timber fence and replacement with a hedgerow.

The National Planning Policy Framework 2012, the King's Lynn and West Norfolk Core Strategy 2011 and the King's Lynn and West Norfolk Development Management Policies Plan 2016 are relevant to this application.

Key Issues

- Planning History
- Principle of Development
- Form and Character and amenity
- Other considerations

Recommendation

APPROVE

THE APPLICATION

The site comprises a former water tower set in open countryside located in Castle Acre. Vehicular access is from Massingham Road.

The application seeks revisions to the original planning approval which consist of:

- Moving the roof access hatch and ladder 0.7m to the east.
- Adding 12 solar panels to the roofs of the shipping containers in addition to the panels on the main roof of the building previously approved.
- Removal of the timber fence to be replaced with an indigenous species hedgerow to give a more natural concealment of the shipping containers.

The existing shipping containers approved as part of the previous application will be used as a biomass boiler room and pellet storage for the towers heating and hot water.

SUPPORTING CASE

Castle Acre is designated a Key Rural Service Centre in the adopted Core Strategy 2011 identified as having potential to accommodate growth to sustain the wider rural community.

The applicant has not submitted a design and access statement with this application.

In response to the Parish Council objections:

Impact of solar panels: It is not considered the use of solar panels would be harmful to neighbouring properties given the separation distances that exist. The roof of the structure features a steel balustrade which is thought to obscure the proposed panels and lessen the impact in terms of views across the site. The solar panels proposed as part of the shipping containers are not considered to be harmful with the proposed hedgerow thought to soften the overall appearance.

Conclusion:

The proposed works would not be harmful to the character of the locality or any neighbouring properties.

PLANNING HISTORY

16/00034/F Re-use and develop existing water tower structure to a two bedroom residential dwelling PER - Application Permitted

16/01848/F Variation of conditions 2, 5, 14 of planning permission 16/00034/F: To amend previously approved drawings, bank to protect hedgerow, shipping containers to be used for site office and storage and removal of obscured glazing PER - Application Permitted

RESPONSE TO CONSULTATION

Parish Council: **OBJECTION:**

- Impact of solar panels in terms of amenity and views

REPRESENTATIONS none received

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM20 - Renewable Energy

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

Planning History
Principle of Development
Form and Character and Amenity
Other considerations

Planning History:

Application ref 16/00034/F was approved in 2016 for the re-use and development of an existing water tower to a two bedroom residential dwelling. Following this a variation of condition application was submitted and approved to remove tree fencing, install two shipping containers in addition to minor changes to the elevations.

Principle of development:

The National Planning Policy Framework (NPPF) seeks a high standard of design which can contribute positively to making places better for people. Some of the key objectives are for development which accords to the local context and creates or reinforces local distinctiveness that is visually attractive as a result of good architecture and landscaping.

Planning Committee
5 February 2018

In terms of the KLWNBC Core strategy 2011:

Policy CS08 advises that good design is a key element of sustainable development. It also states that the local authority will support and encourage the generation of energy from renewable sources. These will be permitted unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits.

In terms of the Site Allocation and Development Management Policies Plan 2016:

Policy DM15 (environment, design, amenity) states that development must protect and enhance the amenity of the wider environment including its heritage and cultural value and that proposals will be assessed against their impact on neighbouring uses and their occupants. Furthermore, proposals will be assessed against a number of factors including overbearing, overshadowing, noise and visual impact and development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.

Policy DM20 (Renewable Energy) advises that proposals for renewable energy will be assessed to determine whether the benefits they bring in terms of the energy generated are outweighed by the impacts upon such factors as the surrounding landscape and townscape, ecological interests and amenity.

This application has been considered in light of the changes proposed as the principle of the development has been assessed as part of the original application. Such revisions are thought to be acceptable and would accord with the provisions of the Core Strategy and Local and National Policy.

Form and Character and Amenity:

The site is located on the eastern side of Massingham Road in a rural setting adjacent to the village of Castle Acre. Given its height clearly the former water tower is very visible within the landscape. However the proposed solar panels as part of this application are on the shipping containers and would not be visually intrusive given the set back from the highway and therefore are not considered to harm views or detract from the rural character of the surrounding area.

The proposed hedgerow planting which includes indigenous species of hedgerow including honeysuckle, hawthorn, blackthorn and wild hop is thought to be a positive addition given the setting and would be fully acceptable.

Other Considerations:

There are no other considerations.

Conclusion:

Solar panels are generally supported in planning policy, subject to considerations such as impact on visual amenity. In this case the proposed additional solar panels to the roof of the shipping containers would not be harmful to the appearance of the wider area and would be acceptable.

The proposal would accord with policies DM1, DM15 and DM20 of the Development Management Policies Plan 2016, policy CS08 of the Core Strategy 2011 and the provisions of the National Planning Policy Framework 2012 and is sustainable development. It is therefore recommended for approval.

Planning Committee
5 February 2018

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - Water Tower no. 439 103a - "Contour plan" dated 08.12.2016
 - Water Tower no. 439-104b - "Contour plan" dated 08.12.2016
 - Water Tower no. 439 102C "Block plan" – dated 08.12.2016
 - Water Tower no. 439 – 110e "Site Plan" – received 21st November 2017
 - Water Tower no. 439 200a "Proposed Ground Floor Plan" dated 07.10.2016
 - Water Tower no. 439 201a "Proposed 1st Floor and 1st Floor mezzanine proposed" dated 07.10.2016
 - Water Tower no. 439 202 "Proposed 2nd Floor and 2nd floor mezzanine" dated 07.10.2016
 - Water Tower no. 439 203h "3rd Floor Plan Proposed" received 21st November 2017
 - Water Tower no. 439 204f "Roof Plan Proposed" received 21st November 2017
 - Water Tower no. 439 205a "Proposed North Elevation" dated 08.12.2016
 - Water Tower no. 439 206b "Proposed East Elevation" – dated 08.12.2016
 - Water Tower no. 439 207f "South Proposed elevation" dated 21st November 2017
 - Water Tower no. 439 208b "Proposed West Elevation" – dated 08.12.2016
 - Water Tower no. 439 209b "Proposed - section a-a" – dated 08.12.2016
 - Water Tower no. 439 210b "Proposed section b-b" dated 08.12.2016
 - Water Tower no. 439 211b "Proposed section c-c" dated 08.12.2016
 - Water Tower no. 439 212b "Proposed section d-d" dated 08.12.2016
 - Mechanical services PV Panels Option B - drawing no.254-E-2103(B)in so far as the cross section details only as agreed under 16/00034/disc_B
 - External Lighting 439 575C dated 08.12.2016 received 9th December 2016
 - Visibility splays no.439 576a dated 08.12.2016 received 9th December 2016
 - Shipping Containers no. 439 120f received 21st November 2017
 - Security Gate 439 405b "Security Gate" dated 07.10.2016
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The hard and soft landscaping works shall be carried out in accordance with the details agreed under 16/00034/DISC_B unless otherwise agreed in writing by the Local Planning Authority.
- 2 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 3 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details of 16/00034/DISC_B. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 3 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 4 Condition: The tree and hedge protection measures shall be carried out in accordance with details agreed under 16/00034/DISC_A with the exception of protecting the trees adjacent to the access road unless otherwise agreed in writing by the Local Planning Authority.
- 4 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 5 Condition: No existing trees, shrubs or hedges within the site that are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.
- 5 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 6 Condition: The earthworks, specifically the small mound landscaping shall be carried out in accordance with the agreed details received as part of 16/00034/DISC_A
- 6 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 7 Condition: The erection of gates shall be carried out in accordance with details agreed under 16/00034/DISC_B unless otherwise agreed in writing by the Local Planning Authority.
- 7 Reason: In the interests of visual amenity in accordance with the NPPF.
- 8 Condition: The installation of outdoor lighting shall be carried out in accordance with 16/00034/DISC_B unless otherwise agreed in writing by the Local Planning Authority.
- 8 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 9 Condition: The development shall be carried out in accordance with the following materials:-
 - Sto render and Coverworld 13.5-3R Aluzinc 0.7mm

Unless otherwise agreed in writing by the Local Planning Authority.
- 9 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 10 Condition: The external metalwork shall be finished in RAL colour 7011 unless in accordance with the details agreed under 16/00034/DISC_B.

- 10 Reason: In the interests of visual amenity in accordance with the principles of the NPPF.
- 11 Condition: Foul and Surface Water drainage shall be carried out in accordance with details agreed under 16/00034/DISC_A.
- 11 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 12 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and D of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration of a dwelling house, the enlargement of a dwelling house consisting of an addition or alteration to its roof, or the erection or construction of a porch outside any external door of a dwelling house, shall not be allowed without the granting of specific planning permission.
- 12 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 13 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the provision within the curtilage of the dwelling house of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.
- 13 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 14 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the provision within the curtilage of the dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house, shall not be allowed without the granting of specific planning permission.
- 14 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 15 Condition: Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected within the curtilage of any dwelling house that fronts onto a road or footpath.
- 15 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.

- 16 Condition: The installation of screening on the roof terrace will be carried out in accordance with details agreed under 16/00034/DISC_B unless otherwise agreed in writing by the Local Planning Authority.
- 16 Reason: In the interests of neighbour amenity.
- 17 Condition: Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan 439-576a received 9th December 2016 in accordance with the highway specification drawing no. TRAD 5. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 17 Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 18 Condition: The gradient of the vehicular access shall not exceed 1:12 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 18 Reason: In the interests of the safety of persons using the access and users of the highway.
- 19 Condition: Prior to the first occupation of the dwelling hereby permitted any access gate(s), bollard, chain to other means of obstruction shall be hung open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway.
- 19 Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened in accordance with the National Planning Policy Framework.
- 20 Condition: Notwithstanding details received prior to the first occupation of the development hereby permitted a visibility splays measuring 2.4m x 160m (north) and 2.4m x 90m (south) shall be provided to each side of the access where it meets the highway and such splays thereafter shall be maintained at all times free from any obstruction exceeding 1.05metres above the level of the adjacent highway carriageway.
- 20 Reason: In the interests of highway safety.
- 21 Condition: Notwithstanding details received before first occupation of the building hereby permitted the window on the south elevation that serves the Kitchen/living room closest to the western elevation of the dwelling hereby approved shall be fitted with obscured glazing in any part of the window that is less than 1.7m above the floor on the room in which it is installed, and it shall be non-opening. The window shall be permanently retained in that condition thereafter.
- 21 Reason: In order to safeguard neighbour amenity
- 22 Condition: The use of the shipping containers hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used for business or commercial purposes.
- 22 Reason: The site lies in an area where the Local Planning Authority would not normally grant permission for new dwellings. This permission is granted in recognition of the

special need for the dwelling in connection with a rural enterprise in accordance with the NPPF.