

AGENDA ITEM NO: 8/1(g)

Parish:	Thornham	
Proposal:	Siting of marquee from 1st October to 30th April (retrospective)	
Location:	Thornham Deli High Street Thornham Norfolk	
Applicant:	J Thompson	
Case No:	18/00083/F (Full Application)	
Case Officer:	Mr C Fry	Date for Determination: 17 April 2018

Reason for Referral to Planning Committee – Called in by Councillor Watson and the views of the Parish Council are contrary to the Officer recommendation.

Neighbourhood Plan: No

Case Summary

The application site comprises of Thornham Deli, which is on the southern side of High Street, Thornham. Thornham is classified as a Rural Village according to Policy CS02 of the Local Development Framework Core Strategy.

The site is located outside of the development boundary of Thornham, but is contained within an Area of Outstanding Natural Beauty (AONB) and forms part of the setting of the Conservation Area.

The proposal seeks consent to retain a marquee which has been erected on the site to be used in association with Thornham Deli between the 1st October and the 30th April 2018 in any given year.

Key Issues

Principle of Development
Impact upon the AONB
Impact upon the setting of Thornham's Conservation Area
Impact upon Neighbour Amenity
Highway Safety Issues
Other material considerations

Recommendation

APPROVE

THE APPLICATION

Thornham is classified as a Rural Village according to Policy CS02 of the Local Development Framework Core Strategy 2011.

The application site lies outside of the development boundary of Thornham and outside of the Conservation Area but forms part of the setting of it. The site is also situated within an Area of Outstanding Natural Beauty.

The site comprises of Thornham Deli, a chalk and red brick building, used for A1/A3 use and its associated shingle parking court. Adjacent Thornham Deli to Thornham village hall, which shares the same vehicular access with the deli from the A149.

The site itself can be seen approaching from the west across the agricultural fields. Approaching the site from the east, the Deli is set back from the roadside frontage and screened by existing adjacent built form that is hard on to the road.

Distant views are afforded of the rear of the site, with glimpses attained between roadside hedging that flanks Ringstead Road.

The nearest non-associated residential property to the site is Barachel Barn, who shares its western boundary with the site.

The proposal seeks consent for the erection of a marquee between the 1st October to 30th April in any given year. The marquee is currently erected on site and is sited adjacent to the eastern boundary of the Thornham Deli complex. The marquee scales 17.6m (l) x 5.9m (w) x 2.26m (eaves) 3.3m ridge and is constructed from white canvas sheeting. The marquee currently has a flue on its eastern elevation which serves a woodburner.

SUPPORTING CASE

The agent has not put forward a supporting case.

PLANNING HISTORY

14/01417/F: Application Permitted: 04/12/14 - Variation of conditions 2 and 5 of planning permission 14/00162/F: Extension to existing retail and cafe at ground floor with office above

14/00162/F: Application Permitted: 07/04/14 - Extension to existing retail and cafe at ground floor with office above

06/01392/CU: Application Permitted: 24/08/06 - Change of use from A1 to A1 and A3 coffee shop -

04/02655/F: Application Permitted: 09/05/05 - Construction of shop with accommodation above including rooflights and dormer windows

2/95/1077/F: Application Permitted: 20/09/95 - Creation of new vehicular access to agricultural land

RESPONSE TO CONSULTATION

Parish Council: OBJECTION overdevelopment, not in keeping, outside the village boundary, in an Area of Outstanding Natural Beauty and Conservation Area and not adequate parking. They do not have their original parking spaces when the deli was first built.

Highways Authority: NO OBJECTION the latest approved scheme 14/01417/F shows 24 parking spaces can be achieved to the front of the building. NCC parking standards for that development including the existing floorspace at the time only required 19 spaces. As the proposal does not involve creating additional floorspace no additional parking spaces are required.

Environmental Health & Housing – Environmental Quality: NO OBJECTION

Environmental Health & Housing – Community Safety Neighbourhood and Nuisance: OBJECTION in regards to dis-amenity caused by the woodburner and flue as the prevailing wind is from a south westerly direction. In order to overcome the objection these would need to be removed. Can the use of the marquee be conditioned so that it is in line with the hours of the Deli and no music being played in it.

Norfolk Coastal Partnership: NO COMMENT

Conservation Officer: NO OBJECTION however, comments the site lies immediately adjacent to the Thornham Conservation Area. Thornham Conservation Area is a designated heritage asset and the proposal will have some impact on its setting. The setting of the Conservation Area will be harmed by this development; however given the temporary nature of this structure and its temporary periods of use, the harm will be less than substantial. In line with paragraph 134 of the NPPF where development leads to a less than substantial harm, this harm should be weighed against the public benefits of the proposal, including securing its optimum use. This could include social, economic or environmental progress but in this case it could be economic benefits to the rural community needs to be considered.

Natural England: NO OBJECTION

Arboricultural Officer: NO OBJECTION

REPRESENTATIONS

5 letters received objecting to the proposal on the following grounds:-

- The marquee is an eyesore and too large
- It should only be in place for 28 days how come it's still there?
- Problem of carparking at the deli
- Not needed by the village
- Overlooking
- Smoke and fumes causing neighbour issues
- Outside of the development boundary
- Too many restaurants on the coast road
- Highway safety issues with people entering and exiting the deli.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS07 - Development in Coastal Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

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

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

OTHER GUIDANCE

Conservation Area Character Statement.

PLANNING CONSIDERATIONS

The main planning considerations in regards to the application are:-

- Principle of Development
- Impact upon the Area of Outstanding Natural Beauty
- Impact upon the setting of the Conservation Area
- Impact upon Neighbour Amenity
- Highway Safety
- Other Material Considerations

Principle of Development

The proposal seeks consent for the siting of a marquee at Thornham Deli. The Marquee is sited adjacent to the eastern elevation of the building and is constructed from white canvas and scales 17.6m (l0 x 5.9m(w) x 2.6m (to eaves) x 3.3m to ridge. The marquee also has a flue on its eastern elevation and consent is required to keep the marquee in place between 1st October and 30th April in any given year.

Whilst Thornham Deli is contained within the countryside according to the Site Specific Development Management Policy Plan for Thornham, Policy DM 2 – Development

boundaries states “The areas outside of development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan, including small scale employment.

In regard to this policy and the proposal, the use of the marquee will enable the Deli to use the patio and eating area on the eastern side of the Deli building, all year round. This in turn will act to support and expand the facilities available at the deli.

However the benefits of this proposal must be weighed against other material considerations in coming to a decision about the application.

Impact upon the AONB

The site is contained within an Area of Outstanding Natural Beauty. Policies in respect to the AONB state “Great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”

The site is contained within C2 landscape designation of the Borough Council’s Landscape Character Assessment. C2 – Holme to Brancaster:- has the following landscape sensitivities according to the Landscape Character Assessment:-

- Generally intact, coherent landscape
- Strong sense of openness within views northwards towards the coast from the higher slopes.
- Distinctive combinations of traditional building materials within small village settlements.
- Coherent and recognisable small-scale settlement density and pattern.
- Strong recognisable sense of place

These sensitivities results in the following landscape planning guidelines according to the Character Assessment;-

- Seek to ensure that potential new small-scale development within the villages is consistent with existing settlement pattern, density and traditional built form.
- Seek to promote the use of local materials, including flint, chalk clunch, pebbles and pantiles; and architecture, which respects traditional built form, layout and character.
- Seek to screen existing settlement edges and potential new small-scale developments within the villages with planting, using species appropriate to local landscape character.
- Seek to conserve characteristic panoramic, open views northwards across the slopes towards the coast, conserve and enhance strongly recognisable sense of place within the area
- Seek to ensure that any new development avoids prominent skyline locations.

In regards to these inherent qualities of the AONB, it is considered that because of the marquee’s temporary period of erection, its siting hard up against the existing deli building, its siting set well back from the A149 and its subservient scale in relation to the existing Deli building means that the marquee is considered to cause little harm to the landscape sensitivities of the C2 landscape character and consequently the AONB. It is worth noting that when consulted, the Norfolk Coastal Partnership did not wish to offer any specific comments in relation to the proposal in this regard.

Impact upon the setting of Thornham's Conservation Area

The site is not contained within the Conservation Area, but forms part of its setting. The Conservation Area Character Statement which pre-dates the erection of the village hall and Thornham Deli refers to this end of the Conservation Area, as having buildings that give a "3rd" dimension to the street, by being hard onto the street, but the document offers little more commentary than this, as the Conservation Area extends to the eastwards away from the site.

The Thornham Deli building contrasts with the character of development referenced in the Conservation Area Character statement as it is set back from the street scene, however continuity with the built form contained within the conservation area is evidenced by the use of chalk in its construction.

It is by virtue of the setback position and the existing built form being hard on to the road that the marquee cannot be seen heading out of Thornham in a westerly direction. From an easterly direction, views of the marquee are screened by the building itself and the trees that line the village hall carpark. Any views afforded of the marquee and Conservation Area from the upper slopes of land to the south of the site would be between gaps in the hedgerow that line Ringstead Road.

Views of the marquee are therefore only appreciated with the existing built form and Conservation Area when stood directly in front of the Deli building. In this regard, the white colour and shiny material of the canvas contrasts with the chalk and red brick, traditional barn like form and appearance of the Deli building and neighbour to the west.

The Conservation Officer comments in regards to the proposal and its impact upon the setting of the Conservation area that there would be some harm to the character of the Conservation Area, but such harm would not be substantial and accordingly considers that paragraph 134 of the NPPF is relevant to this proposal. Paragraph 134 of the NPPF states that "where a proposal will lead to less than substantial harm, such harm should be weighed against the public benefits of the proposal". On balance the ability to sustain and expand an existing business, is considered to outweigh little harm caused to the character of the Conservation Area.

Impact upon Neighbour Amenity

Barachel Barn, the neighbour immediately to the east, has their private amenity space adjacent to the boundary with Thornham Deli and the marquee. The marquee extends almost the entire length of their private amenity area, however the scale of the marquee and its orientation does not cause a detrimental impact upon their garden area in terms of causing any overbearing or overshadowing issues. The top of the windows of the marquee do give rise to the ability to look across the top of the current hedge that forms the shared boundary with this neighbour, but not directly down into their garden area.

There is a flue on the eastern elevation of the marquee. The emissions from the flue could cause a dis-amenity to this neighbour, so accordingly the Community Safety Neighbourhood and Nuisance team were consulted. The CSNN team object to the proposal on the grounds that the prevailing wind, coming from the south west would blow the smoke and ashes towards the neighbours property.

In order to address these concerns the submitted drawings have been updated with the existing flue omitted from the "proposed" drawings. Provided the existing flue and woodburner are removed from the marquee there would be no dis-amenity to the occupiers of the neighbouring residential property. It is therefore recommended that should planning

permission be approved a condition is imposed requiring the removal of the flue and associated woodburner within 28 days of the date of the permission.

Other comments made by the CSNN team in respect to noise from music being played and opening hours is noted, however a condition that the use of the marquee is restricted to the times of the deli is not necessary as a condition is imposed that it be used in association with the deli only would cover this requirement. Furthermore, in respect to music there is no condition imposed on the Deli. If noise were to become an issue, then this could be investigated under environmental health legislation as a statutory nuisance.

Impact upon Highway Safety

The parish council have noted that developments at Thornham Deli have not been carried out in accordance with the planning conditions imposed in relation to parking.

14/00162/F for the extension of Thornham Deli (western element of the building as constructed) identified 26 parking spaces for the deli of which 8 would be to the rear of the building. However the parking arrangements were varied under planning application 14/01417/F (amendments to the approved extension), which identified that 24 parking spaces to the front of the building could be achieved, with only 2 spaces provided to the rear.

At present, the 2 spaces to the rear of the building are not currently being provided.

The highways officer has commented that the extensions and alterations to Thornham Deli, when combined with the existing floorspace of the Thornham Deli building in 2014 only resulted in an overall parking requirement to NCC standards of 19 spaces for the complex. With this particular application not resulting in any additional floorspace being created, there is adequate parking at Thornham Deli.

It is also worth noting that the agent has stated that the Deli rent parking spaces from the Village Hall.

Other Material Considerations

The proposal does not benefit from a planning fallback position in terms of permitted development rights. The 28 day rule, of Class B, Part 4 for the temporary use of land, of the Town and Country Planning General Permitted Development Order 2015 as amended, would not apply in this case as it would appear from the planning history of the deli that the siting of the marquee is within the curtilage of the building.

CONCLUSION

Members will need to consider two key issues with this application. Firstly, whether the proposal causes a level of harm to the qualities of the Area of Outstanding Natural Beauty and the Conservation Area that is not outweighed by a form of public benefit that would make the scheme acceptable in planning terms. Secondly, whether the marquee by virtue of its siting adjacent to the boundary of the neighbour to the east causes dis-amenity to this neighbour to a degree that would warrant a refusal of the application.

It is your officer's opinion that the retention of the marquee for 7 months of the year, would cause little harm to the character of the AONB and the Conservation Area, namely due to its siting and scale. The use of the marquee would not warrant a refusal of the application on neighbour amenity grounds as the scale and siting of the marquee does not result in overbearing or overshadowing issues and there is no overlooking of the neighbour's private

garden area when stood in the marquee. With a condition removing the flue and associated wood burner within 28 days of the date of decision, the environmental health officer's objection can be overcome.

On balance, the proposal is therefore recommended approval subject to the following conditions

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:-

Dwg. 386-02 - Proposed Plans received 27.03.2018

- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition The marquee shall be dismantled from 1st May to the 31st September in any given year.
- 2 Reason In order to define the terms of the permission and for the avoidance of doubt.
- 3 Condition The siting of the marquee hereby approved shall be held and occupied in association with the operations of Thornham Deli only.
- 3 Reason In order to retain control of the development that may otherwise cause amenity issues in the locality
- 4 Condition The flue and associated wooden burner as shown on drawing 386-01 received 27th March 2018 shall be removed from the marquee within 28 days of the date of decision.
- 4 Reason In the interests of safeguarding neighbour amenity