

Parish:	Thornham	
Proposal:	Extension to existing restaurant	
Location:	Thornham Deli High Street Thornham Norfolk	
Applicant:	Thornham Deli Ltd	
Case No:	18/01892/F (Full Application)	
Case Officer:	Mr James Sheldrake	Date for Determination: 19 December 2018 Extension of Time Expiry Date: 14 January 2019

Reason for Referral to Planning Committee – Called in by Councillor Watson and Parish Council and Highway Authority view is contrary to the Officer Recommendation

Neighbourhood Plan: No

Case Summary

The application site comprises of Thornham Deli a cafe, restaurant and shop, which is on the southern side of High Street adjacent to the new village hall in 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 for an extension to the existing restaurant.

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 its setting. 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 (retail/food and drink) and its associated shingle parking area. Adjacent to Thornham Deli is 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, which shares its western boundary with the site.

The proposal seeks consent for an extension to the existing restaurant. The extension is single-storey, incorporates local materials and is to the east side of the existing building. The area that the extension will cover is currently used as an outdoor eating area.

For the avoidance of confusion ancillary buildings to the rear of Thornham Deli that are subject of an undecided separate application have been removed from the application site and marked in blue on the site plan.

SUPPORTING CASE

The agent has not put forward a formal supporting case.

PLANNING HISTORY

18/00083/F: Application Refused: 11/04/18 - Siting of marquee from 1st October to 30th April (retrospective)

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 over development of the site, the property has already been extended, and in addition a store has been built covered over at the back of the property with no permission sought. If this extension was allowed it would mean that the new building would be at least three times larger than the original footprint, and does not stock basic items that Parishioners require of a village shop. If the Village Hall had not been built then the deli would not have possibly been allowed as outside the Village Boundary, in an AONB/Conservation area. Another main area is the parking, they are unable to use the car parking spaces that they allocated when first built. Saying that they will not be offering any more covers is different than when the marquee was present to why the need to build. The council are very concerned by the comments made by nearby Parishioners regarding noise, fumes etc. Though there is no chimney in this application the main doors open up onto a neighbouring property and so close that there is no outlook for people attending.

Highways Authority: OBJECTION The increased usable floorspace would engender increased parking demands (18 additional parking places). The parking shortfall has the potential to cause parking to take place upon the busy and important A149 High Street, which would affect traffic flows and therefore highway safety.

Community Safety Neighbourhood and Nuisance: NO OBJECTION I do not object to the extension, as this is effectively enclosing the outdoor seating area that exists as a noise source currently.

Norfolk Coastal Partnership: NO OBJECTION The extension should not affect the integrity of the AONB and we are supportive of the growth of a local business.

Agree with comments that the removal of the sliding doors on the east elevation will lessen disturbance to neighbours.

Our main concern is the parking which is struggling to cope with the existing levels and is also causing problems to the village hall. This will need careful thought as the car park is clearly at capacity in its current form.

Conservation Officer: NO OBJECTION this is modest extension to the side of a large building and is designed in the same style. As such I do not think that it will cause any harm to the character of the street scene or the overall significance of the conservation area as a designated heritage asset but will provide public benefit.

I therefore have no objection to the proposal but would suggest a condition requiring samples of the materials that match the existing building to be provided on site

REPRESENTATIONS

3 letters **OBJECTION** were received from 3 individuals. The reasons for objection are:

- The size of the extensions will be out of character;
- The extension will be overbearing and is too close to the immediate neighbour (Baruchel Barn);
- Car parking is inadequate; and
- The extension will increase noise and smells.

6 letters of **SUPPORT** were received from 6 individuals. The reasons for support are:

- The seating area won't be increased; therefore, parking won't be impacted;
- The covering of the outdoor eating area will ease potential neighbour amenity issues; and
- The extension will support a local business that employs local people and which is popular with locals and visitors.

Additionally, the Applicant has commented online that:

- The Deli has always had al fresco dining to the side;
- The amount of tables won't be increased; and
- There isn't a need for additional parking because there won't be increased amount of tables.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

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)

OTHER GUIDANCE

Conservation Area Character Statement.

PLANNING CONSIDERATIONS

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

1. Principle of Development
2. Impact upon the Area of Outstanding Natural Beauty
3. Impact upon the setting of the Conservation Area
4. Impact upon Neighbour Amenity
5. Highway Safety
6. Other Material Considerations

Principle of Development

The proposal seeks consent for the construction of an extension to the existing restaurant at Thornham Deli, in the location of the Marquee considered under application 18/00083/F (Application Refused: 11/04/18 - Siting of marquee from 1st October to 30th April (retrospective)) at April Planning Committee.

The extension will enable the deli to use the existing 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. The NPPF in respect to the AONB states "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 these issues."

Because the extension is small, subservient, incorporates local materials such as clay pantiles, and is set between Thornham Deli and the dwelling to the east; the proposed development won't cause harm to the AONB. It is worth noting that when consulted, the Norfolk Coastal Partnership stated that "The extension should not affect the integrity of the AONB and we are supportive of the growth of a local business."

Impact upon the setting of Thornham's Conservation Area

The site is not contained within the Conservation Area and the Conservation Area Character Statement pre-dates the erection of the village hall and Thornham Deli. However, the site forms part of the setting of the Conservation Area and is visible from the public domain. The Conservation Officer has no objection to the proposed development.

Thornham Deli is set back from the road and the side extension will be set down considerably from the existing building. Together with the use of clay pantiles and timber boarding and the fact that the side of the extension will be well screened by hedgerow on the boundary, this means that the proposed development will not cause harm to the Conservation Area.

A condition has been imposed requiring samples of external materials in line with the Conservation Officer recommendation.

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 location of the proposed extension.

The proposed extension covers the area of the existing outdoor terrace to the east of the Deli.

The existing outdoor terrace has potential to cause neighbour amenity issues due to the fact that it is open and is adjacent to Baruchel Barn. By covering the outdoor terrace with an extension, the potential noise and odour impact on the neighbouring dwelling should be significantly reduced.

In response to consultation responses from the Community Safety and Neighbourhood Nuisance Officer, the agent has amended the proposals to not include an opening on the east of the extension and has added a note stating that the rooflights will be non-opening. Additionally, a length of acoustic fencing has been added that stretches from the rear edge of the proposed extension. This will also reduce the noise impact of the restaurant.

A condition restricting the hours of the use is not seen as reasonable as the current restaurant and terrace are unrestricted. If noise were to become an issue, then this could be investigated under environmental health legislation as a statutory nuisance.

Separately, due to the extension being single-storey with low eaves beside the boundary; the proposed extension won't result in overbearance or overshadowing of the neighbouring dwelling. Additionally, due to the lack of side-facing windows and the height of the hedge on the boundary; the proposed development won't result in overlooking of any neighbouring dwelling.

Impact upon Highway Safety

The Highways Officer has objected to the proposed restaurant extension due to a lack of increased parking provision. The amount of internal floorspace has increased by 80 square metres and the Highways Officer states that an additional 18 parking places should be required. Without the additional parking places, the Highways Officer states that this would increase parking on the A149 High Street and would affect traffic flows and highways safety.

Although there is an increase in indoor floorspace, the proposed extension covers the existing outdoor terrace and won't increase the overall area for eating. During peak summer months, when roads and car parks are used most, the existing outdoor terrace will be used intensively. It is the opinion of Planning Officers that the covering of the outdoor terrace won't result in a more intensive use of that area than currently exists at peak times. Therefore, it is not considered that the proposed restaurant extension will significantly increase the peak impact on parking or highways safety that currently exists.

Overspill parking exists and is used at the adjacent village hall (which is accessed through the deli car park), although this is not in the control of the applicant and cannot be guaranteed in the future.

Other Material Considerations

The Parish Council and objectors have commented that the proposed extension will be over development. However, as it is judged that the proposed extension won't result in an excessive impact on parking, local amenity and character; the proposed development is judged to not be over development.

Additionally, the Parish Council has commented that "the new building would be at least three times larger than the original footprint, and does not stock basic items that Parishioners require of a village shop". The building has expanded and has grown as the

business has become more successful. This is seen as a positive, providing economic benefits, and the expansion has been done sympathetically.

The stocklist of the shop is not a consideration of this planning application.

CONCLUSION

Members will need to consider whether the proposed development will significantly impact the public highway, and what the impact on form and character and neighbour amenity is.

It is the opinion of Planning Officers that the proposed development will not have a significant impact on the public highway/ highway safety, won't cause harm to the AONB or Conservation Area, and will arguably or at least have a neutral impact on neighbour amenity.

Therefore, proposal is recommended approval.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

DWG 141-100A Proposed plans and elevations (11th of December 2018); and DWG 141-101 Acoustic fence (5th of December 2018).
2. Reason: For the avoidance of doubt and in the interests of proper planning.
3. Condition: The acoustic fence shown on DWG 141-100A (11th of December 2018) and DWG 141-101 (5th December 2018) shall be permanently retained in the position shown and maintained at the height shown on the plans.
- 3 Reason: In the interests of residential amenity.
- 4 Condition: No development shall take place on any external surface of the development hereby permitted until samples of the roofing materials and timber boarding have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.