

Development Committee



Please contact: Lauren Gregory

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TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 23 March 2022

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 31 March 2022 at 9.30 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Please note that members of the public should not speak to Committee Members prior to or during the meeting.

PUBLIC SPEAKING :

Members of the public who wish to speak on applications must register **by 9 am on the Tuesday before the meeting** by telephoning **Customer Services on 01263 516150** or by emailing customer.service@north-norfolk.gov.uk. Please read the information on the procedure for public speaking at Development Committee on our website or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mrs P Grove-Jones, Mr P Heinrich, Mr A Brown, Mr P Fisher, Mrs A Fitch-Tillett, Dr V Holliday, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Mr M Taylor, Mr A Varley, Ms L Withington and Mr A Yiasimi

Substitutes: Mr T Adams, Dr P Bütikofer, Mrs S Bütikofer, Mr C Cushing, Mr T FitzPatrick, Mr V FitzPatrick, Mr N Housden, Mr J Punchard, Mr J Rest, Mrs E Spagnola, Mr J Toyne, Dr C Stockton and Mr E Vardy

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

Chief Executive: Steve Blatch

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A G E N D A

PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN
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PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. ITEMS OF URGENT BUSINESS

(a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

(b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

5. ORDER OF BUSINESS

(a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.

(b) To determine the order of business for the meeting.

6. DECLARATIONS OF INTEREST

(Pages 1 - 6)

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest. Members are requested to refer to the attached guidance and flowchart.

7. CORPUSTY - PF/21/1990 - CONSTRUCTION OF 38 RESIDENTIAL DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT LAND OFF NORWICH ROAD, CORPUSTY FOR BROADLAND DEVELOPMENT SERVICES

(Pages 7 - 62)

8. HOVETON - PF/21/2644 - CHANGE OF USE OF LAND TO ENABLE SITING OF UP TO TEN BELL TENTS ON A SEASONAL BASIS (MARCH - OCTOBER) AND THE ERECTION OF WASHROOM AND WASH-UP STRUCTURES AND SMALL TIMBER STORES BUILDING TO SERVE THE SITE AND ASSOCIATED INFRASTRUCTURE AND CARPARKING. FIELD AT GRID REFERENCES 632824.00 318656.94, LONG LANE, HOVETON, NORFOLK.

(Pages 63 - 88)

9. CLEY-NEXT-THE-SEA - PF/21/0882 - ERECTION OF DWELLING AND ASSOCIATED EXTERNAL WORKS AND LANDSCAPING AT

(Pages 89 - 104)

ARCADY; HOLT ROAD, CLEY-NEXT-THE-SEA.

10. **CLEY-NEXT-THE-SEA - RV/21/2583 - VARIATION OF THE WORDING OF CONDITION 2 (APPROVED PLANS) AMENDED SITE LOCATION PLAN SCALED AT 1:2500, AND DRAWINGS 2260-01, 2317-02Z1, 2317-03E, 2317-05F AND 2317-11B. APPROVED ON APPEAL REF: APP/Y2620/A/13/2205045 RELATING TO PLANNING APPLICATION REF: PF/12/1219 FOR REPLACEMENT HOUSE AND STUDIO - DATE OF DECISION: 05/02/2014 AT ARCADY; HOLT ROAD, CLEY-NEXT-THE-SEA.** (Pages 105 - 116)
11. **DILHAM - PF/21/1478 - CONVERSION OF AGRICULTURAL BUILDING WITH ASSOCIATED EXTERNAL ALTERATIONS TO INDOOR SWIMMING POOL FOR PRIVATE HIRE AT AGRICULTURAL BARN, OAK ROAD, DILHAM, NORFOLK, NR29 9PW** (Pages 117 - 128)
12. **DILHAM - PF/21/1479 - CONVERSION OF AGRICULTURAL BUILDING WITH ASSOCIATED EXTERNAL ALTERATIONS TO FORM FOUR-BEDROOM HOLIDAY ACCOMMODATION AT AGRICULTURAL BARN, OAK ROAD, DILHAM, NORFOLK, NR28 9PW** (Pages 129 - 142)
13. **WEST RUNTON - ADV/21/1260 - INSTALLATION OF FREE STANDING EXTERNAL NON-ILLUMINATED SIGN FOR AT DORMY HOUSE HOTEL, CROMER ROAD, WEST RUNTON FOR MR S BRUNDLE.** (Pages 143 - 150)
14. **WALSINGHAM - PF/21/3302 ERECTION OF DETACHED TWO STOREY DWELLING: ST JAMES COTTAGE, 18 BRIDEWELL STREET, WALSINGHAM, NR22 6BJ** (Pages 151 - 160)

OFFICERS' REPORTS

15. **APPEALS SECTION** (Pages 161 - 164)
- (a) New Appeals
 - (b) Inquiries and Hearings – Progress
 - (c) Written Representations Appeals – In Hand
 - (d) Appeal Decisions
 - (e) Court Cases – Progress and Results
16. **EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

17. ANY URGENT EXEMPT BUSINESS

**18. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM
CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA**

Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
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CORPUSTY - PF/21/1990 – Construction of 38 residential dwellings with associated infrastructure and landscaping at Land Off Norwich Road, Corpusty for Broadland Development Services

Major Development

- Target Date: 2nd November 2021

- Extension of time: 22nd April 2022

Case Officer: Ms K Rawlins

Full Planning Permission

SITE CONSTRAINTS

Parcel A

With Defined Settlement Boundary

Agricultural Land: Grade 3

Open Land Area LDF

Residential Area LDF

Settlement Boundary LDF

Areas Susceptible to Groundwater SFRA - Classification: $\geq 25\%$ $<50\%$

Flood Type: Clearwater

Areas Susceptible to Groundwater SFRA - Classification: $\geq 25\%$ $<50\%$

Flood Type: Clearwater

Landscape Character Area - Description: River Valleys

Contaminated Land

Flood Zone 1

Parcel B

Countryside LDF

Agricultural Land: Grade 3

Areas Susceptible to Groundwater SFRA - Classification: $\geq 25\%$ $<50\%$

Flood Type: Clearwater

Areas Susceptible to Groundwater SFRA - Classification: $\geq 25\%$ $<50\%$

Flood Type: Clearwater

Landscape Character Area - Description: River Valleys

Contaminated Land

Flood Zone 2 - Flood Zone 1:1000 chance: Flood Zone 2

Flood Zone 3 - Flood Zone 1:200 & 1:1000 chance: Flood Zone 3

RELEVANT PLANNING HISTORY

None

THE SITE

The application site comprises two parcels of land that are located either side of Norwich Road in Corpusty, identified within this report as Parcel A and Parcel B.

Parcel A is circa 2.1ha in size and is located on land south of Norwich Road. Parcel A abuts the line of the now disused Midland and Great Northern Joint Railway, which survives as an earthwork. A restricted by-way, Adams Lane, bisects Parcel A which leads to the village centre. There are a number of mature trees located along the south-western site boundary and a series of fields, enclosed by hedging. The site contains a former orchard to the northern edge. There is a Public Right of Way in the northern portion of Parcel A. Parcel A is bordered by residential dwellings to the north, which front onto Norwich Road. To the east of Parcel A is the 16th Century Manor House and to the west is the village of Corpusty. A shallow ditch lies to the Norwich Road frontage.

Parcel B is circa 0.78ha in size and is located on land north of Norwich Road and extends up to the River Bure with the B1149 running along the eastern boundary.

Parcel A is located in Flood Zone 1. The eastern half of Parcel B is located within Flood Zone 2 and 3, forming the floodplain of the River Bure to the east of the site. There are no Tree Preservation Orders within or adjoining the application site.

Corpusty and Saxthorpe is identified as a 'Service Village' in the Adopted Core Strategy having a limited range of facilities.

The site is located within walking distance of the village centre, which contains a limited range of facilities and amenities for local residents, including a primary school, village hall, convenience shop and public house. The village is served by a number of bus services to Norwich City Centre (no. 45 and no. 610). Aylsham is located approximately 6.6 miles to the southeast of the village, Reepham approximately 5.3 miles to the south and Holt approximately 7.4 miles to the north.

THE APPLICATION

The application seeks full planning permission for the construction of 38 dwellings (Class C3) with associated infrastructure and landscaping.

The submitted site layout plan shows that residential development is to be located on parcel A with parcel B accommodating a surface water drainage scheme with biodiversity and landscape enhancements in the form of a wetland pond feature. Vehicular access to parcel A would be taken from the Norwich Road and a gated field access from Norwich Road currently provides access to parcel B would be retained. The proposed site layout indicates the main internal access road within Parcel A as being to adoptable standard, with secondary unadopted driveways / cul-de-sacs serving the residential development and a link with the restricted by-way at Adams Lane connecting the village.

Parcel A would contain approximately 0.81ha of amenity land comprising: informal buffer landscaping to established field margins, circular walks, connecting with Adams Lane; retention and enhancement of the orchard as public open space; and formation of a wildlife area within the northern portion of the site. Parcel A is also proposed to include a small wildlife pond as a biodiversity and landscape enhancement.

Parcel B would accommodate a surface water drainage scheme with biodiversity and landscape enhancements in the form of a wetland pond feature. This landscaped area is being prepared by the applicant in conjunction with the Norfolk Rivers Trust, and would not be accessible to the public.

The proposed accommodation schedule comprises 38 residential units, 8 of which would be affordable (21%) based on the following mix: 30 market dwellings and 8 affordable, 6 of which would be for affordable rent and 2 shared ownership:

Market Dwellings **30**

4 x 2 bed bungalow (4 person)
6 x 2 bed dwelling (4 person)
16 x 3 bed dwelling (5 person)
1 x 3 bed dwelling (6 person)
3 x 4 bed dwelling (7 person)

Affordable Dwellings **8**

Affordable Rent

3 x 1 bed dwelling (2 person)
2 x 2 bed dwelling (4 person)
1 x 3 bed dwelling (5 person)

Shared Ownership

2 x 2 bed dwelling (4 person)

TOTAL **38**

The application is supported by the following documents:

- Planning Statement,
- Design and Access Statement,
- Aboricultural Impact Asssessment,
- Ecology Report,
- Preliminary Ecological Appraisal,
- Flood Risk Assessment and Drainage Strategy,
- Landscape Schedule,
- Geotechnical Survey and
- Energy Statement.

A Statement of Community Involvement is also provided which sets out that a virtual presentation of the development proposal was made to residents on 18th December 2020 and indicates that a consultation event took place to 5th February 2021.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Andrew Brown in light of the following planning issues:

- The proposal does not comply with planning policy delivering just 21 % affordable homes which is less than the 45% mentioned in the Local Plan and Neighbourhood Plan or indeed the 35% projected level in the emerging Local Plan;
- Significant concern amongst residents that the design of the attenuation SuDS drainage system will be inadequate to cope with excess flooding of established properties adjacent to the development site;
- Lack of consideration to the improvement of the unadopted access namely Adams Lane;
- Inadequate consideration to the ecology of the River Bure and to consider whether the benefits of the development outweigh the negative impacts on local biodiversity;
- Omission of Parcel B land from the landscape management planning;
- Absence of biodiversity design strategy to protect priority species in the Adams Lane area;
- Significant concern over the risk to public safety of the on-site pond within the public open space provision on Parcel A land;
- Absence of detail on how the applicant proposes to manage maintenance responsibility in perpetuity of the common areas within and adjacent to the site ie Parcel B land;
- To consider the adequacy and detail of developer contributions via s106 obligations in view of the requirement to contribute to GIRAMS.

PARISH COUNCIL

Corpusty Parish Council – Comment.

- Affordable housing is below the standard set by the Neighbourhood Plan – the application allows for 20%; where the North Norfolk policy and Neighbourhood Plan states 50%;
- Water meadow is unlikely to be able to cope with amount of surface water run-off. Water will be running into the Bure with insufficient filtration;
- Additional water will increase flood risk (houses on Norwich Road have flooded previously);
- Who will be responsible for the upkeep/maintenance of the water meadow and will costs fall to the developer or residents;
- Disappointing the EA, National Trust and Internal Drainage Board have not been consulted ;
- Increase in cars and pedestrian traffic. Junction has not been considered. No provision of footpath to village;
- Can existing electricity cables running past the site be buried when new ones are installed;
- Current foul drainage system (from Norwich Road properties and from Irmingland Road, into village pumping station) does not work, and waste water backs up into houses and gardens;

- Parish Council requests that the applicant erect a new, well-hidden pumping station in the water meadow;
- Can a covenant be imposed to prevent houses being sold as second homes;
- Design and houses sizes considered 'boxy' and 'unimaginative'. Rooms are small;
- Design could more closely follow development at Edgefield nearby;
- Development should follow the 'gold standard' of London Housing Design Guide.
- Properties are largely 3 – 4 bedrooms, despite NP identifying a need for 1-2 bed properties and elderly people's bungalows. Insufficient properties identified for M4 (2) higher standard for access by elderly, infirm or disabled occupiers .
- A critical review of the Drainage Report is required by North Norfolk District Council, which the Parish Council believes is flawed, to prevent flooding issues in the medium to long-term, to safeguard existing properties on the north side of Norwich Road.

CONSULTATION RESPONSES

There have been two rounds of consultation for this application. The first round of consultation took place for a period of 21 days between 06/08/2021 and 27/08/2021. The second round of consultations were for a period of 21 days between 17/01/2022 and 07/02/2022.

Amended plans have been received during the course of the application to address the comments raised by statutory and internal consultees.

The main amendments are as follows:

- A revised site layout to incorporate the addition of 2 extra visitor parking bays to address the consultation response received from the Highways Authority;
- Rearrangement of some of the rear garden spaces, to ensure that gardens are at least equal to the footprint of each dwellings, in accordance with the North Norfolk Residential Design Guidance;
- Compliant internal visibility splays to address the comments of the Highways Authority;
- Compliant visibility splays onto Norwich Road, as requested by the Highways Authority and as evidenced by the updated Arboricultural Impact Assessment, minimal vegetation removal is required to facilitate the new access onto the Norwich Road;
- Revised Landscaping Plan and Schedule to correspond with the revised Site Layout and to address the comments of NNDC Landscape and Ecology. The accompanying report provides further detail regarding the proposed function of open spaces within the site;
- Revised Arboricultural Impact Assessment to correspond with the revised Site Layout and to address the comments of NNDC Landscape and Ecology;
- Additional ecological evidence, principally in relation to the function and operation of the proposed wetland feature, and further baseline evidence in regard to the proposed wetland site. It is to be noted that Norfolk Rivers Trust are proposed to work in partnership with the applicant to deliver and manage the wetland feature to provide drainage attenuation to the proposed development, alongside ecological benefits;
- Updated Preliminary Ecological Assessment;

- Construction and Environmental Management Plan;
- Wetland Design Information and accompanying Plans;
- Water Vole Survey;
- Amendments to achieve Part M4(2) compliance in 11 proposed dwellings (29%) to comply with Corpusty and Saxthorpe Neighbourhood Plan CA1;
- Variation in elevation treatment to address the comments of the Conservation and Design officer.

Anglian Water – Original comments 13.09.2021 Comments made.

Assets – None affected

Wastewater – Corpusty Recycling Centre does not have capacity for these flows

Used Water – Sewerage system does not have capacity for these flows – informative required if connecting to an Anglian Water network

Surface Water- Preferred connection is via a sustainable drainage system.

Environment Agency – Original comments 05.11.2021 No objection

Further comments 02.02.2022 - No objection

A full summary of the comments is provided at **Appendix A**.

Historic England – Original comments 11.08.2021 No objection

It is advised that the specialist advice of the Local Authority conservation and archaeological advisors is sought.

Further comments 16.02.2022 – No objection

Natural England – Original comments 13.08.2021 Advice

The application is not likely to result in significant impacts on statutory designated sites or landscapes. Advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Further comments 26.01.2022 – No comments

Sport England – Comments 19.08.2021 No objection

If the proposal involves the loss of any sports facility, full consideration to be given to paragraph 97 of the NPPF to protect the Local Authority's Playing Pitch or Built Sports Facility. If the proposal involves provision of a new sports facility, consideration should be given to any approved Playing Pitch or Built Sports Pitch Facility.

Norfolk Rivers Drainage Board – Comments 20.08.2021 No objection

The site is partly within the Internal Drainage District of the Norfolk Rivers Internal Drainage Board and the Board's Byelaws apply. The adoption of a watercourse is an acknowledgement by the Boards that the watercourse is of arterial importance to the IDD and as such, will normally receive maintenance from the IDB.

The applicant intends to discharge surface water to the River Bure - a Main River. The Environment Agency is the regulatory authority. If the proposal changes to include a discharge to an ordinary watercourse, the proposal will require land drainage consent, in line with IDB byelaw 3.

Other than the River Bure, IDB is not aware of any watercourses within or adjacent to the site boundary. This should be confirmed by the applicant. If the proposal involves alteration of a watercourse, consent would be required under the Land Drainage Act 1991.

A full summary of the comments is provided at **Appendix A**.

Local Highways Authority (Norfolk County Council) – Original comments 27.10.2021

Comment.

Amendments and additional information is requested regarding access, visibility splays, visitor parking, an assessment of walking routes, vehicle tracking for refuse vehicles, 20mph zone indicated on the site layout, details of the route and width of the restricted by-way, public footpath and improvements.

Further comments 21.02.2022

Comment

Visibility splays have been provided and do not impact to frontage trees and hedges. An assessment of walking routes has not been provided. Improvements to Adams Lane should not be restricted to the site boundary and should be agreed now. Opportunity to provide a footway across the site frontage to the southeast to the northern boundary of Chapel End. Continuous rear boundary fences to Adams Lane should be avoided. Additional 2 visitor spaces is welcome. Neither space will mitigate the likelihood of on-street parking.

A full summary of the comments is provided at **Appendix A**.

Lead Local Flood Authority (Norfolk County Council) – Original comments 03.09.2021

No objection, subject to conditions being attached to any consent if this application is approved and the applicant is in agreement with pre-commencement conditions and the approved surface water drainage scheme implemented prior to first occupation.

Further comments 09.02.2022 – No objection, subject to conditions.

The documents submitted illustrate the creation of a wetland area is feasible at this location. The LLFA does not disagree with the findings.

A full summary of the comments is provided at **Appendix A**.

Historic Environment Officer (Norfolk County Council) – Comments 23.08.2021 Advice.

If planning permission is granted, request a programme of archaeological mitigatory work in accordance with paragraph 205 of the NPPF, and conditions are imposed requiring the submission and approval of a written scheme of archaeological investigation.

NCC Public Rights of Way & Green Infrastructure – Comments 29.09.2021

No objection, subject to conditions and informatives requiring a detailed scheme for surface improvements or other enhancements to other public rights of way to Corpusty Restricted Byway 4 (Adam’s Lane) and Corpusty Footpath 28.

The applicant will need to obtain a highways boundary plan from NCC to determine the correct location and route of the 2 public rights of way that cross the site.

NCC Planning Obligations Co-ordinator – Original comments 25.08.2021 Advice.

Obligations are sought:

Education – No early education sector provision within 3.5 miles of the proposed development. There is sufficient space at all local schools, the County Council’s Children’s Services Department will not be claiming developer contributions on this occasion.

Libraries – A development of 38 dwellings would place increased pressure on existing library service in relation to stock (books and ICT) and is required to increase capacity. A development of this scale would require a total contribution of £2850 (£75 per dwelling) to be spent on increasing capacity.

Fire Hydrants – Norfolk Fire Services have indicated that the proposed development will require 1 fire hydrant per 50 dwellings (or part thereof) on a minimum 90mm main at a current cost of £921. The onus is on the developer to install hydrants during construction. Given that the works are on site, it is felt that the hydrants should be delivered by planning condition.

Further comments 18.02.2022 – No objection.

NNDC Conservation and Design Officer – Original comments 27.10.2021

No objection, subject to amendments and clarification of materials in relation to bricks and tiles. Impact on heritage assets required under paragraph 202 tips in favour of the development. Design raises few substantive conservation and design concerns.

Further comments 18.02.2021 – No objection.

A full summary of comments is provided at **Appendix A**.

NNDC Landscape Officer – Original comments 01.12.2021 Advice

- No detail on function of northeastern parcel of land – how this will be planted or managed;
- Disappointing that trees T3 and T33 are being removed because of proximity to plots 36 and 38 – these are natural barrier to the site and do not need to be removed

because of visibility splays/highway reasons. Removal of these trees will open up site (site is intended to be enclosed and intimate);

- Replacement planting of 3no. specimen trees is proposed but question whether sufficient space to flourish and grow to mature specimens to replace those removed;
- Confirmation required that only 2 trees (T34, T35) and part of hedging (G31) to the front of the site are to be removed for visibility splays to Norwich Road following comments from Highways Authority;
- Landscape Section would like space behind gardens 17, 18 and 19 (within red line) to be incorporated into the landscape management proposals with a clear function vision of its function.

A full summary of comments is provided at **Appendix A**

NNDC Ecology – Original comments 01.12.2021 Advice

Lack of clarity regarding ecological impacts, mitigation and compensation required to make the scheme acceptable and compliant with local and national policy, and legislation. Lack of detailed survey information for Parcel B is a significant constraint.

Further comments 10.03.2022 Advice

Questions remain over certain elements of the development and the resultant impact/effect on biodiversity.

Should the application be approved, the Landscape Section reiterates the importance of ensuring that the specific details as to the eventual ownership and management responsibilities, together with the maintenance schedule of the open space areas, old railway line and Adams Lane will need to be secured by condition and as part of the legal obligation (S106).

A full summary of comments is provided at **Appendix A**

NNDC Environmental Health – Original comments 13.10.2021 No objection, subject to conditions and informatives.

Contaminated Land reports (phase1 and 2) are sufficiently robust to support the conclusions made by the specialist. In view of this there is no requirement for further investigation. No development of areas subject to possible contaminants until remediation work has been undertaken as agreed by the Local Planning Authority.

Further comments 16.11.2021 – No objection

In relation to the information requested to the lighting and the air source heat pump, no further questions but ask that should the proposal change, permission is sought in writing from the Local Planning Authority.

A full summary of comments is provided at **Appendix A**

Strategic Housing – Original comments 26.08.2021 Objection.

Unable to support the proposed development as it fails to deliver policy compliant numbers of affordable homes – the Core Strategy would expect a site in a service village to have 50% affordable housing with a lesser percentage requiring an independent viability assessment. The results of the viability assessment are awaited to determine how many affordable homes are viable on site.

A high need for affordable housing in Corpusty and Saxthorpe – there are currently 625 households on the Council's Housing List. 72 are within bands 1 and 2 – the highest housing need.

There are also no homes proposed to M4(2) accessible and adaptable mobility standards.

40% of new homes are to be 2 beds or fewer - 17 (44%) of homes are 2 beds or fewer. 20% are to be suitable for elderly, infirm or disabled. The development will meet the basic M4(1) but not the higher and more accessible M4(2).

Corpusty and Saxthorpe Neighbourhood Plan identifies i) Parcel A for housing development ii) seeks housing suitable for families and older households, including 30% to part M4 (2) iii) seeks affordable housing consistent with Local Plan policies.

On a site of 38 homes with 50% affordable (19) the following mix would be sought:

Rent

1 bed (2 person) – 6 (including 2 to part M4(2))

2 bed (4 person) – 5 (including 2 to part M4(2))

3 bed (6 person) – 3

4 bed (7/8 person) - 1

Shared Ownership

2 bed (4 person) – 2

3 bed (5/6 person) – 2

Further comments 16.02.2022 – No objection.

Council's Independent viability assessor's initial findings support the applicant's view that the site can only support 8 (21%) affordable homes.

Potentially, the site could support 9 (24%) affordable homes if other section 106 costs and community aspirations are foregone.

Welcome the inclusion of 11 homes to M4(2) accessible and mobility standards.

Hope that Broadland Housing Association will be able to secure Home England grant to convert some of the market homes to affordable.

A full summary of comments is provided at **Appendix A**

Planning Policy Manager – Comments 8.02.2022 Objection

The proposed development would be contrary to the policies of the Corpusty and Saxthorpe Neighbourhood Plan.

A full summary of comments is provided at **Appendix A**

NNDC Viability Consultant – Comments 07.03.2022 No objection.

Consider that the viability case made by the applicants is not unreasonable and supports a reduction in the level of affordable housing and s106 contributions as proposed.

Recommend a post development viability review so that excess profit is captured and additional commuted sums paid in respect of shortfall of current s106 obligations: affordable housing, off site open space and Neighbourhood Plan community benefit sum.

PUBLIC REPRESENTATIONS

Three representations have been received during the initial formal consultation period, two were in **objection** and 1 **general comment** was made. Two representations from the same address.

Summary of Representations:

- Would like assurance that Simon Waller's updated report as relevant to the Neighbourhood Plan (based on 20 new builds) will take into account the foul sewer running alongside Bure House and The Bungalow will have to be avoided or re-routed under Section 185 of the Water Industry Act 1991.
- Risk of flooding from surface water run-off
- Drainage
- Evacuation
- Number of dwellings
- Proportion of dwellings for sale against social housing
- Management of common ground, soakaways, drains and wetland field
- Electricity
- Street lighting
- Infrastructure
- Section 106 Agreement

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

PUBLIC SECTOR EQUALITY DUTY

In making its recommendation, the Local Planning Authority have given due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

STANDING DUTIES:

Due regard has been given to the following additional duties:

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2017 (R9)

Planning Act 2008 (S183)

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

Local Finance Considerations:

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

RELEVANT POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS1: Spatial Strategy for North Norfolk (specifies the settlement hierarchy and distribution of development in the District).

SS2: Development in the Countryside (prevents general development in the Countryside with specific exceptions).

SS3: Housing (strategic approach to housing issues).

SS4: Environment (strategic approach to environmental issues).

SS6: Access and Infrastructure (strategic approach to access and infrastructure issues).

HO1: Dwelling Mix and Type (specifies type and mix of dwellings for new housing developments).

HO2: Provision of Affordable Housing (specifies the requirements for provision of affordable housing and/or contributions towards provision).

EN2: Protection and Enhancement of Landscape Character (specifies criteria that proposals should have regard to, including the Landscape Character Assessment).

EN4: Design (specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction).

EN6: Sustainable Construction and Energy Efficiency (specifies sustainability and energy efficiency requirements for new developments).

EN9: Biodiversity and Geology (requires no adverse impact on designated nature conservation sites).

EN10: Development and Flood Risk (prevents inappropriate development in flood risk areas).

EN 13: Pollution and Hazard Prevention and Minimisation (minimises pollution and provides guidance on contaminated land and Major Hazard Zones).

CT2: Developer Contributions (specifies criteria for requiring developer contributions).

CT5: Transport Impact of New Development (specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport).

CT6: Parking Provision (requires adequate parking to be provided by developers, and establishes parking standards).

Site Allocations Development Plan Document (2011)

Policy COR01 – Land Between Norwich Road and Adams Lane

Corpusty and Saxthorpe Neighbourhood Plan (Adopted 2019):

The Corpusty and Saxthorpe Neighbourhood Plan 2036 was ‘made’ (i.e. formerly Adopted) by North Norfolk District Council on 1st April 2019 and now forms part of the Statutory Development Plan for the Neighbourhood Area of Corpusty and Saxthorpe. This means that policies of the Neighbourhood Plan form part of the Statutory Development Plan and therefore have the same weight as those of the Adopted North Norfolk Core Strategy.

Overarching Policy 1 – Settlement Boundary

Overarching Policy 2 – Residential Development

Overarching Policy 3 – Density and Design

Priority Development Area – 1

Priority Development Area – 2

Policy E1 – The River Bure and Valley

Policy E2 – Protection and Enhancement of Local Biodiversity

Policy E3 – Renewable Energy

Policy E4 – Encourage Schemes for Low Carbon Development

Policy E5 – Local Green Space

Policy HE2 – Views of the Churches

Policy DC1 - Overall Character

Policy W&F2 – Footpaths and Public Rights of Way

Policy T1 – Traffic Calming

Community Aspirations:

Please note that the following are aspirations and do not form planning policies of the Statutory Development Plan; only the relevant policies of the Neighbourhood Plan, as summarised above, have weight in the determination of planning applications:

CA1 – Housing

CA2 – Renewable Energy and Insulation

CA3 - Archaeology

CA4 – Safety

CA6 – Ultra Fast Broadband

CA9 – St Peter’s Church

CA10 – Play Areas

CA11 – Contributions to Traffic Calming

CA12 – Public Transport

Norfolk Minerals and Waste Core Strategy and Development Management Policies 2010-2026 DPD (adopted September 2011).

Supplementary Planning Guidance:

North Norfolk Residential Design Guidance (2021)

North Norfolk Landscape Character Assessment (2021)

Material Considerations:

National Planning Policy Framework (NPPF 2021):

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

The North Norfolk Local Plan (Reg 19) submission

The Council's new Local Plan has been subject to Reg 19 consultation which closed on 07 March 2022. The Local Plan carries limited weight at this stage in decision making terms.

MAIN ISSUES FOR CONSIDERATION

The main issues for consideration:

1. **Principle of development**
2. **Housing Mix and Type**
3. **Density, Layout and Design**
4. **Residential Amenity**
5. **Highways and Parking**
6. **Historic Environment**
7. **Trees and Landscape**
8. **Ecology and Habitats Regulation Assessment**
9. **Open Space**
10. **Flood Risk and Drainage**
11. **Sustainable Construction and Energy Efficiency**
12. **Planning Obligations**
13. **Other material planning considerations**
14. **The Planning Balance**

APPRAISAL

1. **Principle of Development** (Site Allocation policy COR01; Neighbourhood Plan Priority Areas 1 and 2)

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

Corpusty and Saxthorpe is identified as Service Village in the Adopted North Norfolk Core Strategy (2008) where a small amount of new development will be permitted to support rural sustainability.

Site Allocations Development Plan Policy COR01 (Land Between Norwich Road & Adams Lane) allocates part of the application site for development and identifies land as having capacity to deliver 18 dwellings together with public open space. Policy COR01 relates to circa 0.85ha of land which comprises the northern section of Parcel A within this application.

Policy COR01 requires the provision of 50% affordable housing and contributions towards infrastructure, services and other community needs as required, in addition to the following:

- a) Safe access solely to Norwich Road;
- b) Provision of 0.15ha public open space available in perpetuity;
- c) Wildlife mitigation and improvement measures;
- d) Approval of a scheme of mitigation to minimise impacts on the relevant SPA/SAC arising as a result of increase visitor pressure and ongoing monitoring of such measures;
- e) Demonstration that there is adequate capacity in sewage treatment works; and
- f) Incorporation of SUDs – Sustainable Urban Drainage.

The Corpusty and Saxthorpe Neighbourhood Plan was 'made' i.e. formerly adopted, in April 2019 following a Referendum and forms part of the Statutory Development Plan. The Neighbourhood Plan provides policies and community aspirations to guide new development in the Parish up to 2036. Two priority areas are identified for new residential development, including priority areas 1 and 2 comprising Parcel A and a Priority Area of Open Space, shown as an area of open space on the proposed site layout comprising an existing orchard, contiguous with the settlement boundary. A copy of Figure 14 from the Corpusty Neighbourhood Plan is attached at **Appendix B**.

Overarching policy 1 of the Neighbourhood Plan supports proposals for infill development within and including the priority sites where they accord with the Development Management policies of the Development Plan, comprising policies of the Core Strategy and Corpusty and Saxthorpe Neighbourhood Plan.

The principle of residential development with Parcel A of this application is therefore acceptable through policy COR01 of the Site Allocations DPD and Priority Areas 1 and 2 of the Neighbourhood Plan, subject to compliance with the requirements of other policies of the Development Plan (comprising both the Core Strategy and Neighbourhood Plan).

The development of Parcel B, located on the opposite side of Norwich Road, does not form part of the Site Allocation or a Priority Area for new residential development. It is located in an area of designated countryside, in which proposals for development outside the settlement

boundary will only be supported where they are appropriate to a countryside location and are consistent with development plan policies (Overarching policy 1 of the Neighbourhood Plan and policy SS 2 of the Core Strategy). Development within Parcel B would amount to a departure from the Development Plan and it would therefore be necessary to consider any material considerations in favour to justify the departure from the Development Plan.

The Council can currently demonstrate a Five Year Housing Land Supply and the Development Plan is considered to be up-to-date in relation to the policies which are most important for determining the application. As such, the ‘tilted balance’ under paragraph 11 of the NPPF would not apply and the Committee would determine applications in accordance with the Development Plan unless material considerations indicate otherwise.

2. Housing Mix and Type (Core Strategy policies H0 1, H0 2; Neighbourhood Plan Community Aspiration CA1 – Housing)

Dwelling Mix and Type

The Core Strategy identified a deficit of smaller starter homes across the District, including one and two bedroom dwellings. Policy H01 of the Core Strategy expects schemes of more than 5 dwellings to have at least 40% of the total number of dwellings with an internal floor area of 70 sq m or less and no more than 2 bedrooms. In addition, 20% of dwellings should be suitable or easily adaptable for occupation by the elderly, infirm or disabled (with calculations rounded up as per policy requirements).

The Corpusty & Saxthorpe Neighbourhood Plan Community Aspiration CA1 seeks housing suitable for families and older residents and to be designed and constructed to meet the changing needs of their occupants over time, with at least 30% of all new homes to meet the Building Regulation requirement M4(2) for accessible and adaptable dwellings suitable for many age groups. This is unless viability considerations dictate otherwise, or it is not practical given the physical characteristics of the site, or it would severely compromise the design and character of the area.

The proposed development comprised 38 dwellings, including 30 market (79%) and 8 affordable dwellings (21%). The mix by unit size and tenure split is summarised in the table below:

Tenure	Bedrooms (Occupancy)	Property Type	Number Proposed	Overall %
Market	2 (4)	Bungalow	4	11
Market	2 (4)	Dwelling	6	16
Market	3 (5)	Dwelling	16	42
Market	3 (6)	Dwelling	1	3
Market	4 (7)	Dwelling	3	8
Affordable Rent	1 (2)	Dwelling	3	8
Affordable Rent	2 (4)	Dwelling	2	5
Affordable Rent	3 (5)	Dwelling	1	3

Affordable Shared Ownership	2 (4)	Dwelling	2	5
TOTAL			38	

The application proposes 17 of the 38 dwellings as having 2 bedrooms or fewer (44%) in compliance with the first part of Core Strategy Policy HO1.

As originally submitted, the proposed development met the basic Part M4(1) of Building Regulations, but not the more accessible Part M4(2). In response to the comments of Housing Strategy, the applicant has addressed the policy requirement of H0 1 (ii) and community aspiration CA 1 of the Neighbourhood Plan, by increasing the proportion of dwellings achieving part M4(2) to 11 overall (29%). Whilst this is slightly lower than the Neighbourhood Plan aspiration of 30%, the proposal is on balance, considered to achieve compliance with policy H01 of the Core Strategy and Community Aspiration CA1 of the Neighbourhood Plan.

Affordable Housing

Core Strategy Policy HO 2 sets out that where it is viable to do so, on schemes of 2 or more units or on sites larger than 0.1ha in Service Villages, not less than 50% of the total number of dwellings proposed should be affordable.

Site Allocation Policy COR01 also restates the requirement for the provision of at least 50% affordable housing to reflect the requirements of Policy H0 2 of the Core Strategy. This is also reflected in Community Aspiration CA1 of the Corpusty & Saxthorpe Neighbourhood Plan, which seeks affordable housing to North Norfolk District Council standards for schemes involving 10 or more dwellings.

The Council's Housing Strategy and Delivery Manager has confirmed that, within Corpusty, there is an identified need for affordable homes with 625 households on the Council's waiting list, and of these, 72 households are within Bands 1 and 2 – those households with the highest need. Of the 72 households, three include a household member who use a wheelchair and six are aged 60+, with the highest need for 1 bed dwellings (42) followed by 2 beds (17).

The application proposes 8no. affordable dwellings (21% in total) based on the following tenure split:

Affordable Rent
3no. 1 bed dwelling (2 person)
2no. 2 bed dwelling (4 person)
1no. 3 bed dwelling (5 person)
Shared Ownership
2no. 2 bed dwelling (4 person)

The dwellings for affordable rent and shared ownership (plots 3, 12, 14, 15, 30, 31, 32 and 36) will be pepper potted across the site.

Given that the housing mix and proportion of affordable housing with this application represents a departure from Development Plan policies in respect of affordable housing provision, the applicant has undertaken a viability assessment. Members should note that the Council's Viability Consultant has independently assessed the proposals and considers that 21% affordable dwellings, 8 dwellings in total, is the viable amount of development that can be delivered on the site. Subject to this amount of affordable housing being secured, the proposal would accord with the aims of Development Plan policy.

The applicant has indicated that, should planning permission be granted, they will seek to further maximise the provision of affordable housing by applying for grant funding from the Homes and Communities Agency. Although a welcome statement, this potential additionally cannot be secured by this permission and so would carry limited weight in the planning balance.

3. Density, Layout and Design (Core Strategy policies EN 4, H0 7; Overarching policies 2 and 3 of the Neighbourhood Plan)

Density

Core Strategy Policy HO7 requires that housing developments in designated service villages should have an indicative density of no less than 30 dwellings per hectare. The application site is located on the periphery of the village of Corpusty in a semi-rural location. Policy HO 7 advises that 'In assessing what density is appropriate, priority will be given to ensuring that making efficient use of land does not result in development that detracts from the character of the area. The precise density will therefore be determined having regard to the sites immediate context, on-site constraints, the type of development proposed and the need to provide an appropriate mix of house types and sizes to meet the community's needs'.

Overarching policy 3 of the Corpusty & Saxthorpe Neighbourhood Plan sets an indicative density threshold reflective of the Core Strategy policy H0 7 of a minimum of 30 dwellings per hectare, but states that within Priority Areas identified for new development, proposed development of a higher density will be supported where this results in a high quality development that respects the site concerned.

The application site area within Parcel A, in which the proposed new residential development would be located is 2.1 ha. With 38 dwellings proposed on this site, the density would be 29 dwelling per ha based on the net developable area, which is slightly less than the indicative densities set out at policy H0 7 and the Neighbourhood Plan policy.

However, given the pattern of development in the locality, which is characterised by low density residential development in a semi-rural location on the south-eastern fringes of the village, Officers consider that a slightly lower density of development is considered to be acceptable. This recognises the proposed retention of the orchard as public open space, landscape buffers comprising hedgerows and trees on site boundaries, notably to the southern boundary, and the restricted byway, Adams Lane, that bisects Parcel A and provides an important pedestrian link to the village.

The proposal is therefore considered to provide an appropriate development density in accordance with the aims of Development Plan policy.

Design and Layout

The North Norfolk Design Guide requires development schemes to comply with the requirements of Core Strategy Policy EN 4 and sets out a number of principles to help developers achieve this including:

- The established form and character to provide a strong steer towards new development;
- Well-designed spaces with a clear purpose and function;
- Clear visual links between buildings;
- The siting and grouping of buildings should reinforce local identity;
- Private garden areas should be of an adequate size and shape; and
- Buildings should be orientated to make maximum use of solar gain.

Overarching policies 2 and 3 of the Corpusty & Saxthorpe Neighbourhood Plan set criteria by which new residential development is to be assessed. This includes the need for new residential development to complement, reinforce and enhance the local distinctiveness of the Neighbourhood Area; demonstrate how the scale, mass, layout and design of the site fits with the character of the area and wider village setting; and to adhere to the principles contained within the north Norfolk Design Guidance (Overarching policy 3). Paragraph 3.3.7 of the North Norfolk Design Guide points out that 'In a rural area like North Norfolk, informal groups of houses tend to be more compatible than any geometrical configuration'. Such a layout also adds interest and depth to the design of the site by creating areas of visual enclosures.

In regard to layout, the proposed scheme is considered to create an evolving layered streetscene, and the lack of regimentation in the siting of buildings creates a relatively informal layout, compatible with an edge of village, rural location. There is a variety in parking provision, with small parking courts, covered carports and garages, which prevents the proposed scheme being unduly dominated by parking, and the development is considered to assimilate reasonably well into landscape setting of the site, taking account of important hedgerows and trees across the site. Further consideration of the landscape setting is considered below in this report. There is a mixture in the size and type of dwellings included in the layout, with 2 storey terraced cottages, semi-detached dwellings, larger detached family dwellings and bungalows, to enable a varied form, and to ensure that the scale and massing relates sympathetically to the context.

There are some deficiencies with the submitted layout, notably the lack of active surveillance from some of the plots backing onto Adams Lane Restricting Byway, which bisects Parcel A and across which the new internal road would pass. However, some surveillance would be provided from first floor rear facing windows and gardens, and plots 12, 29 and 28 would all have active frontages facing onto Adams Lane. A second pedestrian route would also be provided by Corpusty Footpath 28, which would run parallel with the retained orchard area of public open space, located adjacent to the northern site boundary of Parcel A.

The layout is therefore considered acceptable in broad compliance with Policy EN 4 within the North Norfolk Core Strategy, the supporting guidance set out within the North Norfolk Design Guide and relevant policies of the Corpusty and Saxthorpe Neighbourhood Plan.

In terms of detailed design and materials, the Conservation and Design Officer is generally satisfied with the proposed scheme. Elevationally, individual dwelling types follow the applicant's emerging house style, with the dwellings generally considered to be appropriately proportioned and detailed. Following the initial round of consultations, the applicant has sought to amend the group of terraces (plots 36-38) at the site entrance adjacent to the new access onto Norwich Road. Given their prominent location, concerns were expressed regarding the lack of relief and modelling to the elevations, other than rectangular porches, plain roofscape and largely blank brick gables facing the main entrance. The applicant has therefore amended the design of this group of 3 terraces to improve their modelling and appearance, with the introduction of flint panelling to the front elevation of plot 36, an increase in the ridge height and footprint, and alterations to the porch design.

In regard to materials, the applicant has submitted a materials palette, which is generally considered to be appropriate by the Conservation and Design Officer to the rural context.

The proposed external materials are a combination of the following:

- Facing brickwork comprising Audley Antique, Ivanhoe Old Cottage and a White brick (details of which are to be confirmed)
- Timber cladding (black and light green)
- Flint panelling with recessed joints – proper flint cobbles, rather than pre-formed blocks
- Timber Flush casement windows (uPVC) and Liniaar Flush Casement (uPVC) double glazed uPVC in cream, sage green, light grey, dark grey and natural timber
- Sandtoft Neo Pantiles in Natural Red and Slate Grey.

However, some initial concerns were expressed regarding the choice of Facing Brick A (Audley Antique) which was not considered to be characteristic of North Norfolk, with a warmer orangery-red multi stock brick preferred, and Facing Brick B (Ivanhoe Old Cottage Blend). Additionally, the principle of the chosen roof tile is considered appropriate to the context, subject to the use of Tuscan or Flanders Sandtoft Neotile used, rather than a one-dimensional natural red roof tile.

The applicant has therefore updated the materials palette, by replacing the bricks with Weinberger Old Heritage Antique Brick and Ivanhoe Westminster. The second choice of brick is still considered to be unacceptable for the location however, owing to patchy chequerboard of brick, uncharacteristic of the District. The Conservation and Design Officer has therefore recommended a number of alternative brick choices to the applicant that are considered to be more appropriate to the local context.

In terms of hard surfacing materials, and boundary treatments, the proposed scheme is considered to be acceptable. A short section of the main adopted access road would be asphalt with impermeable setts elsewhere, with unadopted private driveways a mixture of permeable setts and bound gravel, and estate paths in Breedon gravel. Boundary treatments

would comprise either 1.2, 1.5, 1.8 metre high brick walls with capping detail or close panel timber fencing, with 1.2 metre high estate rail fencing to the small attenuation pond in the northern half of Parcel A.

In summary, officers consider that the proposal meets the design aspirations of the Core Strategy Site Allocation and the Corpusty and Saxthorpe Neighbourhood Plan, as the design of the scheme takes into account local context and character, and the scale and massing of buildings would also be sympathetic to existing rural context. Subject to planning conditions to secure a final materials schedule and hard landscaping scheme, the proposal is therefore considered to be in accordance with Policy EN 4, the supporting guidance as set out within the North Norfolk Design Guide and Overarching policies 2 and 3 of the Neighbourhood Plan.

4. Residential Amenity (Core Strategy policy EN 4; Overarching policies 2 and 3 of the Neighbourhood Plan)

In regard to the impact on neighbouring amenity, development proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and all new dwellings should provide acceptable residential amenity to satisfy Core Strategy Policy EN4 and Residential Design Guidance.

Proposals are required to sit comfortably with existing adjacent dwellings in terms of scale, mass, height and orientation (overarching policy 2 of the Corpusty & Saxthorpe Neighbourhood Plan) and to take into account the principles of North Norfolk Design Guidance (overarching policy 3).

In regard to the proposed dwellings, the submitted layout demonstrates that each new dwelling would have private amenity space in the form of a rear garden. Officers initially raised concerns with the applicant regarding the size of private gardens of some of the units, which should be no less than the footprint of the dwelling on the site, to reflect the number of occupants, and to have an aspect that is free from shading during the year.

Plots 3, 4, 5, 31, 14, 10, 13 are identified as having small gardens, and plots 27, 26, 21, 20, 19, 30, 31, as being in shadow from retained, mature trees along site boundaries. The Shading Diagram submitted with the Arboricultural Survey demonstrates that the shading impact would be minor–negligible on the affected dwellings largely located on the southern site boundary, apart from plot 19, which is stated as having a ‘moderate’ harm, with most of the garden in shade from mid-afternoon onwards. Officers consider that, whilst the shade impact to a single dwelling is most unfortunate, this impact has to be considered within the context of the wider site. Whilst Officers consider the impact to not be so severe as to sustain a refusal of permission, the issue of non-compliance would nonetheless need to be appropriately weighted when making the overall planning balance.

With regard to garden and plot size, the applicant has provided a ratio of garden to plot size. This demonstrates that whilst some of the plots are small they are of equivalent footprint to dwellings. Furthermore, small gardens would be compensated for by the overprovision of on-site amenity space. The applicant has however submitted a revised layout which increases the garden sizes to some of the smaller dwellings, notably to plots 3, 5, 14, 22 and 37. A couple of units are identified as falling below national minimum floorspace standards

(Technical Housing Standards 2016) (plots 1-3, 10, 20, 24 and 25) but this is by a marginal amount in the majority of cases. The applicant confirms that all dwellings would retain Homes and Communities Agency's Housing Quality Indicators.

In regard to neighbouring amenity, existing dwellings adjacent to the application site, would not be subject to any reduced level of privacy or overlooking when measured against the recommendations of the Design Guidance. It is noted that plots 33-34 would only achieve a separation distance of just under 17 metres, but these would be bungalows, and there is a high close boarded fence forming the boundary to the neighbouring property. In the context of the wider scheme, this relationship is considered to be acceptable. Similarly, plots 5 and 1-3 and 16 would encroach towards neighbouring residential properties adjacent to the southeastern site boundary, but given the change in levels, orientation of dwellings and high close boarded timber fencing that forms the boundary, there is not considered to be any significant loss of amenity.

On balance, the relationship to neighbouring residential properties is not considered to be significantly detrimental to residential amenity, and the proposal is considered to be in broad compliance with policy EN 4.

5. **Highways, Access and Parking** (Core Strategy policies CT 5, CT 6; Site Allocation DPD policy COR01; Neighbourhood Plan policy T1, Community Aspiration CA11 – Contributions to Traffic Calming and CA12 – Public Transport)

Core Strategy Policy CT 5 considers the transport impact of new development and sets out that proposals should be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its location Policy CT 5 lists specific criteria against which development proposals are to be assessed including:

- *Safe and convenient access on foot, cycle, public and private transport addressing the needs of all;*
- *Capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;*
- *Expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and*
- *Development proposals with significant transport implications to be accompanied by a transport assessment.*

Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Site Allocations Development Plan Policy COR01 requires the provision of safe access solely to Norwich Road for a development of approximately 18 dwellings, in addition to the contributions towards infrastructure, services and other community needs.

The Corpusty and Saxthorpe Neighbourhood Plan (policy T1) states that new development that promotes and protects highway safety will be supported. In addition, Community Aspirations CA11 – Contributions to Traffic Calming, requires new residential development comprising 5 or more dwellings, to generally contribute towards traffic calming measures where the evidence supports such a need, and to ensure that the nearest bus stops will be brought up to a good standard (Community Aspiration CA12 – Public Transport).

Access

The application proposes a single point of vehicular access to the site (Parcel A) on to Norwich Road forming a new priority T-junction. This will require the removal of a section of hedgerow and vegetation at this point. Norwich Road is subject to a 30mph speed restriction. A new internal access road is proposed as a pedestrian and vehicular shared surface with new pedestrian footways along both sides of the adopted access road into the site. The internal road layout transitions into a shared surface with private driveways and a raised table demarcating the crossing with Adams Lane bridleway.

The applicant has undertaken an assessment of the road traffic accidents within the vicinity of the site and within Corpusty village centre over a five-year period (2015-2019) which identifies no slight, serious or fatal accidents. The level of traffic generation from this proposed development during the morning and afternoon peak periods, is anticipated to be 15 departures and 8 arrivals during the morning peak and 8 departures and 15 arrivals in the afternoon peak, based on a TRICs assessment undertaken by the applicant. This demonstrates that the quantum of vehicular trips proposed by this development can be accommodated on the surrounding highway network, without any capacity issues. Officers consider that the proposal would accord with the aims of Core Strategy Policy CT 5.

In regard to sustainable modes of transport, the site is located approximately 250 metres from the village centre and is considered to be within reasonable walking distance of local amenities and community facilities including the village shop, public house and primary school via Adams Lane (Restricted Byway 4) and public right of way Corpusty Footpath 28.

Secure, covered cycle storage is proposed for each dwelling (sheds to each garden) and the nearest bus stop is located at a distance of approximately 100 metres to the north of the site in the village centre, providing access to Norwich and Reepham.

The Highway Authority has been consulted on the application and raised a number of issues which the applicant has sought to address with an amended site layout. The site layout as revised incorporates a junction with 6 metre kerb radii and 2.4 x 59 metre visibility splays at the new vehicular access onto Norwich Road with minimal vegetation removal. Internally, the junction adjacent to plot 35 accommodates 6 metre kerb radii and visibility splays in both directions measuring 2.4 x 25 metres. Adequate visibility splays are provided to the existing gated field access to Parcel B, although access would be restricted to maintenance vehicles only, as it is not proposed that Parcel B would be publicly accessible. Internally, vehicle tracking for refuse vehicles is provided, and the layout annotated to show that the internal road would be a low traffic, low speed layout, subject to a 20mph speed restriction.

The new internal access road would bisect Corpusty Restricted Byway 4 (Adam's Lane) and would narrow at this point. The applicant is seeking to upgrade the existing PROW Corpusty Footpath 28, which connects onto Norwich Road, and to upgrade Adams Lane restricted byway to an adoptable standard, with indicative details of a 1.2 metre wide access and resin bound gravel surface to Adams Lane. In the case of the restricted byway, the upgrades and improvements to Adams Lane would extend beyond the application boundary and would be secured through a Section 278. It is considered that further details of a crossing scheme to Adams Lane, to show the carriageway width, surfacing treatment and lighting at this point, and a detailed specification and ongoing maintenance scheme of upgrades to restricted byway Adams Lane and Corpusty Footpath 28, could be secured by planning condition. Whilst the applicant has considered the provision of a continuous footway from the B1149 to Chapel End, Norwich Road, to address the comments of the County Highways Authority, this has not been taken forward on viability grounds. It is considered that subject to these upgrades to the existing byway and public right of way, adequate pedestrian connectivity could be provided to the site.

Parking

Core Strategy Policy CT 6 considers parking provision designed to ensure that adequate vehicle and cycle parking facilities are provided.

In respect of parking provision within the site, the development comprises the following:

- 3no. 1 bed units
- 14no. 2 bed units
- 18 no. 3 bed units
- 3no. 4 bed units

According to the Core Strategy policy CT6, the development should deliver a 1.5 spaces per 1 bed unit, 2 spaces per 2/3 bed unit and 3 spaces per 4 bed unit, amounting to a total on site requirement of 78 parking spaces. The parking provision with the application is for 84 spaces. Parking will be provided either within the curtilage of properties, some with garages and carports, or in small parking courts to Adoptable Parking Standards. The Highway Authority notes some deficiencies in the internal layout, with some of the parking spaces to plots 14, 23 and 27 having no natural surveillance of their allocated spaces. In addition, some concerns were highlighted regarding the lack of visitor parking space in the form of roadside laybys resulting in on-street parking. The applicant has increased visitor parking with 2 additional spaces, including an inset bay adjacent to plot 29 and to the parking court adjacent to plot 21, This is in addition to 2 visitor parking spaces adjacent to plots 30-32.

Notwithstanding the limited visitor parking, the proposed development is considered to be compliant with Policy CT6 of the North Norfolk Core Strategy.

6. Historic Environment (Core Strategy policies EN 4, EN 8; Neighbourhood Plan Community Aspiration CA 3 – Archaeology, policy HE 2 – Views of the Churches, CA 9 – St Peter's Church)

Under the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention is to be paid to the desirability of preserving a listed building or its

setting or any features of special architectural and historic interest. The NPPF at paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from alteration or destruction, or development from within its setting) should require clear and convincing justification. Great weight is to be given to the asset's conservation, irrespective of whether any harm amounts to substantial harm, total loss of, or less than substantial harm to its significance (paragraph 199).

Policy EN 8 of the Core Strategy states that development proposals should preserve or enhance the character and appearance of designated assets, other important listed buildings, structures and their settings through high quality sensitive design. It should be noted that the strict 'no harm permissible' clause in Policy EN 8 is not in strict conformity with the guidance contained in the National Planning Policy Framework (NPPF). As a result, in considering any proposal for the site the Local Planning Authority will need to take into consideration Section 16, paragraph 202 of the NPPF. This requires that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, including any contribution made by its setting, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Listed Buildings

The closest listed building to the application site is the Grade II listed 16th Century Farmhouse, located approximately 35 metres to the southeast of the application site and accessed from Norwich Road. The Grade I listed St Andrew's Church, Saxthorpe and the Grade II* listed St Peter's Church, Corpusty are located approximately 480 metres to the northeast and 400 metres to the southeast respectively from the application site.

In consultation with the Council's Conservation Officer, the proposed development would clearly envelope and encroach into the existing field (Parcel A) that surrounds the listed farmhouse to the southeast of the site. This would result in some harm being caused to this important heritage asset, as historically the listed building has derived part of its significance from its outlying position away from the main body of the village. Clearly, however, the development would see it being merged into the built envelope. The setting of the listed farmhouse has been compromised to some extent however by late 20th century highway improvements (B1149) which now sees the heritage asset positioned on an engineered crossroads and a wide bypass. Recent barn conversions to the northwest have also introduced a domestication and residential character to the setting of the listed farmhouse, and the erection of close boarded timber fencing on the south-western boundary that frames the adjacent footpath, has also compromised the immediate setting. The level of harm is considered to be 'less than substantial', owing to a combination of curtilage having a self-contained quality that is framed by existing mature planting on its South Western boundary. This creates meaningful separation distance between the existing and proposed buildings. A combination of the changing levels and the respective siting and orientation would prevent any direct competition between the existing and proposed buildings.

Whilst matters of planning judgment and the weight to be afforded are matters for the Committee, as decision maker, Officers consider that the proposed development would not impinge upon or block any important views of the heritage asset. As such is it considered that only modest public benefits would be needed to outweigh any harm to heritage significance.

Officers consider that it would be perfectly reasonable for the Committee to conclude that the public benefits of the proposal, in particular the provision of housing and affordable housing

meeting an identified local need, could outweigh the less than substantial harm to the setting of the heritage asset.

In regard to the impact on views to the Grade I listed St Andrew's Church and the Grade II* listed St Peter's Church, the Neighbourhood Plan identifies the importance of maintaining the views and setting of both churches at policy HE2. Development that would affect the immediate or wider viewpoints of these churches should be informed by a Landscape and Visual Impact Assessment. Given the intervening distance to St Peter's Church and the mature tree belt on the southern site boundary that would be retained with the proposed development, and the intervening distance and topography to St Andrew's Church, Officers consider that the proposed development would not impact upon sightlines or their landscape setting.

Archaeology

Policy EN 8 requires development proposals affecting sites of known archaeological interest to include assessment of their implications and to ensure that important archaeological remains are preserved. Community Aspiration CA3 of the Corpusty and Saxthorpe Neighbourhood Plan requires all potential development within 250 metres of an existing Historic Environment Record to consult with Norfolk Environment Service to establish whether a detailed archaeological survey is required.

The applicant has undertaken pre-application discussions with Norfolk County Council's Historic Environment Service, who identified the site as having potential to contain heritage assets of archaeological interest, including Late Saxon, post medieval remains and a small cottage at the eastern end of the site (based on 1839 Corpusty Tithe Map). Given the presence of such heritage assets, a programme of trial trenching would be required to be undertaken before the commencement of development in accordance with a written scheme of investigation, and for site investigation and post site investigation assessment to be completed before the development is occupied. This would be secured by planning condition.

On balance, subject to the imposition of conditions, the proposed development would accord with the aims of the Development Plan Policy, guidance within the National Planning Policy Framework and Statutory requirements.

7. Trees and Landscape (Core Strategy policies EN 2, EN 4; Neighbourhood Plan Overarching Policy 2)

Local Plan Policy EN 2 seeks to protect and enhance the existing landscape and settlement character of the area in respect of location, scale, design and materials to protect, conserve and/or enhance:

- the special qualities and local distinctiveness of the area;
- gaps between settlements, and their landscape setting;
- distinctive settlement character;
- the pattern of distinctive landscape features, such as trees and field boundaries, and their function as ecological corridors for dispersal of wildlife; and
- visually sensitive skylines.

Core Strategy Policy EN 4 sets out that development is expected to 'retain important landscaping and natural features and include landscape enhancement schemes that are compatible with the Landscape Character Assessment and ecological network mapping'. Overarching policy 2 of the Neighbourhood Plan requires development to safeguard existing hedges or to replace them to an appropriate standard by alternative planting to Sites 1 and 2. The sub-text to the policy notes that hedgerows in the Parish are protected by the Hedgerow Regulations; hedgerows in danger of being removed as a result of new development should be replaced and accompanied by an after-care and management scheme. Supplementary planning which strengthens the existing network of hedgerows and ecological corridors will be encouraged.

The site is located within the River Valleys Landscape Character Area, as designated by the North Norfolk District Council Landscape Character Assessment 2021, with the application site being located in the River Bure river valley and its tributaries. The main characteristics that derive from the River Bure River Valley are a nucleated settlement pattern. Corpusty and Saxthorpe is identified as having gradual residential infill over decades, resulting in a more dispersed settlement pattern, with the main settlement concentrated in the valley floor and development running along valley sides. The intimate, contained rural character, variety of landscape elements (woodland, pasture, historic villages) and wealth of biodiversity, combined with the distinctive character and cultural heritage of individual settlements, therefore give a strong sense of historic place with varied vernacular styles.

The applicant has undertaken an Arboricultural Method Statement, Tree Protection Plan, Landscape Scheme and Management Plan in support of the application, which have scheme has been assessed by the Council's Landscape and Ecology Officer. The majority of vegetation and proposed planting is to be retained within public areas of the site and ownership/management responsibilities would be retained by Broadland Housing Associated / Management Company, the details of which could be secured by planning condition and Legal Agreement.

Overall, the proposed development has sought to retain most of the valued trees and hedgerows across the site and the impact on retained trees is considered to be negligible: 10 trees are proposed to be removed overall and 6 groups of hedging or scrub would be partly removed or removed entirely out of 89 individual trees and groups. Following initial comments from the Landscape Officer, the applicant confirms that T33 (Ash Tree) at the location of the new access onto Norwich Road, is to be retained; however, two other trees (T34, T35 both Ash Trees) along with a section of hedgerow (G31 mixed hedgerow) would need to be removed, in order to accommodate the new vehicular access onto Norwich Road. Three hornbeam and additional field maple and bird cherry trees are to be planted to bolster and reinforce the entrance to the development site, which is considered acceptable.

Hedges bordering Adams lane (G39, G40, G48 and G49) and some other boundaries are reduced in height and spread/depth, in order to accommodate new housing. Trees are proposed to be removed and pollarded along the western former railway embankment and new planting is proposed to reinforce the tree belt, with species proposed in the form of small trees and understorey planting, Hazel, Field Maple, as well as 3 Hornbeam Trees. The Landscape Schedule and Landscape Management Plan has been updated to reflect

discussions held between officers and the applicant, and additional and more appropriate planting has been specified on the old railway line to the satisfaction of the Landscape Section.

Parcel B would primarily function as a wetland SuDS feature with the remaining land seeded as a wildflower meadow. An access route would be retained around the wetland feature to enable maintenance, but no public access would be allowed on Parcel B. The applicant has provided a Landscape Management Plan for the Wetland SuDS Feature and it is recommended that this is secured by condition.

The retention of Adams Lane, which bisects Parcel A, as an informal path and wildlife and landscape corridor is welcome. External lighting is to be limited in this allocation and secured by planning condition. The comments of County Highways and the Public Rights of Way Officer in regard to the re-surfacing of Adams Lane are noted, but any new surfacing treatment along this section is to be informal and to maintain the rural character.

The proposal would accord with Development Plan policy subject to the imposition of a number of planning conditions to secure the AIA, Tree Protection Plan and to ensure that works are undertaken in accordance with the relevant British Standard in regard to trees (BS3998), and the securing of Landscape Specification and Management Plans for Parcel A and the Wetland SuDS feature in Parcel B.

8. Ecology and Habitats Regulation Assessment (Core Strategy policies EN 2, EN 9; Site Allocation Policy COR01; Neighbourhood Plan policy E1 and E2)

Core Strategy Policy EN2 requires that development should 'protect conserve and where possible enhance the distinctive settlement character, the pattern of distinctive ecological features such as ...field boundaries and their function as ecological corridors for dispersal of wildlife, along with nocturnal character'.

Core Strategy Policy EN 9 sets out that 'All development proposals should: protect the biodiversity value of land and buildings and minimise fragmentation of habitats; maximise opportunities for restoration, enhancement and connection of natural habitats; and incorporate beneficial biodiversity conservation features where appropriate.

Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated areas, or protected species, will not be permitted unless; they cannot be located on alternative sites that would cause less or no harm; the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and prevention, mitigation and compensation measures are provided. Development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.

Where there is reason to suspect the presence of protected species applications should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs.

The Site Allocation policy COR01 requires wildlife mitigation and improvement measures. Policy E1 of the Neighbourhood Plan states that development proposals within or adjacent to the River Bure and its surrounding valley, will only be supported if the primary objective is to conserve and enhance the wider river valley and its habitats, or any protected species; or the benefits of and need for development in that particular location outweigh the adverse impact on the integrity of the River Bure and its river valley. Policy E2 states that development that leads to the enhancement of ecological network will be supported, particularly where it would improve habitat connectivity or support the management of County Wildlife Sites, Roadside Nature Reserves and/or the Bure River Valley.

The applicant has submitted the following ecological reports in support of the application:

- Preliminary Ecological Assessment and
- Reptile Presence and Absence Survey.

The applicant has provided additional ecological evidence at the request of officers, principally to address the function and operation of the proposed wetland feature, located in Parcel B, and to provide further baseline ecological evidence regarding the proposed wetland site. The applicant intends to work with Norfolk Rivers Trust in partnership in the delivery and management of the wetland feature in Parcel B that would principally provide drainage attenuation for the proposed development, alongside wider ecological benefits. The applicant has therefore provided an updated Ecological Appraisal, Construction and Environmental Management Plan, prepared by Norfolk Rivers Trust, Wetland Design information and accompanying plans, and a Water Vole Survey Report, also prepared by Norfolk Rivers Trust.

In broad terms, the key wildlife features across the site comprising Parcels A and B are identified as:

- The old railway line
- The green lane (Adams Lane) with its twin hedgerows and unsealed track; and
- Existing hedgerow boundaries and mature trees.

The Ecology Survey identifies that these features would be retained within open spaces, highway boundaries and against inclusion within domestic gardens. A key part of the mitigation component of the ecological surveys is for the site to be cleared under a method statement with advice from an Ecologist, in the form of a Construction Environment Management Plan to be secured by planning condition. In addition, a number of enhancements (bat and bird boxes, wildlife friendly planting and hibernacula) are recommended, which are incorporated into the Landscape Schedule and scheme design.

Parcel B - Water Vole Survey

The submitted reports documents (January 2022 Water Vole Survey and Wetland Feasibility Assessment and Design) state that the wetland SuDS feature located in Parcel B is proposed to be a mosaic of shallow open ponds, dense emergent vegetation and seasonally inundated wet grassland areas. The submitted drawings showing the wetland shows as an irregular shaped, single waterbody measuring approximately 65 metres in length and 35 metres at its

widest point, and 19 metres at the narrowest point, with a permanent water depth of 20 cm and maximum water depth of 70 cm. The schematic cross section shows a normal operating water depth of 15cm and an extreme flood event level of 1.1 metres. The Feasibility report provides the necessary detail to confirm that the quality of the water discharging from the wetland feature would be of sufficient quality so that adverse impacts do not arise.

The applicant has undertaken a water vole survey and the presence of water voles has been established and the possible avoidance, mitigation and enhancement options are clearly presented in the report. The provision of wetland habitat adjacent to the river as part of the development would provide significant conservation gains for the local water vole population in the long-term, and it is considered Natural England would be likely to grant a mitigation Licence should one be required. As such, officers are satisfied the proposed development can be successfully implemented without significant detrimental impacts upon water voles.

A Construction and Environmental Management Plan for the construction of the wetland has been prepared by Norfolk River Ecology Limited and is submitted along with the additional information. The Landscape Officer recommends that if the application is approved, planning conditions (incorporating the CEMP prepared by NREL) should be secured to avoid adverse impacts on biodiversity. The proposal is therefore considered to comply with policy E1 of the Neighbourhood Plan and EN9 of the Core Strategy.

Bats

The applicant has undertaken a further bat survey (February 2022) for bat roost potential in a disused building (dilapidated shed) within Parcel A at the request of officers, which has been found to have 'negligible potential' for bat roosts. In regard to trees identified for removal across the site, these are identified as having 'low' potential for bat roosts (T28, 32, 34 and 35), based on a lack of large holes and cavities. Six trees are identified as requiring works and most are identified as having 'low' potential for bat roosts; however, T57, a large Oak Tree is identified as having 'significant' potential for bats. It is recommended that this tree is inspected and should bats be found, additional surveys and licencing from Natural England would be required. The Council's Ecologist has reviewed the survey findings and notes the potential for a bat roosts within the section of canopy to be removed in T57 (oak Tree) and if so a European Protected Species licence would be required.

Breeding Birds

The February 2022 Small Ecology report suggests that the site "does not appear to support any bird species of particular significance". The Landscape Officer notes that while this statement may be correct, the survey provides no quantification as to the impact of the development on breeding birds as a species group, as result of the loss of suitable habitat; therefore it is difficult to establish if the suggested enhancement measures are adequate to compensate for this loss of bird nesting habitat.

Great Crested Newts and Reptiles

The applicant has undertaken reptile presence surveys that have identified low populations of common lizards on the site, with the main population not originating on the site. Clearance of the site has already taken place through mowing, but it is recommended that mitigation involves sensitive site clearance to remove further scrub and grassland, and that areas at the edge of the site are maintained for long-term management of hedgerows and railway embankment (as suitable mosaics for reptiles of scrub, with tall grassland and sunny short areas for basking). The Landscape Section concur with the findings of the report and consider that suitable mitigation measures for reptiles could be secured as part of a CEMP through a planning condition.

In regard to Great Crested Newts (GCN), the applicant has provided further evidence in regard to the impact on GCN in the updated Ecological Survey (February 2022). The updated and original Ecology Survey (February 2021; January 2022) found that the site is located within a GCN Amber Zone, identified as containing main population centres, habitats and dispersal routes and where development with a significant land take would be expected to have a high impact on GCN. Four ponds are located within 250 metres of the site, with one pond identified as having GCN. However, the proposed development is not considered to result in significant adverse impacts to GCN, owing to the presence of this pond on the other side of the bypass and north of the River Bure; therefore, connectivity to the site is limited and the risk to GCN is not significant. The applicant has the option to apply for a district licence on a precautionary basis to secure conservation benefits to local GCN populations, but this is not considered necessary in order to mitigate for impacts on the species.

In summary, the Landscape Officer notes some shortfalls in the submitted ecological surveys. For example, the submitted surveys do not demonstrate whether Adams Lane and other features such as trees and hedgerows, are important commuting/foraging habitat for bats, or adequately quantify the significance of the impact of the proposed development on breeding birds. Although the Arboricultural Survey quantifies which trees/hedges would be removed for the development, the AIA does not interpret these losses with respect to the ecological impact as a habitat (including Priority Habitat), or the effect on ecological receptors that may utilise that habitat.

The Landscape Officer therefore considers that based on the information that has been submitted, it is apparent that habitats (including priority habitats i.e. hedgerows) within the site would be fragmented as a result of the development; however, the consequence of this is unknown, and it is difficult to fully assess whether the mitigation measures and biodiversity measures incorporated into the development are adequate.

On this basis, it is difficult to conclude that the development would comply fully with the requirements of policy EN 9 of the Core Strategy and policies E1 and E2 of the Neighbourhood Plan, and this departure would have to be weighed in the overall planning balance. Notwithstanding this, a number of planning conditions are necessary to secure a comprehensive site wide Construction and Environmental Management Plan, a lighting specification and a Biodiversity Design Strategy specifically for Adams Lane, in order to ensure that adequate measures are taken to safeguard and protect priority species that may use the Lane. In addition, planning conditions are necessary to secure the implementation of Landscape and Ecological Management Plans for both Parcels A and B and to ensure that

the recommended ecological enhancements and mitigation measures are adhered to, as set out in the Ecology Reports.

Habitats Regulations Assessment

Policy EN 9 of the North Norfolk Core Strategy identified that any proposed development that would cause a direct or indirect adverse effect to nationally designated sites (which includes SSSI sites) should provide further mitigation.

The development site is within the Zones of Influence of the Norfolk Valley Fens (15km), the Broads site (25km) the North Coast sites (42km) and the Wash sites (61km). The development could have a likely significant impact on the conservations objectives of the SAC/SPA/Ramsar sites above through increasing recreational pressure associated with rising visitor numbers.

There is also the potential to adversely affect various habitats and nature conservation sites due to increased recreational activities from the occupiers of the dwellings once constructed. This would therefore add to existing pressures on the habitats and species of the nature conservation sites in the surrounding areas of North Norfolk. This would involve a programme of monitoring to assess the impact of development on these sites in terms of visitor disturbance, to ensure there would be no adverse impacts on the surrounding European Wildlife Sites.

From 2011, there has been a collaboration between local authorities based within the Norfolk area which has led to a Norfolk-wide strategic approach to this issue. This would result in a fee which is non-negotiable, and paid as part of the legal obligations agreed for the scheme.

Recreation Impacts Study: Visitor Surveys at European Protected sites (2016) by Footprint Ecology, highlighted that there will be a 14% increase of visitors to the Broads and a 9% increase of visitors to the North Norfolk coast during the current plan period as a result of the planned residential growth across the County. Historically, a fee of £50 has been sought for each residential dwelling within the District, secured through planning obligations. This fee goes towards monitoring and mitigating visitor impact on the North Norfolk Coast Special Area of Conservation (SAC) and Special Protection Area (SPA) and other Natura 2000 sites. The cumulative impacts of the proposed growth in Norfolk, which could amount to 84,000 new dwellings throughout Norfolk when taking into account all Local Plan targets, cannot rule out a likely significant effect. In which case, the GI/RAMS assessed financial contribution from developers to implement the scheme of monitoring and any necessary mitigation identified as required to protect the conservation features of Natura 2000 sites should be payable.

The introduction of the Norfolk Green Infrastructure and Recreational Avoidance Mitigation Strategy (GI/RAMS) is currently being finalised, and introduces a developer charge using a zone of influence based approach. This charge amounts to **£185.93 per dwelling**. While the final report has yet to be adopted by the Norfolk Strategic Framework, the evidence base presented in the draft report has been accepted in principle. It would provide a financial contribution to the council's Habitats Regulations monitoring work.

The applicant confirmed their agreement to pay the £185.93 per dwelling contribution which will be secured through a S106 agreement.

9. Open Space (Core Strategy policy CT 2; Site Allocation DPD policy COR01; Overarching policy 2 of the Neighbourhood Plan and CA10 – Community Aspiration Play Areas)

Community Aspiration CA10 Play Areas of the Neighbourhood Plan seeks to ensure that community resources are allocated to preserve and upkeep play areas. Core Strategy Policy CT 2 requires developer contributions for schemes of 10 dwellings or more where there is insufficient capacity in infrastructure, services, community facilities or open space. The Core Strategy's Open Space Standards therefore requires a development of 38 dwellings to provide the following levels of open space on-site:

- Amenity Green Space: 855 msq

And the following off site contributions:

- Allotments = £11,460
- Parks and Recreation Grounds = £87,410
- Play Space (Children) = £14,429
- Play Space (Youth) = £5866

The submitted layout demonstrates that amenity space would be provided on site in the area of retained orchard on the northern edge of the site, as required by policy amounting to approximately 2,284 sq metres (0.2284 ha). This in excess of the Open Space Standards.

In addition, the proposal would provide approximately 5,305 sq metres natural green space in the form of an informal walkway on the southern and western site boundary and along Adams Lane. Therefore, given on-site provision, financial contributions in respect of amenity green space and natural green space would not be sought with this development.

The 2019 Open Space Study identifies a deficit of Youth Play Space and Parks and Recreation Grounds in the Parish of Corpusty, which is where off-site contributions would be allocated towards. The applicant is agreeable to a financial contribution towards Play Space (Youth) of £5,866, but is unable to agree to the other contributions and has submitted viability evidence to show that the proposed scheme would not be viable should all the off-site contributions be requested. This has been verified by the Council's Viability Consultant, who has verified the contents of the applicant's viability report. The site would therefore be unable to provide any other open space requirement without the loss of affordable dwellings, and the application as submitted would be unable to comply with the full requirements of Policy CT 2 of the Core Strategy.

The proposal would not therefore accord with relevant development plan policy in relation to open space and this departure would have to be weighed in the overall planning balance.

Any off-site financial contributions towards Youth Play Space, could be secured by way of S106 Obligation.

10. Flood Risk and Drainage (Core Strategy policy EN 10; Site Allocation COR01; Neighbourhood Plan overarching policy 2 and E1: The River Bure and Valley).

Core Strategy Policy EN 10 considers development and flood risk and seeks to ensure that the sequential test is applied to direct new development to be located only within Flood Risk Zone 1. Development in Flood Zones 2 and 3 will be restricted. Policy EN10 requires new development to have appropriate surface water drainage arrangements for dealing with surface water run-off. The use of Sustainable Urban Drainage systems is preferred.

Site Allocations Development Plan Policy COR01 requires that SUDs is incorporated into new residential development and that there is adequate capacity in sewage treatment works. Overarching policy 2 of the Neighbourhood Plan requires that all new residential development should make appropriate provision for the disposal of foul and surface water.

The sub-text to policy E1 of the Neighbourhood Plan (The River Bure and Valley) shows a 100 metre restriction zone at Figure 15 of the Neighbourhood Plan (See copy at **Appendix C**). Within this location, housing and other development will not be supported.

Flood Risk

The applicant has undertaken a Flood Risk Assessment and Drainage Strategy produced by Rossi Long in support of the planning application, which identifies that Parcel A is located entirely within Flood Zone 1, and is therefore in an area of Low Flood Risk. The northern and eastern boundaries of the site of Parcel B, are located within the floodplain of the adjacent River Bure, and are therefore in an area of Medium to High Flood Risk (Flood Zones 2 and 3). The proposed site layout locates all new residential development in Parcel A, whilst Parcel B would accommodate the surface water attenuation pond and biodiversity and landscaping enhancements. The Environment Agency has been consulted on the application and raises no objection, as all new housing development is sequentially sited within Flood Zone 1, even when taking into account new climate change allowances for the 1 in 100 year and 1 in 1000 year floor event. The proposed development would also have a safe route of access and egress through Flood Zone 1.

Surface Water Drainage

The applicant has undertaken infiltration testing at 11 locations across the site, in accordance with BRE365, which confirms moderate to variable infiltration rates across the site that precludes the use of soakaways. The Flood Risk and Drainage Strategy therefore proposes an attenuated system to incorporate areas of permeable paving, a balancing pond connecting to a surface water drain in the main estate road, eventually serving an integrated wetland / attenuation pond located in Parcel B, with a restricted discharge at the greenfield run-off rate to a local watercourse (The River Bure). Surface water run-off from roof areas would be discharged to the receiving drainage system, designed to accommodate the 1:100 year flood event + 40% allowance for climate change (and include a 10% allowance for urban creep). Private driveways, roads and parking spaces would have permeable surfaces: Type A in the southern half of the site for total infiltration into the sub-soil and Type C in the northern half of

the site designed for no infiltration into the sub-soil with impermeable membrane and piped outfalls to the receiving surface water drainage system.

A balancing pond is proposed adjacent to plots 28 and 29 that would accommodate surface water roof run-off from plots 24-29 and act as an attenuating pond before discharging into the receiving drainage system at a rate of 1 litre per second (adoptable surface water sewer located in the main estate road to serve the development). The principal surface water attenuation pond and wetland feature, located in Parcel B, is designed to accommodate for all surface water run-off, up to and including the 1:100 year floor event (1% Annual Exceedance Probability) with a 40% allowance for climate change with a restricted outfall discharging to the local watercourse at 1.7 litres per second. All surface water is to be captured, cleaned and discharged in accordance with the CIRIA SuDS manual, local guidance and other relevant design guidance.

The Lead Local Flood Authority (LLFA) has been consulted on the application, on the basis of the Flood Risk Assessment and Drainage Strategy, and raises no objection to the proposed surface water drainage strategy.

The LLFA has provided further comments following the submission of information from the applicant regarding the wetland feature and SUDs attenuation pond located in Parcel B. The primary purpose of the integrated wetland feature is to clean and improve the quality of surface water run-off and to store water in extreme rainfall events. The wetland feature would also act as a biodiversity feature with areas of native aquatic plants, providing habitat for a range of species, as well as removing nutrients and a wide range of pollutants, and acting as a carbon sink.

The submitted information in respect of the wetland feature, comprising wetland design schematic, pipe layout cross-sectional plan of the wetland and feasibility assessment and design report, demonstrate that the creation of a wetland area is feasible at this location, and would act as a biomechanical process to remove pollutants and nutrient take-up. The Lead Local Flood Authority has advised that in order to improve the performance of the wetland area, a sediment forebay area (a settling basin or sediment trap positioned at the incoming discharge point) could be incorporated into the final design of the wetland area to act as a further stage of removing coarse sediments from water course run-off.

Therefore, the surface water drainage strategy, incorporating a wetland feature in Parcel B would be considered adequate to ensure that any surface water would be dealt with on site without causing flooding elsewhere. Subject to planning conditions, the application is considered to comply with Policy EN 10 of the Core Strategy, the Site Allocation policy COR01 and policy 2 of the Neighbourhood Plan, and Chapter 14 of the NPPF with regards to surface water flood risk.

Foul Water Drainage

Site Allocations Development Plan Policy COR01 requires the provision of adequate capacity in sewage treatment works to serve the proposed development (at that stage envisaged to be approximately 18 dwellings). The Corpusty and Saxthorpe Neighbourhood Plan further

increased the area for residential development, but did not specify the number of dwellings to be delivered on the site.

The submitted Flood Risk Assessment and Drainage Strategy identifies a public foul sewer system in Norwich Road. There is a second foul drainage sewer identified as crossing the north-western part of the site that outfalls into the Norwich Road system. The applicant intends to connect to the existing mains sewerage system via a gravity connection.

The applicant has undertaken a pre-planning assessment with Anglian Water, which is submitted in support of the planning application. This initially confirmed that Corpusty-Beside River Water Recycling Centre would have available capacity for these flows.

Anglian Water has been consulted on this application and states that the Corpusty Water Recycling Centre is flow compliant and does operate within its permit. The proposed development would result in the Water Recycling Centre operating slightly above permit, and Anglian Water would therefore need to seek a renewed permit from the Environment Agency to account for the additional flows from this development to the Water Recycling Centre. Anglian Water is lawfully obliged to accept these additional flows and the Local Planning Authority is not aware that any additional flows would adversely affect European Designated sites.

On this basis, whilst the comments of third parties and the Parish Council are noted in respect of existing foul drainage capacity issues, a refusal based on inadequate foul water drainage capacity in respect of this proposed development could not be sustained. The application therefore appears to comply with Policies EN 10 and EN 13 of the North Norfolk Core Strategy, and the Site Allocation COR01 with regards to Foul Water drainage.

11. Sustainable Construction and Energy Efficiency (Core Strategy policy EN 6; Neighbourhood Plan policies E3, E4)

Core Strategy Policy EN 6 considers sustainable construction and energy efficiency and sets out a policy requirement for at least 10% of predicted on site energy usage to be met by on-site renewable technology for all residential developments of 10 dwellings or more.

The Corpusty and Saxthorpe Neighbourhood Plan policies E3 and E4 also state that development of renewable energy sources will be supported where there are no adverse effects, and development for carbon neutral or zero carbon buildings will be supported where they comply with design policies of the Development Plan.

The application has included an energy and sustainability statement. The strategy is to use a 'fabric first approach' which will reduce the required energy needed to heat, light and ventilate homes by approximately 10% over current Building Regulations target (part L), rather than relying on renewable technology to achieve this gain. The statement adds that this lowers the energy requirement in the first place, rather than wastefully producing it, and the homes are therefore well insulated.

Air Source Heat Pumps are proposed to be used for heating with natural ventilation (rather than mechanical ventilation) and Shower Heat Recovery Units installed where possible to

recover heat from waste water to supplement the heating system. In addition to Air Source Heat Pumps, the applicant is seeking to incorporate solar photo voltaic panels to some of the dwellings to provide additional renewable energy benefit, details of which would be secured by planning condition to establish the precise number and location of dwellings using solar PV. Each dwelling would therefore use low or zero carbon technologies to secure a proportion of energy demand, (ASHP / solar PV) and energy would be saved through well insulated properties.

The proposed scheme would therefore be able to provide at least 10% of the development's predicted total energy usage and is compliant to Policy EN 6 of the North Norfolk Core Strategy, and policy E3 of the Neighbourhood Plan.

12. Planning Obligations

Core Strategy Policy CT 2 requires developer contributions for schemes of 10 dwellings or more, where there is insufficient capacity in infrastructure, services, community facilities or open space.

NPPF Paragraph 55 sets out that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

NPPF Paragraph 57 also sets out that Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Having regard to the above matters raised within this report, a range of financial and non-financial contributions and infrastructure would be sought with this proposed development in order to make the development acceptable in planning terms:

- On site provision of amenity green space amounting to 855 sq metres;
- Off-site open space financial contribution of £119,165;
- 50% affordable housing provision
- A financial contribution of £2,850 (£75 per dwelling) to be spent on increasing library capacity; and
- A financial contribution of £7,065.34 (£185.93 per dwelling) for GI RAMS visitor impact mitigation

Viability evidence provided by the applicant has been reviewed by the Council's appointed viability consultant and this has demonstrated and justified a lower level of affordable housing provision (21%, 8 dwellings) rather than the policy requirement for 50%.

In order to deliver a viable development the applicant has also demonstrated that not all of the requested financial and non-financial contributions can be provided. Whilst there are some contributions that cannot be waived, beyond these there is, in theory, a choice to be made as

to which financial and non-financial contributions are requested. Nonetheless, where contributions are required to make a development acceptable in planning terms but these are not provided, then it is a matter for the decision maker to apportion weight to the non-payment of these contributions. The non-payment of contributions would therefore weigh against the grant of planning permission and would need to be considered when making the overall planning balance and weighed against any material considerations in favour.

The applicant's Viability Assessment therefore makes an allowance for S106 Agreement commuted sums of **£49,612** in total, to cover the following:

- GI/RAMS visitor impact mitigation - **£7,065.34** (£185.93 per dwelling),
- a financial contribution to libraries - **£2,850** (£75 per dwelling),
- 21% affordable housing provision (8 dwellings) based on a tenure split of 6 dwellings affordable rent and 2 shared ownership;
- On site provision of amenity green space and natural green space amounting to 7,589 sq metres;
- provision of one fire hydrant within the development,
- off-site Youth Play Space - **£5,866**; and
- upgrades and improvements to the PROW Corpusty 28.

The applicant is also proposing an additional payment of £500 per dwelling, amounting to **£19,000** (inclusive with the £49,612 figure identified above) which they have indicated would be directed towards enhancements to infrastructure for St Peter's Church, which the Parish Council is in the process of refurbishing. This contribution has been put forward by the applicant having regard to Community Aspiration CA9 of the Corpusty & Saxthorpe Neighbourhood Plan.

Officers have considered the viability evidence and the amount available for financial contributions. Whilst the applicant's preference to direct monies towards Community Aspiration 9 is noted, Officers consider that this sum of money could be used to address the significant shortfall in off-site contributions towards public open space and, in particular, the shortfall towards Parks and Recreation Grounds, as required by Policy CT 2 of the Core Strategy. The Community Aspiration CA9 is an aspiration of the Corpusty and Saxthorpe Neighbourhood Plan and carries less weight than policies of the Development Plan. Policy CT 2 of the Core Strategy is therefore afforded greater weight, and this weighs in favour of an increased financial contribution towards off-site public open space.

In summary, the Viability Assessment has been independently assessed and it is considered that the viability case made by the applicants is not unreasonable and supports a reduction in the level of affordable housing and s106 contributions as proposed.

A post development viability review is recommended so that any excess profit is captured and additional commuted sums paid in respect of a shortfall of current s106 obligations secured towards affordable housing, off-site open space and the Neighbourhood Plan community benefit sum, which could go towards for example enhancements towards St Peter's Church, in accordance with Community Aspiration CA9 of the Neighbourhood Plan.

13. Other Material Planning Considerations

Contaminated Land

Core Strategy Policy EN 13 considers pollution and hazard prevention and minimisation and sets out that development proposals on contaminated land (or where there is reason to suspect contamination) must include an assessment of the extent of contamination and any possible risks.

Although the site is a greenfield site comprising former pasture land, the applicant has undertaken a contaminated land strategy as a Phase 2 Site Investigation Report by Harrison Geotechnical (November 2020). The intrusive site investigation identifies low concentrations of contaminants not requiring remediation to the southern side of site, with shallow made ground to the northern side of site containing anthropogenic materials – materials to be collected, screened and disposed of before commencement of development. The report concludes that the site is suitable for residential use, but site remediation will be required should any contamination not previously identified be present on site.

The submitted report has been reviewed by Environmental Health Officers, who raise no objection, subject to a suitable planning condition to secure necessary remediation strategy. The proposal is considered acceptable in this regard and would accord with the aims of Development Plan policy EN 13.

Refuse and Recycling

Dedicated refuse and recycling storage would be provided on curtilage for each new dwelling, with the internal access road designed to accommodate a standard NCC refuse vehicle. Details will be secured by planning condition and, as such, the proposal would accord with the aims of Development Plan policy.

External Lighting

External lighting has the potential to have a wide reaching adverse impact across the open agricultural landscape, potentially impacting wildlife. The applicant has provided an a lighting specification to dwellings, which shows Specification sheets show the light to be used is the ADU50 Dugas 50W Graphite which can be installed pointing either up. It is recommended that the light should be installed pointing down in order for the dark night skies, which are a feature of the nocturnal character of this open Landscape Type, and to avoid disrupting wildlife habitats. Also, some form of low level lighting would be required where the new internal access road would bisect Adams Lane restricted byway. It is recommended that further details of a lighting strategy for the proposed development, to include the intersection of the new internal access road with Adams Lane restricted byway, is secured by planning condition.

14. The Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise.

The proposal is considered to comply with the following policies of the Development Plan, comprising the Site Allocation DPD, the Adopted Core Strategy and Corpusty and Saxthorpe Neighbourhood Plan: SS 1, H0 1, EN 2, EN 4, EN 6, EN 8, EN 10, EN 13, H0 7, CT 5, CT 6 of the Adopted North Norfolk Core Strategy; Priority Areas 1 and 2, Overarching Policies 1, 2, 3, policies E1, E2, E3, HE2, T1, DC1, W&F2, Community Aspiration CA2, CA3, CA4, CA9, CA10, CA11, CA12, of the Corpusty and Saxthorpe Neighbourhood Plan,

The proposal represents a departure from the Development Plan policies : SS 2, H0 2, EN 9, CT 2 of the Adopted North Norfolk Core Strategy, the Site Allocation policy COR 01, and policies Overarching Policy 1, Community Aspiration CA1 of the Corpusty and Saxthorpe Neighbourhood Plan on the following grounds:

- Parcel B is located in an area of designated countryside and does not form part of the Site Allocation COR 01 or a Priority Area for new residential development as identified in the Corpusty and Saxthorpe Neighbourhood Plan;
- Off-site contributions for open space cannot be met in full through this proposal and has been demonstrated through a robust Viability Assessment.

The application has been subject to a viability assessment in order to demonstrate that the delivery of a mixed tenure development of 8 affordable dwellings (6 affordable rent and 2 shared ownership) and 30 market dwellings would deliver a commercially viable scheme, whilst complying with other policies of the Development Plan.

The proposal would address an identified need for affordable housing in Corpusty and Saxthorpe, and provide necessary infrastructure to serve the development. It is the intention of the applicant to increase the delivery of affordable housing with grant funding from Homes England, should permission be granted.

Whilst the Council is able to demonstrate a five-year housing land supply, the provision of 38 dwellings would nonetheless contribute positively to the ongoing supply and the Government's aim in NPPF (2021) paragraph 60 of boosting significantly the supply of housing through ensuring that a sufficient amount and variety of land can come forward where it is needed, and is therefore a benefit, carrying moderate weight.

In addition, other material considerations in favour of this case are:

- The high environmental standards proposed with air source heat pumps, Photovoltaic panels and a 'fabric first approach' to the construction;
- Carbon sequestration in the wetland attenuation pond;
- High quality design;
- Job creation during construction;
- Upgrading to an Adopted Public Right of Way (Corpusty 28) and Adams Lane Restricted Byway (Restricted Byway 4);
- Support to the local rural economy, services and facilities within the area due to the future occupation of dwellings.

Officers recognise the policy conflicts identified within this report but note also that the delivery of affordable housing is in the wider public interest and is a corporate priority attracting

substantial weight in favour. Officers consider that the material planning considerations in favour of the proposed development collectively attract significant weight which is considered sufficient weight to justify a departure from the Development Plan.

RECOMMENDATION:

Delegate authority to the Head of Planning to **APPROVE** subject to:

1) Satisfactory completion of a S.106 Planning Obligation to cover the following:

- On site provision of amenity green space and natural green space, amounting to 7,589 sq metres;
- Off-site open space financial contribution of £5,866 towards Youth Play Space;
- 21% affordable housing provision (8 dwellings) based on a tenure split of 6 dwellings affordable rent and 2 shared ownership;
- A financial contribution of £2,850 (£75 per dwelling) to be spent on increasing library capacity; and
- A financial contribution of £7,065.34 (£185.93 per dwelling) for GI RAMS visitor impact mitigation;
- Additional Off-site open space financial contribution of £19,000 towards Parks and Recreation Grounds.

2) The imposition of the appropriate conditions to include:

1. Time Limit – three years beginning with the date on which this permission is granted
2. The development shall be undertaken in strict accordance with the plans
3. Materials to be approved
4. Highways - Visibility splays
5. Highway Works – detailed scheme
6. Highways - Road and footways have first been constructed in accordance with the details provided
7. Highways – construction traffic parking
8. Construction Hours
9. Highways - Off-site highway works
10. Highways - On-site car parking and turning areas to be provided.
11. PROW and Restricted Byway – detailed scheme
12. Restricted Byway Safeguarding Scheme
13. Contaminated land remediation strategy
14. Archaeology written scheme of investigation
15. Surface water drainage
16. AIA, Method Statement and Tree Protection Plan
17. Landscape Tree Protection (Fencing)
18. LEMP
19. Biodiversity Design Strategy – Restricted Byway
20. CEMP

21. Small Mammal Access
22. Ecological Mitigation Measures
23. Fire Hydrant
24. Details of solar panels to be submitted for approval
25. Air Source Heat Pumps in accordance with submitted specification leaflet.
26. Dwellings constructed in accordance with policy EN 6 to ensure Energy Efficiency.
27. External lighting to include measures to minimise the impact on the landscape.
28. Removal of PD rights
29. Bathroom windows to be obscure glazed
30. Refuse and recycling storage

And any other conditions considered to be necessary by the Assistant Director of Planning

Part 2:

That the application be refused if a suitable section 106 agreement is not completed within 4 months of the date of resolution to approve, and in the opinion of the Head of Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale.

Appendix A - Statutory and Internal Consultees

Local Highways Authority (Norfolk County Council)

Original comments 27.10.2021

1. No detailed plan of the site access is provided demonstrating the applicant can provide a junction with 6.0m radii and 2.4 x 59m visibility splays, likely to require significantly more removal of the frontage trees and hedges that indicated;
2. Is public access to land on the north side of Norwich Road to be provided, as this would require provision of a footway/crossing point from the proposed development?
3. The drainage strategy will result in an increased need for access by maintenance vehicles to the land to the north. The applicant should therefore demonstrate the required visibility splays can be provided and that sufficient turning space is available so vehicles can exit/enter Norwich Road in a forward gear;
4. There is no assessment in the transport statement of the walking routes to village services, which would use Adams Lane, Norwich Road and Station Road. The applicant would appear to be reliant on the use of Adams Lane, despite the most direct route to the village shop (unmarked bus stops) and primary school being via Norwich Road. However, no details have been provided showing how Adams Lane or the public footpath will be improved. Additionally, no details have been provided for any improvements due to the lack of footway provision on Norwich Road / Station Road.
5. The applicant will need to determine the defined route and width of the existing Restricted by-way and public footpath and provide details of appropriate improvements, which in the case of the restricted byway will also need to extend beyond the red application boundary.
6. The proposed layout results in numerous properties with their rear gardens facing Adams Lane and it therefore being enclosed by boundary fences, to the detriment of the personal safety of users of this route and the security of adjacent properties.
7. The proposed access would be subject to a 20mph zone, which should be indicated on the layout plan.
8. The proposed layout will need to be tracked by a large refuse vehicle.
9. On street parking adjacent to plots 2 and 3 caused by the reliance on rear parking in close proximity to the junction with Norwich Road would be detrimental to highway safety.
10. The junction adjacent to plot 35 should be provided with 6.0m radii and visibility splays in both directions measuring 2.4 x 25 metres. The adjacent footway will need to be widened to the full extent of the required visibility splays.
11. Access to the public open space / and or public footpath should not result in the public use of a private drive/footpath.
12. The access road should not be narrowed where it is crossed by the restricted byway.
13. With the exception of the two parking spaces serving the 1 bedroom dwellings (plots 30-32) there is no provision for visitor parking in the form of roadside laybys resulting in on-street parking.
14. The occupants of plots 14,23 and 27 will have no natural surveillance of their allocated parking spaces, resulting in an increased risk of these spaces not being fully utilised leading to further on-street parking.

Further comments 21.02.2022

Required visibility splays have been added to the drawing and do not appear to impact on the front trees and hedges.

An assessment of walking routes has still not been provided. It is not sufficient to rely on the use of Adams Lane or Norwich Road without significant improvements to these routes. Norwich Road provides the most direct route to the village and is likely to be used by a significant number of residents. Whilst a continuous facility cannot be provided, there is an opportunity to provide a footway across the site frontage from the existing footway to the southeast to the northern boundary of Chapel End. Improvements to Adams Lane should not be restricted to the site boundary as indicated.

Remain of the view that designing a layout that results in continuous rear boundary fences adjacent to Adams Lane will result in a perceived increase in personal safety and should be avoided. For it to become an attractive route as an alternative to Norwich Road, the development should open onto it, not enclose it.

Parking requirements have been met in terms of spaces per dwelling. If provided in remote locations from dwelling with poor surveillance, they are unlikely to be used. In addition to plots 2 and 3, this also remains an issue adjacent to plots 14, 23 and 37, and to a lesser extent to plots 24 and 5.

Addition of two visitor spaces is welcome, particularly the lay-by adjacent to plot 29. However, who will own/have access to the visitor space adjacent to plot 21. Neither space will mitigate likelihood of on-street parking.

The access road must not narrow across the restricted by-way. This is a layout issue for the adopted road.

Lead Local Flood Authority (Norfolk County Council)

Original comments 03.09.2021

A Flood Risk Assessment and Drainage Strategy is submitted in support of this application to account for local flood risk issues and surface water drainage. Welcome SUDs in the proposed development. Private and shared access roads and parking bays in the south of the site are proposed to be drained via shallow free draining (infiltrating) permeable paving system. Remainder of the site, including the man estate carriageway, together with roofed areas to plots 24-29, will be conveyed to a wetland area prior to being discharged, at a reduced rate of 1.7 l/sec (Qbar) to the River Bure, located adjacent to the site.

If not, we would request the following information prior to determination. The following condition is suggested:

Prior to commencement of development, in accordance with the submitted Flood Risk Assessment / Drainage Strategy (Rossi Long Consulting, Document Ref. 191238, Revision 00, dated 5th February 2021) detailed design measures shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development hereby permitted [and maintained as such thereafter]. The scheme shall address the following matters:

- i. Finished ground floor levels of all properties are a minimum of 300mm above expected flood levels of all sources of flooding (including any rivers or ordinary watercourses, SuDs features and within any proposed drainage scheme) and at least 150mm above ground level;
- ii. Details of how all surface water management features including the proposed wetland area are to be designed in accordance with the SUDs Manual (CIRIA C753, 2015) including appropriate treatment stages for water quality prior to discharge.

Further comments 09.02.2022

The LLFA welcomes the additional information. The additional information supplied by the applicant consists of a wetland design schematic, a general pipe layout cross section of the proposed wetland area and wetland feasibility assessment and design report (Corpusty Wetland Feasibility Assessment and Design Report, Norfolk Rivers Ecology, V3, dated 10 January 2022).

The documents listed above illustrate the creation of a wetland area is feasible at this location. The LLFA does not disagree with the findings. The generalised pipe layout cross section Plan provides a general demonstration of the workings of the feature from a water design Perspective. To enhance the performance of this feature, from a water quality perspective the applicant could introduce a sediment forebay area, which would act as a pre-treatment stage removing coarse sediments from the surface water run-off. As the wetland receives surface water run-off from the estate carriageway, this may warrant consideration by the applicant.

Notwithstanding the above, we have no objections, subject to conditions being attached to any consent if this application is approved and the applicant is in agreement with pre-commencement conditions. If not, we would request the following information prior to determination.

NNDC Conservation and Design

Original comments 27.10.2021

Heritage Assets

It cannot be argued that the proposed development would enhance the setting of the adjacent Grade II Listed Manor House. Indeed, by virtue of extending the built form out towards the listed building, C&D are of the opinion that it would result in some harm being caused to this important heritage asset. This is because historically the listed building has derived part of its significance from its outlying position away from the main body of the village. Clearly, however, the development would see it affectively being merging it into the built envelope.

Under para 199 of the NPPF, it is clear that great weight must be given to the conservation of the heritage asset. It is also understood that where a loss of significance is identified, it requires a clear and convincing justification under para 200 of the same document. In this case, however, there a number of material factors that lead us to the conclusion that an objection cannot be sustained on heritage grounds; namely: -

- Over time, the setting of the listed building has already been compromised to some extent. This is thanks to a combination of;
 - i) the late 20th century highway improvements which now see the house standing on an engineered crossroads and alongside a relatively wide bypass,
 - ii) the recent barn conversions to the North West, whilst although done reasonably well, have nonetheless introduced domestication and residential character where it previously did not exist, and
 - iii) the immediate setting of the house has already been compromised on its South Western side by the functional close-boarded fencing which frames the adjacent footpath.
- The curtilage of the listed building has a discrete, self-contained quality and is framed by existing mature planting on its South Western boundary. Whilst this will inevitably

vary through the seasons, it nonetheless would create meaningful separation distance between the existing and proposed buildings.

- A combination of the changing levels and the respective siting and orientation would prevent any direct competition between the existing and proposed buildings. The new build would also not impinge upon or block any important views of the heritage asset.

For these reasons, the level of harm is considered to be towards the lower end of the 'less than substantial' spectrum for the purposes of the NPPF. As such, it is recognised that the public benefits accruing from the proposals would outweigh the modest harm identified.

Layout and Design

Layout-wise, it is considered that: -

- the sinuous access road should create an evolving and layered street scene within the development.
- the lack of regimentation in the siting of the buildings should produce a relatively informal scheme which would be broadly compatible with the edge-of-village, rural location.
- the development appears to have been slotted in around the established planting on site – this will help to bed it into the wider landscape whilst also creating several enclaves within the scheme. No doubt my Landscape colleagues will comment separately on some of the close relationships between the buildings and the trees which frames much of the site.
- there is variety in parking provision which should prevent the scheme being unduly dominated by residents' vehicles (although it is perhaps less clear where visitors might end up parking).

Elevationally, the individual dwelling types for the most part follow the developer's emergent house style which has been accepted elsewhere within the District. As such, there is little that requires a detailed critique hereunder with the houses generally considered to be appropriately proportioned and detailed.

The one notable exception is unfortunately at the entrance to the site where it is considered that the two terraces facing each other would not offer the best introduction to the site. Not only would both feature inline rectangular forms with only the porches to provide any kind of relief and modelling, but the simple handed fenestration, the plain roofscapes and the largely blank gables appear to offer little by way of genuine visual interest and innovation. If we also then factor in the proliferation of PV panels (particularly on the front elevation of Plots 36-38), and there is precious little to get enthused about here. Whilst this may well not be the difference between an approval and a refusal, any attempts to enliven these plots would most definitely be welcomed by C&D; e.g. introducing a roadside cross wing for contrast, adding a pair of chimneys on at least one of the terraces, having an active roadside frontage on one of the blocks, sitting one of the blocks on a contrasting/expressed plinth, and enlivening the rear elevations which border on the bland.

Materials

It is important that the materials palette is appropriate for the context. To this end, there are some concerns about the bricks and tiles proposed as follows: -

- In respect of Facing Brick A, the TBS Audley Antique has a rather washed out, anaemic colour mix which is not particularly characteristic of North Norfolk. It is therefore considered that a warmer orangery-red multi stock brick be chosen instead and the Audley reserved only as an accent material on the least visible plots. As an aside, the image supplied within the Materials Specification appears to be at variance with the

online images of this brick type. This may just be in the reproduction of the document but it perhaps does not give an accurate impression.

- As regards Facing Brick B, it is not entirely clear what is being proposed here. To the best of my understanding TBS does not produce a Ivanhoe Old Cottage brick. Neither does Ibstock who are associated with the Ivanhoe name. What they do produce, however, is a Ivanhoe Cottage Blend which can probably be considered acceptable on balance on the small number of the plots proposed. Again, however, it does not appear to tally with the image in the submitted document.
- C&D must reserve judgement on the proposed white brick in the absence of an actual name being chosen.
- Whilst having no objections in principle to the Sandtoft Neo pantile being used, the usual strong preference is expressed for the Natural Red colour to be replaced with the Tuscan or Flanders from the same range – this is to avoid the ‘raw’ and more one-dimensional appearance of the Natural Red.

Unless these matters are to be resolved prior to determination, an appropriate condition covering the prior agreement of the bricks and tiles is requested in the event of an approval being issued. All other materials shown are considered acceptable.

Further comments 18.02.2022

Whilst still having reservations about the plots at the entrance to the development, it is acknowledged that design amendments have been made to improve their modelling and overall appearance. There are no further substantive Conservation and Design objections to this scheme. This is notwithstanding the usual visual misgivings about the unsightly ‘retrofitted’ PV panels on prominent roofslopes.

In terms of materials, the Weinerberger Olde Heritage Antique brick is considered acceptable on balance. By contrast, the Ivanhoe Westminster most definitely is not – it is a patchy chequerboard of a brick with a colour mix which has no real place in our District. An alternative will therefore have to be found. As regards having a white brick, I cannot immediately find any reference to this on elevations. However, if this is still proposed, it may in practice be better just to pain/colour wash one of the two eventually approved bricks.

There is no objection to the use of Sandtoft Noepantiles. There would be a clear preference for the bright and relatively one-dimensional natural red to be replaced with either the Tuscan or Flanders. Elsewhere, the flintwork comprising proper flint cobbles and not pre-formed flint blocks, the rest of the materials raises no concerns.

NNDC Landscape Officer

Landscape Scheme and Schedule

- Majority of vegetation and proposed planting is retained within public areas of the site and ownership/management responsibilities would be retained by Broadland Housing Associated / Management Company. Details are to be secured by condition and s106 Legal Agreement;
- Retention of Adams Lane byway as an informal path is welcome and retained as a wildlife and local landscape corridor. External lighting should be avoided (including security lighting on housing) and controlled by way of condition. Comments of the PROW Team are noted that may require re-surfacing of the PROW. Any new surfacing should be informal and maintain the rural character;

- Hedges bordering Adams Lane (G39, G40, G48 and G49) and some other boundaries (G48) are reduced in height and spread/depth to accommodate housing. A condition can be attached to ensure that works are completed to BS3998;
- Trees will need to be removed or pollarded along the western former railway embankment and new planting is proposed to reinforce the tree belt – species proposed are in the form of small trees/understorey planting *(hazel, field maple) although 3 Hornbeam are proposed. It is considered that additional of Oak and Evergreen species would be beneficial for screening and biodiversity enhancements.

AIA/Trees

- The development has sought to retain most of the valued trees /hedges on site and impact on retained trees is negligible. 10 trees are to be removed and 6 groups of hedging or scrub to be partly removed or removed entirely out of 89 individual trees and groups. Additional work may be required to the retained vegetation to reduce in size (9 groups of trees);
- Some plots affected by shade of retained trees are mainly along the railway line; however, the AIA concludes this is minor to negligible;
- An Arboriculture Method Statement and Tree Protection Plan have been provided which will need to be conditioned.

Open Space

- Unclear how the open space will function and what each area will provide;
- Documents suggest that the former railway embankment and western boundary is for informal access, but there is no circular walking route and green space behind rear gardens is uninviting;
- Other than Orchard Area to the north, there is a lack of useable open space. Function of the western boundary as natural green space and biodiversity corridor is welcome, but additional green space should be provided elsewhere or a contribution sought to provide this offsite;
- Welcome the retention of the area to the north as amenity green space, but this needs to be better defined. Will informal paths be mown within the area or interpretation boards provided? Space could be abandoned or underutilised.

Recreational Avoidance Mitigation Strategy

- NE advise of no objection or significant impact on statutory designated sites. The EN Team has probably not had sight of the GIRAMS (2021) that has been prepared by the combined Local Authorities in Norfolk in preparation for emerging Local Plan which has determined standardised zones of influence (ZOIs) for European sites in Norfolk and indicated where project level HRAs are required for planning purposes;
- The development site is within the Zones of Influence of the Norfolk Valley Fens (15km), the Broads site (25km) the North Coast sites (42km) and the Wash sites (61km).
- The GIRAMS developer contribution towards implementation of strategic mitigation is secured as part of the S106 Agreement - £185.93 per dwelling, index linked.

Issues to address:

- No detail on function of north-eastern parcel of land – how this will be planted or managed;
- Disappointing that trees T32 and T33 are being removed because of proximity to plots 36 and 38 – these are natural barrier to the site and do not need to be removed because of visibility splays/highway reasons. Removal of these trees will open up site (site is intended to be enclosed and intimate);
- Replacement planting of 3no. specimen trees is proposed but question whether sufficient space to flourish and grow to mature specimens to replace those removed;
- Confirmation required that only 2 trees (T34, T35) and part of hedging (G31) to the front of the site are to be removed for visibility splays to Norwich Road following comments from Highways Authority;
- Landscape Section would like space behind gardens 17, 18 and 19 (within red line) to be incorporated into the landscape management proposals with a clear function vision of its function.

NNDC Ecology Officer

Ecology Assessment and Reptile Survey

- An accurate assessment of the impacts on ecology has yet to be provided, owing to limitations to accessing the northernmost site areas and existing building on the site;
- No details provided on SUDs and drainage scheme, and the required highway access improvements. Potential ecological impacts from drainage strategy have not been properly assessed.
- Unclear what the significance of the impact on priority habitats is without a detailed site survey (hedgerows and mature trees).
- External lighting will need to be limited along Adams Lane owing to the foraging habitat of bats. Additional detailing is required to determine bats roosts on the village periphery.
- Bisection of Adams Lane will serve the wildlife corridor and impact bats. Character of Adams Lane should be retained and loss of vegetation restricted along Adams Lane.
- Potential that trees with bat roost potential could be removed. Report is unclear as to the significance of the impact of the development on bats and/or required mitigation and compensation measures, and the licensing requirement is unclear. An internal inspection of the building on the north of the site is recommended to confirm findings;
- Report is unclear as to the required mitigation and/or compensation features for GCN, and states a license is not required but provides no justification.
- Reptile survey – no specific mitigation for reptiles has been recommended;
- Grassland adjacent to River Bure held potential foraging habitat for grass snake, but has not been subject to a full reptile survey.
- Ecology report does not quantify the amount of scrub clearance on site or quantified the impact to breeding birds as a result of the loss of habitat or enhancement measures.
- Ecology Report states that drainage discharge from the development (foul and surface water) should protect the nearby (and hydrologically connected) River Bure. No detail as to how this will be achieved.
- Key wildlife features on site are: The old railway line; The green lane (Adams Lane) with its twin hedgerows and unsealed track; and existing hedge boundary patterns and mature trees. These features are to be retained within open spaces or highways boundaries, and are within the wider ownership/control of Broadland

Housing Association or Management Company. Function of these spaces is unclear.

- A Construction and Environmental Management Plan (incorporating ecological constraints) is a key part of the mitigation component of the Ecology Report, to be clear under the advice of an Ecologist. This should be conditioned;

Preliminary Ecological Appraisal (Parcel B)

- States that Parcel B contains significant ecological features and constraints, notably: hedgerows, the River Bure, Water voles, Otters, Brook Lamprey(River Bure) and Bats.
- Additional surveys are necessary and include a survey of the River Bure, and marginal vegetation, fisheries, reptiles, water voles and otters.

Other Comments

- Use of uplighters for the Ansell specification is not acceptable and would result in light pollution and adversely affect the nocturnal character of the site.
- Further clarification is required as to how or if Adams Lane will be improved/widened.

Further comments 10.03.2021 Advice

Questions remain over certain elements of the development and the resultant impact/effect on biodiversity.

Should the application be approved, the Landscape Section reiterates the importance of ensuring the specific details as to the eventual ownership and management responsibilities, together with maintenance schedule of open space areas, old railway line and Adams Lane will need to be secured by planning condition and as part of the Legal obligation 9S106 Agreement).

Environment Agency

Original comments 05.11.2021

Flood Risk

The applicant has sequentially sited all proposed development within Flood Zone 1. Our maps show the site boundary lies within Fluvial Flood Zone 3a defined by the PPG: Flood Risk and Coastal Change as having a high probability of flooding. The proposal is for the construction of 38 dwellings with associated infrastructure and landscaping, which is classified as more vulnerable development of the PPG. We are satisfied that the flood risk assessment, referenced 191238 and dated February 2021, provides you with the information necessary to make an informed decision.

In particular:

Drawing CRPSTY-IW-SA-XX-DR-A-1505 shows all proposed development lies within Flood Zone 1

The access and egress routes travels through Flood Zone 3 and therefore does not have a safe route of access

Flood depths on the and within the building remain unknown because the flood zones are derived from JFLOW modelling

Flood Storage compensation is not required

Flood Evacuation Plan has not yet been proposed

As the applicant has sequentially sited their proposed development to be sequentially sited within Flood Zone 1, we feel it is unnecessary to request the applicant to re-model the River Bure designated main river in order to incorporate the climate change allowances. This is because the majority of the new climate change allowances have not exceeded the current extent of the existing flood zone 2.

JFlow

The Flood Zone maps in this area are formed of national generalised modelling, which was used in 2004 to create fluvial floodplain maps on a national scale. This modelling was improved recently using a more detailed terrain model for the area. This modelling is not a detailed local assessment, it is used to give an indication of areas at risk from flooding.

JFlow outputs are not suitable for detailed decision making. Normally, in these circumstances, an FRA will need to undertake a modelling exercise in order to derive flood levels and extents, both with and without allowances for climate change, for the watercourse, in order to inform the design for the site.

However, as the applicant has sequentially sited their proposed development to be wholly within Flood Zone 1, we feel it unnecessary to request the applicant to model the River Bure designated river with regards to the safety of the proposed development because the proposed development should remain dry and provide refuse throughout the 0.1% (1 in 1000) annual probability event.

If you feel you do not have sufficient information with regards to flood levels on the access/egress routes, we advise that modelling be undertaken to accurately establish the risk to the access/egress routes in terms of potential depths and locations of flooding. The watercourse should be modelled for the 1 in 20 (5%), 1 in 100 (1%) and 1 in 1000 (0.1%) year events both with and without the addition of climate change.

Further comments 02.02.2022

We have been made aware of errors in our previous letter.

Incorrectly stated that flood depths on the site and within the building remain unknown because the Flood Zones are derived from JFlow modelling.

We previously stated that the access and egress route travels through Flood Zones 3 and therefore does not have a safe route of access. We can confirm that the access and egress routes travel through Flood Zone 1 and therefore does have a safe route of access.

When comparing the flood extent of the current 1 in 1000 (0.1%) AEP + 20% climate change allowance, the location of the proposed development, it is clear that the development still lays outside this extent and within Flood Zone 1.

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Appendix B

Figure 14 Corpusty and Saxthorpe Neighbourhood Plan (Adopted 1st April 2019)

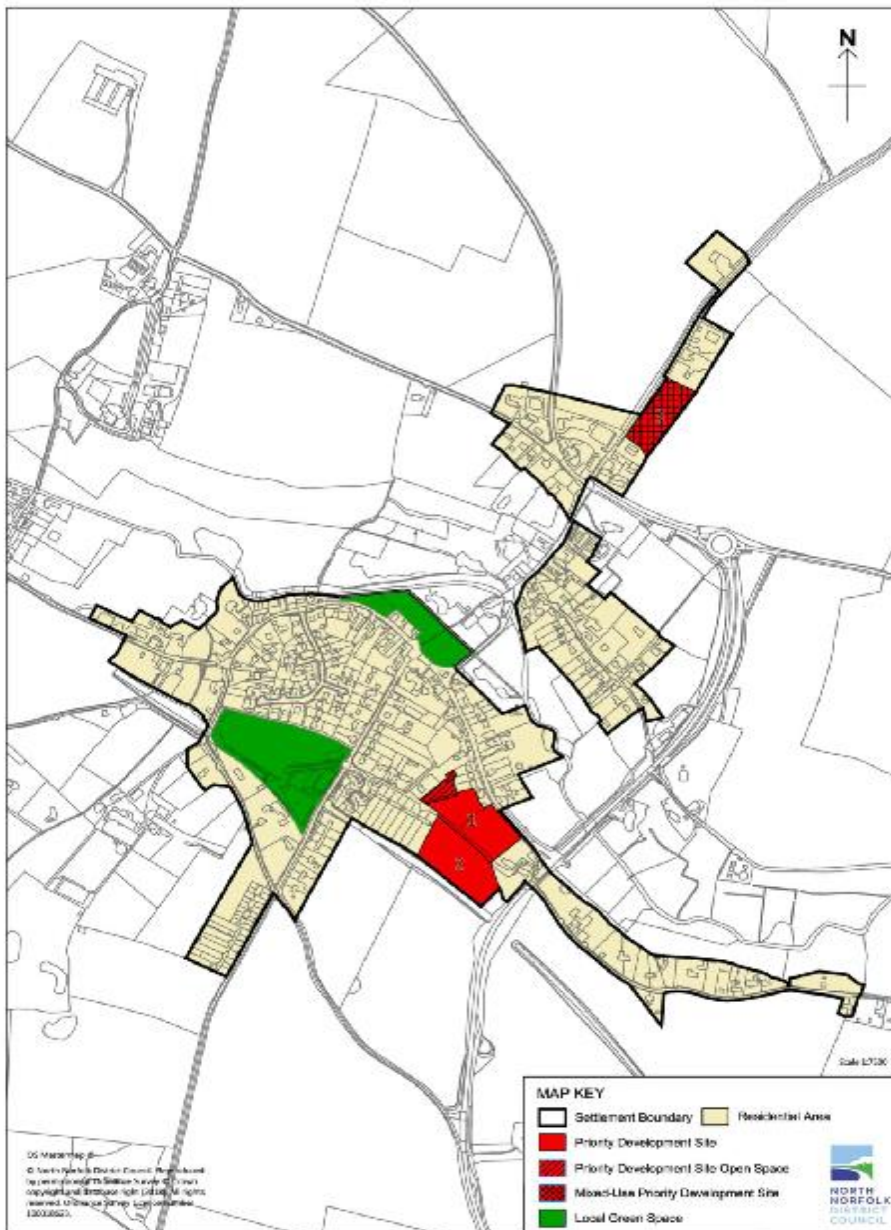


Figure 14 - Corpusty & Saxthorpe: Settlement Boundary

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Appendix C

Figure 16 Corpusty and Saxthorpe – The River Bure and Valley

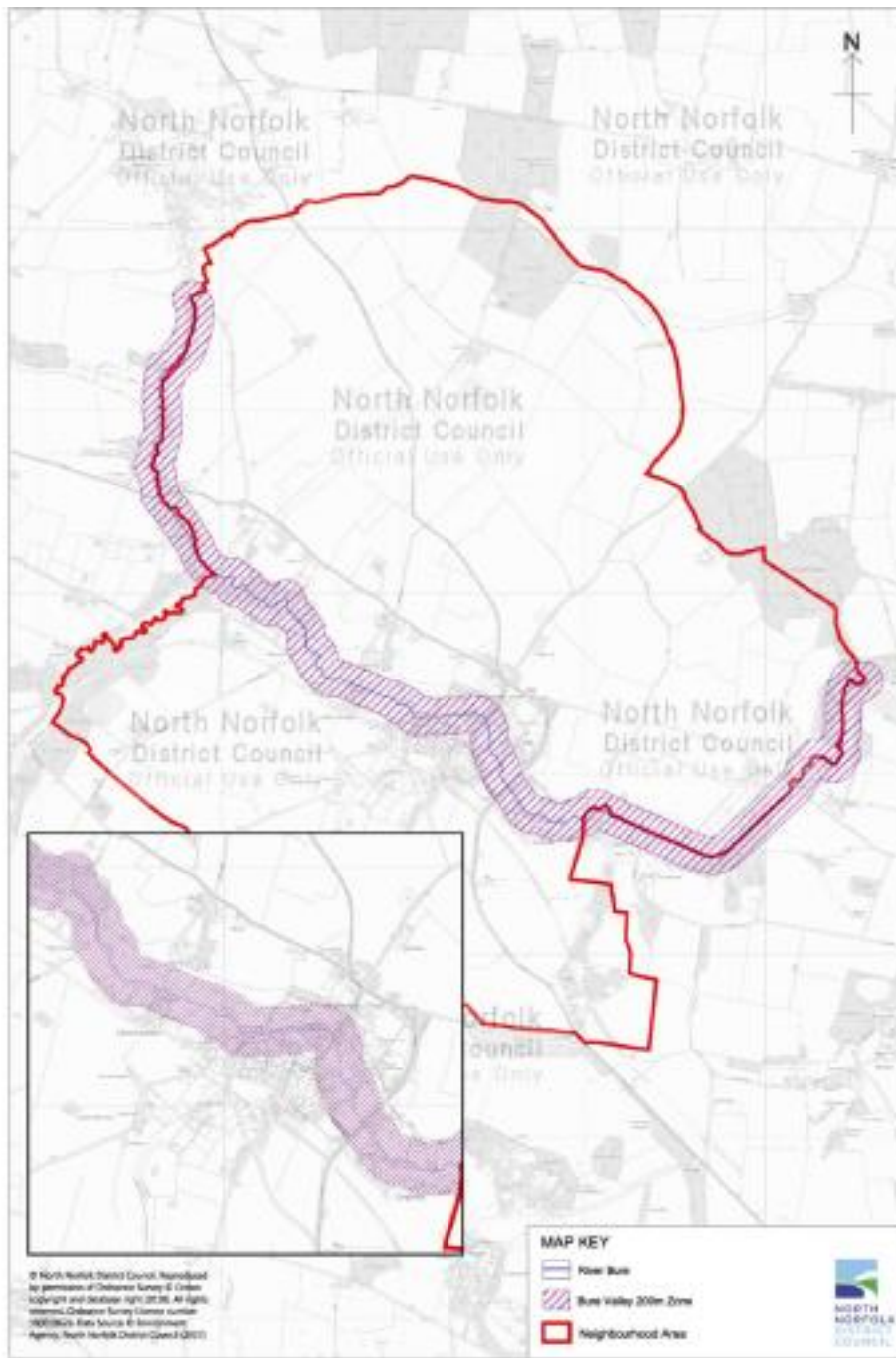


Figure 15 - Corpusty & Saxthorpe: The River Bure & Valley

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HOVETON - PF/21/2644 – Change of use of land to enable siting of up to ten bell tents on a seasonal basis (March - October) and the erection of washroom and wash-up structures and small timber stores building to serve the site and associated infrastructure and car parking.

Field at Grid References 632824.00 318656.94, Long Lane, Hoveton, Norfolk.

Major Development

Target Date: 18th January 2022

Extension of Time: 31st March 2022

Case Officer: Richard Riggs

Full Planning Permission

SITE CONSTRAINTS

Part of site falls within Broads Authority Area
Site lies within a Countryside location in policy terms
Agricultural Land – Grade 3
Landscape Character Area – Low Plains Farmland
Mineral Safeguarding Area
Area of Low Susceptibility of Groundwater Flooding
The Broads Tourism Asset Zone

RELEVANT PLANNING HISTORY

There is no relevant previous history of planning applications on this site. The planning application below is the Broads Authority application for these proposals as a cross-boundary sister application to this application.

Application	BA/2021/0439/FUL (Cross-Boundary Sister Application to PF/21/2644)
Description	Change of use of land to enable siting of up to ten bell tents on a seasonal basis (March - October) and the erection of washroom and wash-up structures and small timber stores building to serve the site.
Decision	Pending Consideration

SITE AND SURROUNDINGS

The site is located c. 1.5km from Hoveton and Horning along Long Lane. At present, the site is being used as a field for arable farming under the ownership of the Hoveton Estate. The site measures c. 0.8ha and is inclusive of part of the agricultural field and an existing private vehicular access from Long Lane to the east. The site is bisected by a Public Right of Way (Palmer's Lane) which leads from Long Lane to the north to the A1062 (Horning Road) to the south. A significant local tourist attraction, Bewilderwood, is located adjacent to the site to the south.

THIS APPLICATION

This application proposes the change of use of an existing arable field to enable siting of up to ten bell tents on a seasonal basis (March - October) and the erection of washroom and wash-up structures, and a small timber stores building to serve the site, plus associated infrastructure and car parking.

The site lies partially within the Broads Authority Area (to the east of Palmer's Lane). This area includes the proposal for the means of access via Long Lane and the proposed car parking and refuse storage and collection areas. A sister application has been submitted to the Broads Authority for consideration. Both applications are to be determined separately by their respective Local Planning Authority.

The following documents, reports, and information have been submitted in support of this application:

- Application form
- Location plan
- Proposed site plan
- Wash-up shack plans and elevations
- Stores building plans and elevations
- Wash shack plans and elevations
- Cycle stands plan
- Car park details plan (including bin store)
- 6m bell tent typical details
- Proposed landscaping plan
- Planning Statement (including Design and Access Statement)
- Surface water drainage addendum
- Preliminary Ecological Appraisal
- Transport Statement
- Foul Drainage Assessment
- Access Visibility Spay (Preliminary Design) Plan
- Access/Passing Place Proposals (Preliminary Design) Plan

REASON FOR REFERRAL TO COMMITTEE

Cllr Nigel Dixon and Cllr Gerard Mancini-Boyle have called-in this application citing highways safety and sustainability concerns and an objection from Hoveton Parish Council.

CONSULTATION RESPONSES

Local Members:

Cllr Nigel Dixon (Hoveton & Tunstead) – Requires the application to be called-in to committee in the case of a recommendation to approve, citing highways safety and sustainability grounds. If refusal is recommended, Cllr Dixon is content for a decision to be made under Delegated Powers (18/11/2021).

Cllr Dixon corresponded directly with the Highway Authority on 18/11/2021. In this, issues around adverse highways impacts and restricting the use of Long Lane were highlighted. Cllr Dixon notes that Long Lane is an important local walking and cycling route and raises questions about the levels of predicted traffic arising from the proposal and the knock effects to highways safety and leisure amenity. He also notes previous applications by Bewilderwood to provide vehicular access via Long Lane, which have been rebutted.

Cllr Gerard Mancini-Boyle (Hoveton & Tunstead) – Is content for the application to be determined under delegated powers (16/11/2021).

Additional comment (18/11/2021) – Agrees with Cllr Dixon's approach to call-in the application

in case of a recommendation for approval, citing that “Long Lane is not a road designed for excess traffic. The Parish Council have objected to this application”.

Town/Parish Council:

Hoveton Parish Council – Objects to the proposal.

“Hoveton Parish Council strongly objects to the application owing to the unsuitable nature of the access along Long Lane. The Transport Statement submitted with the application suggests a possible 25% increase in traffic flows along a rural lane which is well used by pedestrians and cyclists, including those from cycle hire facilities on the Bewilderwood site. The mix of vehicles will also change, with an increase in commercial and service vehicles accessing the site. The Council feels that the highway infrastructure is highly unsuitable and threatens the use of Long Lane for recreation by local residents.”

North Norfolk District Council:

Conservation & Design – Does not wish to offer any comments.

Landscape Officer – No objections subject to conditions.

Environmental Health – No objections subject to advisory notes.

Building Control – No comments received.

Norfolk County Council:

Highways Authority – No objections subject to conditions.

Minerals & Waste Authority – No objections.

Lead Local Flood Authority – Does not wish to comment.

Public Rights Of Way & Green Infrastructure – No objections subject to conditions.

External Consultees:

Broads Authority – Are determining application BA/2021/0439/FUL for the same proposal in the Broads Authority area.

Environment Agency – No comments received.

REPRESENTATIONS

No representations were received during the public consultation period from 26/10/2021 to 16/11/2021.

One letter of objection was received on 19/11/2021. Under Paragraph 034 of the National Planning Policy Guidance (NPPG) on Consultation and Pre-Decision Matters (Reference ID: 15-034-20190723), dated 23/07/2019, Officers are content to take this comment into consideration in determining this application.

The key points raised in OBJECTION are as follows:

- Previous advice stated that Long Lane and the rear entrance of Bewilderwood would only be used for delivery and maintenance vehicles servicing the site.
- Long Lane is narrow and hazardous already for cyclists and pedestrians and a 25% increase in traffic from the proposal would exacerbate this.
- If granted, a reduction of the speed limit to 30mph or 20mph should be introduced on Long Lane with the developer covering the costs.
- The proposed improvements of one or two vehicle passing places is unacceptable and the proposal should instead provide six; 50% of these should be funded by the applicant.
- An existing glamping site at Bewilderwood has already increased traffic volume in the area from that predicted.
- There is an opportunity to access the proposed site from Horning Rd (down Palmer's Lane).
- The reduction and loss of the Basic Payment Scheme should not be used as an excuse for the development; this is a political matter.
- Bewilderwood is already seeing a 60% increase in visitor numbers than expected with a similar increase in predicted traffic through Hoveton.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to:

- Article 8: The Right to respect for private and family life.
- Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

STANDING DUTIES

Due regard has been given to the following duties:

Environment Act 2021
Equality Act 2010
Crime and Disorder Act, 1998 (S17)
Natural Environment & Rural Communities Act 2006 (S40)
The Conservation of Habitats and Species Regulations 2010 (R9)
Planning Act 2008 (S183)
Human Rights Act 1998
Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life
Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

RELEVANT POLICIES

North Norfolk Core Strategy 2008:

Policy SS 1 – Spatial Strategy for North Norfolk
Policy SS 2 – Development in the Countryside

Policy SS 4 – Environment
Policy SS 5 – Economy
Policy SS 6 – Access and Infrastructure
Policy EN 1 – Norfolk Coast Area of Outstanding Natural Beauty and The Broads
Policy EN 2 – Protection and Enhancement of Landscape and Settlement Character
Policy EN 4 – Design
Policy EN 8 – Protecting and Enhancing the Historic Environment
Policy EN 9 – Biodiversity & Geology
Policy EN 10 – Development and Flood Risk
Policy EN 13 – Pollution and Hazard Prevention and Minimisation
Policy EC 1 – Farm Diversification
Policy EC 7 – The Location of New Tourism Development
Policy EC 9 – Holiday and Seasonal Occupancy Conditions
Policy EC 10 – Static and Touring Caravans and Camping Sites
Policy CT 2 – Developer Contributions
Policy CT 5 – The Transport Impact of New Development
Policy CT 6 – Parking Provision

MATERIAL CONSIDERATIONS

Supplementary Planning Documents (SPDs):

North Norfolk Landscape Character Assessment SPD (January 2021)
North Norfolk Design Guide SPD (December 2008)

National Planning Policy Framework (NPPF):

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision-making
Chapter 6 – Building a strong, competitive economy
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

The North Norfolk Local Plan (Reg 19) submission

The Council's new Local Plan has been subject to Reg 19 consultation which closed on 07 March 2022. The Local Plan carries limited weight at this stage in decision making terms.

OFFICER ASSESSMENT

Main Issues to consider:

1. **Principle of Development**
2. **Highways Safety**
3. **Landscape**
4. **Design**
5. **Ecology and Biodiversity**
6. **Amenity**
7. **Flooding Risk and Drainage**
8. **Heritage**
9. **Other Material Considerations**

10. Planning Balance and Conclusion

1. Principle of Development

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Core Strategy (2008) (CS) and the Site Allocations Development Plan Document (DPD) (2011). Other material considerations under which the proposal will be considered also include the National Planning Policy Framework (NPPF), published in 2012 and updated in 2019 and 2021, and the North Norfolk Supplementary Planning Documents on design and landscape character.

Spatial Strategy

Under the Council's spatial strategy Policy SS 1, the proposal is located in the Countryside. The policy states that development in the Countryside will be restricted to particular types of development, in part to support the rural economy.

Policy SS 2 requires that new developments in the Countryside demonstrate that they require a Countryside location and meet at least one of a closed list of criteria. In this instance, the proposal is considered to meet the *recreation and tourism* criterion. Officers consider that the proposal can also demonstrate a Countryside location requirement due to its proposed use as a rural glamping site which could not easily be accommodated within a settlement development boundary.

Given the above, Officers consider that the proposal is in accordance with Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy.

Economy

Policy SS 5 is supportive of encouraging new tourist accommodation which helps to diversify the offer and extend the season. In doing so, the policy requirements caveat that proposals must not have a significant effect on the environment, and cycling, walking and heritage tourism will be encouraged by promoting and enhancing long distance walking/cycling routes and heritage trails. It is also broadly supportive of farm diversification in supporting the rural economy.

Farm Diversification

Policy EC 1 defines farm diversification as *the introduction of non-agricultural enterprises or novel agricultural enterprises into existing farm business / complex to support the agricultural enterprise*. Paragraph 3.4.4 of the supporting text makes specific reference to tourism as a means of diversification.

The policy requires that proposals make a demonstrable ongoing contribution to sustaining an agricultural enterprise as a whole, and do not involve new build development on undeveloped sites. The exceptions for the latter point include where the proposal is directly related to the agricultural business and the re-use or redevelopment of existing buildings on-site is not feasible, or opportunities for the demolition and re-building of existing buildings exists. In all cases, the proposed floor space should not exceed 250 sqm.

Paragraph 3.4.4 of the policy's supporting text also states that *new build development will be*

discouraged except where it is regarded as the only viable option and where new building on undeveloped sites is necessary, the intention is to ensure that the size of any such development is limited.

NPPF (Chapter 6) Paragraph 84(a), (b) and (c) requires that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas through the conversion of existing buildings and well-designed new buildings, the development and diversification of agricultural and other land-based rural businesses, and enable sustainable rural tourism and leisure developments which respect the character of the surrounding countryside.

In support of this application, the applicant has submitted information relating to the Department for Environment, Food & Rural Affairs' (DEFRA) 'Moving away from Direct Payments (Agriculture Bill: Analysis of the impacts of removing Direct Payments) (September 2018) report. This details that following the phasing out of Direct Payments, economic diversification could improve farm profitability. The Agriculture Act 2020 also legislates for the phasing out Direct Payments by 2028, to be replaced with an Environmental Land Management System.

The applicant has also submitted information in line with the policy requirements. This states whilst the proposal seeks to implement a means of farm diversification (in that it seeks to implement a new economic use to address concerns over the phasing out of Direct Payments), there are currently no feasible opportunities elsewhere within the Hoveton Estate to accommodate such a proposal which would be able to make use of an existing building which is not already in use. The Planning Statement further details that the proposal will be considerably less than 250 sqm (being c. 86.4 sqm of built form) as required by the policy.

Officers note the information provided in support of the proposal, and recognising the public representation received questioning the use of Direct Payments as a qualifying tool for the enactment of Policy EC 1, it is considered that the rationale behind the submission of the proposal as a means of farm diversification is acceptable, in line with the policy requirements and the NPPF.

In considering the proposal against the policy requirements, Officers note that the proposal is unable to fully demonstrate that the proposal could not be accommodated elsewhere within the Hoveton Estate. Whilst Officers acknowledge the applicant's recognition of this in the Planning Statement, without the submission of a full sequential assessment of the Hoveton Estate's land holding, Officers are unable to fully assess the holding's existing provision and capability of hosting such a proposal elsewhere therein in accordance with the policy requirements.

As such, Officers note that the proposal forms a departure from Policy EC 1. However, Officers also note the slightly more permissive requirements of NPPF (Chapter 6) Paragraph 84(a), (b) and (c). This policy departure will be weighed against the other policy and material considerations inherent in this application in the Planning Balance in Section 10 of this report.

Location of New Campsites

Policy EC 7 requires that new tourist accommodation should be located following a sequential approach. Within the Countryside, proposals should demonstrate accordance with other policies concerning the re-use of buildings, and extensions to existing businesses in the Countryside. If there are no sequentially preferable sites in respect of the above, new serviced tourist accommodation may be permitted in specific Tourism Asset Zones where they are in close proximity and have good links to Principal and Secondary Settlements. Proposals for

new build *unserviced* holiday accommodation in the Countryside will be treated as though they are permanent residential dwellings and will not be permitted.

As the proposal is for the siting of up to 10 self-catered glamping tents, with minimal on-site infrastructure, this is considered to be *unserviced* holiday accommodation. As such, the proposal is considered not to be in accordance with Policy EC 7 in this instance. This policy departure will be weighed against the other policy and material considerations inherent in this application in the Planning Balance in Section 10 of this report.

Policy EC 10 states that new camping sites will not be permitted within the Norfolk Coast AONB, Undeveloped Coast or Flood Zone 3. Elsewhere proposals will be judged against other Development Plan policies. As the proposal does not fall within any of these constraint areas, the proposal is considered to be in accordance with Policy EC 10.

Emerging Local Plan (Regulation 19)

Officers note that the North Norfolk Emerging Local Plan (ELP) is currently at Regulation 19 stage. As such, Officers are only able to attribute limited weight to emerging policies but recognise the direction of travel demonstrated by the ELP in terms of the location of new tourism development. It is understood that emerging policies may be subject to change during the course of an upcoming examination prior to adoption of the ELP. The existing Development Plan policies therefore remain the determining policy considerations under which Officers must assess the proposal.

2. Highways Safety

Sustainable Location

Policy SS 6 requires that new development should be supported by, and have good access to, infrastructure, open space, public services and utilities. There should also be sufficient capacity in existing local infrastructure to meet the additional requirements arising from development, or suitable arrangements have been secured for any necessary improvements. Sustainable and active travel opportunities should also be promoted through new development.

NPPF (Chapter 6) Paragraph 85 states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

The site is located c. 1.5km walking distance from Horning and c. 3km walking distance from Hoveton along Horning Rd (A1062). Horning Rd provides a footpath and incorporated cycle lane along its entirety from Hoveton to Horning (the Three Rivers Way). The site is also served by a bus stop at the south of Palmer's Lane, although the service is relatively infrequent at circa once every two hours. Officers also note that there is an existing local cycle hire provision just south east of the site within Bewilderwood. Vehicular access to and from the site would be via Long Lane.

This site is also located c. 300m north of an existing glamping site, permitted under Broads Authority application BA/2019/0058/FUL. Paragraph 5.3 of the Committee Report for this application details that this proposal was considered to be in sustainable location for reasons

of connectivity to nearby settlements and its association with Bewilderwood. Officers note that this proposal is not directly related to Bewilderwood, although it has been submitted by the same applicant as the existing campsite.

The Highway Authority have been consulted on the proposal. They note that although the site falls within a remote location and will require travel by car, once guests are on site, trip generation can be relatively low as holiday makers will likely stay on site or travel on foot or by bike locally. They also raise the point that campsites of this size can be licensed without the need for planning consent under time-limited Permitted Development Rights (currently 56 days per year); although the permanent siting of the stores and washing facilities would not be able to be accommodated under this route. The Highway Authority therefore does not object to the proposal in terms of its accessibility in principal.

Given the above, and the comments received from the Highway Authority, Officers note that the proposal offers reasonable access to local goods and services for holiday accommodation and offers access to sustainable and active travel opportunities; although some reliance on car travel will still be required for some journeys. Officers also note the proposed time-limited period for use of the campsite between March and October which will limit the increased traffic generation associated with the proposal to the main tourism season.

Officers therefore consider that the proposal is in broad accordance with the requirements of Policy SS 6 and NPPF (Section 6) Paragraph 85.

Site Access via Long Lane

Policy CT 5 requires that proposals are designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. Proposals should also provide safe and convenient access for all, be capable of being served by a safe highways access without detriment to the local amenity or character, do not involve access onto a Primary Route, are able to accommodate the expected volume of predicted traffic, and do not have significant transport implications.

NPPF (Chapter 9) Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed site access is via an existing vehicular access on Long Lane. Long Lane is a rural country road operating at the national speed limit.

Officers note the comments received from Hoveton Parish Council, local members, and a member of public; all of whom have objected to the proposal. These objections are principally predicated on an increase in traffic associated with the proposal using Long Lane, the effects of traffic on other road users, and the restriction of access to the rear of Bewilderwood.

The submitted Highways & Access Review Technical Note and Transport Statement states that the predicted increase in traffic volume on Long Lane during the operating season of the proposal would be approximately 25%. An Automatic Traffic Survey, undertaken by the applicant's consultant between 10th – 16th June 2021, shows a daily traffic flow of c. 195 vehicles using Long Lane. Officers consider that a 25% increase on current levels of usage would represent a relatively modest change in the actual volume of traffic using Long Lane as a result of the proposal. The Highway Authority has not raised any objection in light of these figures and consider that appropriate mitigation (as detailed below) can be sought to offset the highways concerns arising from the proposal.

Officers note that the proposed site access falls within the Broads Authority area. As such, only broad conclusions can be drawn within this assessment on this particular aspect, as the Broads Authority are considering this aspect of the proposal under application BA/2021/0439/FUL. With this in mind, and without prejudicing the outcome of the Broads Authority application, Officers note Highway Authority comments and suggested conditions in relation to the formation of a new restricted site entrance that has been designed to filter site traffic westwards from the site towards the A1151 in Hoveton, rather than allow vehicles to turn east towards Horning. Given the above, Officers consider the proposed site access to be acceptable.

Policy CT 2 requires that on schemes of 10 or more dwellings and substantial commercial development where there is not sufficient capacity in infrastructure, services, community facilities or open space, improvements which are necessary to make that development acceptable are secured by planning conditions.

The Highway Authority has identified appropriate mitigation opportunities against the increased traffic generation associated with the proposal along Long Lane in the form of formalising three vehicle passing places between the site entrance and the junction with the A1151. These would allow for the improved passage of traffic along Long Lane and reduce the risk of vehicles being damaged by unpaved, informal passing places. The formalisation of these passing places would also demark them as such and promote their appropriate use by all road users as a safe area for passing. The areas identified either fall within Highway Authority land or within the blue line ownership boundary of the applicant. Therefore, the Highway Authority are satisfied that these can be secured via conditions. Officers note the policy compliance with regards to developer contributions and will consider this mitigative highways safety provision against the other policy and material considerations inherent in the proposal in the planning balance in Section 10 of this report.

Notwithstanding the objections received in highway safety terms from Hoveton Parish Council, local members, and a member of the public, Officers consider that the proposal is in accordance with the requirements of Policies CT 2 and CT 5 of the adopted North Norfolk Core Strategy and NPPF (Sections 6 and 9), particularly Paragraph 111.

Car and Cycle Parking Provision

The proposal provides 13no. car parking spaces and 9no. cycle stands. The cycle stands are to be located adjacent to the wash blocks on the campsite itself and take the form of small wooden frames. The car parking spaces are to be located to the east of the Public Right of Way (PRoW), at the south of the existing entrance track from Long Lane.

The car parking spaces will be demarcated by logs, with the car park boundary being delineated with a 0.9m timber knee rail. The spaces measure 5m x 2.5m and are bounded to the east by a 9m x 14m service vehicle manoeuvring area to facilitate appropriate vehicle turning facilities on-site.

Appendix C: Parking Standards of the adopted North Norfolk Core Strategy does not identify specific car or cycle parking provision for campsites. However, Officers consider that 13no. car parking spaces to be sufficient for 10no. tents which are likely to be let by families and/or small groups of holidaymakers.

As the proposed cycle stands will be able to accommodate two cycles each, there is provision for 18no. cycles on-site. This is considered to be adequate provision (c. 2no. cycles per tent), particularly as there is also an existing local cycle hire provision to the south east of the site.

As such, Officers consider that the proposal is in accordance with Policy CT 6 of the adopted North Norfolk Core Strategy.

3. Landscape

Impacts on The Broads

The site lies partially within the Broads Authority area (east of Palmer's Lane). Policy EN 1 requires proposals to be appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area, and does not detract from the special qualities of The Broads.

NPPF (Chapter 15) Paragraph 176 requires that great weight should be given to conserving and enhancing landscape and scenic beauty in The Broads. It also requires that the scale and extent of development within The Broads should be limited, while development within its setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

NPPF (Chapter 15) Paragraph 177 also requires that major developments within the Broads should be refused, other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. However, the definition of a major development in this regard is open to interpretation and is a matter for the decision-maker, taking into account the nature, scale and setting of the proposal and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. It is not predicated on the administrative definition of a major development as found in Part 1 Section 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended); that being development carried out on a site having an area of 1 hectare or more.

In this instance, Officers do not consider the proposal to be a major development under NPPF (Section 15) Paragraph 177 with regards to the criteria as set out above. Its proposed use as a relatively intimate and modest campsite for seasonal use only in a rural area – yet adjacent to Bewilderwood – and the biodiversity net gains able to be secured (see Section 4), are considered to mitigate its potential classification as a major development under NPPF.

The proposal is also considered to be appropriate in policy terms; specifically due to its impacts on the economic and social well-being of the area as a new tourism development, by facilitating access to the outdoors to the public and the creation of new employment opportunities (see Section 9).

Officers note that the eastern half of the proposal (access and car parking area) falls within the Broads Authority area. As such, only broad conclusions can be drawn within this assessment, as the Broads Authority are considering this aspect of the proposal within application BA/2021/0439/FUL. With this in mind, and without prejudicing the outcome of the Broads Authority application, Officers consider that this aspect of the proposal will likely be acceptable under NPPF (Chapter 15) Paragraph 176, as minimal necessary engineering works are sought which would detrimentally impact on the special qualities of The Broads, and mitigative design and landscaping treatments have been proposed by the applicant, which are detailed throughout this report.

Given the above, Officers consider that the proposal is in accordance with Policy EN 1 of the adopted North Norfolk Core Strategy and NPPF (Section 15), particularly Paragraphs 176 and 177 in this instance.

Impacts on Landscape Character Area

The site lies within the Low Plains Farmland Landscape Character Area as defined by the North Norfolk Landscape Character Assessment SPD. Policy EN 2 requires that proposals should be informed by, and be sympathetic to, their distinctive character areas. They should also demonstrate that they will protect, conserve, and where possible enhance the special qualities and local distinctiveness of the area.

Landscape Officers have reviewed the proposal in terms of its landscape visual impacts. They note that as the site is already bounded by heavy landscaping to the south, the predominant visual impacts will be seen from Long Lane and Palmer's Lane. As such, they require the strengthening and gapping up of the northern and eastern site boundaries (of the campsite area specifically) as mitigation. The proposal also introduces additional native species hedgerows within the agricultural field to further restrict views and minimise the visual amenity impact of the campsite. The applicant has agreed to the mitigations above and these will be secured by conditions. In light of this, Officers consider that the proposal can be accommodated on this site without causing a significant detrimental impact to the special qualities of the landscape area. No detrimental arboricultural impacts are expected from the proposal.

Landscape Officers also note, however, that the increase in traffic during the months of operation is likely to alter the character of the local rural lane network to some extent. Although the potential impact is expected to be modest, it is noted that this change would be seasonal between March – October. Officers consider that whilst there will be some inevitable impact from increased traffic in the area, it is unlikely to cause a significantly detrimental impact on the character of the surrounding landscape, as the area will remain predominantly rural in nature.

As such, Officers consider that the proposal is in accordance with Policy EN 2 of the adopted North Norfolk Core Strategy in this instance.

4. Design

Policy EN 4 requires that all developments are designed to a high quality and reinforce local distinctiveness. Design should also preserve and/or enhance the character and quality of the area. Similarly, NPPF (Chapter 12) Paragraph 130 requires that proposals will be visually attractive, function well and add to the overall quality of an area in the long-term, provide a strong sense of place, optimise the site, and create safe and inclusive places.

The site is laid out to the south eastern corner of the agricultural field and extends to cover circa one-third of the field area. The main built form in respect of the amenity shacks are located at the edge of the existing woodland to the south of the site, with the tents being pitched around the edge of the remaining camping area. The remainder of the campsite will be left as open space.

The proposed buildings on-site (semi-covered pre-fabricated wash-up shacks, wooden stores building, and wash shacks (showers and WCs)) are proposed to be finished in a range of materials which tie in to the agricultural vernacular of the area; such as timber cladding, corrugated sheet metal, and the use of ironmongery for door hinges on the showers/WCs. The proposed footprints of the structures, including bases, are c. 24 sqm for 2no. wash-up shacks, c. 32.4 sqm stores building, and c. 30 sqm for 8no. wash shacks (4no. showers and 4no. WCs); a combined total of c. 86.4 sqm.

The proposed bell tents do not include the provision of permanent hard bases, or any other associated infrastructure.

Given the above, Officers consider that the proposal would be suitably designed for its location and context and would make good use of appropriate materials, as well as making efficient use of the site. Therefore, the proposal is considered to be in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy and NPPF (Section 12), particularly Paragraph 130.

5. Ecology and Biodiversity

Policy SS 4 states that new development will incorporate open space and high quality landscaping to provide attractive, beneficial environments for occupants and wildlife. It also states that where there is no conflict with biodiversity interests, the quiet enjoyment and use of the natural environment will be encouraged and all proposals should seek to increase public access to the countryside.

Policy EN 9 requires that proposals should protect the biodiversity value of the land, maximise opportunities for restoration, enhancement and connection of natural habitats, and incorporate beneficial biodiversity conservation features where appropriate. NPPF (Chapter 15) Paragraph 174(d) also requires proposals to minimise impacts on and provide net gains for biodiversity.

The applicant has submitted a Preliminary Ecological Appraisal (PEA) of the site and its surroundings. This details that the proposal would *lead to an overall moderate beneficial gain for biodiversity at the site*, subject to the implementation of ecological enhancements. These include the introduction of new native planting on the site, the gapping up of existing hedgerows, and timings of works throughout the year to not detrimentally impact on the local flora and fauna.

The site is also in relatively close proximity to a pond circa 140m south of the site. As such, the potential for Great Crested Newts (GCN) must be taken into consideration. The PEA notes access limitations to the pond to be able to undertake a full GCN assessment. Notwithstanding this, the PEA also details that *the risk of negative impacts upon great crested newt as a result of the proposed development are [sic] considered negligible*.

The PEA further details that amphibians, whilst capable of traversing arable fields, *the field margins and boundary habitats provide greater shelter from predation and are more likely to act as a wildlife corridor*. Officers also note that the proposal site is currently regularly farmed with associated ploughing and other such activities causing relatively major disturbances.

Landscape Officers note the limitations and findings in the PEA and concur with its conclusions, further stating that a GCN survey would be disproportionate. However, they recommend a Precautionary Method Statement for GCN and a Biodiversity and Landscape Mitigation and Enhancement Strategy to be secured by conditions as protective measures. This is to ensure that on the off-chance of GCN presence found on the site, works are stopped until further assessment and remediation can take place.

In reviewing the supporting information for this application, Landscape Officers note that the proposal, together with the ecological enhancements able to be secured, would result in a net gain for biodiversity. Officers are content to secure the appropriate conditions with the applicant to ensure a biodiversity net gain, as well as a Landscape Management Plan to ensure that the site continues to be managed appropriately. The Broads Authority have also

suggested conditions specifically relating to the access road and car parking area, which can be incorporated into the relevant plans and strategies highlighted above.

As such, Officers consider that the proposal is in accordance with Policies SS 4 and EN 9 of the adopted North Norfolk Core Strategy and NPPF (Section 15), particularly Paragraph 174.

6. Amenity

The proposal is located in a rural area which is dominated by agricultural fields and Bewilderwood. The closest residential properties to the site are located c. 160m south west, c. 200m north west, and c. 165m north east. Amber's Bell Tent Camping is located c. 290m south of the site. The site borders Bewilderwood to the south. A Public Right of Way (Palmer's Lane) bisects the access road and car parking area from the main campsite area.

Residential Amenity

Given the separation distances to neighbouring properties and the proposal site, and the timescales of operation during the year, the proposal is not expected to have a significant detriment impact on the residential amenities of neighbouring occupiers. To this end, the Environmental Protection Team have raised no objection to the proposed development. Officers consider that given the proposed use of the site as a campsite, some level of noise, odour and perhaps smoke are expected due to the outdoor nature of the use, as well as potential incidental use of BBQs, fire pits, etc.

To ensure the appropriate use of the campsite in these terms, Officers will secure a Campsite Management Plan by conditions to expressly set out the site's rules and regulations for holidaymakers, as well as a reporting mechanism for any incidents to the operators. The applicant has also confirmed that staff will visit the site on a daily basis during operation between March to October to ensure that any issues arising are dealt with proactively.

Given the scale of the proposal, time-limited use, and separation distances between the site and existing residential dwellings, as outlined above, Officers do not expect a significant detrimental impact to the residential amenity of neighbouring occupiers.

Light

The only proposed structure on the site which will include provision for internal lighting will be the stores building. The internal light will operate on a timer switch which will automatically turn off after a set period of time so as not to unduly illuminate the structure, particularly at night. None of the proposed structures on-site include the provision of external lighting.

Given the minimal and set-timed on-site lighting, Officers consider that this would not be of significant detriment in terms of creating an increase in light pollution. The only other light generated on-site will be incidental from car headlights, torches and lanterns used by guests.

As the closest residential dwellings are a considerable distance away from the site, no significant detrimental effect on the residential amenity of neighbouring occupiers is expected. Conditions shall be secured to ensure no permanent external lighting is installed on the site to maintain good levels of amenity and to avoid detrimental impacts on local wildlife and the site's rural and remote character.

Refuse/Waste

The main refuse and waste storage on-site will be located adjacent to the car parking area and will provide both general and recycling waste bins (1no. 1100 litre bin of each). There will also be domestic-scale bins located within the campsite's stores building. The applicant has confirmed that waste collection will be provided via a private commercial waste contractor, and that service vehicle turning has been accommodated to the east of the car park. Environmental Health have raised no concerns and Officers will secure the refuse and waste storage and collection area via conditions.

With regards to the areas of amenity assessed in this report concerning potentially polluting aspects of use of the proposal, Officers consider that the proposal is in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

Public Right of Way

A Public Right of Way (PRoW), known as Palmer's Lane (Hoveton Restricted Byway 7), bisects the site between the campsite to the west, and the access road and car parking area to the east. The proposal does not impede or impinge on the access rights of users and does not include provision for activities which may damage or significantly deteriorate the PRoW. Norfolk County Council Green Infrastructure do not object to the proposal, but note that the full legal extent of the PRoW must remain open and accessible for the duration of the development and its subsequent operation.

7. Flooding Risk and Drainage

Flooding Risk

The site lies within Flood Zone 1 as defined by the Environment Agency and has a low probability of fluvial and surface water flooding. Officers are aware of a large area of Flood Zone 2 circa 156m to the south of the site; a waterway within Bewilderwood. However, it is also noted that the site lies at a higher elevation than the Flood Zone 2 area and is separated by Bewilderwood's heavily wooded northern sector.

Policy EN 10 requires that developments located within Flood Zone 1 areas surrounded by areas of Flood Zone 2 are required to prove that safe access/egress exists for the site. As the site's access is located to the north, away from the Flood Zone 2 area and off Long Lane, and the site access makes provision for surface water drainage, Officers consider that a safe site access/egress in these terms has been demonstrated.

The site is also shown to be in an area with a less than 25% susceptibility to groundwater flooding, based on the Council's Strategic Flood Risk Assessment (Map NN_64). As such, Officers consider that, due to the size and use of the proposal, the likelihood of it increasing this risk, or being significantly detrimentally affected by a groundwater flooding event to be unlikely.

Surface Water Drainage

The applicant submitted an addendum to the Planning Statement on 08/02/2022 detailing the proposed surface water drainage strategy for the site. This details that the primary method of on-site surface water drainage will be via infiltration through permeable materials laid underneath the proposed structures. There are no proposed footpaths within the site, therefore the majority of surface water will be drained naturally through the field. The proposed stores building will also be equipped with a surface water overflow via a water butt. The proposed car parking area will be constructed from permeable materials to allow surface water drainage in this area, and the site entrance at the junction with Long Lane will be provided with a new

gullies and a filter drain or soakaway. This would be determined in liaison with the Highway Authority through the implementation of conditions for the construction of the site entrance.

The Lead Local Flood Authority have opted not to comment on the proposal, but advise that the Council should be satisfied that the proposal is in accordance with the NPPF and other guidance. Officers consider that the surface water drainage proposals are appropriate for the use, size and scale of the proposal, and that it would be unlikely to have a detrimental effect on surface water flooding risk on or around the site.

Foul Water Drainage

The applicant is proposing the installation of a package treatment plant on-site to treat and discharge waste water. Due to the required size of the plant based on the projected number of visitors, an Environmental Permit will be required for its operation. This will be sought from and overseen by the Environment Agency and will set out the appropriate parameters for treated water discharge on-site. The applicant has explored the use of a mains sewer connection, however this is located c. 700m south of the site and was not deemed to be a feasible option.

Although the Environment Agency have not commented on the proposal, the applicant has used the Environmental Permit formula to determine the acceptability of a package treatment plant on this site. Environment Health Officers raise no objections to the plant. The submitted Foul Drainage Assessment also details that the plant will be in accordance with the relevant British Standards, and will be regularly maintained and cleaned out. Estate staff will also be on-site daily during the camping season to identify any issues.

Having assessed the proposal in terms of flood risk and surface and foul water drainage, Officers consider that the proposal is in accordance with Policy EN 10 of the adopted North Norfolk Core Strategy and NPPF (Section 14) in this instance.

8. Heritage

Under the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and NPPF (Chapter 16) Paragraph 200, special attention is to be paid to the desirability of preserving or enhancing the character or appearance and settings of Listed Buildings or any features of special architectural or historic interest, and the character of the Conservation Area.

In considering development proposals affecting heritage assets, Core Strategy Policy EN 8 sets out that 'Development that would have an adverse impact on [...] special historic or architectural interest will not be permitted'. However, this element of Core Strategy Policy EN 8 is now not fully consistent with the guidance set out in the National Planning Policy Framework which is more permissive towards allowing development affecting heritage assets but only where there are clear and convincing public benefits in favour, in accordance with the statutory requirements set out above.

The site lies c. 160m north east of the Grade II Listed North Farmhouse. Officers note that between the site and the Listed heritage asset is c. 90m of woodland. Conservation and Design Officers have commented that the proposal *is unlikely to have any notable impact on the setting of the nearby listed building given the distance between the heritage asset and the application site*. Officers concur with this appraisal and, as such, consider that the proposal is in accordance with Policy EN 8 of the adopted North Norfolk Core Strategy and NPPF (Chapter 16). In reaching this position, Officers have had due regard to the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Other Material Considerations

Occupancy Restrictions

Policy EC 9 requires that holiday occupancy restrictions are placed on new unserviced holiday accommodation to ensure that proposals are not used as a sole or main residence, are available for commercial holiday lets for at least 140 days a year and no let must exceed 31 days, and a register of lettings/occupation and advertising is maintained at all times and made available for inspection on request.

The policy requires that further seasonal occupancy conditions where the accommodation is not suitable for year-round occupation by nature of its location, design or proximity to a habitat that needs extra protection at certain times of year.

The proposal seeks permission for March – October holiday occupancy of the campsite. As such, Officers are content to secure conditions for seasonal occupancy to ensure compliance with the proposal. The conditions to be secured will include provision for a register of lettings and advertising of the site. Holiday occupancy shall similarly be secured to further ensure compliance with the description of the proposal. As such, Officers consider that the proposal is in accordance with Policy EC 9 of the adopted North Norfolk Core Strategy.

Job Creation

The applicant has submitted information pertaining to the creation of 3 new part-time jobs being able to be secured by the applicant, owing to the additional income generated as a result of the proposal. The public benefits of job creation are broadly supported by Policy SS 5 of the adopted North Norfolk Core Strategy and NPPF (Section 6), particularly Paragraph 84.

Officers consider that job creation as a direct result of a proposal should be considered as a material consideration in its own right which carries its own weight. This and the other policy and material considerations will be further assessed in the planning balance at Section 10 of this report.

Pre-Commencement Conditions

The recommendation proposes pre-commencement planning conditions therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such a condition. Notice was served and confirmation of the agreement is currently awaited from the applicant. An update will be provided at the Development Committee meeting.

10. Planning Balance and Conclusion

This application proposes the change of use of land to enable the siting of up to ten bell tents on a seasonal basis (March - October) and the erection of washroom and wash-up structures and small timber stores building to serve the site and associated infrastructure and car parking.

The proposal is considered to be in accordance with Policies SS 1, SS 2, SS 4, SS 5, EN 1, EN 2, EN 4, EN 8, EN 9, EN 10, EN 13, EC 9, and EC 10 of the adopted North Norfolk Core Strategy. The proposal is also considered to be in broad accordance with Policy SS 6 of the adopted North Norfolk Core Strategy.

Conversely, the proposal is considered to form departures from Policies EC 1 and EC 7 of the adopted North Norfolk Core Strategy, in relation to farm diversification and the location of new unserviced tourism development in the Countryside. These policy departures are considered to underlay the proposal's locational justifications and therefore carry significant weight in determining this application.

Officers also consider, however, that the proposal contains a range of public benefits aside from the policy considerations of the Development Plan. These are considered to be:

- Developing an improved tourism offer;
- Boosting the local economy during the tourism season;
- Introducing biodiversity net gains onto the site;
- Providing 3 new formalised vehicle passing places on Long Lane; and,
- Creating 3 new local part-time employment opportunities.

Officers also note the more permissive nature of the NPPF in terms of supporting a prosperous rural economy and its promotion of sustainable rural tourism and farm diversification opportunities under Paragraphs 84 and 85 than those considered under Policies EC 1 and EC 7.

As such, given the assessment of the proposal against the policies in the adopted North Norfolk Core Strategy, and other material considerations relevant to the proposal, the proposal is found to result in significant benefits in the public interest. Cumulatively, these are deemed to outweigh, albeit marginally, the specific conflicts within the relevant Development Plan policies. As such the proposal can be considered favourably as a departure from adopted Development Plan policy.

RECOMMENDATION

Delegate authority to the Assistant Director of Planning to **APPROVE** subject to the following conditions and any other conditions considered to be necessary by the Assistant Director of Planning:

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

As required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as may be required by specific condition(s):

Plans

- Plan ref: LP-1-A (Location Plan), dated 18/08/2021 and received by the Local Planning Authority on 04/10/2021.
- Plan ref: SP-1-C (Site Plan), dated 25/01/2022 and received by the Local Planning Authority on 25/01/2022.
- Plan ref: LP-1-C (Landscape Plan), dated 25/01/2022 and received by the Local Planning Authority on 20/01/2022.

- Plan ref: CP-1-B (Car Park – Detail), dated 08/02/2022 and received by the Local Planning Authority on 08/02/2022.
- Plan ref: WS1 (Wash-Up Shacks + Wash Shacks), dated 21/03/2022 and received by the Local Planning Authority on 21/03/2022.
- Plan ref: BB-1-B (Building B – Camp Kitchen + Store), dated 21/03/2022 and received by the Local Planning Authority on 21/03/2022.
- Plan ref: BA-1-A (Building A – Wash Up Shack), dated 18/08/2021 and received by the Local Planning Authority on 04/10/2021.
- Plan ref: BB-1-A (Building B – Stores Building), dated 18/08/2021 and received by the Local Planning Authority on 04/10/2021.
- Plan ref: BC-1-C (Building C – WC and Showers), dated 18/08/2021 and received by the Local Planning Authority on 04/10/2021.
- Plan ref: BT-1-A (Bell Tent – Typical Detail), dated 18/08/2021 and received by the Local Planning Authority on 04/10/2021.
- Plan ref: CS-1-A (Cycle Stands), dated 02/11/2021 and received by the Local Planning Authority on 11/11/2021.

Reports

- Ref: 252022 (New Glampsite at Hoveton Estate – Planning Statement), dated 04/10/2021 and received by the Local Planning Authority on 04/10/2021.
- Addendum to Planning Statement: Surface Water, dated 08/02/2022 and received by the Local Planning Authority on 08/02/2022.
- Preliminary Ecological Appraisal, dated August 2021 and received by the Local Planning Authority on 04/10/2021.
- Ref: MA/VL/P21-2344/01TN (Highways & Access Review Technical Note and Transport Statement), dated 24/08/2021 and received by the Local Planning Authority on 04/10/2021.
- Foul Drainage Assessment, dated 18/10/2021 and received by the Local Planning Authority on 18/10/2021.
- Correspondence from the Agent (Principal Planning) re: PF/21/2644 – Hoveton (Refuse Collection), dated 08/02/2022 and received by the Local Planning Authority on 08/02/2022.

Reason:

For the avoidance of doubt and to ensure that the development is built to an appropriate quality standard of design and does not detrimentally effect the surrounding landscape or nearby heritage assets, in accordance with Policies EN 1, EN 2, EN 4, EN 8, EN 9, EN 10, EN 13, CT 5, and CT 6 of the adopted North Norfolk Core Strategy.

3. The materials to be used on the external surfaces of the development hereby permitted, including external and ancillary buildings and structures, shall be constructed in accordance with the details submitted in plan refs: BA-1-A (Building A – Wash Up Shack), BB-1-A (Building B – Stores Building), BC-1-C (Building C – WC and Showers), and CS-1-A (Cycle Stands).

Reason:

For the avoidance of doubt and to ensure that the development is built to an appropriate quality standard of design and does not detrimentally effect the surrounding landscape or nearby heritage assets, in accordance with Policies EN 1, EN 2, EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

4. There shall be no commencement of the development hereby permitted until a Biodiversity and Landscape Mitigation and Enhancement Strategy has first been submitted to and approved in writing by the Local Planning Authority.

The Strategy shall thereafter implemented in full accordance with the approved details prior to the first use of the development.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 118 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

5. There shall be no commencement of the development hereby permitted until a Precautionary Working Method Statement for Great Crested Newts has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall thereafter be carried out in strict accordance with the approved details.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 118 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

6. There shall be no commencement of the development hereby permitted until a Construction Traffic Management Plan, incorporating adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities, has first been submitted to and approved in writing by the Local Planning Authority.

For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan.

Reason:

In the interests of maintaining highway efficiency and safety in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

7. There shall be no commencement of the development hereby permitted until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall thereafter be implemented throughout the construction period.

Reason:

To ensure adequate off-street parking during construction in the interests of highway safety in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy. This needs to be a pre-commencement condition as it deals with the construction period of the development.

8. Notwithstanding the details indicated on the submitted drawings, there shall be no commencement of the development hereby permitted until detailed drawings for the off-site highway improvement works (as indicated on plan refs: 2344_03/101 and 2344_03/102) have first been submitted to and approved in writing by the Local Planning Authority in liaison with the Highway Authority.

Reason:

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

9. Prior to the first use of the development hereby permitted, the off-site highway improvement works (including Public Rights of Way works) referred to in Condition 8 shall have first been completed to the written satisfaction of the Local Planning Authority in liaison with the Highway Authority.

Reason:

To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

10. There shall be no commencement of the development hereby permitted, other than those specifically relating to the site access and access road improvements, until the vehicular access (indicated for improvement on Drawing No. 2344 03 101A) has first been upgraded in accordance with the Norfolk County Council Light Commercial access construction specification for a minimum of the first 10 metres as measured back from the near channel edge of the adjacent carriageway; full details of which shall first be submitted to and agreed in writing by the Local Planning Authority in liaison with the Highway Authority.

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.

Reason:

To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

11. There shall be no use of the development hereby permitted until a Campsite Management Plan has first been submitted to and approved in writing by the Local Planning Authority.

The details of the Management Plan will include:

- Guest arrival and departure times;
- General site rules and regulations;
- Noise management, including restrictions on use of amplified noise and generators;
- Measures for addressing anti-social behaviour;
- Measure for addressing the use of and smoke arising from BBQs and campfires / fire pits / braziers;
- Controls in respect of dogs on site and dog walking;
- Details of campsite emergency contacts; and,
- Means of dissemination of the above information to guests.

The Campsite Management Plan shall thereafter be implemented in full accordance with these approved details for the lifetime of the development.

Reason:

In the interests of protecting neighbouring residential, campsite users', and highways safety amenities, in accordance with Policies EN 4, EN 13 and CT 5 of the adopted North Norfolk Core Strategy.

12. Prior to the first occupation/use of the development hereby permitted, visibility splays measuring 2.4 metres x 50 metres shall first be provided to each side of the site access where it meets the near edge of the adjacent highway carriageway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

Reason:

In the interests of highway safety in accordance with the principles of Section 9 of the National Planning Policy Framework and Policy CT 5 of the adopted North Norfolk Core Strategy.

13. Prior to the first use of the development hereby permitted, the proposed access/on-site car parking/servicing/turning area shall first be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason:

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

14. Prior to the first use of the development hereby permitted, the refuse and waste storage area shall first be laid out in accordance with the approved plans and shall be retained for that specific use thereafter.

Reason:

To ensure the development has suitable storage facilities and access for refuse vehicle collection in accordance with Policies EN 4 and EN 13 of the adopted North Norfolk Core Strategy.

15. Prior to the first use of the development hereby permitted, details of a Site Access Management and Operation Plan shall first be submitted to and approved in writing by the Local Planning Authority.

This shall detail how the site will be managed to promote access by sustainable means, and shall include details of on-site traffic signage and other measures, to facilitate the means of motorised traffic access to and egress from the site via Long Lane (C398), and to and from the Stalham Road (A1151) at Hoveton, as detailed in the submitted plans. The dissemination of the details contained within the approved Site Access Management and Operation Plan shall be included within the Campsite Management Plan as required by Condition 11 above.

The development hereby approved shall be operated in accordance with the approved Site Access Management and Operation Plan thereafter.

Reason:

In the interests of highway safety and traffic movement in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

16. Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 (domestic)/8 (agricultural) metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason:

In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

17. The soft landscape scheme as detailed on approved plan ref: LP-1-C (Landscape Plan) shall be fully implemented no later than the next available planting season after the commencement of development, or in accordance with an implementation programme which has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall thereafter be retained in accordance with the approved details.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

18. There shall be no implementation of the approved soft landscaping scheme in Condition 17 until a Landscape Management Plan, stating management responsibilities and a schedule of retention and monitoring operations for all landscaped areas for a minimum of ten years following implementation has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall thereafter be implemented and retained in accordance with the approved details.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

19. The hard landscaping works shall be carried out in accordance with the approved details on plans ref: LP-1-C (Landscape Plan), CP-1-B (Car Park – Detail), BA-1-A (Building A – Wash Up Shack), BB-1-A (Building B – Stores Building), BC-1-C (Building C – WC and Showers) and shall implemented before any part of the development is first brought into use.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

20. Any existing tree, shrub or hedgerow which dies, is removed or become seriously damaged or diseased, within a period of ten years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in the same place.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

21. Any tree, shrub or hedgerow forming part of an approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of ten years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in the same place.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

22. There shall be no erection of any external lighting on this site in association with the functional operation of the campsite.

Reason:

In the interests of the visual amenities of the area and in the interests of protecting local flora and fauna, and to avoid light pollution in accordance with Policies EN 2, EN 9, and EN 13 of the adopted North Norfolk Core Strategy.

23. The development hereby approved shall be carried out in strict accordance with the ecological mitigation and enhancement measures, and development and construction practices and procedures outlined in Section 6 of the Preliminary Ecological Appraisal, dated August 2021.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 118 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

24. During the construction of the car parking and refuse collection area, the following process must be adhered to:

- The scrub/grass to be cut and cleared of all vegetation during September or March only (there may be ground nesting birds during March, please seek advice from an independent qualified Ecologist before completing works at this time).
- Once cleared of vegetation this is to be left for 7 days to allow any amphibious species to move from the area. The type 1 aggregate can then be applied to surface.
- If the aggregate is not laid after 7 days, the area will require regular cutting and removal of vegetation to prevent any possible recolonization of amphibious species, until the type 1 aggregate is in position.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 118 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

25. The units of holiday accommodation hereby permitted shall be used for holiday accommodation purposes only and shall not be used as the sole or main residence of

the occupiers. The holiday accommodation hereby permitted shall be made available for commercial holiday letting for at least 140 days a year and no individual let shall exceed 31 days. The holiday accommodation hereby permitted shall be made available for commercial holiday letting between 1st March to 31st October.

A register of lettings, occupation and advertising shall be maintained at all times and shall be made available for inspection by the Local Planning Authority if requested.

Reason:

For the avoidance of doubt and because the site is located in an area designated as Countryside in the North Norfolk Core Strategy where the Local Planning Authority would not normally permit permanent residential accommodation, in accordance with Policies SS 2, EC 9, EC 10 and EC 2 of the adopted North Norfolk Core Strategy.

Note(s) to Applicant:

1. The applicant's attention is drawn to the fact that the above conditions (if any) must be complied with in full. Failure to do so may result in enforcement action being instigated.
2. This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.
3. The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks. However, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse. A fee is payable for each submission made, regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.
4. In accordance with Paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-
 - Seeking further information following the receipt of the application;
 - Seeking amendments to the proposed development following receipt of the application;
 - Considering the imposition of conditions and/or the completion of a Section 106 Agreement (in accordance with Paragraphs 54 – 57).

In this instance:

- The applicant was updated of any issues after the initial site visit;
- Considering amended plans;
- The application was subject to the imposition of conditions.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

5. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way (Hoveton Restricted Byway 7), without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained and for Small Highway Works Agreements this can take around 3 months to finalise. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact developer.services@norfolk.gov.uk.
6. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.
7. If required, street furniture will need to be repositioned at the Applicants own expense.
8. Please be aware it is the applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land. The highway boundary may not match the applicant's title plan. Please contact the highway research team at highway.boundaries@norfolk.gov.uk for further details.
9. If the surface of the public right of way (Hoveton Restricted Byway 7) is damaged by anyone exercising a private right (which could be either the right-holders themselves or those who access the route by invitation or permission of the private right-holder, such as construction vehicles), then the responsibility to repair the surface lies with the private right holder. Additionally, the public right of way must remain available for use by the public throughout the course of any works. If it is envisaged that public access will be affected by works, then a temporary closure order should be applied for. For further information regarding matters pertaining to Public Rights of Way please contact the Public Rights of Way Team on tel: 0344 800 8020.
10. The full legal extent of Hoveton Restricted Byway 7 must remain open and accessible for the duration of the construction and subsequent use of the development.
11. The proposed sewage package treatment plant will need to be appropriately sized for building control approval, and the applicant is advised to contact the Environment Agency as they may need to obtain discharge consent for the treatment plant.
12. The applicant is also advised that they will need to apply to the Environment Agency to secure an Environmental Permit for the operation of the proposed sewage package treatment plant on this site.
13. The applicant is advised that businesses require a Trade Waste contract to dispose of all waste associated with commercial activities as stated in the Environmental Protection Act 1990, Section 34. For further advice regarding this matter can be obtained by contacting the District Council's Environmental Protection Team (telephone 01263 516085).

CLEY-NEXT-THE-SEA - PF/21/0882 – Erection of dwelling and associated external works and landscaping at Arcady; Holt Road, Cley-Next-The-Sea.

Minor Development

Target Date: 2.6.2021

Extension of Time: 31.03.2022

Case Officer: Phillip Rowson

Full Planning Permission

RELEVANT SITE CONSTRAINTS

Designated Open Countryside NNDC Core strategy

Within the Cley Conservation Area

Norfolk Coast AONB

Within the Drained Coastal Marshes (DCM2) Landscape Character Area as designated within the North Norfolk Landscape Character Assessment

RELEVANT PLANNING HISTORY

PF/12/1219

Erection of two-storey replacement dwelling and detached studio/annexe – Refused

APP/Y2620/A/13/2205045 – Planning Appeal - Approved

ENF/18/0164

Enforcement Notice requiring demolition of unauthorised dwelling

Appeal lodged – scheduled as appeal hearing June 21, 2022.

PF/21/0882

Erection of dwelling and associated external works and landscaping.

Pending Consideration

RV/21/2923

Variation of the wording of Condition 2 (Approved Plans) amended site location plan scaled at 1:2500, and drawings 2260-01, 2317-02z1, 2317-03e, 2317-05f and 2317-11b. Approved on Appeal Ref: APP/Y2620/A/13/2205045 relating to Planning Application Ref: PF/12/1219 for Replacement House and Studio - Date of Decision: 05/02/2014.

Replace plan 2317-11b with Plan 1660-00-008 as it has been established that the original plan 2317-11b is considered to be inaccurate

This application – pending consideration.

THE APPLICATION

Site description:

The appointed inspector for case APP/Y2620/A/13/2205045 (“the Appeal Decision”) described the site and surrounds in detail in his decision letter:

The appeal site is located on the southern edge of the village of Cley-next-the-Sea, in an area known as Newgate Green. The site comprises an existing single storey dwelling and its

garden, and extends to approximately 0.3 hectare. It is adjoined to the west by a detached house, to the south and east by open fields, and to the north, on the opposite side of Holt Road, by the grounds of St Margaret's Church (a Grade I listed building). The site occupies an elevated position relative to Holt Road, with ground levels rising from north to south and west to east. The appeal site falls within the Cley Conservation Area and the Norfolk Coast Area of Outstanding Natural Beauty (the AONB), and is designated as countryside in the North Norfolk Core Strategy and Development Control Policies Development Plan Document (2008) (NNCS).

The Cley Conservation Area includes most of the built up area of the village, together with some areas of adjoining countryside. Development in the centre of the village is characterised by a dense and intricate pattern of development, with narrow streets lined with brick and flint cottages and more substantial houses. In the vicinity of the appeal site, development is more loose-knit and sporadic, and includes both older brick and flint properties together with some newer dwellings. Areas of open land, including the grounds of St Margaret's Church and the village green to the west, create significant breaks in the pattern of built development, affording views across open countryside and giving the area an open and rural character.

At the time of the appeal decision the site itself was described as follows:

The existing bungalow on the appeal site is largely hidden from view, unremarkable architecturally and does not contribute materially to the significance of the Conservation Area.

Subsequently to the grant of planning permission made by that decision, the applicant has demolished the modest traditional bungalow and replaced the dwelling with a contemporary development, which officers consider substantively departs from the plans approved under the appeal decision APP/Y2620/A/13/2205045, and is thus unlawful. The Council has issued an Enforcement Notice requiring its demolition, which has been appealed; the appeal is stayed pending a mediation but is due to be heard later this year. The applicant has added landscape planting but otherwise the site and its context to key features remains essentially the same as described by the Inspector in the Appeal Decision.

Proposal:

The proposal seeks permission for the erection of a two storey dwelling, with associated works and landscaping. The proposed dwelling is a variation of the unauthorised development currently standing on site. As noted above, the unauthorised development is subject to an extant enforcement notice which requires its demolition, albeit that notice is subject to an appeal due to be heard in June 2022.

The application shows a large detached three storey building, comprising, playroom, 4 bedrooms, laundry, 2 studies, dressing rooms, kitchen dining room, sitting room, snug and lounge with roof terrace. The dwelling is served by a garage and has an annex, it has a gated access to Holt Road.

The proposals purport to offer remediation of the unauthorised development to address officer concerns and meet the requirements of a mediation agreement reached by the parties in the course of the appeal against the enforcement notice, ref. APP/Y2620/A/13/2205045. The details of that mediation agreement are not relevant to this application but did encompass the submission of a revised proposal (further commentary is offered later within this report). It did not require or indicate any particular outcome of such an application. The present proposals do consist of changes to the existing unauthorised dwelling as follows (as more particularly described by the plans):

- Hardwood boarding to eaves
- Brick plinth and insert detail - Charnwood Dark Victorian Handmade

- Flint panels 'blue flint' max. 100mm
- Six amended windows / openings (Dark Grey)
- Metal Flue – Black added.
- Aluminium Fascia to eaves - Dark Grey to match existing roof
- Metal Boiler Flue - Stainless Steel
- Aluminium gutter and downpipes - Dark Grey to match windows.
- Metal Vents - PPC in grey.
- Timber doors with vertical timber panelling.
- Grey cladding panel.
- Timber louvres to match existing cladding.
- Metal fascia - colour to match tones of timber cladding.
- Enamelled glass panel in frame to match existing windows.
- Two smart glass panels

The proposals are presented with a key drawing showing 5 Blocks, remediation (as against the existing dwelling) is presented with regard to the changes made to those blocks. The proposals are then presented as four comparative elevations which detail the works proposed:

Reductions are also proposed in the scale of development; block 3 is reduced in height by 1145mm and recessed by 700mm (above entrance door); block 4 is reduced in height by 730mm and block 5 is reduced in height by 200mm.

On the rear / Southern façade, dark staining is proposed to the central section (block 2).

A landscaping strategy accompanies the proposals; this strategy offers the removal of the existing ramp and turning area adjacent to front door to create additional area for soft landscaping and tree planting. Along with tree planting and boundary reinforcement to provide additional screening.

The proposals are supported by scale plans of the proposed building, survey drawings of the unauthorised building, landscaping plan, topographical survey, design & access statement, and a heritage statement. The proposals aim to reinstate the concept of a well-articulated design based upon a concept of interconnected blocks.

REASONS FOR REFERRAL TO COMMITTEE

At the discretion of the Assistant Director - Planning, to enable democratic engagement with wider interested parties within the decision making process.

CONSULTATION

Cley Parish Council: Original consultation comment: Objects to the proposal.

The planning application fails to comply with the following NNDC Planning Policies:

Policy H08 – Arcady as a replacement dwelling should not be disproportionately larger (in height or scale) and should not materially increase the impact on the surrounding countryside. Arcady clearly is significantly larger, and the height of the building still remains an area of concern for the Parish Council.

Policy EN1 – Development in the AONB must be appropriate to the social and environmental well-being of the area, or desirable for the understanding and enjoyment of the area and must

not detract from the special qualities of the AONB. Arcady is situated in the AONB in a particularly historically sensitive area of Cley opposite the Parish Church. The design of the building is out of character for the area and detracts from those nearby historic buildings.

Policy EN2- protection and enhancement of landscape and settlement character, development (The location, scale, design and materials) will protect and conserve and enhance special qualities of the area in historical, biodiversity and cultural character. Arcady is a modern design and makes no attempt to enhance or reflect the special qualities of the area. Policy

EN4- This policy focuses on scale and massing of buildings and indicates that development should relate sympathetically to the surrounding area. The height and scale of Arcady substantially overshadows the surrounding buildings and is most unsympathetic.

Policy EN8 and Para 72 of NPPF- protecting and enhancing the historic environment – the development should preserve or enhance the character and appearance of designated assets, historic buildings ...and landscapes

Landscape character assessment - ensure new development is well integrated and does not form a harsh edge, ensure new development respects existing densities and character styles. Special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Arcady lies within what would have been England's biggest and busiest harbour and opposite a significant and important Parish Church, the history relating to the harbour and the Dutch influences has shaped Cley to what it is today and therefore it is important for the historic landscape to be enhanced and protected. Arcady is not sensitively designed taking into consideration the surrounding buildings and historic importance of the landscape. The height and appearance of Arcady dominates the sensitive area.

Amended plans comment: comment only

The size of Arcady and the huge impact it has on Newgate Green is not disputed by Cllrs, it was during the build that Cllrs first raised concerns regarding the height and sheer scale of the building which was contrary to the permission granted. The Parish Council have gone on to receive many complaints about the building from parishioners, who all reference the negative impact it has on Newgate Green and Saint Margaret's Church, Cllrs acknowledge that the building has been built far bigger than anticipated and was done so without the required planning consent.

The enforcement case has been a long drawn out and complex process, Cllrs have attempted to follow the ongoing case but now feel that it has got to a stage which is beyond their expertise and remit. Cllrs were unable to settle on a preferred outcome for the case and as such voted on a majority vote to respond to the above planning applications with a neutral stance.

Blakeney Parish Council: Object:

We continue to fully support and reinforce all objections made to this development that have so far been lodged with NNDC with regard this site/development. The proposed variations are so minor and the drawings do not reflect what has been built and is contrary to a number of local planning policies.

Norfolk Coast partnership: Object:

The minor amendments as proposed do not mitigate the visual detriment this building has on the Conservation Area and the AONB. The scale, height, design and massing were all concerns raised through the Planning Appeal as well as the deviation from the original plans.

The original plans therefore need to be shown to ascertain what exactly was permitted and what could be deemed as acceptable on this basis for any future planning application. This application is making very minor changes to what has been proved to be an unacceptable development through an Enforcement Notice.

The application in any case remains contrary to policies H08, EN1, EN2 as well as NPPF 176 whereby development serves to 'conserve and enhance' the AONB. The development has negatively impacted the special qualities of the AONB namely 'Diversity and Integrity of Landscape, Seascape and Settlement Character and will continue to do so in this latest application.

NCC Historic Environment: No objection subject to conditions

The proposed development lies within the historic core area of Cley Next The Sea, fronting onto Newgate Green and close to the medieval parish church. It is possible that the development area fronts onto the medieval quay. In addition, archaeological observations made in 1973 in area close to the street frontage produced medieval pits and pottery. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance will be affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of Archaeological migratory work in accordance with *National Planning Policy Framework* para. 199. Mitigating conditions recommended.

Landscape officer: Objection:

As submitted - The proposals seek to make amendments to the as built dwelling in order to mitigate its landscape and visual impact. These comprise additional roof elements, some height reduction, changes to elevational treatment and additional soft landscape planting.

The proposed increase in planting on the front north elevation comprising additional heavy standard trees within the site and at the site entrance, together with a section of instant 2.5-3m planted height evergreen hedging will assist in filtering views of the mass of the built form from Holt Road within the Conservation Area and AONB and is appropriate in terms of species choice. However, in design terms, screening a development does not necessarily make it acceptable. The development should be compatible with its surrounding context without being overly concealed.

The proposed removal of the vehicle ramp on the front north elevation which is prominent within the Conservation Area and the surrounding designated landscape represents an improvement in eliminating the visual impact of an elevated parked vehicle and prominent section of hard standing. It should be noted that vehicle parking provision in this location was not a component of the original plans approved at appeal under PF/12/1219.

Increased planting is also proposed on the south boundary to mitigate views within the AONB from Bridgefoot Lane where the building is viewed together with Grade 1 listed St Margaret's Church. This additional hedge and tree planting will filter views of the dwelling and mitigate its

impacts to some degree, but due to the elevated height of the building and extent of high level glazing, the adverse daytime and nocturnal visual impact on the local landscape character of the AONB will be increased as a result of this development. Para 172 of the NPPF requires that 'great weight' is afforded to the conservation and enhancement of scenic beauty of designated AONB landscapes. It therefore follows that any identified harm should be given proportionate consideration in the overall planning balance.

The site with the former bungalow had a green recessive character resulting in a neutral impact on the immediate setting within the Conservation Area, as acknowledged by the Inspector in para. 5 of his appeal decision relating to PF/12/1219, *'the existing bungalow is largely hidden from view, unremarkable architecturally and does not contribute materially to the significance of the Conservation Area'*. This was due to the modest size of dwelling and surrounding vegetation. The Inspector in para. 9 of his decision considered that the contemporary design of the proposed replacement dwelling would have a limited impact on the wider street scene due to the secluded nature of the site, being seen principally in the context of its own landscaped grounds and the relatively modern houses styles immediately north and west, resulting in a dwelling *'that would not therefore appear overly dominant or out of scale with its surroundings'*.

In consideration of the design of the new dwelling in para. 7 of his appeal decision, the Inspector judged that *'Due its flat roofed design and the excavation of the lower levels of the property into the hillside, the new dwelling would be only marginally taller than the existing bungalow and would be lower than the adjacent house to the west'*. Comparison of the two photos below using the telegraph pole and wires as a benchmark demonstrates that the as built dwelling is significantly taller than the original bungalow, verifying that the design parameters set out by the Inspector which informed his decision have not been met.

Amended plans - the additional changes submitted do represent incremental improvements to the elevations and bring the as built dwelling slightly closer to some elements of the original approved scheme, but do not address the fundamental issue of scale and mass of the building and its localised landscape and visual impact on Cley Conservation Area and the Norfolk Coast AONB.

Elements such as additional eaves overhang, reorientation and staining of timber cladding, use of louvres and smart glass in some (but not all) windows, and the introduction of enamelled glass panels do make small changes that start to bring in some articulation to each elevation, but the massing and scale of the large built form remains, such that the development still incurs a considerable degree of harm to Cley Conservation Area and the special qualities of the Norfolk Coast AONB, to which proportional weight should be attributed in the planning balance.

Conservation and Design Officer: Objection.

When this development first emerged in 2012, the Local Planning Authority were of the opinion that the proposed building would fail to preserve or enhance the character and appearance of the Cley Conservation Area. This resulted in a refusal being issued which was subsequently challenged at appeal. In allowing this appeal, the Inspector at the time referred to the *"secluded nature of the site"* and to the new build being *"largely hidden from view from the Holt Road"*. He therefore anticipated that the dwelling *"would not intrude into any significant views of the Church"* and that it *"would preserve the character and appearance of the Cley Conservation Area"*.

Since which time, things have moved on in two key respects;

- i) the basis of the Inspector's decision has been brought into question by virtue of the inaccuracies in the original material submitted,
- ii) and the dwelling as built departs significantly from that originally approved. Taken together, we are now faced with a significant new building which is not hidden from view and which instead is readily visible within the street scene.

Its impact is therefore far greater than the inspector judged it to be and can be summarised as follows: -

- Far from not intruding visually on any significant views within the conservation area, the 'as built' dwelling has become a dominant and intrusive focal element to Newgate Green. Indeed, by virtue of long street frontage and positioning on a bank, it presents a fortress like appearance to the Green.
- The dwelling does not reflect the vernacular scale of the houses and cottages which otherwise front the Green and is therefore not sensitive to the local context. Instead it is visually discordant and dominant.
- The dwelling is visually intrusive both within the conservation area and in the surrounding landscape setting when viewed from the South West (Bridgfoot Lane).
- The rectangular bulk of the dwelling also rises above the road and is highly visible and intrusive in the street scene when approaching the conservation area from the East (Holt Road).

REPRESENTATIONS

31 letters of **objection** raising comments on the application were received at the time of reporting this case. The comments received are summarised as follows::

- The application fails to meet the requirements of the mediation agreement.
- The proposals fail to address the enormity of the number & scale of breaches observed
- The design changes are "tinkering" with the building and do not address the harm created
- The proposals water down the original design to an unacceptable level
- The submitted plans are inaccurate, in terms of reference to the historic bungalow height and levels, the proposed relationship of the proposed dwelling to its near neighbour.
- The original plans were misleading, the permission is a nullity
- As a replacement building for the original bungalow it is grossly disproportionate in height, scale and mass to the original bungalow and fails to meet the requirements of local plan policy.
- The building sits 12m above the level of Newgate Green and the proposed scale and bulk are unacceptably harmful to views over Newgate Green
- The proposals fail to effectively address the matters of height and bulk, no substantive reduction in height is proposed
- The raised drive is unacceptable and the proposals lack suitable landscaping.
- Views on the entrance to Cley from the East along Holt will be harmed.
- The proposals are contrary to the Cley Conservation Area Appraisal.
- Unacceptable Light pollution will be created over the AONB
- The proposals are contrary to policy HO8, ENV1, 2, 3, 4 & 8 and also NPPF para 176,199 & 200.
- The proposals are an ineffective resolution, the application should be refused and the enforcement process allowed to continue to preserve public confidence in the Planning Process.

Ward Member comments:

Based on representation from the local and wider community, I object to this application. It is thought that the height and mass of the dwelling, felt widely to be out of scale, are inadequately addressed in this latest design. The concern is that the adverse impacts on the conservation areas, landscape, AONB and Grade 1 listed church remain. Based on this feedback, the application does not comply with Local Plan policies EN1, 2, 4, 8 and HO8, and s 176 of the NPPF.

HUMAN RIGHTS IMPLICATIONS

Art. 8: The right to respect for private and family life.

Art. 1 of the First Protocol: The right to peaceful enjoyment of possessions

Having considered the above matters, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

STANDING DUTIES

Due regard has been given to the following duties:

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2010 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998

Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

RELEVANT POLICIES**North Norfolk Core Strategy (September 2008):**

HO8: House Extensions and Replacement Dwellings in the Countryside.

EN1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads

EN2: Protection and Enhancement of Landscape and Settlement Character

EN4: Design

EN8: Protecting and Enhancing the Historic Environment

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide

North Norfolk Landscape Character Assessment

North Norfolk Landscape Sensitivity Assessment

Cley next the Sea Conservation Area Appraisal

National Planning Policy Framework (July 2021)

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

OFFICER ASSESSMENT

Main Issues:

- 1. Background**
- 2. Height, Scale Mass & Prominence**
- 3. Lack of articulation**
- 4. Fallback position**
- 5. Conclusion**

1. Background

Planning permission was refused by Development Committee (see application PF/12/1219), however, permission was later granted for a replacement dwelling at appeal on 05 February 2014 (APP/Y2620/A/13/2205045), as set out in the Appeal Decision. The application proposed the demolition of the bungalow known as Arcady and its replacement with a two storey, flat roofed dwelling of contemporary design. That Inspector's decision notice identified one main issue – the effect of the proposal on the character and appearance of the Cley Conservation Area. The Inspector approved the appeal scheme finding that the proposed dwelling would be sensitive to its local context and that proposals protect the historic environment.

The Council received a complaint alleging that the dwelling was not being constructed in accordance with the approved plans; as a result of the investigation a Temporary Stop Notice was served and works to reduce the height of the structure by 400mm were undertaken. It was recommended at this stage that a new application should be made to address the inconsistencies between the works on site and the approved plans, and that no more works should take place until that application was determined. No application was received, and works continued on site. Further discussions proceeded between the applicant and the Council, site surveys and exchanges between legal teams followed. A detailed document was provided by the Council demonstrating the numerous breaches, the parties remained in dispute.

Having exhausted all avenues for resolution the Council served Planning Contravention Notices, and upon receipt of the evidence along with Counsel Advice, an Enforcement Notice was issued on 05 August 2019. The notice requires demolition of the unauthorised building. The Notice is subject to an appeal by Mr & Mrs Spiegel and was scheduled for an appeal hearing on 08 February 2021. Prior to that appeal hearing, the parties agreed to mediation and deferred the appeal hearing with the agreement of The Planning Inspectorate. The enforcement appeal hearing is now due to be heard on 21 June 2022. The notice remains live.

The mediation process stands apart from the planning process and does not commit the Council to issuing any planning permission as a result (indeed, it could not lawfully do so). The mediation process sought to address key concerns relating to height and prominence along with the lack of articulation and definition in the unauthorised building to be considered along with the guidance of an independent mediator. The process resulted in a stand-alone agreement between parties which guided the process for the current planning application. The applicant made a series of pre application submissions and eventual submission of the current application in March 2021 (timed as per the agreement). The mediation agreement seeks to provide an opportunity for an application which addresses the concerns raised in the

enforcement notice and deliver a development which complies with the key criteria of the previous Planning Inspector's decision. The use of mediation is appropriate in complex enforcement cases and has facilitated a series of proposed remediating works that were not previously available for consideration via the appeal process. The applicant presents this case under the terms of mediation process, and in line with that process, the Council now has to determine it.

The route to this point has been long and complex. There is no doubt that the proposals offer a genuine attempt to remediate the harm observed by the Council and gives an opportunity to deliver a negotiated outcome that can deliver an appropriate development that can allow the enforcement process to be stood down.

Officers consider that the main issues in this matter remain the impact of the dwelling on the surrounding area and principally upon the Cley Conservation Area. The dwelling as built dominates the view looking southwards from inside the Conservation Area, and the unauthorised building, as a result of its height and prominence, along with the lack of articulation and definition is harmful to those interests.

It is important at this point to note that the Council do not challenge the residential development of this site, despite the ongoing works and demolition of the bungalow the use has never been abandoned; indeed, in general terms, the principle of a dwelling materially larger than the bungalow that once stood on the site is unlikely to be controversial in itself. The issue is the impact of the actual dwelling hereby proposed. Also, it is important to note that although the bungalow has long since been demolished and that strictly the replacement dwelling policy H08 cannot be applied, nonetheless similar considerations still apply, namely the extent of change resulting from the proposal as compared to what stands there now, the resultant height and prominence of the building and extent to which the proposed remediation provides sufficient articulation and definition to the design. We will consider the impacts of those matters on the heritage assets and wider AONB landscape.

This application seeks to address those key matters and is considered as follows.

2. Height, Scale Mass & Prominence

The height of the finished building is considerably higher than was originally envisaged by either the Council or the Inspector when granting the appeal for the dwelling and appears to have arisen largely as a result of the errors in the approved drawing 2317-11b which showed the neighbouring dwelling Holly House incorrectly and the proposed dwelling (Arcady) to be 2.61 metres lower than the ridge of that house.

A revised drawing is under current consideration in application RV/21/2923 due to be heard alongside this application, as part of a s.73 application. That application is recommended for refusal on the basis of the impact of the building as shown by the proposed revised plans on the heritage assets and AONB.

The Council accepts that the original plan was drawn erroneously and when shown corrected, the building is taller than Holly House. The Council's appeal submissions note that the as built heights all exceed the approved plans and that in some instances these are as much as 1.16m taller. This has resulted in the dwelling as built being considerably more prominent in the street scene and in views from the Conservation Area than was ever expected or considered. Officers start from a position of the building as built being unacceptably harmful to heritage and landscape assets, and request members to now consider the remediation proposals.

Essentially Members are being asked to consider: are the proposed changes described in this application sufficient to make the presently unacceptable building on the site, acceptable?

This increase in height as shown in the most recent amended plans is now proposed to be addressed by a remediation of three of the interconnecting blocks:

- block 3 (reduced by 1145mm);
- block 4 (reduced in height by 730mm)
- block 5 is reduced in height by 200mm.

The applicant also intends to recess block 3 by 700mm, and complete the actions listed in the proposals section to remediate the impacts of height, scale, mass and prominence.

In addition a landscape strategy is shown on plan 1660-00-500-D, the strategy includes; “gapping up” the rear boundary hedge; specimen tree planted to the rear; tree screening planting to the access, instant evergreen hedging planting (2-3M height) to the Holt Road frontage, and removal of the ramped area of hardstanding / parking.

The proposals show the impacts of those changes across detailed scale elevation plans 1660-00-007 C and comparison drawings for each elevation. The applicant’s Design & Access statement is not updated in respect to these amended plans, it details and displays photomontages of the remediation as originally submitted.

The matters of scale and massing are interdependent on the height of the proposed building, with prominence similarly impacted by the design changes and landscaping remediation. The proposals are considered against Core Strategy policies EN1, EN 2, EN 4 & EN 8 within the conclusion.

Officers consider the proposals do not fundamentally alter the appearance of the building when taken as a whole, instead essentially proposing a series of minor variations to what has already been built. The most significant change is to the northern elevation, this assists in terms of the stepping of this elevation. That attempt does reduce the visual perception of height and mass, but the rest of the building sees limited change.

3. Lack of Articulation

It is important to consider the appeal decision, which provides important context for consideration of this matter. The Inspector in his appeal decision considered that:

“The design of the new house would also help to reduce its visual bulk and apparent scale. The elevations of the house would be well articulated, stepping forward and back, under a broken and varied roofline, creating visual interest and the appearance of a series of interconnected blocks, rather than a much larger single volume. The proposed dwelling would not therefore appear overly dominant or out of scale with its surroundings.”

The contemporary nature of the building was accepted by the Inspector (and is accepted, in principle, by officers) as was the fact that it would be quite different in appearance to the traditional forms of development in the village (again, accepted by officers); but the Inspector noted that the ‘new dwelling would be well proportioned and detailed, and would be an interesting and high quality piece of architecture in its own right’.

The design quality of the building has been materially diminished between permission and completion, as a result of changes being made to the permitted scheme. The Council considers that cumulatively, these changes are significant and unacceptable, particularly combined with the unexpected increased height of the building and have therefore resulted in the building now being considered unacceptable. As built the dwelling has lost a number of the key factors described by the inspector in terms of articulation.

The key factors for consideration in this matter are roofline, changed articulation, changed fenestration and materials.

- a) **Roofline:** The roofline is shown to include variations in height as set out above. Those changes are proposed as a means of re-engaging with the concept of delivering a series of interconnecting blocks. The proposed variations in height are welcomed, however a key sticking point remains the height of Block 2. This remains as built. Other variations offered appear to be limited by the applicant's ability to vary the existing structure, rather than delivering the most appropriate design solution. It is important to note that detailing to the eaves of the building has been re-introduced. This helps define and separate each block element in the overall design and emphasises the efforts to provide a more varied and less heavy roofline.
- b) **Changed articulation:** The proposed remediation offers changes over all four elevations to the building, and these are broadly welcomed. Examples such as the receded dimensions of Block 3 with its brick cladding, along with insertion of a brick insert to Block 1 and dark staining block 2 on the rear elevation all help to deliver greater articulation than the building as built. However, it should be noted that the extensive number of departures from the approved plans observed along with their individual and in combination effects set a high bar to overcome. For example, the south elevation sees the addition of a balcony across the entire elevation which erodes articulation, and this is not suggested to be removed or reduced in extent. Furthermore, the lack of changes in Block 2 serves to limit articulation over key elevations.
- c) **Changed fenestration:** again the significant number of departures from the permitted scheme in this matter creates a difficult position to remediate. The revised plans show attempts to introduce enamelled panels in some elevations to give a greater "portrait" elongation to some openings, some design features reinstated approved linear windows. There is an element of success in these changes but it is appropriate to mention some elements are not changed, for example as single broad window on the east elevation at ground floor is a clear outlier to the design concept. The South elevation sees louvres added rather than reintroducing approved elements to the design. Delivering the vertical emphasis and simplicity of the building as originally conceived is a substantial challenge, as built the design has an overtly horizontal emphasis, which emphasises the bulk and heaviness of the building.
- d) **Materials:** as built the use of timber cladding extends throughout the design. Remediation delivers brick work to block 3 and an insert to block 1. Flint panels are also introduced to the Holt Road elevations. The design offers reorientation of some elements of the cladding to give vertical emphasis. Dark staining is offered to a central section of the rear / south elevation.

Again, it is the changes to the northern elevation that offer the greatest change in articulation, and there is some success in addressing the monolithic appearance of the building as built. However, the wider limitations discussed above inevitably limit the overall effectiveness of the remediation when taken as a whole.

Overall the building proposed by this application – while an improvement on the as-built dwelling – would have an unacceptable impact and does not warrant a grant of planning permission.

4. Fallback position

The application RV/21/2923 is reported on this agenda and is to be considered with a recommendation for refusal. The current planning permission PF/12/1219 is considered to be irreparably broken by the inaccurate sectional drawing 2317-11b, in that it could not be lawfully implemented¹. On its present terms it cannot be considered a realistic fallback. The proposed replacement of this drawing by an updated section 1660-00-008 by way of the s.73 application is recommended for refusal principally as a result of the unacceptable impacts of the proposed development. As a result, officers consider that no fallback position is available on this matter, i.e. this application is determined on its own individual merit rather than with the benefit of any positive implications arising from an extant planning permission which could be considered a 'fallback' if permission was refused.

5. Conclusion

In arriving at a conclusion on this matter it is appropriate to consider that the changes proposed have been carefully considered by the applicant and that these changes represent significant revisions to the building as built. These proposals will require the family home to be vacated and significant further costs to be incurred. The genuine willingness to offer remediation and impacts of these actions is appreciated and is not to be lightly set aside.

In landscape impact terms the introduction of stepped blocks along the northern elevation does not address the concerns previously raised in regard to the overall building heights. The introduction of these blocks interferes with and is detrimental to the original intent behind the architectural design of the northern elevation. The eastern elevation reintroduces a vertical brick insert and breaks up the mass of timber cladding, this is offset by a lack in consistency on the proposed fenestration. The proposed enamel panel to windows on this elevation will be noticeable on entry to the village. The south elevation offers some changes but retains the significant balcony along the entirety of the elevation. The west elevation is dominated by the block Five, the tallest block proposed. The addition of roof line detail assists and gives some articulation. Overall questions remain about the exact nature of the enamel panels and the ability of smart glass in a limited number of windows to offset the light shed from this building.

The landscape masterplan would be better placed with a native species hedgerow to Holt Road, and removal of the parking ramp is welcomed and suitable planting recommended, albeit that planting to the rear / southern elevation falls short of recommendations and fails to address concerns over views from the south, across the AONB towards St. Margaret's Church and the Conservation Area.

It is acknowledged that the changes bring the overall appearance of the as-built structure closer to that assessed by the Inspector. However, from a landscape impact point of view those changes are largely 'cosmetic' and lack the real impact on the overall mass, scale and height of the building. The proposals are considered contrary to policies EN1, EN2 and EN4.

The Historic Environment is considered under policy EN8 and NPPF Chapter 16. Proposed changes to the front and side elevations seek to address the differences between the

¹ *Choiceplace Properties Ltd v Secretary of State for Housing, Communities and Local Government [2021] EWHC 1070 (Admin)*

approved and as built elevations. The proposals may improve the unauthorised building but reservations are retained over the use of some detailing e.g. the “enamel” glass infill sections, and also the limited to the south / rear elevation. The Heritage Statement fails to acknowledge the impact of the rear elevation in any views to the heritage assets, most notably the Church and Conservation Area. Officers disagree with the central findings of that Statement, and consider harm is created, as set out by the consultation response.

The focus on detailed elevation changes rather than height, scale and mass fails to effectively address harm to the heritage assets. The proposed changes largely consist of additional roof elements, some height reduction, changes to elevational treatment and additional soft landscape planting.

The proposals are highly visually intrusive both within the conservation area itself and for views into the conservation area. The visually dominant building in its elevated position fails to preserve the open setting of the church as considered in the historic planning permission.

The proposed building would fail to preserve or enhance the character and appearance of the Cley Conservation Area by virtue of:

- unacceptably intrusive impact on views over Newgate Green,
- the scale, massing and appearance are imposing upon the simple vernacular scale and appearance of dwellings in the vicinity,
- intrusive impact on the surrounding landscape and from views into the Conservation Area and St Margaret’s church from Bridgfoot Lane,
- the bulk and mass of the building are disruptive to views into the Conservation Area from the east along Holt Road.

The proposals are considered to be contrary to policy EN8.

The position of the development as a replacement dwelling under policy H08 is considered to be of limited direct relevance, as the original bungalow has long since been replaced by the unauthorised building. There is no authorised dwelling to replace. That said, the principle of a replacement dwelling in this location is not controversial, or even a more modern building that is materially larger than the bungalow that once stood there, so long as its impacts were sufficiently mitigated by its design to minimise harm. Officers consider there is no Fallback position in relation to the historic planning permission. The proposals retain a significant height scale and mass (particularly compared to the original bungalow). They are considered to cause harm. If Policy HO8 were directly applicable, the proposals would fail to meet its requirements.

No significant public benefit is identified to offset the harm arising to the heritage assets or Norfolk Coast AONB, as such the significant weight to be afforded under the Listed Buildings and Conservation Areas) Act 1990 and National Planning Policy Framework 2021 dictates that the proposals are refused in accordance with Development Plan provisions.

RECOMMENDATION: Refusal

It is considered that the proposed scheme fails to satisfy concerns raised in relation to the excessive and harmful height, scale mass & prominence of the proposed dwelling. Furthermore, that by failing to suitably articulate the interconnecting development blocks, in features such as the roofline, fenestration, and materials that already adverse impact is unacceptably exacerbated. The design quality has been diminished to the

extent that it is no longer considered to be high-quality design required for this prominent and sensitive site.

The proposals are considered to be contrary to policies EN1, EN2, EN4 & EN8 of the adopted North Norfolk Core Strategy, paragraphs 135, 174, 176, 199, 200 & 202 of the National Planning Policy Framework 2021, and Section 66(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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CLEY-NEXT-THE-SEA - RV/21/2583 – Variation of the wording of Condition 2 (Approved Plans) amended site location plan scaled at 1:2500, and drawings 2260-01, 2317-02z1, 2317-03e, 2317-05f and 2317-11b. Approved on Appeal Ref: APP/Y2620/A/13/2205045 relating to Planning Application Ref: PF/12/1219 for Replacement House and Studio - Date of Decision: 05/02/2014 at Arcady; Holt Road, Cley-Next-The-Sea.

Replace plan 2317-11b with Plan 1660-00-008 as it has been established that the original plan 2317-11b is considered to be inaccurate

Minor Development

Target Date: 24.11.2021

Extension of Time: 31.03.2022

Case Officer: Phillip Rowson

Full Planning Permission (Section 73 - Variation of condition)

RELEVANT SITE CONSTRAINTS

Designated Open Countryside NNDC Core strategy

Within the Cley Conservation Area

Norfolk Coast AONB

Within the drained Coastal Marshes (DCM2) Landscape Character Area as designated within the North Norfolk Landscape Character Assessment

RELEVANT PLANNING HISTORY

PF/12/1219

Erection of two-storey replacement dwelling and detached studio/annexe – Refused

APP/Y2620/A/13/2205045 – Planning Appeal - Approved

ENF/18/0164

Enforcement Notice requiring demolition of unauthorised dwelling

Appeal lodged – scheduled as appeal hearing June 21, 2022.

PF/21/0882

Erection of dwelling and associated external works and landscaping.

Pending Consideration

RV/21/2923

Variation of the wording of Condition 2 (Approved Plans) amended site location plan scaled at 1:2500, and drawings 2260-01, 2317-02z1, 2317-03e, 2317-05f and 2317-11b. Approved on Appeal Ref: APP/Y2620/A/13/2205045 relating to Planning Application Ref: PF/12/1219 for Replacement House and Studio - Date of Decision: 05/02/2014.

Replace plan 2317-11b with Plan 1660-00-008 as it has been established that the original plan 2317-11b is considered to be inaccurate

This application – pending consideration.

THE APPLICATION

Site description:

The appointed inspector for case APP/Y2620/A/13/2205045 (“the Appeal Decision”) described the site and surrounds in detail in his decision letter:

‘The appeal site is located on the southern edge of the village of Cley-next-the-Sea, in an area known as Newgate Green. The site comprises an existing single storey dwelling and its garden, and extends to approximately 0.3 hectare. It is adjoined to the west by a detached house, to the south and east by open fields, and to the north, on the opposite side of Holt Road, by the grounds of St Margaret’s Church (a Grade I listed building). The site occupies an elevated position relative to Holt Road, with ground levels rising from north to south and west to east. The appeal site falls within the Cley Conservation Area and the Norfolk Coast Area of Outstanding Natural Beauty (the AONB), and is designated as countryside in the North Norfolk Core Strategy and Development Control Policies Development Plan Document (2008) (NNCS).

The Cley Conservation Area includes most of the built up area of the village, together with some areas of adjoining countryside. Development in the centre of the village is characterised by a dense and intricate pattern of development, with narrow streets lined with brick and flint cottages and more substantial houses. In the vicinity of the appeal site, development is more loose-knit and sporadic, and includes both older brick and flint properties together with some newer dwellings. Areas of open land, including the grounds of St Margaret’s Church and the village green to the west, create significant breaks in the pattern of built development, affording views across open countryside and giving the area an open and rural character.’

At the time of the appeal decision the site itself was described as follows:

The existing bungalow on the appeal site is largely hidden from view, unremarkable architecturally and does not contribute materially to the significance of the Conservation Area.

Subsequently to the grant of planning permission made by that decision, the applicant has demolished the modest traditional bungalow and replaced the dwelling with a contemporary development, which officers consider substantively departs from the plans approved under the appeal decision APP/Y2620/A/13/2205045, and is thus unlawful. The Council has issued an Enforcement Notice requiring its demolition, which has been appealed; the appeal is stayed pending a mediation but is due to be heard later this year. The applicant has added landscape planting but otherwise the site and its context to key features remains essentially the same as described by the Inspector in the Appeal Decision.

Proposal:

The applicant seeks planning permission, pursuant to Section 73 of the Town & Country Planning Act to develop the site without complying with that part of condition to the planning permission granted by the Appeal Decision which requires compliance with drawing 2317-11b. In effect the application is to replace an approved, but inaccurate, plan relating to the historic appeal decision (2317-11b), which gave sectional details showing the context of the proposed dwelling in relation to its immediate near neighbour. It appears to be acknowledged that it is not possible to comply with the condition in respect of development in accordance with that plan, because of its inaccuracy. The application proposes to replace 2317-11b with an accurate sectional drawing correctly depicting the relationship of the proposed building with its surrounding context. All other approved plans remain unaltered by these proposals:

- Site Survey - Existing Plan Ref: 2260-01
- Site Plan - Proposed Plan Ref: 2317-05f
- Proposals – General Arrangement (included Elevations) Plan Ref: 2317- 02z1
- Plans/Elevations Annexe Plan Ref: 2317-03e

The applicant recognises that the approved drawing 2317-11b is inaccurate, and is (in effect) seeking to substitute that approved drawing with (new) drawing number 1660-00-008 as a means of ensuring accurate approved drawings are in place to support the historic planning permission and any future build out of the planning permission. Development on site is currently considered to be unauthorised and in breach of the planning permission granted.

The applicant considers the application is being submitted on the basis that *“I understand that your Council is no longer prepared to adhere to the mediation agreement entered into on the 27th January 2021.”* Members are requested to note that any mediation agreement is an independent matter which stands apart from the planning process. The Assistant Director - Planning does not understand the suggestion of any departure from the mediation agreement reached in the course of that mediation, which continues to be adhered to.

REASONS FOR REFERRAL TO COMMITTEE

At the discretion of the Assistant Director - Planning, to enable democratic engagement with wider interested parties within the decision making process.

CONSULTATION

Cley Parish Council: Original Consultation comment: Objects to the proposal.

Raise concerns on the grounds that the unacceptable design of the building and impact on the heritage of Cley, particularly Saint Margaret’s Church.

The proposals are contrary to NPPF para 15 & 16, failing to conserve or enhance the natural or historic environment. They are also contrary to policy H08 (replacement dwellings), the replacement dwelling is out of character and is a large dominant building with little screening, and imposing height. The proposal is significantly larger in height and scale and impacts on the nearby countryside and listed heritage assets. The building is considered to be a disproportionately large increase under policy H08. Similarly the scale of the building is considered contrary to policy EN4. The development creates harm to this sensitive area, particularly the heritage assets, local landscape. The application should be refused.

Amended plans comment: comment only

The size of Arcady and the huge impact it has on Newgate Green is not disputed by Cllrs, it was during the build that Cllrs first raised concerns regarding the height and sheer scale of the building which was contrary to the permission granted. The Parish Council have gone on to receive many complaints about the building from parishioners, who all reference the negative impact it has on Newgate Green and Saint Margaret’s Church, Cllrs acknowledge that the building has been built far bigger than anticipated and was done so without the required planning consent.

The enforcement case has been a long drawn out and complex process, Cllrs have attempted to follow the ongoing case but now feel that it has got to a stage which is beyond their expertise

and remit. Cllrs were unable to settle on a preferred outcome for the case and as such voted on a majority vote to respond to the above planning applications with a neutral stance.

Landscape officer: Objection

The authors of plan 2317 – 11b concede that the drawing is incorrect in relation to relationships to Holly House, the adjacent dwelling, and the height of proposed dwelling. The submitted plan 1660-00-008-b titled *As Built Holt Road Street Elevation (North) & Site Section* shows the proposed dwelling set at a higher level than Holly House and presenting significantly greater mass within the site than suggested by 2317-11b. This is out of keeping with local context and this part of the Cley Conservation Area.

Had the amended plan (1660-00-008-b) been considered by the Inspector, then the Landscape section consider that he could not have formed the same conclusions. That decision was based on drawings showing that *'the proposed dwelling would not appear overly dominant or out of scale with its surroundings'* (Para 8). The decision was also based on his assumption that *'the new dwelling would be only marginally taller than the existing bungalow and lower than the adjacent house to the west'* (para. 7). This amended plan demonstrates that this is clearly not the case.

As such the proposed development (as described by the proposed replacement drawing) creates an unacceptably harmful relationship with the wider AONB and Heritage assets, to the detriment of landscape character.

Conservation and Design Officer: Objection

Initial objections and refusal noted in 2012, the Local Planning Authority were of the opinion that the proposed building would fail to preserve or enhance the character and appearance of the Cley Conservation Area. The subsequent appeal was granted, the Inspector at the time referred to the *"secluded nature of the site"* and to the new build being *"largely hidden from view from the Holt Road"*. He therefore anticipated that the dwelling *"would not intrude into any significant views of the Church"* and that it *"would preserve the character and appearance of the Cley Conservation Area"*.

Had the Inspector been asked to consider the latest amended plan (1660-00-008-b), it is difficult to conceive of him reaching the same conclusion based upon what we now know to be the real impact upon heritage assets. Instead Conservation & Design are firmly of the view that the appeal would have been dismissed rather than allowed. Accordingly, no support can be given to this variation.

REPRESENTATIONS

21 letters of **objection** raising comments on the application were received at the time of reporting this case. The comments received included amongst other the following:

- The application should not be valid, variation of conditions application should only be used to make minor changes to approved schemes.
- The submitted plans are inaccurate, in terms of reference to the historic bungalow height and levels, the proposed relationship of the proposed dwelling to it near neighbour.
- There is no survey drawing of the existing bungalow.
- The original plans were misleading, the permission is a nullity

- The plans show the building as built not as approved under the appeal, elevations do not match the approved plans.
- The height of the proposed building is higher than previously approved, standing 2.1 to 2.9M above the height of the original bungalow.
- As a replacement building for the original bungalow it is grossly disproportionate in height, scale and mass to the original bungalow and fails to meet the requirements of local plan policy. The proposals have a significantly greater impact by virtue of their height and massing on views from the Green, and are harmful to the heritage assets St Margaret's Church and Cley Next the Sea Conservation Area.
- The proposals are contrary to the Conservation Area Appraisal.
- The site has limited seasonal screening, dependent on deciduous planting.
- The proposals are contrary to policy HO8, ENV1, 2, 3, 4 & 8 and also NPPF para 176,199 & 200.
- The application is one of the many attempts to avoid enforcement action.
- The application challenges public confidence in the planning process
- The application should be refused and the enforcement process allowed to continue.

HUMAN RIGHTS IMPLICATIONS

Art. 8: The right to respect for private and family life.

Art. 1 of the First Protocol: The right to peaceful enjoyment of possessions

Having considered the above matters, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

STANDING DUTIES

Due regard has been given to the following duties:

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2010 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998

Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

RELEVANT POLICIES

North Norfolk Core Strategy (September 2008):

HO8: House Extensions and Replacement Dwellings in the Countryside.

EN1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads

EN2: Protection and Enhancement of Landscape and Settlement Character

EN4: Design

EN8: Protecting and Enhancing the Historic Environment

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide
North Norfolk Landscape Character Assessment
North Norfolk Landscape Sensitivity Assessment
Cley next the Sea Conservation Area Appraisal

National Planning Policy Framework (July 2021)

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 5: Delivering a sufficient supply of homes
Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving and enhancing the historic environment

OFFICER ASSESSMENT

Main Issues:

- 1. Validation of application**
- 2. Fallback position**
- 3. Material planning matter**
- 4. Other Miscellaneous Matters**
- 5. Conclusion**

1. Validation of application

It is a fair and reasonable request to understand how, after an appeal decision in 2014, a Local Planning Authority (LPA) can validate a variation of plans application such as in this case?

In the first instance validation of applications is driven by Section 70 of the Town & Country Planning Act (1990 as amended), specifically in this matter Section 70C gives the Council powers (which are discretionary) to refuse to determine retrospective applications. The application seeks to vary condition 2 of the original appeal decision reference (APP/Y2620/A/13/2205045), to substitute drawing 2317-11b with a new plan. Officers consider that s.70C of the TCPA is applicable, but on this occasion consider that an application under Sections 73 / 73a (S.73 / 73a) is an important consideration within the wider context of the enforcement case. This application will allow a decision to be reached as to the legacy of the historic appeal decision, albeit potentially with updated and accurate supporting plans and could inform any arguments around a potential fall-back position in the current live case PF/21/0883.

Consideration of S.73/ 73a applications in these circumstances is informed by two case law decisions, *Lambeth LBC v Secretary of State for Housing, Communities and Local Government (2019)* & *Lawson Builders Ltd v Secretary of State for Communities and Local Government (2015)*.

It is entirely proper for a S.73 application to be made retrospectively, i.e. after development has commenced / been completed. However, such a retrospective approach leaves open the effect of granting a new permission on the conditions that have already taken effect following the earlier permission. Advice in *Lambeth* is that, if minded to grant, the LPA... "*Should also repeat the relevant conditions from the original planning permission*".

In essence there is no legal reason that the LPA should invalidate such an application, the passage of time is not necessarily an impediment to such a submission, nor is its retrospective nature. Further, the impact of the changes proposed is in any event a matter of planning judgement for the decision maker, i.e. the central issue is whether planning permission is justified without complying with the (inaccurate) drawing.

As such the decision has been made not to exercise powers under s.70C to refuse to validate this application, and to deal with it substantively.

2. Fallback position

It is not relevant – or possible to know – what the intentions behind this application are. Nonetheless, officers note that at present, the planning permission granted by the Appeal Decision is likely not to be considered a fall-back position in the extant enforcement appeal in large part because of the inaccurate drawing, and condition requiring compliance with it, which is impossible¹. Should the application be granted, that reason for not treating the planning permission granted by the Appeal Decision as a fallback in the enforcement case would fall away. However, the effect of granting permission for the present application is unlikely to be relevant and the application has been assessed on its merits, rather than with regard to the potential effect of a grant of permission on other proceedings.

Subsequently to the issue of the appeal decision and commencement of works on site, it has been a matter of local concern that the originally approved section drawing 2317-11b was inaccurate and that this inaccuracy in terms of the relationship to the adjacent dwelling Holly House may have misled the originally appointed Planning Inspector to grant permission based on the skewed perceptions as to those relationships. Similar concerns were held by officers at NNDC and raised with the applicants. The applicant's advisers have agreed that the section drawing is inaccurate and by this application, submit a revised version for consideration.

Officers consider that it is important to the assessment of the parallel application PF/21/0882 that a clear fall-back position is known, i.e. whether or not the original appeal approval may be built out. This matter turns on recent case law; *Choiceplace Properties Ltd v Secretary of State for Housing, Communities and Local Government (2021)*. It is thus important that this application be determined prior to the parallel application, because its outcome is likely to materially affect the determination of that application.

In “Choiceplace”, the developer had planning permission for the erection of a three-storey block of flats, subject to a condition that the development be carried out in accordance with approved plans, could not be lawfully implemented when the approved plan showing a street scene drawing had not been drawn to the correct scale. The drawing inaccurately showed that the proposed development would be lower in height than neighbouring buildings, when in fact it would be higher. The drawing could not be regarded as only illustrative when it was intended to show the relationship of the proposed development to the existing heights of adjacent buildings. If built, the development would not be in accordance with the plan.

The similarities with “Choiceplace” and our current case are stark. Officers consider the accuracy of the approved sectional plan – with which compliance is explicitly required by condition – is highly likely to have been central to the inspector's contextual consideration of the proposals: it is clear from the Appeal Decision that matters such as layout, levels, height,

¹ *Choiceplace Properties Ltd v Secretary of State for Housing, Communities and Local Government [2021] EWHC 1070 (Admin)*

scale and massing, and landscaping, are considered on the basis (at least in part) of the sectional plan.

Inaccuracy in the sectional plan therefore impacts substantively on the Inspector's assessment of the appropriateness of the replacement within the context of the original bungalow, context with the adjacent dwelling and impacts on the heritage assets. In the Appeal Decision, the inspector determined that the proposed building would be only marginally taller than the existing bungalow and that it would not appear overly dominant or out of scale with its surroundings.

The Inspector's decision letter concludes:

"...that the overall form and design of the proposed development would be compatible with its surroundings, and that the proposal would preserve the character and appearance of the Cley Conservation Area. Additionally, I find that the proposal would preserve the open setting of the nearby listed church, and would not detract from the appearance of the surrounding rural landscape."

The present application requires consideration of the proposals without reference to the inaccurate plan, and in particular whether the proposed replacement drawing would lead officers to a different conclusion to that reached by the inspector in the Appeal Decision.

3. Material planning matters

A. The proposed elevations – continuity

The approved plan 2317-11b shows elevations which mirror dimensions (etc) shown elsewhere across the approved plans; Site Plan - Proposed Plan Ref: 2317-05f; Proposals – General Arrangement (included Elevations) Plan Ref: 2317- 02z1; Plans/Elevations Annexe Plan Ref: 2317-03e.

The proposed revised plan 1660-00-008 appears to lack this clear consistency with the approved plans, and in particular the tree screen superimposed over the main elevations obscures a number of the key considerations, e.g. what is called 'block 2', and the fenestration over a significant part of the elevation. It appears to describe a different building to that described in the approved plan bundle in terms of the detailed design; for example:

- Block 3 is shown with a large square window above the vestibule, rather than narrow landscape window as shown on the approved plans.
- Block 4 is show with a split narrow portrait window rather than single narrow portrait window as shown on the approved plans.
- Block 4 has an external rainwater down pipe and hopper, internal fittings as shown on the approved plans
- Cladding to Block 3 & 4 is shown as horizontal, approved is vertical cladding.

The proposed plan 1660-00-008 must be consistent with the existing approved plans, but it is not and is discordant over the features noted. The Council cannot mix and match plans in this way: all approved plans must be consistent one with the others, arguably even more so in this case given the historical inaccuracies, multiple breaches and pending enforcement appeal.

B. Appearance of amended section

The drawing 1660-00-008-b is plainly different to the approved drawing 2317-11b (as acknowledged by the application). The discrepancies are detailed below

B (i) Relationship to near neighbour Holly House:

When making his decision the Inspector understood that the proposed dwelling would be lower than, and therefore subservient to and not dominate, the adjacent Holly House, as indicated on approved drawing 2317-11b. The relationship between Holly House and the As Built Dwelling (Arcady) is substantially different to that which was presented during the application process and subsequent appeal process on approved drawing 2317 – 11b. The approved drawing 2317 – 11b effectively shows Holly House to be taller than the Proposed Dwelling (a matter specifically mentioned by the Inspector granting permission). We now know this is to not be correct. We know through field survey work of both the As Built Dwelling (Arcady) and the existing Holly House, that spot heights on the roof of the As Built Dwelling (Arcady) are at its highest point 18.20m with the ridge of the adjacent Holly House surveyed to be 16.67m. Therefore, the As Built Dwelling is 1.53m taller than Holly House.

Given the lack of spot heights or levels information shown on approved drawing 2317 – 11b the Inspector would only have had the ridge height of Holly House as it was viewed on site to mentally visualise the position of the Proposed Scheme. Standing on site, on Holt Road or within the local surroundings, including from the village green, the Inspector would have had approved drawing 2317 – 11b to visualise the Proposed Scheme alongside the adjacent Holly House. The approved drawing 2317 – 11b clearly shows the ridge of the Proposed Dwelling to be lower than that of the adjacent Holly House and occupying a more discreet location within its plot with less built form visible and therefore less imposing on its surroundings. This is a fundamental mistake, as it is clear that it was this relationship (Arcady being lower than Holly House) that the Inspector relied upon in making his decision.

However, this application is directed at whether the *as permitted* dwelling should be re-permitted without having to comply with the condition making reference to the inaccurate plan. As such, the question is whether the height of the as-permitted dwelling – as now shown on the proposed replacement drawing – and its relationship with its neighbours and context, can be said to be acceptable.

Further, the approved drawing shows a subordinate relationship to Holly House, the approved dwelling shown as sitting below the ridgeline of Holly House. The approved Annex sat at the same height as the first floor windows of Holly House. The proposed replacement drawing shows the proposed dwelling to sit above the ridgeline of Holly House, the proposed Annex now sits above the eaves of Holly House, at a mid-point on the gablet of Holly House.

B (ii) Relationship to original bungalow:

It is not possible to accurately relate the proposed building to any scale elevation drawings of the bungalow it replaced. The bungalow has long since been demolished, as the unauthorised development progressed, and no scale drawings of it exist. However, the officer presentation shows photographs which afford a good understanding of the nature of that bungalow, and as such the extent of change.

The Inspector considered that as a result of the “flat roofed design and the excavation of the lower levels of the property into the hillside, the new dwelling would be only marginally taller than the existing bungalow and would be lower than the adjacent house to the west².”

Photographic evidence shows that the building as built more than marginally exceeds the height of the bungalow; and the same is true of the photomontages of the proposed dwelling. Members are directed that the decisions in this matter relates solely to the photomontages

² A reference to Holly House

available, which depict the form of the development in fact proposed (which is materially different to the as-built dwelling)..

B (iii) Outline sections:

The applicants have provided a sectional plan showing outline “Wire frames” of the proposed house; original bungalow, proposed annex, garage / workshop to bungalow and Holly House. From this plan, it is clear that the proposed dwelling remains above the height of the bungalow (green outline against red), and also Holly House (green against blue).

C. Impact

Consideration of the impact of these changes should appropriately consider the effect of a large contemporary dwelling standing to a full building height at the eaves of its flat roof. By contrast, the bungalow and Holly House are pitched gable traditional dwellings whose roofscapes form a subservient component of the relationship. The effect of the height difference along with bulk “at height” is significantly impactful. When this is added to the substantial increase in floor space created by the proposed dwelling then the effect is one of over dominance in relation to its immediate context, and a disproportionate impact on its immediate setting.

This impact is exacerbated further by the proposed annex which sits at a greater height than shown on the approved (inaccurate) section and imposes further on the views across the Green and Holt Road into the site. The view would be one of a wall of development that sits at height with a bulk and massing set apart from the simple character of its surroundings, dominating its context.

The supporting section 1660-00-008 revised plan gives rise to a dwelling that is highly visually intrusive both within the conservation area and in the surrounding landscape setting when viewed from the south west (Bridgefoot Lane) .The main impact is on Newgate Green where the vista south to Holt Road is dominated by the elevated presence and bulk of the building. Its long street frontage and positioning on a bank presents a fortress like appearance to the Green. Far from not intruding visually on any significant views within the conservation area the building will become a dominant and intrusive focal element to the Green and wider landscape.

The prominence of the building is considered to be harmful given that the height and mass of the building as now proposed does not reflect the vernacular scale of the historic houses and cottages which otherwise front the green. The revised plan results in a building which causes harm to the significance of the Conservation Area, including the ability to appreciate that significance.

The supporting section 1660-00-008 proposes a dwelling which visually competes with the principal historic building in the locality – the Church of St Margaret’s. The views between the church and the appeal site are, as the Inspector identified, part filtered by the mature trees lining Holt Road. However, the elevated form as now presented results in a visually dominant building in the main views where the significance of the church is appreciated. The Inspector assessed the open setting of the church to be preserved. This is simply not the case with the revised supporting section.

The harm, while ‘less than substantial’, is not at the lower end of that scale and would require convincing justification. Paragraph 199 of the NPPF requires great weight to be given, proportionate to the importance of the identified heritage assets, irrespective of whether the harm amounts to substantial or less than substantial to the significance.

The building as shown on the supporting section 1660-00-008 is significantly different and more harmful than that shown on the approved (but inaccurate) section. Properly understood, it invalidates a number of the conclusions reached by the Inspector, and an independent analysis of its impact shows that the proposed dwelling would be over-dominant within its context, and considerably more harmful than initially assessed (by reference to an inaccurate and misleading plan).

For the reasons outlined above it is more impactful on the local relationships with Holly House, the Conservation Area and views from the South across the application site to St Margaret's Church. The proposed dwelling is no longer "largely hidden" from Holt Road approaches to the east, the roof and upper sections intrude more greatly. Views of the front elevation are more obtrusive, they are no longer "glimpsed" when viewed from the Green, open space adjacent or walking Holt Road. The enhanced prominence of the building no longer assimilates as part of the established views from the Green and to the South, the proposals now dominate those views.

The acknowledged inaccuracy of the approved plan effectively undermines the position arrived at by the Inspector in the historic appeal. The proposals – properly understood - are not considered compliant with policies EN2 (AONB), EN4 (Design), or EN8 (Historic Environment), and will have a disproportionately significant height scale and mass to the bungalow it replaced, contrary to policy H08. The proposals are not consistent with NPPF requirements to promote good design, enhancement and preservation of heritage assets and fail to preserve or enhance the landscape and scenic beauty of the AONB.

4. Other Miscellaneous Matters

Accuracy of plans:

The submitted plans have been questioned by a number of consultees in terms of their accuracy: the height of the proposed dwelling, site levels and continuity with the approved plans has been raised.

Concerns are raised regarding the true height and relationship of the bungalow that was to be replaced by the proposed dwelling. Photographic evidence shows that the height of the unauthorised building that eventually replaced the bungalow is significantly taller than the bungalow. However, in the absence of detailed survey plans of the bungalow then it is not possible to accurately quantify the difference, rather a qualitative view is that the building is taller and has more impact. The same is true, albeit to a marginally lesser extent, of the relationship of the proposed dwelling as shown on the proposed replacement drawing, and the former bungalow.

As part of the appeal process the Council commissioned a separate site survey. That survey has been reviewed in light of the current applications. The Council's surveyor has concluded that the spot heights detailed in the 2020 NNDC survey are within reasonable tolerances to the plans submitted by the applicant. Decisions may be reliably made upon the plan submitted in relation to the proposed dwelling as shown on plan 1660-00-008-b for the proposed replacement dwelling.

Mediation process:

The mediation process stands apart from the planning application process. In the case of this specific application then there is no direct relationship with the mediation agreement.

Progression of application PF/21/0882 – full details application

Reference is made to the overlapping matter of the weight to be afforded to the Fallback position in terms of its role in the appeal proceedings and/or the 'parallel' planning application.

The recommendation and decision reached on this current application has the potential to effect that issue in those other matters, but is not relevant to the determination of this present application.

Continuity with enforcement case:

The enforcement notice appeal is scheduled to be heard on 21 June 2022.

Conclusion

This application requires a consideration of the acceptability, in planning terms, of permitting the building otherwise described in the approved plans listed in the Appeal Decision, without compliance with the inaccurate plan 2317-11b (and, in effect, in reliance on a substitute for that plan). Because a s.73 permission is a new planning permission, that requires an assessment of the merits of the building so described, including an assessment – on an accurate basis – of its likely relationship with its neighbouring buildings, heritage assets and context.

Officers consider that, if drawing 1660-00-008-b had been used by the Inspector when making his decision, it is inconceivable that he could have formed the same conclusions as those in fact reached on the basis of approved drawing 2317 – 11b. Drawing 1660-00-008-b would have given the Inspector a greater appreciation of the true scale and mass of the proposed building, its eventual relationship with the adjacent Holly House and how it would have been viewed from within the surrounding Conservation Area and village green.

Irrespective of whatever view the Inspector may have arrived at we must consider the proposals as they are presented today. Officers consider that the inaccurate and misleading drawing 2317 – 11b, forms part of the approved plan bundle has some significance. Buildings are misrepresented against their neighbours. The proposals under revised plan 1660-00-008-b, properly understood, would have a materially greater impact than that described in the Appeal Decision, and that impact is unacceptable. The delicate balance is tipped, policies are no longer complied with. The proposal would fail to comply with policies EN2 (AONB), EN4 (Design), EN8 (Historic Environment), and H08 (replacement dwellings), and with the development plan read as a whole.

No overriding public benefit is identified to offset the harm arising to the heritage assets or Norfolk Coast AONB, as such the significant weight to be afforded under the Listed Buildings and Conservation Areas) Act 1990 and National Planning Policy Framework 2021 dictates that the proposals should be refused in accordance with Development Plan provisions.

RECOMMENDATION: - Refusal

It is considered that the proposals shown by the proposed replacement plan (and thus the proposed revision to the condition) fail to satisfy concerns raised in relation to the excessive and harmful height, scale mass & prominence of the proposed dwelling. The impact of the proposed development – which is a replacement dwelling of a disproportionate height scale and mass to the bungalow it replaced. The proposed plan shows this development will lead to unacceptable harm to the Cley Conservation Area, listed church and the wider AONB.

The proposals are considered to be contrary to policies H08, EN1, EN2, EN4 & EN8 of the adopted North Norfolk Core Strategy, paragraphs 135, 174, 176, 199, 200 & 202 of the National Planning Policy Framework 2021, and Section 66(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

DILHAM - PF/21/1478 – Conversion of agricultural building with associated external alterations to indoor swimming pool for private hire at Agricultural Barns, Oak Road, Dilham, Norfolk, NR29 9PW

Minor Development

Target Date: 31.03.2022

Extension of Time: Not agreed

Case Officer: Bruno Fraga da Costa

Full Planning Permission

RELEVANT SITE CONSTRAINTS

- Within the Countryside as designated within the North Norfolk Core Strategy
- Within the Low Plains Farmland Landscape Character Area as designated within the North Norfolk Landscape Character Assessment

RELEVANT PLANNING HISTORY

None

THE APPLICATION

Site description:

The site lies within an area designated as Countryside. The barn is located at Oak Farm and is situated in a cluster of agricultural buildings historically associated with the farm. Oak Farm is located 1.5km northeast of Dilham and is accessed via Oak Road. Oak Road is a public highway as it leaves the village of Dilham heading east but reverts to a private road halfway between the Grain Store and the village. Oak Road provides access to several dwellings, Tonnage Bridge Glamping Site, and equine livery fields. Oak Road is also in regular use by the applicant's farm, which farms land on all sides of the road and application site. The barn is a red brick building with corrugated sheet roof measuring approximately 7.4m wide and 27m long.

Proposal:

This application seeks consent for change of use of the barn together with associated operational development to accommodate a swimming pool. The swimming pool would comprise of a single pool measuring 12m long and 5m wide. The existing lean-to element would house a hot tub, sauna and plant room, and the existing porch on the north facing gable would be converted to provide two changing rooms. The large openings in the west-facing elevation would be infilled with glazing, and the external sliding doors retained. A new opening would be formed in the south-facing elevation both to provide light into the swimming pool area and views south across the neighbouring fields. The addition of an entrance porch to the north-facing elevation measuring 1.8m by 3m would be proposed to provide a transition area from the heated barn to the outside. Externally, the area dedicated to parking has been designed to accommodate 13 car parking spaces and four cycle parking spaces.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Nigel Dixon - The scheme results in environmental harm, lies in an unsustainable location and raises concerns in relation to highway safety arising from the increased use of the poor local road network serving the site.

CONSULTATION

Dilham Parish Council: Concerns over the disposal of the swimming pool water

Conservation and Design: No objection subject to conditions

Landscape: No objection subject to conditions

Environmental Health: No objection subject to conditions and informative note

Norfolk County Council Highways: No objection subject to condition

Natural England: Impacts to designated sites caused by foul drainage arrangements need to be considered by North Norfolk District Council

Environment Agency: No objection subject to Informative Notes

REPRESENTATIONS

Public consultation of the application took place for a period of 21 days between 20.08.2021 to 10.09.2021. To date, two objections have been received. The key points raised in the **OBJECTION** representations are as follows:

- The use of this facility would increase the amount of traffic
- The proposal would affect the wildlife in Broad Fen Site of Special Scientific Interest (SSSI) and the Broads National Park
- Concerns over the light pollution in such a dark sky remote location

HUMAN RIGHTS IMPLICATIONS

Art. 8: The right to respect for private and family life.

Art. 1 of the First Protocol: The right to peaceful enjoyment of possessions

Having considered the above matters, APPROVAL of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

STANDING DUTIES

Due regard has been given to the following duties:

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2010 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998

Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

RELEVANT POLICIES

North Norfolk Core Strategy (September 2008):

Policy SS 1: Spatial Strategy for North Norfolk
Policy SS 2: Development in the Countryside
Policy SS 5: Economy
Policy SS 6: Access and Infrastructure
Policy EN 1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads
Policy EN 2: Protection and Enhancement of Landscape and Settlement Character
Policy EN 4: Design
Policy EN 8: Protecting and Enhancing the Historic Environment
Policy EN 9: Biodiversity & Geology
Policy EN 10: Development and Flood Risk
Policy EN 13: Pollution and Hazard Prevention and Minimisation
Policy EC 1: Farm Diversification
Policy EC 2: The Re-use of Buildings in the Countryside
Policy EC 5: Location of Retail and Commercial Leisure Development
Policy EC 7: The Location of New Tourism Development
Policy CT 5: The Transport Impact of New Development
Policy CT 6: Parking Provision

Material Considerations:

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide (December 2008)
North Norfolk Landscape Character Assessment (January 2021)
North Norfolk Landscape Sensitivity Assessment (January 2021)

National Planning Policy Framework (July 2021)

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 6: Building a strong, competitive economy
Chapter 9: Promoting sustainable transport
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding, and coastal change
Chapter 15: Conserving and enhancing the natural environment

OFFICER ASSESSMENT

Main Issues:

- 1. Principle**
- 2. Landscape**
- 3. Design**
- 4. Residential Amenity**
- 5. Biodiversity**
- 6. Pollution and Hazard Prevention and Minimisation**
- 7. Highways**

8. Other matters
9. Conclusion

1. Principle (Policies SS 1, SS 2, SS 5, SS 6, EC 1, EC 2, EC 5, and EC 7)

Policy SS 1 sets out that most of the new development in North Norfolk will take place in the towns and larger villages as defined as Principal and Secondary Settlements and a small amount of new development will be focused on several designated Service and Coastal Service Villages. The rest of North Norfolk, including all settlements that do not fall under the above criteria, will be designated as Countryside. Policy SS 2 limits development in areas designated as Countryside to that, which requires a rural location and accords with the re-use and adaptation of buildings for appropriate purposes and recreation and tourism.

Development in areas designated as Countryside will be constrained, except to support rural communities and rural economic diversification. The site is situated in Dilham, which is an area designated as Countryside under Policies SS 1 and SS 2. The proposal involves the change of use of the barn to accommodate a swimming pool, sauna, and additional facilities that support such uses. Such a use falls under the category of re-use and adaptation of buildings for appropriate purposes and recreation and tourism which are two of the types of development that are acceptable in principle in this location under Policies SS 1 and SS 2 subject to assessment against the relevant 're-use and adaptation' and 'recreation and tourism' policies.

Policy EC 1 sets out that proposals for development in the Countryside for purposes of farm diversification will be permitted provided it can be demonstrated they would make an ongoing contribution to sustaining the agricultural enterprise.

The farming diversification at Oak Farm focus on small-scale tourism accommodation and activities across the farming estate, i.e. camping and glamping accommodation, equine livery fields and canoe hire. Given the proposals location and scale, it is considered appropriate in nature and therefore would complement the existing tourism accommodation and activities within Oak Farm.

Within the Countryside policy area proposals should first re-use existing buildings to protect the countryside from development that could erode the character of the area. Paragraph 84 of the Framework seeks the sustainable growth and expansion of all types of business in rural areas through the conversion of existing buildings, the development and diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments which respect the character of the countryside. On that basis, Policy EC 7 restricts new tourist accommodation in the Countryside subject to compliance with Policy EC 2.

Government policy has focused on encouraging the re-use of rural buildings for either business or community purposes as a means of supporting the diversification of farming enterprises and the general vitality of rural communities without necessitating the development of new buildings. To that effect, Policy EC 2 states that the re-use of buildings in the Countryside for non-residential purposes will be permitted providing the economic use is appropriate in scale and nature to the location. Secondly, it can be demonstrated that the building is soundly built and suitable for the proposed use without substantial rebuilding or extension and the proposed alterations protect or enhance the character of the building and its setting. Finally, the proposal is in accordance with other policies seeking to protect biodiversity, amenity and character of the area.

The barn is appropriate in scale and nature to the location and can therefore accommodate a swimming pool, sauna, and additional facilities that support other economic uses within the farming estate. Secondly, the structural inspection report prepared by S. F. Johns, dated October 2021 concludes the barn appears to be structurally sound providing a careful and a thorough repair of the structural fabric is undertaken. Finally, it is considered the proposal complies with the relevant policies concerning biodiversity, amenity, and character of the area, which has been set out above.

Policy EC 5 is concerned with ensuring that significant proposals for commercial leisure developments on unallocated sites are focused on North Norfolk's eight town centres (Cromer, Holt, Fakenham, North Walsham, Hoveton, Sheringham, Stalham and Wells-next-the-Sea), thereby helping to maintain and enhance the vitality and viability of the town centres and minimise the need to travel. Under Policy EC 5, Commercial Leisure Proposals with a gross floor area of less than 500sqm should be located within the development boundary on the best sequentially available site.

The scheme has a gross floor area of 203.5sqm, therefore, it would not comply with the above requirements as it is located within the wider Countryside. However, providing for local needs in the wider rural area will be limited to existing buildings in order to support the general restriction on new-build development in the Countryside policy area, and will complement the preferred approach towards Farm Diversification under Policy EC 1 and the Re-use of Buildings in the Countryside under Policy EC 2.

For the reasons given above, it is considered the proposal complies Policies, SS 1, SS 2, SS 5, SS 6, EC 1, EC 2, EC 7, paragraph 84 of the Framework, and therefore is acceptable in principle.

2. Landscape (Policies EN 1, and EN 2)

The Broads are valuable assets for North Norfolk, in terms of sustainable tourism, quality of life and as wildlife habitats. It has a status equivalent to a National Park and include several European wildlife designations. Policy EN 1 states that the impact of individual proposals, and their cumulative effects on The Broads and its setting, will be carefully assessed. Development will be permitted where it is appropriate to the economic, social, and environmental well-being of the area or is desirable for the understanding and enjoyment of the area and does not detract from the special qualities of The Broads.

Paragraph 176 highlights that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and the Broads which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The application site is situated north of The Broads Special Area of Conservation (SAC). The proposal seeks to bring back to use a dilapidated agricultural store by converting it to a swimming pool and sauna for private hire. The conversion of the barn will provide economic and social benefits and would support the current tourism activities within the area. Moreover, given the proposal comprises of utilising an existing building, the proposed minor alterations would not affect its scale or impact on the setting of The Broads. On that basis, the scheme complies with Policy EN 1 and paragraph 176 of the Framework.

Policy EN 2 sets out that proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment (LCA) (January 2021). Development proposals should demonstrate that their location, scale, design, and materials would protect, conserve, and, where possible, enhance the special qualities and local distinctiveness of the area.

The site lies within the Low Plains Farmland Landscape Character Area as designated within the LCA (January 2021). The Landscape guidelines for the Low Plains Farmland Landscape Character Area requires that the redevelopment of redundant barn complexes outside settlement boundaries, is sensitively undertaken avoiding use of suburban features such as surfaced drives, domestic style gates and fences, ornamental planting, overly large windows, or excessive external lighting.

The proposal involves the addition of one and two large windows on the south and west elevations respectively, with the latter utilising existing apertures within the fabric of the building. Given that these elements sensitively re-adapt existing features of the building and their design is considered recessive, it is considered the proposal results in the protection and conservation of the building and would not significantly impact on the special qualities and distinctiveness of the area. As a result, it is considered the scheme complies with Policy EN 2.

3. Design (Policy EN 4)

Policy EN 4 requires that all development should be designed to a high quality, reinforcing local distinctiveness, be expected to be suitably designed for the context within which they are set, and ensure that the scale and massing of buildings relate sympathetically to the surrounding area. Moreover, paragraph 130 of the Framework sets out that developments should be sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change and optimise the potential of the site to accommodate and sustain an appropriate amount of mix development.

The swimming pool would comprise of a single pool measuring 12m long and 5m wide. The existing lean-to element would house a hot tub, sauna and plant room, and the existing porch on the north facing gable would be converted to provide two changing rooms. The large openings in the west-facing elevation would be infilled with glazing, and the external sliding doors retained. A new opening would be formed in the south-facing elevation both to provide light into the pool area and views south across the neighbouring fields. The addition of an entrance porch to the north-facing elevation measuring 1.8m by 3m would be proposed to provide a transition area from the heated barn to the outside. The proposed pallet of materials comprises of corrugated sheets, soft red brick, and dark coloured aluminium fenestration. Externally, the area dedicated to parking has been designed to accommodate 13 parking spaces and four cycling parking spaces.

The Conservation and Design Officer has not objected to the proposal subject that the details of the windows, and glazed screens, are secure through condition.

Officers are of the opinion that subject to the above planning condition, the proposal would be sympathetic to the local character and context of the surrounding area and therefore would not give rise to significant design concerns. As such, the scheme complies with Policy EN 4 and paragraph 130 of the Framework.

4. Residential Amenity (Policy EN 4)

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers.

The barn lies 6.5m east of an agricultural store and 12.5m west of a redundant agricultural storage building which is under assessment under application PF/21/1479 to be converted into a four-bedroom holiday let. The proposed fenestration on the east elevation serves a plant room and spa area and on the west elevation a walkway to the swimming pool. Given the separation distance between the proposal and the redundant agricultural storage building located east, and the public nature of the areas proposed, it is considered the proposal would not give rise to significant amenity concerns. As such, the scheme complies with Policy EN 4.

5. Biodiversity (Policy EN 9)

Policy EN 9 sets out that development proposals should protect the biodiversity value of land and buildings and minimise fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated sites or protected species will not be permitted unless prevention, mitigation and compensation measures are provided.

The application has been supported by a Preliminary Ecological Appraisal report prepared by Liz Lord Ecology, dated 10 August 2021 and a subsequent Nocturnal Bats Survey report prepared by Biome Consulting dated 15 September 2021. The reports concluded that the proposal would result in the destruction of the day roost for one common pipistrelle bat and day roosts for three brown long-eared bats and potential disturbance of bats if present during the construction phase resulting in minor negative impact on the local bat populations.

Concerns have been raised on the grounds that the proposal would affect the wildlife in Broad Fen Site of Special Scientific Interest (SSSI) and the Broads National Park. The Landscape Officer has assessed the information submitted with the application and subject to the provision of appropriate mitigation and compensation measures, the favourable conservation status of the local bat populations affected would be maintained. It is considered that a Natural England European Protected Species Mitigation (EPSM) Licence is likely to be granted due to the relatively low ecological cost of the development against the social benefits to the owner and economic reasons. Moreover, to ensure that the development results in a net gain for biodiversity (paragraph 175 of the Framework and 25 Year Environment Plan) and to contribute towards the Council's statutory duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006 (NERC Act) conditions should be secured on the permission which aim to secure detailed mitigation and enhancement measures on the development site

Section 13 of the application form states that the foul sewage is to be disposed of by a Package Treatment Plant. The site lies north of the Broads Special Area of Conservation (SAC), Broadland Special Protection Area (SPA), Ramsar site, and Broad Fen Site of Special Scientific Interest (SSSI). Natural England has raised concerns in relation to the disposal of foul water from the proposal. Standing advice has been provided regarding the drainage parameters that must be met for a development to comply with the Conservation of Habitats and Species Regulations 2017 as amended. The Landscape Officer considers that the applicant has provided the information necessary to undertake this simple assessment, which confirms that the drainage solution would comply with Natural England's requirements to avoid adverse effects on the European sites and SSSI. The exact details of the drainage solution

(type of treatment plant, capacity, and location of plant and drainage field) will need to be provided and approved prior to installation and secured via a planning condition. Moreover, the Environment Agency concluded that a permit is required as the Package Treatment Plant (PTP) would need to be suitably sized to prevent hydraulic overloading and would also need to cope with the effluents.

Concerns have also been raised over light pollution in such a remote location. The Landscape Officer is of the opinion that to ensure that excessive light spill in the countryside is avoided and to protect the Broads National Park and avoid any adverse impacts on protected species populations, a planning condition requiring prior approval of external lighting shall be made to the Local Planning Authority.

For the reasons stated above and subject to a Natural England European Protected Species Mitigation (EPSM) Licence, mitigation and enhancement measures set out in the above protected species reports, the required permit from the Environment Agency and planning conditions that secure the details of the drainage solution (type of treatment plant, capacity and location of plant and drainage field) and external lighting, Officers consider that the proposal would comply with Policy EN 9 and paragraph 175 of the Framework.

6. Pollution and Hazard Prevention and Minimisation (Policy EN 13)

Policy EN 13 sets out the requirements for all development to minimise, and where possible reduce all emissions and other forms of pollution, including light and noise pollution. Proposals will only be permitted where, individually, or cumulatively there are no unacceptable impacts on the natural environment and general amenity, health, and safety of the public and air quality. Paragraph 185 of the Framework requires that local planning authorities ensure that new development is appropriate for its location considering the effects (including cumulative effects) of pollution on health, living conditions, and the natural environment.

The Environmental Protection (EP) Team have reviewed this application and have no objection to the proposal. The location of the plant and equipment associated with the scheme lies approximately 10m west from proposed four-bedroom holiday let accommodation which is being assessed under planning application PF/21/1479. As such, prior to the installation of any plant, machinery, ventilation, air conditioning, heating, extraction equipment, details of the location, acoustic specifications, and specific measures to control noise, dust, odour from the equipment shall be secured through a planning condition as well as details of the proposed means of waste disposal. Subject to the above conditions and relevant informative notes, Officers consider the proposal would not give rise to significant environmental health concerns. On that basis, the scheme complies with Policy EN 13 and paragraph 185 of the Framework.

7. Highways (Policies CT 5, and CT 6)

Policy CT 5 sets out proposals should provide for safe and convenient access on foot, cycle, public, and private transport addressing the needs of all without detriment to the amenity or character of the surrounding area or highway safety. Policy CT 6 requires that adequate vehicle/cycle parking should be made in accordance with the Council's parking standards.

Appendix C: Parking Standards of the Core Strategy requires one car parking space per 22sq.m (nine car parking spaces) plus coach drop off point and one cycle parking space per four visitors and one space per four staff. Parking and cycle stand plans have been submitted on 8 November 2021. The plans provide for 13 parking spaces and four cycle parking spaces. As such, the proposal meets the Council's parking standards requirements set out in Appendix C: Parking Standards of the Core Strategy.

The Highways Officer has assessed the information submitted with the application and considers that given the compact size of the swimming pool and its restricted use to appointment only swimming, traffic movements will be limited by these constraints and given the existing access benefits from passing places, no objection has been raised subject to planning condition that ensures the on-site car and cycle parking area shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the plans submitted.

Councillors have objected to the proposal on the grounds of highway safety arising from the increased use of the poor local road network serving the site. Paragraph 111 of the Framework sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highways Officer considered that the former farm use would have had a degree of traffic generation, which needs to be compared to the proposed use. In addition, the existing access benefits from passing places and provides for adequate space for vehicles to park and turn around.

In addition to the comments and condition proposed by the Highways Officer, Officers consider that an Operational Management Plan with details for a booking system of the facilities provided at the site and other measures shall need to be submitted to the Local Planning Authority prior to the first use of the development. This is to ensure that the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity, or character of the surrounding area or highway safety.

For the reasons given above and subject to the required conditions, Officers consider that on balance, the proposal complies with Policies CT 5 and CT 6.

8. Other Matters

Pre-commencement Conditions

The recommendation proposes pre-commencement planning conditions therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such a condition. Notice was served on the 15 February 2022 and agreed in writing by the applicant on the 15 February 2022.

9. Conclusion

The development is considered to be in accordance with the requirements of the Development Plan. There are no material considerations that indicate the application should be determined otherwise.

RECOMMENDATION:

It is recommended that the application be APPROVED subject to the conditions listed below and any others considered necessary by the Assistance Director of Planning:

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

As required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents, except as may be required by specific condition(s) and as listed below:
 - Location Plan, dated 26 May 2021
 - Drawing no. 27292EA-02, Measured Building Survey, dated 26 May 2021
 - Drawing no. OFS1, Proposed Site Plan, dated 26 May 2021
 - Drawing no. PL0002, Proposal Drawing Units 3, dated 26 May 2021
 - Drawing no. SK0002, Proposal Drawing Units 3, dated 26 May 2021
 - Parking Plan, received on 8 November 2021
 - Drawing no. CS-1-A, Cycle Stands, received on 8 November 2021
 - Report no. 1663B, Rev A, Preliminary Ecological Appraisal (Liz Lord Ecology, 10 August 2021) received on 23 August 2021
 - Nocturnal Bat Survey Report (Biome Consulting, 15 September 2021) received on 27 September 2021
 - Report no. 4207/2, Structural Inspection of Redundant Two Storey Barn (S. F. Johns, October 2021), received on 23 November 2021
 - Treatment of Foul Water, received on 4 January 2021

Reason:

For the avoidance of doubt.

3. Before their first use on site details of the manufacturer specifications for the windows and glazed screens shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details/samples. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application.

Reason:

To ensure the satisfactory appearance of the development in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

4. The approved works, which includes any demolition, modification or building work, to the building identified as the Swimming Pool Barn in the Nocturnal Bat Survey report prepared by Biome Consulting dated 15 September 2021, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
 - a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
 - b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason:

The Habitats Directive requires a system of 'strict protection' for certain protected species. It is a criminal offence to consciously harm European protected species without a licence, which would only be issued if the statutory licensing body is satisfied that the derogation criteria are met. However, the risk of criminal prosecution might not prevent harm from

taking place. This condition therefore helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardise the protected species, before the species is harmed. This condition can be enforced by a temporary stop notice or by injunction. This condition ensures that the Local Planning Authority is complying with its statutory obligations with respect to the Habitats Regulations.

5. The development hereby approved shall be carried out in strict accordance with the protected species mitigation and enhancement measures outlined in Section 6 of the Preliminary Ecological Appraisal report prepared by Liz Lord Ecology dated 10 August 2021 and Section 5 of the Nocturnal Bat Survey report prepared by Biome Consulting dated 15 September 2021. This shall include the provision of compensatory bat roost facilities. The boxes shall then be erected according to the approved details and thereafter maintained in a suitable condition to serve the intended purpose.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 175 of the National Planning Policy Framework, and for the undertaking of the Council's statutory function under the Natural Environment and Rural Communities Act (2006).

6. No external lighting shall be erected without prior approval of the Local Planning Authority.

Reason:

To ensure that excessive light spill in the countryside is avoided (Policy EN 13) and to protect the Broads National Park (Policy EN 1) and to avoid any adverse impacts on protected species populations (Policy EN 9).

7. Prior to installation, the details of proposed Sewage Treatment Package Plant and drainage field (including location) shall be submitted to and approved in writing by the Local Planning Authority, to protect nearby European sites from adverse water quality impacts. Prior to the first use of the development hereby permitted the approved foul water treatment details shall have been implemented in full accordance with the approved details.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 175 of the National Planning Policy Framework, and for the undertaking of the Council's statutory function under the Natural Environment and Rural Communities Act (2006).

8. Prior to the first use of the development hereby permitted details of the proposed means of waste disposal shall be submitted to and approved in writing by the Local Planning Authority. Waste disposal shall thereafter be undertaken in accordance with the approved details.

Reason:

To protect nearby residents from smell and airborne pollution in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

9. Prior to installation of any plant/machinery/ventilation/air conditioning/heating/extraction equipment including any replacements of such, full details including location, acoustic specifications, and specific measures to control noise/dust/odour from the equipment, shall be submitted to and approved in writing by the Local Planning Authority. The equipment

shall be installed, used, and maintained thereafter in full accordance with the approved details.

Reason:

To control the noise or odour emitted from the site in the interests of residential amenity in accordance with Policy EN 13.

10. Prior to the first use of the development hereby permitted the proposed on-site car and cycle parking area shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason:

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

11. Prior to first use of the development hereby permitted a site Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details for a booking system of the facilities provided at the site and other measures to be implemented to manage vehicular traffic movements.

The Operational Management Plan shall be implemented prior to first use of the development hereby permitted and thereafter retained as approved for the lifetime of the development.

Reason:

To ensure the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety, in accordance with Policies EN 4 and CT 5 of the adopted North Norfolk Core Strategy and Section 9 of the National Planning Policy Framework (2021)

NOTES AND INFORMATIVES TO APPLICANT

1. The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application, to secure a policy compliant proposal that has been determined in the wider public interest at the earliest reasonable opportunity, in accordance with the requirements of the National Planning Policy Framework (paragraph 38).
2. The applicant is advised that businesses require a Trade Waste contract to dispose of all waste associated with commercial activities as stated in the Environmental Protection Act 1990, Section 34. For further advice regarding this matter can be obtained by contacting the District Council's Environmental Protection Team (telephone 01263 516085).
3. Advisory note for contamination for conversion of Farm buildings and sites. In the event of any contamination becoming evident (from storage of oil/fuel/agrochemicals, disposal pits etc.) the applicant/developer is advised to halt works and seek advice from the District Council's Environmental Protection Team (telephone 01263 516085).
4. The proposed sewage package treatment plant will need to be appropriately sized for building control approval, and the applicant is advised to contact the Environment Agency as they may need to obtain discharge consent for the treatment plant.

DILHAM – PF/21/1479 – Conversion of agricultural building with associated external alterations to form four-bedroom holiday accommodation at Agricultural Barns, Oak Road, Dilham, Norfolk, NR28 9PW

Minor Development

Target Date: 31.03.2022

Extension of Time: Not agreed

Case Officer: Bruno Fraga da Costa

Full Planning Permission

RELEVANT SITE CONSTRAINTS

- Within the Countryside as designated within the North Norfolk Core Strategy
- Within the Low Plains Farmland Landscape Character Area as designated within the North Norfolk Landscape Character Assessment

RELEVANT PLANNING HISTORY

None

THE APPLICATION

Site description:

The site lies within an area designated as Countryside. The barn is located at Oak Farm and is situated in a cluster of agricultural buildings historically associated with the farm. Oak Farm is located 1.5km northeast of Dilham and is accessed via Oak Road. Oak Road is a public highway as it leaves the village of Dilham heading east but reverts to a private road halfway between the Grain Store and the village. The barn, formerly known, as the Pump House is a red brick building with a pan tiled hipped roof measuring approximately 9.5m wide and 14m long.

Proposal:

This application seeks consent for change of use, together with associated operational development of the building from agricultural use to a four-bed holiday home. The conversion reuses existing openings to form new windows and doors. Externally, the building would be accessed via the existing private drive, connecting to the private roadway, which in turn joins Oak Road. The area of grass south of the building would be fenced with timber post and rail to create a small garden. Parking and manoeuvring areas would be provided on the existing areas of hardstanding.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Nigel Dixon - The scheme results in environmental harm, lies in an unsustainable location and raises concerns in relation to highway safety arising from the increased use of the poor local road network serving the site.

CONSULTATION

Dilham Parish Council: Concern over the increased traffic levels along Oak Road

Conservation and Design: No objection subject to conditions

Landscape: No objection subject to conditions

Environmental Health: No objection subject to advisory note

Norfolk County Council Highways: No objection

UK Power Networks: No response

Public Rights of Way & Green Infrastructure: No objection

REPRESENTATIONS

Public consultation of the application took place for a period of 21 days between 20.08.2021 to 10.09.2021. To date, two objections have been received. The key points raised in the **OBJECTION** representations are as follows:

- The increase in the number of cars results in the increase amount of traffic
- The use of the holiday home will generate noise concerns
- Concerns over the light pollution in such a dark sky remote location

HUMAN RIGHTS IMPLICATIONS

Art. 8: The right to respect for private and family life.

Art. 1 of the First Protocol: The right to peaceful enjoyment of possessions

Having considered the above matters, APPROVAL of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

STANDING DUTIES

Due regard has been given to the following duties:

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2010 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998

Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

RELEVANT POLICIES

North Norfolk Core Strategy (September 2008):

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 2: Development in the Countryside

Policy SS 5: Economy

Policy SS 6: Access and Infrastructure

Policy EN 1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads
Policy EN 2: Protection and Enhancement of Landscape and Settlement Character
Policy EN 4: Design
Policy EN 8: Protecting and Enhancing the Historic Environment
Policy EN 9: Biodiversity & Geology
Policy EN 10: Development and Flood Risk
Policy EN 13: Pollution and Hazard Prevention and Minimisation
Policy EC 1: Farm Diversification
Policy EC 2: The Re-use of Buildings in the Countryside
Policy EC 7: The Location of New Tourism Accommodation
Policy EC 9: Holiday and Seasonal Occupancy Conditions
Policy CT 5: The Transport Impact of New Development
Policy CT 6: Parking Provision

Material Considerations:

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide (December 2008)
North Norfolk Landscape Character Assessment (January 2021)
North Norfolk Landscape Sensitivity Assessment (January 2021)

National Planning Policy Framework (July 2021)

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 6: Building a strong, competitive economy
Chapter 9: Promoting sustainable transport
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment

OFFICER ASSESSMENT

Main Issues:

1. **Principle**
2. **Landscape and Settlement Character**
3. **Design**
4. **Residential Amenity**
5. **Biodiversity**
6. **Pollution and Hazard Prevention and Minimisation**
7. **Highways**
8. **Other matters**
9. **Conclusion**

1. **Principle** (Policies SS 1, SS 2, SS 5, SS 6, EC 1, EC 2, EC 7, and EC 9)

Policy SS 1 sets out that most of the new development in North Norfolk will take place in the towns and larger villages as defined as Principal and Secondary Settlements and a small amount of new development will be focused on several designated Service and Coastal Service Villages. The rest of North Norfolk, including all settlements that do not fall under the above criteria, will be designated as Countryside. Policy SS 2 limits development in areas

designated as Countryside to that, which requires a rural location and accords with the re-use and adaptation of buildings for appropriate purposes and recreation and tourism.

Development in areas designated as Countryside will be constrained, except to support rural communities and rural economic diversification. The site is situated in Dilham, which is an area designated as Countryside under Policies SS 1 and SS 2. The proposal involves the re-use and adaptation of the existing building to recreation and tourism. This type of development is acceptable in this location under Policies SS 1 and SS 2 as it falls under the types of development acceptable in the Countryside to support the rural economy.

Policy EC 1 sets out that proposals for development in the Countryside for purposes of farm diversification will be permitted provided it can be demonstrated they would make an ongoing contribution to sustaining the agricultural enterprise.

The farming diversification at Oak Farm focus on small-scale tourism accommodation and activities across the farming estate, i.e., camping and glamping accommodation and canoe hire. Given the proposals location and scale, it is considered appropriate in nature and therefore would complement the existing accommodation on offer across Oak Farm.

Within the Countryside policy area proposals should first re-use existing buildings to protect the countryside from development that could erode the character of the area. Paragraph 84 of the Framework seeks the sustainable growth and expansion of all types of business in rural areas through the conversion of existing buildings, the development, and diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments, which respect the character of the countryside. On that basis, Policy EC 7 allows new tourist accommodation in the Countryside providing it complies with the Re-use of Buildings in the Countryside under Policy EC 2.

Government policy has focused on encouraging the re-use of rural buildings for either business or community purposes as a means of supporting the diversification of farming enterprises and the general vitality of rural communities without necessitating the development of new buildings. To that effect, Policy EC 2 states that the re-use of buildings in the Countryside for non-residential purposes will be permitted providing that economic uses (including holiday accommodation) are appropriate in scale and nature to the location. Secondly, it can be demonstrated that the building is soundly built and suitable for the proposed use without substantial rebuilding or extension and the proposed alterations protect or enhance the character of the building and its setting. Finally, the proposal is in accordance with other policies seeking to protected biodiversity, amenity, and character of the area.

The barn is appropriate in scale and nature to the location to accommodate a four-bedroom holiday accommodation given that no alterations to the scale of the existing barn are proposed and there are other existing tourism accommodations within the vicinity. Secondly, the structural inspection report prepared by S. F. Johns, dated October 2021 concludes the building has performed well as a result of a general maintenance programme and it can readily be converted to domestic accommodation subject to the recommendations set out in the report. Finally, it is considered the proposal complies with the relevant policies concerning biodiversity, amenity, and character of the area, which has been set out below.

Housing development across the countryside, in the form of conversion of existing buildings, would not comply with the Core Strategy. However, it is recognised that there is a balance to be struck between protecting the countryside from development pressure and promoting sustainable rural communities. The re-use of good quality existing buildings as dwellings in such locations, would offer the potential of meeting dual aims of supporting the sustainability of rural communities and services and securing the future of traditional rural buildings that positively contribute to the local distinctiveness of North Norfolk. Policy HO 9 sets out that the

conversion and re-use of suitably constructed buildings in the countryside for permanent purposes will be permitted provided the five criterion within the policy is met.

The agricultural barn is worthy of retention due to its scale and appearance of its materials deeply rooted in the North Norfolk architectural vernacular style. Moreover, it has been previously established that the building is structurally sound and suitable for conversion to accommodate a four-bedroom holiday let accommodation. Whilst the proposal would be acceptable in this location under Policy HO 9 if it was a new market dwelling for permanent residential purposes, it would not fall under any of the types of development acceptable in the countryside under Policies SS 1 and SS 2. However, given that the proposal comprises of a four-bedroom holiday let accommodation, which falls under the types of recreation and tourism uses within the countryside policy area, Policy EC 9 is of relevance.

Policy EC 9 requires that holiday occupancy conditions will be placed on new unserviced holiday accommodation with a view that it is used for holiday purposes only and shall not be occupied as the sole or main residence of the occupiers. Secondly, it shall be available for commercial holiday lets for at least 140 days a year and no let must exceed 31 days. Finally, a register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an Officer of the Local Planning Authority on request.

The scheme comprises of unserviced holiday accommodation in the countryside. On that basis, the intention of the above condition is to create a clear distinction between residential dwellings and properties that are used as commercial holiday lets and therefore bring economic benefit to the area. As a result, commercial holiday lets will create less pressure on local services such as schools, and the economic benefits commercial lettings bring justify allowing such use in the Countryside where permanent residential would not be permitted. Therefore, provided the condition set out above is appended to the decision notice, it is considered the proposal would comply with Policy EC 9.

By virtue that the proposal comprises for the re-use and adaptation of buildings for appropriate purposes and recreation and tourism, it complements the existing tourism activities within Oak Farm, therefore contributing to the sustainability of the agricultural enterprise. The building to be converted is structurally sound and of appropriate scale and nature for the location and therefore the proposal is compliant with the relevant policies within the adopted plan. To conclude, given that new market dwellings in the Countryside are restricted and the proposed use of the barn is for unserviced holiday accommodation, restrictions apply to its use as a holiday accommodation through planning conditions. For the reasons given above, the scheme complies with Policies, SS 1, SS 2, SS 5, SS 6, EC 1, EC 2, EC 7, and EC 9 and therefore is acceptable in principle.

2. Landscape and Settlement Character (Policies EN 1 and EN 2)

The Broads are valuable assets for North Norfolk, in terms of sustainable tourism, quality of life and as wildlife habitats. It has a status equivalent to a National Park and includes several European wildlife designations. Policy EN 1 states that the impact of individual proposals, and their cumulative effects on The Broads and its setting, will be carefully assessed. Development will be permitted where it is appropriate to the economic, social, and environmental well-being of the area or is desirable for the understanding and enjoyment of the area and does not detract from the special qualities of The Broads.

Paragraph 176 highlights that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and the Broads, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great

weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The application site is situated north of The Broads Special Area of Conservation (SAC). The proposal seeks to bring back to use a dilapidated agricultural store by converting it into a four bedroom holiday let accommodation. The conversion of the barn will provide economic and social benefits and would support the current tourism activities within the area. Moreover, given the proposal comprises of utilising an existing building, the proposed minor alterations would not affect its scale or impact on the setting of The Broads.

Policy EN 2 sets out that proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment (LCA) (January 2021). Development proposals should demonstrate that their location, scale, design, and materials would protect, conserve, and, where possible, enhance the special qualities and local distinctiveness of the area.

The site lies within the Low Plains Farmland Landscape Character Area as designated within the LCA (January 2021). The Landscape guidelines for the Low Plains Farmland Landscape Character Area requires that the redevelopment of redundant barn complexes outside settlement boundaries, is sensitively undertaken avoiding use of suburban features such as surfaced drives, domestic style gates and fences, ornamental planting, overly large windows, or excessive external lighting.

Given that the scheme comprises of the redevelopment of an existing building, there is no alteration to its scale and whilst some suburban features, i.e. timber post and rail fences will form part of the design, their location, size and design will be secured by condition. On balance, the proposal would protect and conserve the special qualities and local distinctiveness of the area and therefore would not give rise to significant landscape concerns. On that basis, the scheme complies with Policy EN 1 and EN 2 and paragraph 176 of the Framework.

3. Design (Policy EN 4)

Policy EN 4 requires that all development should be designed to a high quality, reinforcing local distinctiveness, be expected to be suitably designed for the context within which they are set, and ensure that the scale and massing of buildings relate sympathetically to the surrounding area. Moreover, paragraph 130 of the Framework sets out that developments should be sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change and optimise the potential of the site to accommodate and sustain an appropriate amount of mix development.

The proposal seeks the creation of one large opening on the south elevation to accommodate one set of French doors and side glazed panels that provide natural light to the living and dining rooms. This large glazing area in combination with the also large fenestration that replaces the existing vehicular access to the barn on the north elevation are the largest apertures within the historic fabric of the building. Whilst they are large, these do not appear disproportionately in scale in relation to the overall proportions of the existing barn to justify refusal on design grounds. Finally, the proposed pallet of materials comprises of Norfolk clay pantiles, red facing brick, black painted timber facia and cladding and grey UPVC or aluminium windows and doors.

The Conservation and Design Officer has not objected to the proposal subject to Officers securing a planning condition so that the existing roof tiles would be reused, and any shortfall shall match the existing.

Officers are of the opinion that given the proposal is sympathetic to the local character and context of the surrounding area, and subject to a planning condition that secures the re-use of existing roof tiles; it is considered the scheme would not give rise to significant design concerns. As such, it complies with Policy EN 4 and paragraph 130 of the Framework.

4. Residential Amenity (Policy EN 4)

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity. Furthermore, paragraph 3.3.10 of the Design Guide sets out that the position of dwellings, and the arrangement of their rooms and windows, should not create significant overlooking of other dwelling windows or private garden areas, nor should they lead to any overbearing impacts upon existing dwellings. As such, regards should be given to recommended distances in the case of conventional single and two-storey dwellings (assuming a level site situation) to ensure a degree of privacy between adjacent properties.

The barn lies 21 metres southwest of the nearest dwellinghouse known as Oak Farmhouse. Given the significant separation distance between both buildings, it is considered the proposal complies with the criteria set out in paragraph 3.3.10 of the Design Guide. Therefore, the scheme would not have a significantly detrimental effect on the residential amenity of nearby occupiers.

Given the limited external amenity space, and the proximity to other buildings, the converted building would not be suitable as an independent dwelling in amenity terms. The proposed development would however be restricted to holiday accommodation via condition as noted above. Visitors and guests of the accommodation would not require amenity space in the same way as a dwelling would and sufficient internal space would be provided, providing suitable light levels and outlooks. In these regards, the development would provide acceptable amenities for its future users.

For the reasons given above, the proposal is considered compliant with Policy EN 4 and the criteria set out in paragraph 3.3.10 of the Design Guide.

5. Biodiversity (Policy EN 9)

Policy EN 9 sets out that development proposals should protect the biodiversity value of land and buildings and minimise fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated sites or protected species will not be permitted unless prevention, mitigation and compensation measures are provided.

The application has been supported by a Preliminary Ecological Appraisal report by Liz Lord Ecology, dated 22 August 2021 and a subsequent Nocturnal Bats Survey report prepared by Biome Consulting dated 15 September 2021. The reports concluded that the proposal results in the destruction of the day roosts for two common pipistrelle bats and potential disturbance of bats if present during the construction phase resulting in minor negative impact on the local bat populations.

The Landscape Officer has assessed the information submitted with the application and subject to the provision of appropriate mitigation and compensation measures, the favourable conservation status of the local bat populations affected would be maintained. It is considered that a Natural England European Protected Species Mitigation (EPSM) Licence is likely to be granted due to the relatively low ecological cost of the development against the social benefits to the owner and economic reasons. Moreover, to ensure that the development results in a net gain for biodiversity (paragraph 175 of the Framework and 25 Year Environment Plan) and to contribute towards the Council's statutory duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006 (NERC Act) detailed mitigation and enhancement measures will be secured through planning conditions.

Section 13 of the application form states that the foul sewage is to be disposed of by a Package Treatment Plant. The site lies north of the Broads Special Area of Conservation (SAC), Broadland Special Protection Area (SPA), Ramsar site, and Broad Fen Site of Special Scientific Interest (SSSI). To avoid adverse effects on the European site and SSSI, the Landscape Officer requires that details of the drainage solution will need to be provided and approved prior to installation through a planning condition.

Members of the public objected to the proposal due to concerns over light pollution in such a remote location. The Landscape Officer is of the opinion that to ensure that excessive light spill in the countryside is avoided and to protect the Broads National Park and avoid any adverse impacts on protected species populations, a planning condition requiring prior approval of external lighting shall be made to the Local Planning Authority.

For the reasons stated above, and subject to the relevant conditions, Officers consider that the proposal would comply with Policy EN 9 and paragraph 175 of the Framework.

6. Pollution and Hazard Prevention and Minimisation (Policy EN 13)

Policy EN 13 sets out the requirements for all development to minimise, and where possible reduce all emissions and other forms of pollution, including light and noise pollution. Proposals will only be permitted where, individually, or cumulatively there are no unacceptable impacts on the natural environment and general amenity, health, and safety of the public and air quality. Paragraph 185 of the Framework requires that local planning authorities ensure that new development is appropriate for its location considering the effects (including cumulative effects) of pollution on health, living conditions, and the natural environment.

Members of the public objected to the proposal on the grounds that the use of the holiday home will generate noise concerns. The Environmental Protection Officer has considered the information submitted with the application and has no objections subject to advisory notes. Should statutory nuisance, i.e. noise concerns arise from the proposal, North Norfolk Environmental Protection Team should be contacted. It is therefore considered the proposal complies with the requirements of Policy EN 13 and paragraph 185 of the Framework.

7. Highways (Policies CT 5 and CT 6)

Policy CT 5 sets out proposals should provide for safe and convenient access on foot, cycle, public, and private transport addressing the needs of all without detriment to the amenity or character of the surrounding area or highway safety. The Highways Officer has assessed the information submitted with the application and considers difficult to pass any adverse highway comments.

Policy CT 6 requires that adequate vehicle/cycle parking should be made in accordance with the Council's parking standards. Appendix C: Parking Standards of the Core Strategy requires a minimum of three car parking spaces for four or more-bedroom units. Paragraph 3.5 of the Planning Statement prepared by Fergus Bootman, dated 21 May 2021, states that parking provision for the four-bedroom holiday let accommodation will be provided on the existing areas of hardstanding. Given the size of the existing areas of hardstanding, it is considered they will comfortably accommodate three parking spaces.

Councillor Nigel Dixon objected to the proposal on the grounds of highway safety arising from the increased use of the poor local road network serving the site. Paragraph 111 of the Framework sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highways Officer considered that the former farm use would have had a degree of traffic generation, which needs to be compared to the proposed use. Mitigation measures have been implemented with passing places and there is adequate space for vehicles to park and turn around. Based on the evidence provide above, Officers consider that on balance, the proposal complies with Policies CT 5 and CT 6.

8. Other matters

Mineral Safeguarding

The application site falls within a Mineral Safeguarding Area whereby Policy 16 of the Norfolk County Council's Minerals Plan is the relevant. This policy seeks to ensure that existing mineral deposits are safeguarded from needless sterilisation. In this instance, given that this application relates to a conversion of a single building on an existing developed site, there would be no significant mineral implication and no substantive conflict would arise with Policy 16 of the Minerals Plan.

Pre-commencement conditions

The recommendation proposes pre-commencement planning conditions therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such a condition. Notice was served on the 15 February 2021 and agreed in writing by the applicant on the 15 February 2021.

9. Conclusion

The development is considered to be in accordance with the requirements of the Development Plan. There are no material considerations that indicate the application should be determined otherwise.

RECOMMENDATION:

It is recommended that the application be APPROVED subject to the conditions listed below and any others considered necessary by the Assistance Director of Planning:

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

As required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents, except as may be required by specific condition(s) and as listed below:

- Location Plan, dated 26 May 2021
- Drawing no. 27292EA-01, Measured Building Survey, dated 26 May 2021
- Drawing no. OFS2, Proposed Site Plan, dated 26 May 2021
- Drawing no. PL0001, Proposal Drawing Units 1 & 2, dated 26 May 2021
- Drawing no. SK0001, Proposal Drawing Units 1 & 2, dated 26 May 2021
- Report no. 1663A, Rev B, Preliminary Ecological Appraisal (Liz Lord Ecology, 22 August 2021) received on 23 August 2021
- Nocturnal Bat Survey Report (Biome Consulting, 15 September 2021) received on 27 September 2021
- Report no. 4207/1, Structural Inspection of Redundant Single Storey Barn (S. F. Johns, October 2021), received on 23 November 2021

Reason:

For the avoidance of doubt.

3. The materials to be used on the external surfaces of the development hereby permitted shall be constructed in accordance with the details submitted in the application.

Reason:

To ensure the satisfactory appearance of the development in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

4. The existing roof tiles to be used in the construction of the external surfaces of the development hereby permitted shall be reused and any shortfall shall match existing.

Reason:

To ensure the satisfactory appearance of the development in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

5. The approved works, which includes any demolition, modification or building work, to the building identified as the Pump House Barn in the Nocturnal Bat Survey report prepared by Biome Consulting dated 15 September 2021, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or

A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason:

The Habitats Directive requires a system of 'strict protection' for certain protected species. It is a criminal offence to consciously harm European protected species without a licence, which would only be issued if the statutory licensing body is satisfied that the derogation criteria are met. However, the risk of criminal prosecution might not prevent harm from

taking place. This condition therefore helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardise the protected species, before the species is harmed. This condition can be enforced by a temporary stop notice or by injunction. This condition ensures that the Local Planning Authority is complying with its statutory obligations with respect to the Habitats Regulations.

6. The development hereby approved shall be carried out in strict accordance with the protected species mitigation and enhancement measures outlined in Section 6 of the Preliminary Ecological Appraisal report prepared by Liz Lord Ecology dated 22 August 2021 and Section 5 of the Nocturnal Bat Survey report prepared by Biome Consulting dated 15 September 2021. This should include the provision of compensatory bat roost facilities. The boxes shall then be erected according to the approved details and thereafter maintained in a suitable condition to serve the intended purpose.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 175 of the National Planning Policy Framework, and for the undertaking of the Council's statutory function under the Natural Environment and Rural Communities Act (2006).

7. No external lighting shall be erected without prior approval of the Local Planning Authority.

Reason:

To ensure that excessive light spill in the countryside is avoided (Policy EN 13) and to protect the Broads National Park (Policy EN 1) and to avoid any adverse impacts on protected species populations (Policy EN 9).

8. Prior to installation, the details of proposed Sewage Treatment Package Plant and drainage field (including location) should be submitted to and approved in writing by the Local Planning Authority, to protect nearby European sites from adverse water quality impacts.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 175 of the National Planning Policy Framework, and for the undertaking of the Council's statutory function under the Natural Environment and Rural Communities Act (2006).

9. Prior to the first occupation of the development, a scheme for hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority.

The proposals shall include plans at no less than 1:200 showing the following details:

Proposed Soft Landscape Details

- a) Existing trees, shrubs, and hedgerows on the site, indicating those to be removed
- b) Accurate plotting of those to be retained (including species and canopy spread), including measures for protection during the course of the development to BS5837:2012
- c) Details of all new planting including: species, location, number and size of new trees and shrubs
- d) Measures for protection of new planting

Proposed Hard Landscape Details

- e) Surface materials for vehicle and pedestrian areas
- f) Boundary treatments, including fencing, walling, etc

Implementation and Retention

- g) An implementation programme laying out a timescale for the completion of all landscape works
- h) A landscape management plan, stating management responsibilities and a schedule of retention and monitoring operations for all landscaped areas for a minimum of ten years following implementation.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

10. The unit of holiday accommodation hereby permitted shall be used for holiday accommodation purposes only and shall not be used as the sole or main residence of the occupiers. The holiday accommodation hereby permitted shall be made available for commercial holiday letting for at least 140 days a year and no individual let shall exceed 31 days. A register of lettings, occupation, and advertising shall be maintained at all times and shall be made available for inspection by the Local Planning Authority if requested.

Reason:

For the avoidance of doubt and because the site is located in an area designated as Countryside in the North Norfolk Core Strategy where the Local Planning Authority would not normally permit permanent residential accommodation, in accordance with Policies SS 2, EC 2, EC 9 and EC 10 of the adopted North Norfolk Core Strategy.

11. No fences, gates, walls or other means of enclosure as defined within Class A of Part 2 of Schedule 2 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) shall be carried out on the land, until their precise details have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the visual amenities of the area and to comply with Policy EN 4 of the adopted North Norfolk Core Strategy.

NOTES AND INFORMATIVES TO APPLICANT

1. The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application, to secure a policy compliant proposal that has been determined in the wider public interest at the earliest reasonable opportunity, in accordance with the requirements of the National Planning Policy Framework (paragraph 38).
2. In the event of any contamination becoming evident (from storage of oil/fuel/agrochemicals, disposal pits etc.) the applicant/developer is advised to halt works and seek advice from the District Council's Environment Protection Team (telephone 01263 516085).

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3. The proposed sewage package treatment plant will need to be appropriately sized for building control approval, and the applicant is advised to contact the Environment Agency, as they may need to obtain discharge consent for the treatment plant.

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WEST RUNTON - ADV/21/1260 - Installation of free standing external non-illuminated sign for at Dormy House Hotel, Cromer Road, West Runton for Mr S Brundle.

Minor Development

- Target Date: 31st March 2022

Case Officer: Mr R Arguile

Advert Consent

RELEVANT CONSTRAINTS

- Countryside LDF
- Landscape Character Area
- Undeveloped Coast
- Enforcement Case

RELEVANT PLANNING HISTORY

IS1/20/1831: Replacement sign

Advice Given 22.12.2020

The pre-application advice was that officers considered the sign to be acceptable in terms of its scale, appearance and potential impact on the character of the area.

ADV/20/0464: Display of non-illuminated pole mounted advertisements

Refused 04.05.2020

ADV/19/0324: Display of non-illuminated advertisement panel mounted on posts

Refused 08.05.2019

This decision was subject of appeal ref. which was dismissed. A copy of the decision is Attached at **Appendix A**.

ADV/18/1195: Retention of display of non-illuminated advertisement panel mounted on posts to replace existing sign mounted on posts

Refused 07.09.2018

The site has had three applications for a variety of variations of the existing sign in situ, all have been refused with ADV/19/0324 being appealed and dismissed by the inspector.

THE APPLICATION

The application seeks advertisement consent for a free standing non-illuminated sign for the premises 'Dormy House Hotel'. The sign would measure approximately 3.5m by 2.6m. There is an existing sign in situ which measures 4.9m by 2.6m (refused under ADV/18/1195). The sign will be attached to timber square posts which are attached to a small brick wall, near the entrance to the hotel. The original plans of the application stated that the sign would be illuminated. However, was clarified that it would not be illuminated and a reconsultation and amended plan was received.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr S Bütikofer, on the grounds that the proposed sign is out of character within the local landscape and would have a harmful impact

PARISH/TOWN COUNCIL

Runton Parish Council: Object

The sign is not in keeping with its surroundings: disproportionately large, unduly intrusive. An unsympathetic addition to the street scene, out of character, wholly out of scale and dominates the roadside.

REPRESENTATIONS

One letter of objection received on the following grounds.

- Size and scale of the sign near the AONB
- Not in keeping with the character of the area and street scene

The application was re publicised following the receipt of amended plans.

CONSULTATIONS

Landscape Officer: No objection.

Highways Authority: No comments submitted.

Environmental Health: No comments submitted.

Norfolk Coast Partnership: No comments submitted.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

STANDING DUTIES

Due regard has been given to the following duties:

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)
The Conservation of Habitats and Species Regulations 2010 (R9)
Planning Act 2008 (S183)
Human Rights Act 1998
Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life
Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

RELEVANT POLICIES

North Norfolk Core Strategy (September 2008):

Policy EN 4 - Design

Material Considerations:

National Planning Policy Framework (July 2021):

Chapter 12 - Achieving well-designed places

North Norfolk Design Guide (December 2008):

Chapter 8 - Shopfronts and Advertisements

OFFICER ASSESSMENT

MAIN ISSUES FOR CONSIDERATION

Paragraph 136 of the national Planning Policy Framework states that “*advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*”.

- 1. Amenity**
- 2. Public Safety**

1. Amenity

The size of the sign is approximately 3.5m by 2.6m. It is considered that the content of the sign and the design are acceptable as an advertisement identifying the sign to those from the road. It shows the name of the hotel and basic contact information. It will be located close to the public highway to the front of the business. There is one immediate neighbour to the business which is a residential property.

The site lies within an area of ‘Undeveloped Coast’. The Landscape Officer has not raised an objection to the proposal. Given the reduction in size and scale of the sign, it is not considered that it will have a significantly detrimental impact upon the surrounding landscape and should not appear out of context with the surrounding area.

The Planning Inspector's decision in respect of the appeal which was dismissed (APP/Y2620/Z/19/3230374) refers to the local character of the area being spacious and having a semi-rural appearance. It is considered that the reduction in size of the advertisement now proposed is enough so that it is unlikely to have a detrimental impact upon this character. On balance it is considered that the proposal would not have a harmful effect on the visual amenity of the area.

2. Public Safety

No response has been received from the Highway Authority regarding the amended plan showing no illumination. It is considered that the sign is unlikely to cause an issue in terms of highway safety as there is potential to view the curve in the road through the posts as vehicles approach the curve in the road. It would not block the visibility splay, impede forward visibility or the interpretation of road signs.

The proposal is therefore considered to be acceptable in terms of highway safety,

Conclusion

The proposal is considered to be acceptable in terms of amenity and public safety, and is recommended for approval.

RECOMMENDATION:

Approve subject to conditions relating to the following:

- Approved plans
- The 5 standard advertisement conditions

Final wording of conditions and any others considered necessary to be delegated to the Assistant Director - Planning



Appeal Decision

Site visit made on 13 August 2019

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 29 November 2019

Appeal Ref: APP/Y2620/Z/19/3230374

Dormy House Hotel, Cromer Road, West Runton NR27 9QA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr S Brundle against the decision of North Norfolk District Council.
 - The application Ref ADV/19/0324, dated 25 February 2019, was refused by notice dated 8 May 2019.
 - The advertisement proposed is a non-illuminated blue sign with white lettering, supported by two 200mm x 200mm timber posts.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The assessment of proposals under the above Regulations is confined to the issues of amenity and public safety. Therefore the issue of whether the proposal would support the appellant's business is not a matter which I am able to take into account in determining the appeal.

Main Issue

3. The main issue is the effect of the appeal proposal on the amenity of the area.

Reasons

4. The appeal site is a section of driveway to the front of the Dormy House hotel. The proposed advertisement would be sited adjacent to the footway along Cromer Road. An advertisement is currently in position at the site. The proposal would replace it with an advertisement which would be very similar in most respects, but which would be approximately 10 centimetres lower.
5. The surrounding area comprises open fields with a backdrop of coast, with some limited development along the road. Woodland and allotments lie opposite the hotel. As a result, the area has a spacious and semi-rural appearance.
6. Views of the village of West Runton are available from the highway approaching the site. These are generally uninterrupted and include the church, dwellings and the wooded backdrop of the village. As a result, they contribute a semi-rural and non-commercial quality to the appearance of the area.

7. Four additional signs advertise the hotel adjacent to or on the footway. These have a limited height and scale. An advertisement for a local attraction lies in an adjacent field, but has a lower height than that proposed. A small village name sign lies on the opposite side of the road. The limited scale and height of the existing advertisements and signage contribute positively to the spacious and semi-rural appearance of the area.
8. Although the proposed advertisement is marginally lower than that which currently exists, it would continue to have a significantly greater height and scale than that of surrounding advertisements and signage. It would be located immediately adjacent to the highway. Views of the scheme from the footway and adjacent carriageway would be uninterrupted due to these factors. The proposed advertisement would consequently be prominent within such views.
9. The advertisement would interrupt views of the village church, roofs and wooded backdrop when approaching West Runton, and would consequently compete with the semi-rural and non-commercial appearance of the village.
10. The advertisement would additionally appear unduly prominent within views when leaving West Runton. As a result, it would detract from the spacious and semi-rural appearance of the area.
11. Furthermore, the advertisement would have undue dominance in comparison with the unobtrusive nature of other signage in the vicinity. This incongruity would contribute negatively to the amenity of the area.
12. The proposal would therefore have a harmful effect on the amenity of the area, as a result of its scale and form. I have taken into account paragraph 8.3.1 of the North Norfolk Supplementary Planning Document – Design Guide (2008), which seeks to protect amenity and so is material in this case. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with this guidance.

Other Matters

13. My attention has been drawn to examples of other advertisements in the wider area. Whilst limited details of the circumstances of these schemes are before me, they all have a more urban setting than the appeal site. Thus, I consider that the circumstances of those proposals are materially different from those currently before me. However, even if the other schemes and circumstances were similar, it is unlikely that they would provide an example that should inevitably be followed even if harm would result from the appeal proposal. Thus, I attach only minimal weight to the relevance of the other schemes in determining the appeal.
14. The submission that the scale and height of the proposed advertisement is necessary in order to protect highway safety is unsupported by any substantive evidence. Thus, it is a matter to which I attach only minimal weight.
15. The position of the Council on previous schemes at the site has only minimal relevance to the appeal scheme, which I have determined on its individual planning merits.

16. I have had regard to other matters raised including concerns about highway safety. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR

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WALSINGHAM – PF/21/3302 Erection of detached two storey dwelling: St James Cottage, 18 Bridewell Street, Walsingham, NR22 6BJ

Target Date: 31 March 2022

Case Officer: Jayne Owen

Full application

CONSTRAINTS

Landscape Character Area

SFRA - Areas Susceptible to Groundwater Flooding

LDF - Residential Area

Conservation Area

LDF - Settlement Boundary

Listed Building Grade II - Consultation Area

RELEVANT PLANNING HISTORY

PF/20/0590 Erection of detached two storey dwelling: Refused

DE21/13/0163

Erection of dwelling

Advice Given (for pre-apps) 21/02/2013

THE APPLICATION

The proposal is for a one and a half storey two bedroom detached dwelling on part of the rear garden area of 18 Bridewell Street. The site is located in Chapel Yard within the central, older part of the main village of Walsingham and within the conservation area. Chapel Yard provides vehicular access to a number of properties and the Anglican Shrine. The site is enclosed by housing to the north and west and by buildings within the grounds of the Anglican Shrine to the east. The southern side is bounded by a wall. Chapel Yard also contains the offices and ancillary buildings associated with the Anglican Shrine. The host dwelling, 18 Bridewell Street is a grade II listed building and there are three other grade II listed buildings in close proximity to the site.

The land is currently partly enclosed by flint and brick walls. New boundary fencing is proposed to the northern and western boundaries of the site. The proposed building would have an entirely rendered finish with a clay pantiled roof, coloured aluminium window frames and hardwood doors. All surface water is proposed to be directed to new soakaways, foul drainage to be routed to the existing mains drain.

The scheme is a resubmission following the refusal of planning application ref. no. PF/20/0590 by the Development Committee at its meeting on 15 October 2020 for the following reasons:

1. In the opinion of the Local Planning Authority due to its design, appearance, layout, siting and materials the proposed development would result in less than substantial harm to the setting of the heritage asset known as 18 Bridewell Street by virtue of the foreshortening of the garden area and by introducing a dwelling into the rear garden area which by virtue of its design and scale would result in significant visual and physical competition with the heritage asset resulting in a harmful impact on its setting and as such if permitted would

fail to accord with Section 72 of the Planning and Listed Buildings Act 1990, Paragraph 196 of the National Planning Policy Framework and Policy EN 8 of the adopted North Norfolk Core Strategy.

2. In the opinion of the Local Planning Authority due to its design, appearance, layout, siting and materials, the proposed development would result in less than substantial harm to the setting of the heritage asset known as Walsingham Conservation Area and would fail to preserve or enhance its character and appearance. In particular, the proposal fails to have proper regard to local context in terms of its design, scale and siting and would also result in the loss of trees at the front of the site resulting in a hard edge to the new build on the most visible southern boundary with Chapel Yard and no proposals are included for appropriate compensatory landscape mitigation which would be of wider amenity value. As such the proposal fails to accord with Section 66 of the Planning and Listed Buildings Act 1990, paragraph 196 of the National Planning Policy Framework and Policies EN 4 and EN 8 of the North Norfolk Core Strategy.

REASONS FOR REFERRAL TO COMMITTEE:

The applicants, Councillors Tom and Vincent Fitzpatrick are elected members of North Norfolk District Council

TOWN COUNCIL:

Walsingham Parish Council objects. They consider the proposal is overdevelopment of the site and that the whole of this open area and trees should be retained

REPRESENTATIONS:

Two objections have been received raising the following summarised concerns. The representations are available to view in full on the Council's website.

- The proposed development clearly does not fit with the historic nature of the cottage townscape on which it would artificially site and which would cause the destruction of an historic orchard.
- The Council would set a very dangerous precedent allowing a development of 'infill' land for which there is neither sufficient room or any enhancement of its immediate surroundings.
- Object to the access for vehicles and the provision of a parking space owing to manoeuvrability reasons and because of the increased risk of damage to my listed building in Chapel Yard that this would create.
- Previous comments made with respect to PF/20/0590, many of the same concerns still apply, despite the change in location of the parking space within the site.
- Manoeuvring space is constricted in that part of Chapel Yard, any vehicle should be able to enter and exit the site facing forwards, in the previous application a turntable was included, no such turntable is included in the present application.
- Vehicle tracking would indicate any vehicle would be forced to reverse all the way back onto Bridewell Street, where visibility is already severely limited. Walsingham Parish

Council also made this point about restricted visibility in their objection to the previous application.

- It must also be assumed that at all times the reserved parking bay (in the ownership of the Shrine of our Lady of Walsingham) situated opposite the access gate to the proposed development may be occupied by authorised vehicles and that this area will not therefore be available for manoeuvring. Photo 19 submitted on 1 June 2020 in the previous application shows vehicles parked in those reserved parking bays, as they are for much of the time.
- Have a particular concern relating to vehicles accessing the proposed development because on various occasions vehicles attempting to reverse in that part of Chapel Yard have collided with my listed building causing damage; there is a real risk of damage to my listed building, borne out by experience in recent years of actual damage sustained when vehicles reverse in the constricted space available in this part of Chapel Yard, the removal of the turntable increases this risk
- The submitted plans omit to show there is a sizeable piece of masonry which projects about 3 ft 8 inches from my listed building
- Previous objections also included the possibility of more than one vehicle accessing and parking at the proposed development, there is no physical barrier preventing more than one vehicle accessing the site, the absence of any physical barrier also means that vehicles may drive over or park on the root protection areas of trees including T5 and T9.
- If the Council is minded to grant planning permission without removal of the parking space and vehicular access, a condition is requested stating that no more than one vehicle shall be accommodated on the site and requiring a suitable physical barrier to be installed and retained to prevent any vehicle driving onto the grass areas and root protection zones.
- Conditions are requested covering the following, should these conditions not be attached, objection is raised to the proposals
- No more than one vehicle to be accommodated on the site at any one time, such vehicle to enter and exit the site facing forwards (and not by reversing)
- During construction process, no scaffolding shall be erected and no vehicles shall be used or parked in such a way as to restrict or impede access (on foot and by vehicle) to the flint building opposite the access gateway of the development, belonging to the owner of 4 Common Place, Walsingham
- During the construction process, all persons involved in the construction process and visitors to the site shall take all necessary steps to ensure that the flint building, opposite the access gateway of the development and belonging to the owner of 4 Common Place, Walsingham, is not damaged
- Request that if the Council has standard alternative wording to deal with the above, that an opportunity is given to comment on it
- The Council will I presume have additional conditions that it will wish to impose, to ensure that all vehicles accessing Chapel Yard in connection with the construction do so in accordance with the relevant traffic standards

CONSULTATIONS

Norfolk County Council Highways - No objections

Subject to a condition that prior to first occupation the proposed on-site car parking and turning area is laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter.

Conservation and Design Officer - Objection

Considers that the level of heritage harm previously identified would be further reduced in this latest scheme. The harm would however, not be eliminated altogether.. Therefore, a balanced decision will need to be reached taking into account the public benefits accruing from the proposals and weighing these against the harm caused to the overall significance of the various designated heritage assets. To be compliant under paragraph 202 of the National Planning Policy Framework the public benefits must outweigh such harm.

Landscape Officer - Any comments received will be reported verbally at the meeting.

Historic Environment Service - No objections subject to a condition

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

STANDING DUTIES

Due regard has been given to the following duties:

Environment Act 2021

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2010 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998

Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

RELEVANT POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 3 – Housing

SS 4 - Environment

CT 5 - The transport impact of new development

CT 6 - Parking provision

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 9 - Biodiversity and geology

National Planning Policy Framework (NPPF):

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 6 - Building a strong, competitive economy
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment

OFFICER ASSESSMENT

MAIN ISSUES FOR CONSIDERATION

1. **Principle**
2. **Design and layout and impact on heritage assets (Conservation Area and Listed Buildings)**
3. **Highways**
4. **Residential amenity**
5. **Landscaping**
6. **Ecology**

1. **Principle** (Policies SS 1 and SS 3):

The application site lies within the settlement limit of Walsingham which is designated as a Service Village as set out in Policy SS 1 of the North Norfolk Core Strategy. Policy SS 1 states that a small amount of new development will be focused on a number of designated Service Villages to support rural sustainability. The development is therefore acceptable in principle having regard to Policies SS 1 and SS 3.

2. **Design and layout and impact on heritage assets (Conservation Area and Listed Buildings)** (Policies EN 4 and EN 8)

Policy EN 4 states that all development should be designed to a high quality, reinforcing local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The application site lies within the Walsingham Conservation Area and is surrounded by four separate listed buildings including the host dwelling, 18 Bridewell Street. The site forms part of the curtilage of No.18 Bridewell Street and the three other listed buildings comprise No's 2-6, 10 and 12 Bridewell Street.

Policy EN 8 requires that development proposals should preserve or enhance the character and appearance of designated assets through high quality, sensitive design. Development that would have an adverse impact on their special historic or architectural interest will not be permitted.

Chapters 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant. S66 sets out a general requirement with respect to listed buildings and conservation areas in exercise of planning functions as follows:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

Section 72 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In addition, Paragraph 202 of the National Planning Policy Framework states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The Conservation Area is characterised by the close-knit arrangements between its buildings and the often limited amenity space available. In principle therefore, the proposed development would be in keeping with the prevailing form and character of the designated conservation area. In reality, however, local value has been placed on the natural contribution made by the site both in terms of the species it attracts and the greenery provided within the built envelope.

Previously there have been a range of substantive conservation and design concerns raised, in relation to the size of the dwelling relative to its plot, the impact it would have on the setting of the adjacent listed buildings and the Walsingham Conservation Area. This cumulative harm, previously outweighed any public benefits leading to the refusal of planning permission.

In terms of the current application and having consulted with the Conservation and Design officer, the dwelling now proposed is more acceptable from a conservation and design perspective. This results from a combination of changing its orientation, a reduction in size and downplaying the first floor accommodation which has helped in reducing the overall impact of the building. The proposed dwelling no longer fills the full width of the site and would sit far more subserviently within the site and be more comfortably accommodated amongst the existing buildings within the yard.

With regard to the detailed design, the general proportions of the building are considered acceptable. Similarly the overall aesthetic approach also raises no 'in principle' concerns, the approach being a contemporary interpretation of a vernacular cottage. Further, the gable and chimneystack could provide an attractive focal point when entering the yard, whilst it is not clear what the narrow rectangle on the stack would be in practice it could provide visual interest, also potentially adding interest would be the hit and miss brick coursing which appears to be shown on the two main elevations.

In terms of the wider site and locality, from a conservation and design perspective it is considered any development would be more sympathetic if it included no-site car parking, because to enable this a large new opening would need to be punched through the historic fabric, with the plans indicating the whole of the front wall being rebuilt. Given the age and historic enclosure provided by this structure, this would result in harm.

The foreshortening of the listed building curtilage due to the proposed dwelling being in its grounds, would also result in harm as instead of views down to the end wall, the outlook would be a new fence and a building beyond.

With regard to the other boundary treatments, the current proposal makes provision for replacing the existing fencing on the western side with a mixture of willow and estate fencing and hedging, which is considered as an improvement on the existing rather suburban looking enclosure.

In terms of the other listed buildings surrounding the site (Nos 2-6 and 10 & 12 Bridewell Street), the issues would be more nuanced. The views out from these heritage assets would be altered through the removal of some of the existing tree cover and its replacement with a new three dimensional presence. Whilst this would affect the experience of occupying these buildings, the level of harm would be more modest with regards to what makes these buildings significant. With the new build not blocking any key or 'designed' views of these properties, it is considered that the level of harm would be towards the lower end of the 'less than substantial' spectrum.

In summary, it is considered that the level of heritage harm previously identified would be further reduced in this latest scheme.

In terms of the public benefits to be weighed against the identified harm, these would be limited to the provision of one new dwelling which would make a very limited contribution to the overall housing supply and some limited economic benefits through its construction and supporting local services within the village. On balance, it is considered that this does not represent sufficient benefit to outweigh the harm to the overall significance of the designated heritage assets

In relation to the impact of the proposals on buried assets, the Norfolk County Council Historic Environment Service (HES) advise that the site lies within the medieval town of Little Walsingham, probably founded in the 12th century by the Augustinian St Mary's Priory. 12 Bridewell Street may have 16th century origins, while the house immediately to the south of the proposed development (1-3 Common Place) is 15th century in date. Consequently there is potential that buried heritage assets with archaeological interest will be present at the site and that their significance will be adversely affected by the proposed development. Whilst no objections are raised, if planning permission is granted, it is requested that this be subject to a programme of archaeological mitigatory work in accordance with Paragraph 199 of the National Planning Policy Framework. The HES have provided a suitably worded condition to secure this.

3. Highways (CT 5 and CT6)

In terms of the scheme as originally submitted, the Highway Authority had some reservations regarding the suitability of the site access to provide vehicular access in such close proximity to the pedestrian accesses beyond. However, it has also been confirmed that this is not within the adopted highway and therefore falls outside of their remit.

The Highway Authority also comment that the access onto Bridewell Street benefits from suitable visibility of oncoming vehicles, but that there is little provision for pedestrians and other vulnerable road users, however consider that an objection on this matter alone would be difficult to substantiate for a single dwelling.

In the light of the above, the Highway Authority have confirmed that as the proposal does not affect the current traffic patterns or the free flow of traffic, they do not object subject to a condition relating to on-site car parking and turning area, provision and retention thereafter.

On that basis, the proposed development is considered to comply with the requirements of Policies CT 5 and CT 6 of the North Norfolk Core Strategy.

4. Amenity

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. In addition, Policy EN 4 requires an appropriate level of amenity area to be provided for new dwellings.

In addition, paragraph 3.3.11 of the North Norfolk Design Guide Supplementary Planning Document states that private garden areas should be of adequate size and shape to serve their intended purpose. They therefore need to reflect the likely number of occupants within each dwelling and have an aspect which is substantially free from shading from trees and buildings during the year. It is recommended that the area of a plot given over to private amenity space should normally be no less than the footprint of the dwelling on that site.

Whilst the proposal will undoubtedly affect the outlook from neighbouring properties, there is no private right to a view and it is not considered that the proposal would result in any significant overshadowing or overbearing impacts or that it would result in a significant loss of daylight or sunlight with respect to any nearby properties which would warrant a refusal on this ground.

Whilst the proposed amenity area provided is relatively small and would also include retained trees which would result in some shadowing, on balance it is considered that the proposal would not have a significantly detrimental effect on the residential amenity of nearby occupiers and that an acceptable level of residential amenity would be provided for the future occupiers. The proposal is considered to be acceptable in terms of the requirements of Policy EN 4.

5. Landscaping Policies (EN 2, EN 4, EN 9)

The application is supported by an Arboricultural Impact Assessment (AIA) and the Landscape Officer has been consulted.

This amended proposal has a slightly smaller amount of development within this very tight vegetated site which is considered an improvement. However, the restricted space remains compromised by on-site vehicle parking provision. The plan implies that all of the southern boundary wall within Chapel Yard is to be demolished and re-built in a 'rustic style'.

The varied treatment of the western boundary with railings, hedging and fencing is also an improvement and is a more appropriate solution given the historic context. However, there is no detail of how the northern boundary will be delineated. The development essentially subdivides

the garden of a listed building and needs to be a material commensurate with its function as marking the revised curtilage of the listed cottage - either a brick and flint wall or instant mature hedging such as yew or beech would be suitable.

The Arboricultural Impact Assessment (AIA) submitted with the application is based on a previous building and layout and is therefore not directly applicable, particularly in relation to the Tree Protection Plan. An updated AIA and Method Statement is required to accurately show the trees to be retained, protection measures in relation to the current building footprint and mitigation planting within the revised layout.

The Plan shows retention of an apple tree (T3) in the south-west corner of the plot. Whilst this does retain some visible reference to the orchard garden character of the site from Chapel Yard, the tree is very close to the vehicle parking area which may cause conflict. The tree is forked from the base and has a low spreading canopy so even with some pruning as proposed, makes for an uneasy alignment which may ultimately compromise the tree.

A small amount of indicative planting is proposed in the south-east corner of the site which is appropriate (though not sufficient to mitigate for the total loss of vegetation) and will reference the verdant character of the existing site. Details of plant species for all new mitigation planting to compensate for the 5 trees to be removed is required to demonstrate there is sufficient capacity within the site.

In summary, the latest layout does slightly condense the footprint within the constrained site, but the provision of vehicle parking necessitates demolition of the historic south brick and flint boundary wall and may compromise retention of the apple tree (T3). Furthermore it has not been demonstrated that there is capacity within the site to provide proportionate mitigation planting to replace the 5 trees that will have to be removed and to ensure no net loss of biodiversity.

6. Ecology (EN 9)

The proposal is supported by a Preliminary Ecological Assessment which concludes that there would be no significant impact on protected species and the results show the site as having a moderate potential for breeding birds. The fruit trees were deemed to be locally important for pollinators, so the species selection of two new fruit trees as mitigation for the loss of fruit trees is appropriate. Its recommendations are appropriate and include low level external lighting and limiting timing of site clearance to avoid the bird nesting season. The enhancements proposed (bat tiles, bat box, bird nesting boxes and use of pollinator friendly plants in any landscape scheme) are also considered appropriate.

Subject to a condition requiring the development to be carried out in accordance with the recommendations and enhancements set out in the Preliminary Ecological Assessment, the proposal would accord with Policy EN 9 of the North Norfolk Core Strategy.

7. Conclusion

It is considered that the form of the proposed development by reason of the demolition and rebuilding of the front boundary wall resulting in the loss of historic character, its layout, siting and materials would result in less than substantial harm to heritage assets. Other than the provision of one new dwelling which would make a very limited contribution to the overall housing supply

and some limited economic benefits through its construction and supporting local services within the village, there are no significant public benefits which would outweigh the identified heritage harm.

As such the development would fail to accord with Paragraph 202 of the National Planning Policy Framework and Policy EN 8 of the North Norfolk Core Strategy.

The proposed development by virtue of its design, appearance, layout, siting and materials is not considered to have due regard to local context or preserve or enhance the character and quality of the area. In particular, the proposal would also result in the loss of trees at the front of the site resulting in a hard edge to the new build on the most visible southern boundary with Chapel Yard and no proposals are included for appropriate compensatory landscape mitigation which would be of wider amenity value. As such the proposal fails to accord with Policy EN 4 of the North Norfolk Core Strategy.

RECOMMENDATION:

REFUSE for the following reasons:

In the opinion of the Local Planning Authority due to its siting and layout and loss of historic character resulting from the proposal to demolish and rebuild the front boundary wall, the proposed development would result in less than substantial harm to designated heritage assets and as such would fail to accord with Paragraph 202 of the National Planning Policy Framework and Policy EN 8 of the adopted North Norfolk Core Strategy.

The proposed development by virtue of its siting and layout is not considered to have due regard to local context or preserve or enhance the character and quality of the area. In particular, the proposal would also result in the loss of five trees and it has not been satisfactorily demonstrated that there is capacity within the site to provide proportionate mitigation planting to ensure no net loss of biodiversity. As such the proposal fails to accord with Policies EN 4 and EN 9 of the North Norfolk Core Strategy.

Other than the provision of one new dwelling which would make a very limited contribution to the overall housing supply and some limited economic benefits through its construction and supporting local services within the village, there are no significant public benefits which would outweigh the identified heritage harm.

Final wording of reasons to be delegated to the Assistant Director - Planning.

OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 31 MARCH 2022

APPEALS SECTION

NEW APPEALS

HOLT – PF/21/0857 - Single storey detached dwelling
Middle Field, 2 Woodlands Close, Holt, Norfolk NR25 6DU
For Mr & Mrs I Furniss
WRITTEN REPRESENTATION

ROUGHTON – PF/20/1659 - Relocation of public house car park and development of the existing car parking area for the erection of 2no. two-storey 3-bedroom detached dwellings, with new boundary treatment; installation of a patio area to rear beer garden, and associated minor alterations and landscaping - [Amended Plans- Revised Scheme]
New Inn, Norwich Road, Roughton, Norwich NR11 8SJ
For Punch Partnerships (PML) Limited
WRITTEN REPRESENTATION

INQUIRIES AND HEARINGS – IN PROGRESS

CLEY-NEXT-THE-SEA - ENF/18/0164 - Alleged further amendments to an unlawful dwelling
Arcady, Holt Road, Cley-next-the-Sea, Holt, NR25 7TU
for Mr Adam Spiegall
INFORMAL HEARING – 1 & 2 March 2022 Re-Scheduled – 22 & 23 June 2022

KELLING – PF/20/1056 - Demolition of former Care Home buildings and erection of 8no. dwellings, car parking, associated access and landscaping
Kelling Park, Holgate Hill, Kelling, Holt NR25 7ER
For Kelling Estate LLP
INFORMAL HEARING – Date: 22 & 23 March 2022

RYBURGH - ENF/20/0231 – Replacement Roof
19 Station Road, Great Ryburgh, Fakenham NR21 0DX
For Christopher Buxton and A E Simcock
INFORMAL HEARING – Date: 26 April 2022

WRITTEN REPRESENTATIONS APPEALS - IN HAND

ALBY WITH THWAITE – ENF/20/0066 - Appeal against breach of planning control

Field View, Alby Hill, Alby, Norwich NR11 7PJ

For Mr Karl Barrett

WRITTEN REPRESENTATION

ALDBOROUGH – EF/21/0972 - Lawful Development Certificate that the hybrid garden annexe and associated concrete plinth foundation, concrete lattice (max 7sqm) or lightweight lattice base falls under the definition of a caravan and its subsequent siting on a concrete plinth foundation, concrete lattice (max 7sqm) or lightweight lattice base for use ancillary to the main dwelling known as 1 Harmers Lane, Thurgarton, Norwich, Norfolk, NR11 7PF does not amount to development so that Planning permission is not required

1 Harmers Lane, Thurgarton, Norwich, Norfolk NR11 7PF

For Victoria Connolly

WRITTEN REPRESENTATION

CORPUSTY – ENF/20/0095 - Operational development without planning permission

Manor Farm Barns, Norwich Road, Corpusty, NR11 6QD

For Mr Michael Walsh

WRITTEN REPRESENTATION

INGHAM – PF/21/0797 - Two storey detached dwelling; driveway and access to Palling Road; tree and hedgerow planting and formation of pond

Land North Of, Palling Road, Ingham, Norfolk

For Mr Tom Coller

WRITTEN REPRESENTATION

KETTLESTONE – ENF/19/0094 - Erection of log cabin

Land South East Of Kettlestone House, Holt Road, Kettlestone, Norfolk

Mr and Mrs P & S Morrison

WRITTEN REPRESENTATION

NORTH WALSHAM – ENF/21/0146 - Unauthorised developement in back garden

1 Millfield Road, North Walsham, Norfolk NR28 0EB

For Mr Robert Scammell

WRITTEN REPRESENTATION

SCULTHORPE – PF/21/0779 – Erection of detached dwelling with associated parking

Land at Grid Ref: 591266.85, Goggs Mill Road, Fakenham, Norfolk

For Mr S Mann

WRITTEN REPRESENTATION

SWANTON NOVERS – PF/21/0551 - Two storey and part single storey rear extension

Dennisby House, The Street, Swanton Novers, Melton Constable, Norfolk NR24 2QZ

For Mr Chris Bloomfield

WRITTEN REPRESENTATION

SWANTON NOVERS – LA/21/0552 - Internal and external works associated with extensions and alterations to dwelling
Dennisby House, The Street, Swanton Novers, Melton Constable, Norfolk NR24 2QZ
For Mr Chris Bloomfield
WRITTEN REPRESENTATION

TRUNCH – PF/21/1561 - Two storey detached dwelling with associated landscaping including tree planting scheme and wildlife pond
Field Near Fairview Barn, Brick Kiln Road, Trunch, Norfolk, NR28 0PY
For Mr Mike Pardon
WRITTEN REPRESENTATION

WICKMERE – PF/20/2072 - Erection of dwelling with attached double garage
Park Farm Office, Wolterton Park, Wolterton, Norwich NR11 7LX
For Mr M & Mrs C McNamara
WRITTEN REPRESENTATION

APPEAL DECISIONS - RESULTS AND SUMMARIES

TUNSTEAD – PO/21/0257 - Single storey detached dwelling (outline - details of access only with all other matter reserved)
Land North Of 9 Granary Way, Market Street, Tunstead, Norfolk
For Mr Kelvin Rumsby
WRITTEN REPRESENTATION – **APPEAL DISMISSED**

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