

Development Committee



Please contact: Lauren Gregory

Please email: lauren.gregory@north-norfolk.gov.uk Direct Dial: 01263 516108

TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 15 March 2023

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 23 March 2023 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 J Toye, Mr A Varley and Ms L Withington

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, Dr C Stockton, Mr E Vardy, Mr A Yiasimi and Mr H Blathwayt

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

Tel 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005

Email districtcouncil@north-norfolk.gov.uk **Web site** www.north-norfolk.gov.uk

A G E N D A

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

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. MINUTES

(Pages 1 - 20)

To approve as a correct record the Minutes of a meeting of the Committee held on Thursday, 23rd February 2023.

5. 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.

6. 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.

7. DECLARATIONS OF INTEREST

(Pages 21 - 26)

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.

OFFICERS' REPORTS

8. SHERINGHAM - PF/22/1660 - 37 SUITE APARTMENT HOTEL (CLASS C1) WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING LAND TO EAST OF, THE REEF LEISURE CENTRE, WEYBOURNE ROAD, SHERINGHAM FOR MORSTON PALATINE LTD

(Pages 27 - 38)

9. TUNSTEAD - PF/22/3026 - INSTALLATION OF A GROUND MOUNTED SOLAR PV ARRAY (1083 KWP) CONSISTING OF 1900

(Pages 39 - 50)

PANELS AND ASSOCIATED INFRASTRUCTURE (INCLUDING FENCING AND CCTV) AT R & JM PACE LTD, CHURCH ROAD, TUNSTEAD, NORWICH

10. **MUNDESLEY - PF/22/1649 - REMOVAL OF EXISTING PIN TILES FROM CHANCEL ROOF AND INSTALLATION OF SLATE ROOF INCORPORATING SOLAR SLATES. ALL SAINTS CHURCH, CROMER ROAD, MUNDESLEY FOR THE PCC OF ALL SAINTS CHURCH MUNDESLEY** (Pages 51 - 58)
11. **NORTHREPPS - PF/22/1708 - SITING OF 2 GLAMPING PODS FOR HOLIDAY USE AT SHRUBLANDS FARM CAMPING SITE, CRAFT LANE, NORTHREPPS.** (Pages 59 - 70)
12. **HEMPSTEAD - PF/23/0198 - INSTALLATION OF 316KW OF GROUND MOUNTED SOLAR PANELS AT HOLE FARM HOUSE, HOLE FARM ROAD, HEMPSTEAD, HOLT, NORFOLK, NR25 6TT FOR NETHERGATE FARMS** (Pages 71 - 76)
13. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 77 - 80)
14. **APPEALS SECTION** (Pages 81 - 86)
- (a) New Appeals
 - (b) Inquiries and Hearings – Progress
 - (c) Written Representations Appeals – In Hand
 - (d) Appeal Decisions
 - (e) Court Cases – Progress and Results

15. **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

16. **ANY URGENT EXEMPT BUSINESS**
17. **TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA**

This page is intentionally left blank

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 23 February 2023 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present:

Cllr P Heinrich (Chairman)	Cllr A Brown
Cllr P Fisher	Cllr A Fitch-Tillett
Cllr V Holliday	Cllr R Kershaw
Cllr N Lloyd	Cllr N Pearce
Cllr M Taylor	Cllr J Toye
Cllr L Withington	

Substitute Members Present:

Cllr H Blathwayt
Cllr S Bütikofer

Officers in Attendance:

- Assistant Director –Planning (ADP)]
- Development Manager (DM)
- Development Management Team Leader (DMTL)
- Senior Planning Officer (SPO)
- Housing Strategy and Delivery Manager (HSDM)
- Principle Lawyer (PL)
- Democratic Services Officer – Regulatory (DSO)

Also in attendance:

- Cllr W Fredericks
- Cllr G Perry-Warnes

110 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr P Grove Jones (Chairman), Cllr G Mancini Boyle and Cllr A Varley.

111 SUBSTITUTES

Cllr H Blathwayt was present as a substitute for Cllr A Varley, with Cllr S Bütikofer present as a substitute for Cllr P Grove-Jones. Cllr P Heinrich (Vice-Chairman) deputised as Chairman for the meeting.

112 MINUTES

The minutes of the Development Committee meetings held Thursday 26th January 2023 and Thursday 9th February 2023 were approved as a correct record subject to corrections on minor typographical corrections.

113 ITEMS OF URGENT BUSINESS

None.

114 DECLARATIONS OF INTEREST

The Chairman declared a non-pecuniary interest in Agenda Item 9, planning application PF/22/1337, he is a member of the Caravan and Camping Club. He noted that Members had been in receipt of a lobbying letter with relation to Agenda

Item 8, application RV/22/0308.

115 HOLT - RV/22/0308 - VARIATION OF CONDITIONS 2 AND 24 OF PLANNING REF: PF/17/1803 TO AMEND PLANS TO REFLECT UPDATED ON-SITE AFFORDABLE HOUSING PROVISION (0%) AND TO UPDATE PREVIOUSLY APPROVED LAND CONTAMINATION REPORT, LAND REAR OF 67 HEMPSTEAD ROAD, HOLT, NORFOLK, FOR HOPKINS HOMES LIMITED

Officers report and presentation:

The DMTL introduced the Officers report and recommendation for approval.

He advised that when the application was submitted in February 2022, the applicant sought to reduce the on-site provision of affordable homes from the approved 23 units to 18 comprised of 10 S106 secure dwellings with the intention that the applicant obtain grant funding for the further 8 dwellings. However, In October 2022, the applicant submitted revised proposals which sought to reduce the provision of on-site affordable housing to zero. The applicant highlighted the increase in costs between their two viability assessments confirming that the total increase in the overall design and construction cost was £1.6 million over the intervening period, £436,000 of this figure related to ongoing inflation in base material costs, and a further £760,000 due to increased abnormal costs. The abnormal costs included higher earth work, associated servicing, and foundation costs. The other increases related to other non-base material, labour costs, design and contingency costs amongst others.

Overall, the applicant argued that proposed scheme would result in a £1.5 million viability deficit, details of which were set out in the applicant's viability assessment.

As part of the consideration of the proposal, the Councils Housing and Planning teams had instructed SMB property consultancy (a qualified viability assessor) to undertake a review of the applicant's viability case. SMB agreed with the applicant's assessment and that it supplied sufficient evidence to demonstrate that the proposed development would not be sufficiently viable to support the delivery of affordable housing. The independent viability assessor recommended that a review mechanism be introduced into any amended new legal agreement to secure payments towards off-site affordable housing provision should the agreed minimum return be improved upon.

In respect of the applicant's proposal to vary condition 24 relating to land contamination, the updated report submitted had been considered by the Environmental Protection Team, who raised no objection subject to conditions.

As set out in the Officer's report, both Local and National Planning Policy along with relevant guidance and case law make clear that viability issues can form a material planning consideration.

The DMTL commented that it was disappointing to receive the proposal to remove all affordable housing from the development, particularly given that the original application was only granted in May 2021 (considered by the Development Committee in December 2020), and would have delivered 23 much needed affordable homes within Holt.

However, the evidence submitted by the applicant had been found sound and for the reasons set out within the report, having due regards to the implications of

paragraph 11 of the NPPF, Officers recommended approval.

Since the publication of the agenda a letter of objection had been received from Duncan Baker MP written in conjunction with Cllrs G Perry-Warnes and E Vardy. It was noted that this letter did not raise any new planning matters which hadn't been covered within the Officers report, however it did highlight the MP and Cllrs disappointment in the application and its impact on Holt.

Following discussions with the PL, the DMTL advised it may be necessary, should the recommendation be agreed, to complete a new S106 agreement for the application rather than a deed of variation to the original, as set out in the original recommendation. He advised that this would not materially change the recommendation, as either way the legal agreement would be required to secure the relevant obligations and requirements.

Finally, a late letter of objection had been received, the contents of which related to matters covered within the Officer's report including the loss of affordable housing and the applicant's financial position.

Public Speakers:

Maggie Prior – Holt Town Council

Members questions and debate

- i. The Local Member – Cllr G Perry-Warnes – expressed her strong disappointment and opposition to the application and Officers recommendation for approval.

Cllr G Perry-Warnes noted that when permission for the development of 52 homes was granted, the provision of 23 affordable homes was a crucial element of the decision to approve. Holt has plenty of market homes, but there is an identified need for affordable housing to serve the needs of Holt families to live and work in their hometown.

The Local Member argued whether the original permission would have been approved without the affordable housing, and considered that the requested variation of the condition, if approved, would mean a new planning permission is effectively granted, under section 73 of the Town & Country Planning Act, 1990.

Cllr G Perry-Warnes affirmed it is well known that construction comes with a downside risk as well as an upside opportunity, and when such losses occur, they should be retained by the contractor or the scheme should be put on hold until the figures add up. Hopkins Homes since claim that the scheme is not viable with the affordable homes provision, however, no viability assessment had been presented at the time of the initial application, in which case Paragraph 58 of the NPPF assumes that applications are viable. She stated that Holt is considered a High Value District and contended that if this site was considered unviable what this would mean for other areas and proposed developments in North Norfolk.

The Local Member acknowledged the assessment from the independent advisor that the developer would incur a £3.5 million loss unless the affordable homes are built and sold at market prices. However, she affirmed that planning guidance is such that weight given to a viability assessment is a

matter for the decision maker. She asked that the Committee do not give significant weight to the viability assessment to justify Holt losing its affordable housing provision, and further asked for an open book assessment of Hopkins Homes profit margin on this development under paragraph 58 of the NPPF.

Paragraph 11 of the NPPF states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. Cllr G Perry-Warnes strongly contended that the impact of the loss of much needed affordable homes on the people of Holt significantly and demonstrably outweighs the benefits of protecting Hopkins Homes' profit margin. North Norfolk has the second highest percentage of second homes in the country, arguably it was not the families of Holt who would be able to afford these market value homes.

The Local Member requested NNDC and Hopkins Homes review their stance, and to wait until the development could be profitably built with the affordable homes provision.

Cllr G Perry-Warnes shared in the level of outrage expressed by residents of Holt that the provision of affordable homes is being treated as an optional extra by Hopkins Homes. She argued that a clear message must be sent to the developer. This is a matter of social justice. It is a fight for fairness. The Local Member implored the Committee to reject the Officers recommendation for approval.

- ii. The Chairman reminded Committee Members that, as with all applications, this application must be considered on its merits within the constraints of planning law, the NPPF, and the Council's own policies, seeking guidance from Officers as necessary on those matters. Should Committee Members consider themselves to be predetermined, rather than predisposed, they must state as such and abstain from voting. If the Committee consider the information before it inadequate to form a reasoned decision, Committee Members should propose a deferral and state the specific reasons as to the additional information required.

The Chairman asked the DM to explain, for the benefit of the Committee and Members of the public observing, how developers and landowners were presumably entitled to a guaranteed profit of around 17.5%.

- iii. The DM acknowledged that matters of viability were difficult for all Local Authorities (LA) because the assessment of viability was not in the Councils gift or control. Rules had been set out by central government and by the Royal Institute of Chartered Surveyors (RICS), with guidance established how LA's should assess viability in planning.

Government had indicated that they would allow developers to expect a return on their developments of between 15-20% profit return. Previously this was based on risk. By government stating in planning practice guidance and via the NPPF that, in effect, developers should expect the aforementioned return, it sets out the basis for developers to undertake their assessments. If assessments demonstrated that developers would not get this return, developers to go back to the LA to argue their development is unviable and that they should not be required no contribute to specified conditions. Further, the RICS guidance sets out the parameters for the information

required as part of a financial viability assessment. Notably, the Planning Inspectorate followed RICS guidance and rules set out by central government when applications went to appeal.

He affirmed that Officers were not comfortable with the proposed loss of affordable housing. However, Planning Officers were constrained to work within the rules set out by central government. Failure to accord with these rules would run the risk of losing at appeal and having a cost award made against the LA.

- iv. Cllr W Fredericks - Portfolio Holder for Housing & Benefits – echoed the comments of the Local Member and Town Council, and expressed her support for the retention of the previously approved planning permission, rejecting the Officers recommendation for approval.

She noted that the applicant applied for the original scheme in 2017 and in 2020 advised they were confident they could build out the scheme, including the affordable housing provision. Then, 18 months ago, the applicant advised NNDC that the scheme was unviable with the affordable housing and subsequently approached the Council some 15 times to appeal against planning conditions on the original application.

The applicant's current request came at a time when costs of materials had increased significantly, interest rates were higher, and when the housing market had stalled. Cllr W Fredericks questioned why the applicant, who 18 months ago considered their scheme unviable, had watched cost of supply's rise until they could apply again and reflected this was a tactic to ensure that their case for zero affordable housing couldn't be denied. By allowing the site to be made up entirely of market-price properties, it would give the developer a 100% increase in profit, at the expense of affordable homes.

Further, such market-price homes would be an average of £300,000, serving no benefit to local people who would be priced out. Cllr W Fredericks argued that the residents of North Norfolk were being denied the opportunity to live and work in their own communities. House prices were unaffordable within the district with wages to price of homes being 1 to 10 ratio. She noted mortgage providers would only lend 4x annual salary, not 10.

Cllr W Fredericks contended that developers had a history of renegeing on affordable homes quotas, and the offer of an uplift clause was useless. Land would need to be acquired and houses built, even £1 million brought through uplift would to equate to the loss of the affordable homes for local need.

Cllr W Fredericks stated that North Norfolk had a housing and cost of living crisis, caused by greed, not need, and that she would rather see the houses not built at all if it served no benefit to the communities of North Norfolk. The residents moving into these properties would rely on services which would be severally impacted by lack of workers, due to employees being unable to live and work in their communities. She argued that North Norfolk and its residents should not be taken advantage of by greedy developers. Additionally, she questioned why there had been no negotiation regarding the S106 contribution to reduce the cost of building affordable homes.

Cllr W Fredericks concluded by stating that at present, there were 75 registered homeless households in North Norfolk with the majority in bed and

breakfast accommodation with an average wait of 18 months, 550 households (not individuals) on the Councils urgent housing list, and over 2500 households (not individuals) on the Councils housing list. She affirmed the application would not have been built without the affordable homes provision and the developer needed to reflect on their actions.

- v. Cllr R Kershaw agreed with the representations made by the Local Member and Holt Town Council, and expressed an interest in seeing the MP's letter of objection. Having studied the Officer's report and documentation provided he remained unconvinced by the viability report. Further, he contended these were experienced developers who were fully aware that the site had been a former scrap yard and that they had either overpaid for the land or miscalculated the building costs.

He questioned if market-priced houses were needed in Holt, and reflected that they would likely be sold off to people retiring from outside the area. North Norfolk already has the oldest population in England and Wales, and eventually these individuals would require services including the serving of their property or carers.

Cllr R Kershaw stated it was immoral to have no affordable housing provision on the site, and expressed his disappointment that the developer did not register to speak to the Committee, which amounted to a desecration of duty.

Whilst understanding the legal implications, he commented that he would be unable to support the application.

- vi. Cllr N Pearce stated he was very upset at the loss of affordable homes, though acknowledged the Officer's advice that there was a legal precedent.

He considered the merits in developing the site but contended that Holt was great danger of becoming the next Well-next-the-sea, which had been featured in the national news for its lack of affordability for local residents. He felt it essential for there to be Local housing to meet local people's requirements.

Having listening to the arguments presented, Cllr N Pearce proposed deferment of the application, to allow an extension of time in which it was hoped that cost of materials and interest rates would come down, and the scheme be viable with the affordable homes. He considered this the most reasonable outcome which would serve to benefit both the Council and the developer.

- vii. The Chairman asked Cllr N Pearce to clarify the grounds for his proposal for deferral.
- viii. Cllr N Pearce stated the deferment was a matter of common sense and would allow for the developer to reappraise their appraisal in conjunction with the LA which it was hoped would see the retention of affordable homes on the site. He noted that a refusal of the proposal would go against the legal framework, to support the proposal would go against the Councils principles.
- ix. The ADP offered advice to the Committee, and acknowledged the disappointment expressed by Members in determining the application. He advised that the planning application had an extension of time period agreed

to 3rd March. Further, he was in receipt of an email, sent that morning, from the Head of Planning at Hopkins Homes, who had expressed a wish that a determination be made by the Committee at the meeting rather than a deferral.

The ADP highlighted that if deferment was agreed by the Committee, Officers would need to negotiate an extension of time to cover any period to negotiate, discuss and present to Members any revised proposals. If this were to occur the Council would be at risk of an appeal for non-determination. He could not offer assurances that Hopkins Homes would, or would not agree to an extension of time, only that they had indicated a preference in their email that a decision be reached at the meeting. The ADP offered his considered professional opinion that unless an extension of time were agreed, the Council would be at risk of an appeal against non-determination which would take decision making away from the Committee.

- x. The Chairman asked the HSDM to explain the rationale in the viability studies and potential of the proposed uplift clause.
- xi. The HSDM advised that the viability studies were undertaken where an application (in this instance a variation) was below policy compliance. In response to earlier comments, she clarified that a viability study had not been undertaken on the original application, as this was policy compliance, and it was not a matter of course where a proposal was policy compliant in affordable housing and S106 contributions.

With respect of the current application, the Council had employed an independent viability expert, whose services the Council had used for some 8 years and whose previous advice had resulted in increased levels of affordable housing or uplift clauses, on a number of other applications. The independent expert had received Hopkin Homes figures, though crucially did not take these figures as a matter of truth, rather he used industry comparisons and other benchmark information to undertake a separate viability assessment looking at the value of the development in terms of sales and the costs of the development. In his assessments, he does not take into account the cost the developer paid for the land, instead looking at what a sensible benchmark land value figure would be. The independent expert broadly supported the conclusions reached by Hopkins Homes in that the scheme was not viable with the sales values not covering the costs including profit and the land value.

In terms of the uplift clause, the HSDM advised this was something which had previously be utilised by the Council including twice before with Hopkins Homes developments in North Walsham and elsewhere in Holt. Uplift clauses had been included within the S106 agreement to stipulate that should the position improve, and profits be better than anticipated (based on information at time of determination), then a share of those profits should be returned to the LA in the form of commuted sums. To date Hopkins Homes had paid NNDC £1.4 million from these profits, £690,000 from North Walsham and £720,000 from a previous development in Holt. The HSDM stated they can be a useful mechanism though agreed with Cllr W Fredericks that they were less valuable than affordable homes.

- xii. The Chairman asked Cllr N Pearce to re-clarify the reasons for deferral.

- xiii. Cllr N Pearce sought legal advice, and considered a decision for or against the application came with risks. He stated he was exceedingly concerned that the needs of residents would not be met without affordable homes.
- xiv. The Chairman asked the DM to relay the reasons for deferral raised by Cllr N Pearce and asked whether they could be considered legitimate in planning terms.
- xv. The DM advised that it was a suggestion from Cllr N Pearce that the market conditions have changed such that if the scheme was reappraised different figures regarding affordable housing provision may be reached. He advised that whilst he was not a financial appraiser, the scale of difference between the viability of the project from the original to the proposed variation was large, and even if conditions were to improve, it would be exceedingly unlikely that they improve such that the 15 – 20% profit return, which developers would expect as established in RICS and central government guidance, be met. The DM cautioned that a reappraisal would not change the affordable housing provision in a years' time.
- xvi. The PL endorsed the DM's comments and stated that the Housing development must accord with Local Plan policies, including policy H02 of the NNDC core strategy when specifies the amount of affordable housing required, unless special circumstances dictate variance. Such special circumstances may include a lack of financial viability, as argued by the developer in this instance.

The PL detailed a case in which Islington Council were backed by a Planning Inspector in refusing an application removing affordable homes provision. However, on that occasion the financial viability assessment was disputed. With regards to the application in question, she acknowledged that advice received from the independent expert for the Council broadly supported the viability assessment put forward by the developer, therefore it would be very difficult to raise concerns about the viability assessment.

In response to questions from the Chairman about the legal position of the original S106 agreement, the PL advised that a Council were at liberty to negotiate separate terms on a S106 agreement at any time. The aforementioned S106 agreement had been entered into in May 2021, so it contained obligations that would to bite for another 3 years, after which time the developer could appeal on the basis that the terms were no longer reasonable. She commented that this could stymie development for 3 years, and would not prevent the developer from appealing under the S73 application.

- xvii. Cllr A Brown seconded the proposal for deferral. He reflected, as a member of an adjoining ward to Holt, that he was well aware of the housing need. Separately as the Portfolio holder for Planning and enforcement, he supported the contents of the Local Plan and the Council according with the contents of the Local Plan.

Cllr A Brown expressed his concern that the main driver for the change in financial circumstances seemed to be the additional cost to remediate the on-site contamination from the prior scrap yard, and was unsighted if such issues extended into Heath Farm, which had also been developed, noting that scheme had delivered 23% affordable homes.

He contended that Hopkins Homes had demonstrated a pattern of behaviour on other sites of receiving approval for applications with affordable homes included only for these to be varied at a later date. Such actions would in any other circumstance amount to a breach of contract, however developers were permitted by central government to apply for variations on viability grounds.

He considered that more evidence should be provided to establish what in the 9 month period between consent being granted and the S106 agreement signed, had so rapidly changed to demonstrate serious financial problems. Conversely, healthy profits for Hopkins Homes could be viewed on company's house, and they further state that 'the company takes its responsibility seriously when it comes to helping local communities', something he considered ironic.

Whilst seconding the proposal for deferment, he expressed concerns for the reasons detailed by Cllr N Pearce and acknowledged the advice provided by the ADP that the Council may be at risk of appeal for non-determination if deferment was agreed. He sought clarity as to the difference in an appeal for non-determination as opposed to an appeal for refusal, and what the financial implications may be for the Council.

- xviii. The ADP clarified that the email he referred to the Committee stated a preference from the developer, to which he had provided his professional opinion as to the balance of potential risk that would arise given the extension of time running only till 3rd March. He advised that he was unable to confirm what decision the developer may arrive at, but that he would speak with the developer and if the Committee agreed for deferment, that he would be requesting an extension of time.

If the Council were to determine to refuse the application, the usual grounds of engagement would apply. The Committee would need to be reasonable in its consideration; give due weight to all other aspects committed to under the S106 agreement, in excess of £300,000. Further there were questions surrounding the Councils 5 year Housing Land supply (HLS) and the benefit of delivering new homes under a planning permission must carry weight. It was in the gift of the Committee, as decision maker, if having reasonably considered all of the material considerations following debate, Members decide there to be justified reason for deferral or refusal.

- xix. The DM confirmed that the Councils 5 year HLS was a significant material change from when the application was originally considered in December 2020. Paragraph 11 D2 of the NPPF details permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF when taken as a whole. S106 contributions were part of making developments acceptable, it was therefore a judgement for the Committee whether the loss of affordable housing significantly and demonstrably outweigh the benefits. It was important to identify the adverse impacts and articulate those in the decision.
- xx. The Chairman considered there to be no reason to question the quality and validity of the assessment of the independent viability assessor. He questioned the nature of the contamination, noting the developer had owned

the land for several years and should therefore have been aware of the level of contamination.

- xxi. Cllr J Toye thanked Officers for their report and advice given, acknowledging this was a difficult position for Officers to be in. He considered, as an aside, that perhaps viability assessments should be considered on applications which were policy compliant.

He noted a feature within all planning applications was the section 'Human Rights' implications. He reflected on the representations of the Local Member, Holt Town Council and anecdotal remarks of residents working double shifts due to a lack of staff, with employees having to travel from Norwich to North Norfolk as they were unable to live and work in their community. Further noting Cllr W Fredericks remarks about the housing waiting list, he argued this development would have represented 10% of the households listed in band one. A significant number of people which would as a consequence be denied their right to a home.

With reference to Article 8 of the Human Rights Act 'Respect for your private and family life', Cllr J Toye recited an excerpt from the Equality and Human Rights Commission 'The concept of private life also covers your right to develop your personal identity and to forge friendships and other relationships. This includes a right to participate in essential economic, social, cultural and leisure activities. In some circumstances, public authorities may need to help you enjoy your right to a private life, including your ability to participate in society.' He questioned if the LA were truly allowing its residents to participate in society, and fulfilling its obligations by keeping individuals in bed and breakfasts, in shared accommodation, to live with families and sofa surf.

Cllr J Toye stated a deferment was the minimum of what he would find acceptable, and affirmed that he could not support the application. If a deferment was agreed upon, part of the reason should be to understand if the LA was compliant with Human Rights.

- xxii. Cllr A Brown considered Nutrient Neutrality had stymied the Council's delivery of its 5 year HLS, an extraneous circumstance nearing resolution.
- xxiii. The DM agreed that Nutrient Neutrality was having a significant impact on housing delivery, but was not the only factor affecting the Council's 5 year HSL.
- xxiv. Cllr R Kershaw expressed his heightened concern upon hearing the email from Hopkins Homes relayed by the ADP, which he considered to be a threat in so far as the developer had timed their communication knowing the date and time of Development Committee meeting. He supported the proposal for deferment though acknowledged the associated risks.
- xxv. Cllr N Lloyd agreed with Cllr R Kershaw's remarks and asked Officers, should the committee be minded to agree deferment resulting in a decision not being reached before the 3rd March extension of time deadline, what would be the consequence for the application.
- xxvi. The DM advised, should the Committee agree with deferment, that Officers would engage with the developer to re-open negotiations. If the developer

was unwilling to permit an extension of time, they would reserve the right to appeal on the grounds of non-determination. This would not automatically provide the appellant permission, rather it would take the decision out of the hands of the LA and into the Planning Inspectorate. He cautioned that an appeal would move the problem a year down the line.

It was noted that the developer had already commenced works on site, and there would be some issue with them progressing with works with a legal agreement in place which required certain conditions be met.

The DM advised should Members agreed on a deferment only for the developer to refuse permitting an extension of time that the Committee could then agree to re-discuss the application and come to a determination at a later meeting for or against. It would be challenging for the applicant to argue that the Council had behaved unreasonably when the Council had tried to engage into a discussion with them and negotiate a solution in an amicable way.

- xxvii. The PL acknowledged this was a difficult situation, and it was disappointing that the applicant was proposing a drop from 45% affordable homes to 0. She asked, if there was an opportunity to arrange for an extra-ordinary meeting before the 3rd March should a deferment be agreed and an extension of time rejected.
- xxviii. The ADP advised should an appeal be launched for non-determination and presented before a Planning Inspector, decision-making would be removed from local democracy. He understood Members concerns and the dissatisfaction from members of the local community.
- xxix. Cllr L Withington asked the HSDM about the viability assessment and whether any affordable housing provision would be acceptable, i.e 6 or 7. Secondly she asked, if an appeal situation were to arise would weight be given by the Planning Inspector as a material consideration that the former application had only been approved in the first instance with the affordable housing provision.
- xxx. The HSDM advised that in normal circumstances the independent viability assessor would be charged to look at what would be policy complaint possible, and whether what the applicant was seeking was reasonable. In this instance the viability assessment argued the scheme wasn't viable even with the total removal of the affordable housing provision. It would have been pointless to look into ranges when the provision of 0 affordable homes was considered unviable.
- xxxi. The DM noted Cllr L Withington's question and the premise that the Committee may have made a different decision had the affordable housing contribution been removed. Critically, since the former application had been approved the Council no longer had a 5 year HSL which affected the planning balance. If the Council had been without the 5 year HSL at the time of making the original determination, Officers may have argued for the application of Paragraph 11 D of the NPPF and given weight to the development. He argued that factors change over time and it was for Members to decide how they apportion weight to material considerations.
- xxxii. The PL endorsed comments from the DM and acknowledged the site was

within a sustainable location and that there were other extraneous benefits in the S106 agreement. It was a difficult balance with the 5 year HSL mitigating against the prevention of developments in a sustainable location. However it was appreciated the fundamental disappointment of the substantial drop in affordable housing provision.

- xxiii. The DM advised that the S106 obligations totalled over £338,000 comprised of the following, £17,500 – Healthcare contribution, £20,000 – County wildlife site management, £25,000 - Offsite allotments, £52,000 - Parks and Informal Open space, £17,500 – Coastal Hopper Bus contribution £154,000 – Education, £4,000 – Library, £16,951 Public rights of way and green infrastructure.
- xxiv. Cllr S Bütikofer considered that a deferment would simply kick the can down the road, and argued that the Council should be bold and brave in refusing the application. Whilst the Council did not have a 5 year HLS, she contended this was a policy forced onto the LA and not as a consequence of the actions of the Council or of residents.

She advised at the time when the prior application had been approved, she had been the Local Member for Holt and observed the Development Committee's debate. Concerns had been raised about the access onto Hempstead Road and the impact it would have on neighbouring residents however the Committee had concluded benefits brought from the 23 affordable homes outweighed the negative impacts.

Cllr S Bütikofer affirmed that that she would be supportive of deferment over approval, but expressed her preference for refusal. She was critical of the uplift clause and questioned whether the money would benefit Holt and its residents because of the costs of the land in this area of the district. Further, she firmly agreed with the views expressed by Cllr W Fredericks of the necessity for people to be able to live and work in their communities.

- xxv. Cllr V Holliday affirmed that as an ex-GP for Holt she was very familiar with the town and its desperate need for affordable housing. The town had changed in nature over the last 60 years with large houses filled with second home owners or those who had moved into the area, leaving local residents without somewhere to live.

She argued that the deferment was only worth doing if something positive could be achieved. In this instance she did not believe the development would be beneficial unless half the initially proposed affordable houses were delivered. Cllr V Holliday expressed her preference for refusal over deferment.

- xxvi. The DM commented, should Members decide upon deferral and the developer in negotiation with the Council maintain that they cannot viably build any affordable homes, that there remained money collected through the uplift clause from the other Hopkins Homes development in Holt. This money needed to be spent in Holt to deliver affordable housing. He reflected it may be possible that Officers negotiate with the developer about providing the affordable homes on the site using the collected uplift money, and the possibility that Hopkins Homes may be willing to offer such properties at a lower price than market rate. This solution would enable the delivery of affordable houses on the site using the moneys secured though other

developments via the uplift clause, though it was acknowledged this was an unconventional course of action.

- xxvii. Cllr J Toye asked about the procedural rules should the Committee be minded to refuse. The DSO advised that Members were presently debating the substantive motion put forward by Cllr N Pearce to defer consideration of the application, this should be voted upon or withdrawn before moving on to other potential motions.
- xxviii. The GL advised that the reasons for deferment needed to be made clear, whether it be a reappraisal or re-assessment of the figures provided or request for additional information which may better inform the decision maker of the change in circumstances between December 2020, June 2021 (when the S106 was signed) and now. He advised it would not be appropriate at this stage to discuss reasons for refusal, though noted Member's unhappiness with the application. A recommendation for refusal would need to evidence the specific factors in the developer's financial viability assessment appraisal which Members disagreed with.
- xxix. Cllr R Kershaw commented that Nutrient Neutrality was a temporary issue, and contended that a deferral to after this was mitigated against would place the LA in a better position with its 5 year HLS. Further, he asked the impact of the new Local Plan which may result in 4 year HSL.
- xl. The DM advised that the NPPF and Levelling Up bill had yet to ratify 4 year HSL, further it was a matter of debate if the Council had a 4 year HLS. Further, he queried whether Nutrient Neutrality was the sole factor as to why the Council did not have a 5 year HLS.
- xli. Cllr M Taylor added his support for Members representations and expressed his preference for refusal over deferral. He stated that Hopkins Homes were treating the people of Holt with utter contempt and the way in which they had conducted themselves was wrong. He argued that the developer should be sent a message that this would not be tolerated by the Council. Cllr M Taylor reflected that, at 23, it was becoming increasingly unlikely that he would be able to afford a home in the district he lived, worked and served due to the affordability gap, and urged that more be done to ensure the delivery of affordable housing.
- xlii. Cllr S Bütikofer sought clarity for the reasons for deferral.
- xlili. The Chairman asked Cllr N Pearce for the reasons, grounded in planning terms, for his proposal to defer.
- xliv. Cllr N Pearce stated his proposal for deferment was to enable negotiation with the developer about the provision of low cost housing, with a view that some if not all of the initial scheme could be delivered. He hoped as the developer had signed a S106 agreement which would be binding for three years, this would allow a grace period for negotiations.
- xliv. The DM advised that the Independent viability assessor had reviewed the figures and formed his own assumptions that the scheme was not viable, to repeat this exercise would be of little benefit. He reiterated his earlier comments, should the developer continue to argue that the scheme was unviable, that there may be other options to aid in the delivery of affordable

housing on the site. If a solution could be achieved which would see the erection of affordable homes on the site, using money obtained through uplift clauses on other Holt developments, this may be a way of delivering public benefit.

- xlvi. The ADP suggested as this was a complex proposal which had been subject to debate, that it may be helpful to adjourn the meeting to enable the proposer and seconder to discuss the precise terms for the deferral, and to clearly articulate those after the adjournment for the sake of clarity.
- xlvii. The Chairman thanked the ADP for his suggestion and agreed that it was important that the reasons for deferral be made explicit.
- xlviii. The PL noted discussions had considered re-routing some of the money from S106 agreements from other areas in the District to Holt, provided no suitable adjoining sites were available. She considered this would be difficult if money was earmarked for a certain town or area, but not impossible to achieve.
- xlix. Cllr S Bütikofer challenged how this course of action could be justified to the relevant communities.
 - I. The HSDM clarified that there was £720,000 of S106 commuted sums for affordable housing from the previous Hopkins Homes development in Holt which could be used in Holt.

The meeting was adjourned at 11.02am and resumed at 11.17am.

- li. Following the adjournment, The Chairman asked Cllr N Pearce to affirm the reasons for his proposal.
- lii. Cllr N Pearce stated the reason for deferral would be to enable negotiations with the developer to look at the mix of housing.
- liii. The ADP advised that he had received a new email and been informed by the representative for Hopkins Homes that they would be willing to support a deferral to enable further discussion.
- liv. Cllr A Brown added as seconder that the deferral would leave the door open for negotiations and to receive more information.
- lv. The DM stated, with reference to the mix of housing, that it was important to understand what it was in the mix that Members were looking to achieve. The present mix was based on the original proposal, and had a housing mix linked to the affordable housing it was going to provide which would help meet local needs. In changing the mix there ran the risk that it would not meet local need and conversely extend the unaffordability gap.
- lvi. The HSDM noted that the original 23 affordable homes were based on the Councils needs analysis, and possibly not a mix which the developer had a preference for if they been developing for the open market. She highlighted that the Council often preferred one or two bedrooms, whereas developers would likely seek to develop larger family homes with greater profit margin. In altering the mix, there was a possibility to develop something more viable though was not likely to deliver the 45% affordable homes. There would then

remain the option for the developer and the registered housing provider to seek grant funding for some of those units.

IT WAS RESOLVED by 6 votes for, 5 against and 2 abstentions

That that Planning Application RV/22/0808 be DEFERRED to enable negotiations with the developer about the mix of housing.

116 WEST RUNTON - PF/22/1337 - REDEVELOPMENT OF SITE TO INCLUDE PITCH SURFACE IMPROVEMENTS, CREATION OF SERVICED PITCHES, ERECTION OF SITE MANAGERS BATHROOM/UTILITY PODS, CREATION OF MULTI-USE GAMES AREA (MUGA) AND CHILDREN'S PLAY AREA WITH ASSOCIATED FENCING, UPGRADING TWO MOTOR VAN WASTE AND ONE SERVICE POINT(S) AND EXTENSION OF INTERNAL ROAD NETWORK AT INCLEBORO FIELDS CARAVAN CLUB SITE, STATION CLOSE, WEST RUNTON, CROMER

Officers report and presentation:

The SPO introduced the Officers report and recommendation for approval subject to conditions. He outlined that the site comprised of 21 acres with 241 freehold pitches, mostly grass though a small number were fully serviced and hard standing. The site, situated in the countryside, resided in the AONB, the Wooded Glacial Ridge and Coastal Shelf Landscape Character Area as designated with the North Norfolk Landscape Character Assessment, the Undeveloped Coast as designated within the adopted North Norfolk Core Strategy, Incleborough Hill Country Wildlife site and West Runton conservation area.

The SPO noted the sites location, its relationship with its surrounding landscape, access to the site, existing and proposed site plans, location of the proposed warden bathroom and kitchen utility pods, motor van waste points, universal service points, all weather pitches, serviced pitches, premium pitches, non-awning all weather pitches and play area (which would be enclosed).

Members questions and debate

- i. The Local Member – Cllr S Bütikofer – argued against the Officers recommendation and stressed the importance of the Council upholding its responsibilities to the AONB, protecting it from development. This was a large site offering nearly as many pitches as there were houses in the village. The impact of the campsite on local residents remained her primary concern, aside from outlined concerns regarding the AONB, and she noted that the National Trust had raised objections to the application.

Cllr S Bütikofer contended that the entrance to the site was an issue, in spite of Highways written representations, and reflected that on a Saturday between 11am-12pm the road was impassable with caravans queuing up early to try and secure the best pitch. She noted a video available online from a Camping and Caravan club member who commented how difficult access was to the site, and the need to pass over one of the fairways. Further, she stated that residents occupying the bungalows along the access route were essentially trapped in their homes on a Saturday, denying them their rights to enjoy their homes. The Local Member advised she had written to the Caravan and Camping Club on this matter on several occasions

Cllr S Bütikofer raised concerns about the proposals impact on the landscape. Presently, the site was largely grass with pitches able to recover in the winter months. This proposal would introduce chippings that will be seen in the landscape alongside the erection of fences and play equipment.

Whilst the campsite contributes heavily to the local economy, the Local Member argued that the negative impacts to local residents and the environment outweighed the positives. She argued the proposal was contrary to policy EN4 of the NNDC Core Strategy and to policies surrounding the AONB.

- ii. The Chairman asked for clarification whether the proposed hard standing pitches were a replacement/upgrading of existing pitches as opposed to being additions. The SPO confirmed this was the case.

The Chairman further added, as a Camping and Caravan Club member, that the organisation were becoming increasingly vigilant about check in and check out times, though contended this was difficult to enforce. The Local Member argued that a Warden could be employed.

- iii. Cllr A Fitch-Tillett noted, as Vice Chairman of Norfolk Coast Partnership, that the organisation had indicated in the report that they were neither in support or objected to the proposal. As a tourist area, North Norfolk was in many instances a victim of its own success. She advised she was familiar with the site, having stayed some 20 years prior, that it was a lovely site, well sited in its landscape. Cllr A Fitch-Tillett contended that the Camping and Caravan Club were doing a good job looking after the site, providing and improving on excellent facilities, she therefore proposed acceptance of the officers recommendation.
- iv. Cllr R Kershaw seconded the Officers recommendation for approval.
- v. Cllr V Holliday reflected that 240 pitches amounted to 55,000 miles a week, a significant amount of carbon, and echoed the comments from the National Trust and from the Local Member. She sought clarification if the hard standing pitches would be a like for like replacement, or if they would be installed on existing grass pitches.
- vi. The SPO advised that most of the Caravan Park was grass with some hardstanding pitches. Many of the grass pitches had a bollard for electric usage.
- vii. Cllr N Pearce noted the National Trust and Norfolk Wildlife trust objected to the proposal, and one of the Councils core duties was to protect its AONB and heritage. He questioned if the development conflicted with Core Policy.
- viii. The DM advised the application proposed enhancements and developments of the existing site, had the proposal been for the consideration of additional plots this would have amounted to a different planning consideration and assessment. He noted there were consultee representations for and against the proposal, with the Councils Landscape Officer submitting no objection to the scheme. Whilst the Council were charged to manage the impacts of tourism, he contended that the application would enhance the tourism offer and by extension the public benefit.

- ix. Cllr J Toye considered that whilst the application listed a series of improvements, it would result in an intensification of the site. He was critical that additional hard-standing pitches would allow for more usage all year round, which was unsuitable for the AONB and the wildlife which would recover in quieter periods. Further, during the summer occupants tended to use the site for a week or more, taking shorter breaks during other periods of the year. This would result in the disruption of residents over more days.
- x. The DM advised that condition 11 would restrict the times of year the site could operate, which should mitigate concerns about intensification.
- xi. Cllr J Toye contended the proposal may result in additional users being spread across the site and the affect this would have on wildlife.
- xii. The Chairman sought clarity about the concerns regarding intensification of the site. The SPO advised that some, not all of the grass pitches would be upgraded to hard-standing, from the 241 pitches across the site only 53 (1/5) would be upgraded. He advised that the upgrades would be largely concentrated at the entrance of the site.
- xiii. Cllr R Kershaw was satisfied with the conditions proposed and reflected on his role as Portfolio Holder for Sustainable Growth, stating that he was supportive of the tourism and income generated through the proposal. Further, he considered that the application complied with policies SS1 and SS2 of the North Norfolk Core Strategy. Cllr R Kershaw expressed his support for the provision of the motor van waste point, which he argued there was a crucial need for in the area.
- xiv. Cllr S Bütikofer considered that tenting was far less impactful on the environment than caravanning, as the grass pitches would not be used when the weather was too inclement. She noted that there was no provision in the condition for the returning of the pitches to a natural state, and asked that the use of mesh (used at an alternate site) be used in place of the proposed chippings, to allow for the grass to grow through, and for it to be more natural. The Local Member considered this an agreeable condition which had been applied elsewhere. She concluded that whilst this compromise would not defer her fears regarding intensification of the site and the impact of increased motorhomes driving past neighbouring residents, she accepted that there would be benefits brought through the introduction of waste points, and would find the proposal more acceptable if the site were able to return to its wild nature in winter months.
- xv. Cllr V Holliday asked if the waste points would be opened to non-residents. The Chairman advised that they it would not be.
- xvi. Cllr H Blathwayt was encouraged that the Caravan and camping Club had sought planning permission rather than making changes under temporary holiday site permissions. Whilst cynical about some of the application, he advised that he would support the recommendation.
- xvii. The DM advised he would review the list of conditions to check whether there were any specific plans which referred to the surfacing details. He advised that a condition could be added to agree the final surfacing of the pitches, with the intention that they be less conspicuous in the wider environment.

IT WAS RESOLVED by 12 votes for and one against.

That Planning Application PF/22/1337 be APPROVED subject to the conditions detailed in the Officers report, as well as any other conditions considered necessary by the Assistant Director of Planning. Final wording to be delegated to the Assistant Director of Planning.

117 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- i. The DM introduced the Development Management Performance update and noted the upwards trend for performance.
- ii. The PL advised Norfolk County Council and Hethel were signing the S106 agreement for Scottow Enterprise Park. The draft S106 for Crip Maltings in Ryburgh had been circulated and substantially agreed. She advised that the draft S106 Unilateral Undertaking was awaited from applicant's solicitors for application PF/21/3458.
- iii. Cllr R Kershaw thanked the PL for her hard and dogged work regarding the S106 agreement for Scottow Enterprise Park. He argued that the implications of this agreement extended beyond the S106 and resulted in Standard Gas taking the lease on one of the other aircraft units so that the pyrogenesis machinery, built by Swift Air, would bake waste with no emissions and produce hydrogen. As a consequence, the RAF had now funded Swift Air to produce trainer aircraft built from hemp resin, powered by aluminium air batteries made by the hydrogen on the Scottow site. Cllr R Kershaw argued this innovative scheme was a phenomenal story for North Norfolk, unlocked by the PL.
- iv. Cllr N Lloyd asked for clarity over the S106 annexe report and the colour coding. The PL advised that green was for 'in time', red was where negotiations of the S106 agreement were taking a lot of time and the application was at risk of being returned to committee for lack of determination, and orange was between the two.

118 APPEALS SECTION

(a) New Appeals

- i. Noted

(b) Inquiries and Hearings – Progress

- i. Noted

(c) Written Representations Appeals – In Hand

- i. The DM advised with respect of application PU/21/2825, the Inspector had since permitted the appeal. It was noted that the site was located within the Nutrient Neutrality zone and therefore whilst permission had been granted it could not be implemented unless it satisfied and complied with Nutrient Neutrality and GI Rams guidance
- ii. Regarding application PF/22/0727, a decision had also been reached by the Planning Inspectorate who refused the appeal and cited amenity and highways concerns. Cllr A Brown advised that having read the decision,

he noted that nearly every comment raised by the committee had been upheld. Further, the enforcement team had been informed and would be continuing their work regarding the breaches by the landowner

- iii. The DM advised since the publication of the agenda the Inspector had permitted application PF/21/2593.

(d) Appeal Decisions

- i. Noted.

119 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 12.05 pm.

Chairman

This page is intentionally left blank

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>

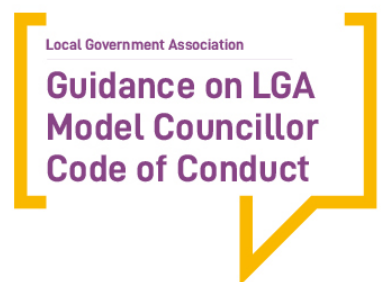
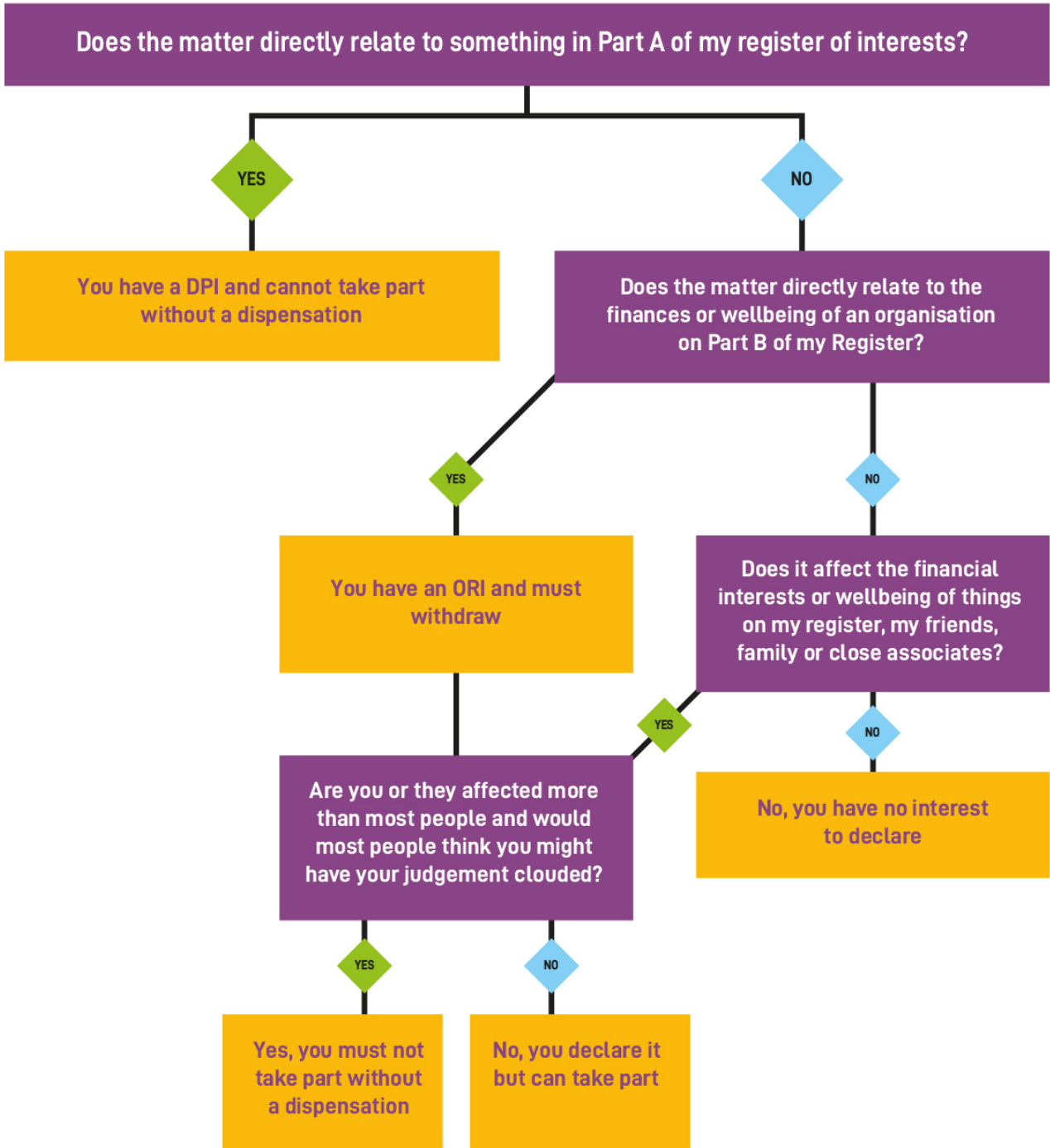
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
--	---

* '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)
--



SHERINGHAM - PF/22/1660 – 37 suite apartment hotel (Class C1) with associated access, parking and landscaping Land To East Of, The Reef Leisure Centre, Weybourne Road, Sheringham for Morston Palatine Ltd

Major Development

- Target Date: 07th October 2022

- Extension of time: 30th March 2023

Case Officer: Joe Barrow

Full Planning Permission

RELEVANT SITE CONSTRAINTS

- Settlement Boundary LDF
- Employment Area LDF
- Contaminated Land
- EA Risk Surface Water Flooding 1 in 1000 - (0.1% annual chance)
- Areas Susceptible to Groundwater SFRA
- Landscape Character Area – Coastal Shelf
- Approach Routes LDF
- Open Land Area LDF
- Sheringham Park LDF
- Mineral Safeguarding Area
- Within the Zone of Influence of the following habitats sites for the purposes of GIRAMS
Norfolk Valley Fens Special Area of Conservation
North Norfolk Coast RAMSAR
North Norfolk Coast Special Protection Area
North Norfolk Coast Special Area of Conservation
The Wash & North Norfolk Coast Special Area of Conservation
The Wash Special Protection Area
The Wash RAMSAR

RELEVANT PLANNING HISTORY

Adjacent Site (West):

PF/18/1435 – Splash Leisure Complex, Weybourne Road, Sheringham - Demolition of existing leisure and fitness centre, single storey office and existing skate park. Erection of two storey leisure centre to incorporate swimming pool, fitness suite, wet/dry changing facilities, reception, café, plant with car parking, erection of new skate park and associated landscaping. Approved 23.11.2018.

THE APPLICATION

The proposal is for the erection of a 4-storey, 37 bedroom apartment hotel.

The hotel would have a mix of rooms which would be let on a short term basis to paying guests, containing kitchen or kitchenette, bedroom, bathroom and living area. The proposal comprises:

- 10 no. one bed studios
- 18 no. one bedroom suites
- 6 no. two bedroom suites
- 3 no. accessible suites located at ground, first and second floor level

Limited on-site facilities would be provided for guests at ground floor level in the form of a lobby area, bar and launderette, with the main pedestrian entrance on the west elevation via an external courtyard. Car parking (45 spaces plus 3 disabled spaces) would be located to the rear (south) of the building, with the main vehicular access to Weybourne Road shared with The Reef Leisure Centre. A servicing corridor is proposed to the rear (east) elevation of the building.

The proposed building would be designed in an art-deco style, with the proposed materials palette to the exterior elevations comprising part white render and grey composite cladding with blue black engineering brick at ground floor level, with groynes projecting from the west elevation of the building into an external courtyard entrance.

SITE AND SURROUNDINGS

The site is located on the western edge of Sheringham, to the east of the recently constructed Reef Leisure Centre. The site was previously the construction compound for the Reef Leisure Centre and prior to that provided car parking for the previous Splash Leisure Centre on the site. Currently it is vacant land. The site area also includes an area of public realm to the main entrance of The Reef Leisure Centre. The car park serving the Reef Leisure Centre is located to the southwest of the site, beyond which is a skate park, cricket and football club. To the east is an established industrial estate. The site slopes gradually from east to west.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Assistant Director – Planning on the basis that this is Major development affecting land owned by the Council and where representations of objection have been received.

PARISH/TOWN COUNCIL

Sheringham Town Council - No objection.

Note that the hotel is for long term stays and that there will not be a traditional hotel in Sheringham.

CONSULTATIONS:

Norfolk County Council (Highways) – No objection, subject to conditions.

Norfolk County Council (Lead Local Flood Authority) – Objection.

In the absence of a suitable Flood Risk Assessment and Drainage Strategy relating to: local flood risk to the development; impacts from the development adversely affecting flood risk; not complying with the NPPF, Planning Practice Guidance or local policies.

Norfolk County Council (Minerals and Waste Authority) – No objection.

The site is not in a Mineral Safeguarding Area or a consultation area of a mineral or waste management facility.

Norfolk County Council (Planning Obligations Co-ordinator) – No comments received.

Norfolk Police Architectural Liaison Officer/Safety Officer – Advice.

Applicant should consider applying for Secured by Design for this leisure development.

Anglian Water – No objection.

Comments with regards to:

- Waste water – Ronton Middlebrook Way Water Recycling Centre has capacity to take these flows
- Used Water Network – request a condition requiring an on-site drainage strategy. Owing to a lack of information, a full assessment cannot be made. Request a number of informatives regarding a connection to the Anglian Water network.
- Surface Water – Preferred method of surface water disposal would be via a sustainable drainage system (SuDS).

Norfolk Coast Partnership – Neutral.

Norfolk Fire and Rescue Service – No objection

Provided the proposal meets the requirements of current Building Regs 2010, Approved Document B.

Natural England – No comments received.

NNDC Conservation and Design Officer - No objection.

NNDC Landscape Officer – No comments submitted.

NNDC Environmental Health Officer – No objection, subject to conditions

Suggest conditions relating to the following:

- Land contamination
- Provision of refuse areas
- External Lighting Scheme
- Kitchen Extraction
- Details of plant/machinery/ventilation/heating/air-con
- Compliance with the submitted construction management plan

NNDC Economic and Tourism Development Manager – Supports.

Property Services - No comments submitted.

REPRESENTATIONS

Three letters of **objection** on the following grounds:

Traffic and Access

- Hotels have disproportionately higher levels of traffic. Access is opposite golf club, near that of The Reef and proposed care home. Narrow stretch of road – sole access to town from the West – will become heavily congested, disrupting bus service;
- Increased traffic from new development would severely compromise pedestrians walking to the Reef, the allotments and the cemetery, and dog walkers;
- More traffic would push cyclists onto coastal footpath, to detriment of footpath and legitimate users;

Design

- Another large development at the west end of Sheringham would adversely affect the peaceful nature of the area;
- Due to hotel's height and modern design, building would impose a 'Costa Sheringham' from coastal footpath and viewpoint at Skelding Hill in particular;
- Unlikely to benefit local residents, unlike The Reef and the care home;
- Out of keeping with nature of the town where most visitors stay in locally owned holiday lets and bed and breakfasts;
- Too high and out of character with area. Most buildings around the site are 1 or 2 storeys;
- The Reef is high, but is not a residential building. It should not be used for comparison;
- Structure will dominate and spoil the local area;
- Design ugly and not in keeping with local building styles. Will be an eyesore.

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.

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 Local Development Framework Core Strategy (September 2008):

- Policy SS 1: Spatial Strategy for North Norfolk
- Policy SS 4: Environment
- Policy SS 5: Economy
- Policy SS 6: Access and Infrastructure
- Policy SS 12: Sheringham
- Policy EN 1: Norfolk Coast Area of Outstanding Natural Beauty and the Broads
- Policy EN 2: Protection and Enhancement of Landscape Character
- Policy EN 4: Design
- Policy EN 6: Sustainable Construction and Energy Efficiency
- Policy EN 9: Biodiversity and Geology
- Policy EN 10: Development and Flood Risk
- Policy EN 13: Pollution and Hazard Prevention
- Policy EC 7: Location of New Tourism Development
- Policy EC 9: Holiday and Seasonal Occupancy Conditions
- Policy CT 2: Developer Contributions

Policy CT 5: Transport Impact of New Development
Policy CT 6: Parking Provision

Norfolk County Council Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (September 2011):
Policy CS16 – Safeguarding mineral and waste sites and mineral resources

Material Considerations:

Supplementary Planning Documents and Guidance:

Design Guide Supplementary Planning Document (December 2008)
North Norfolk Landscape Character Assessment (2021)

National Planning Policy Framework (NPPF):

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

Other material documents/guidance:

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)

National Planning Policy Guidance (NPPG):

Climate Change (March 2019)

Government Strategy Documents:

Net Zero Strategy: Build Back Greener (October 2021)
Industrial Decarbonisation Strategy (March 2021)

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION

1. **Whether the proposed development is acceptable in principle**
2. **Whether the layout and design of the proposed development would be appropriate**
3. **The effect on the character and appearance of the surrounding landscape, including the Norfolk Coast Area of Outstanding Natural Beauty,**
4. **Highway matters – access and parking**
5. **Environmental Impacts including noise, waste and contaminated land**
6. **Flood risk and surface water drainage**
7. **The effect of the proposed development on protected species and designated habitats sites**

1. **Principle**

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 site is located within the settlement boundary of Sheringham, which is defined under Policy SS1 of the Core Strategy (CS) as a Secondary Settlement. Under CS Policy SS 12 Sheringham is identified as a location for new residential, retail and commercial development and is important to the local economy as a major tourist destination.

CS Policy EC7 sets out a sequential approach to the location of new tourist accommodation, and proposals for new build tourist accommodation should be located within Principal and Secondary Settlements, being the sequentially preferable locations. The proposed development accords with this policy aim.

Other sites within Sheringham have been considered, but were discounted on the basis that none were available for development immediately, or of an appropriate size, or commercially feasible; compatible with surrounding land uses, with adequate access arrangements; or subject to other technical and land use designations that precluded the re-use of the site as a commercial apartment hotel.

Officers consider that occupancy of the hotel would need to be restricted by planning condition to ensure that the accommodation is not used or occupied by a person as a sole or main residence, and to restrict the occupancy period to be no more than 90 days in any 12-month period. It is also recommended that an up-to-date register and the length of stay of all guests is kept and made available to the Local Planning Authority on request. The purpose of such planning conditions would be to ensure the apartments are only occupied for holiday purposes / as short term lets, rather than as permanent residential accommodation falling under a different Use Class (C3), which could otherwise necessitate the need for affordable housing and further on and off-site infrastructure provision.

The proposed apartment hotel is acceptable in principle in this location subject to compliance with all other relevant CS policies, unless material considerations indicate otherwise.

2. Layout and Design

The proposed building would be of art-deco style, and comprise of a three storey element to the south, with a four storey element to the centre and north. The materials palette includes a mix of grey and black facing brick, white render, black aluminium fenestration, dark grey aluminium cladding, and a timber effect cladding. The building would have a roughly U-shape footprint, which would enclose a courtyard to the west, between the development and the Reef Leisure Centre.

A mix of hard and soft landscaping is proposed across the site comprising:

- A turfed area with 2no. Swedish Whitebeam trees between the building and highway to the north of the site,
- Hedge retention along the eastern site boundary,
- Hedge planting along the western site boundary, and around the proposed bin store and substation (sited within the car parking area),
- Defensive planting to the south-west corner of the building to restrict access to facades,
- Permeable paving across the development as previously approved, and,
- Timber clad installation within the courtyard providing seating and planting.

Officers consider that the development would sit comfortably within the site context and integrate well with the Reef Leisure Centre. The scale of the proposal broadly matches that of The Reef in terms of height, with a form and materials palette which would also integrate well. Landscaping and public space provision is of an acceptable standard also.

Whilst large in scale, the building proposed would be viewed within the context of the adjacent buildings, including the Reef, of similar height to the west, and industrial buildings to the east. In such a context the appearance and scale of the proposed hotel is considered to be broadly acceptable, and compliant with the aims of Policy EN 4 and the North Norfolk Design Guide. The result would therefore be an area of high design quality with a cohesive style, with buildings complementing each other and improving the visual perception of the area.

Taking the above into account, it is considered that the proposed development is acceptable in terms of layout and design, in accordance with CS Policy EN 4 and the North Norfolk Design Guide.

3. Character and appearance of the surrounding landscape (including AONB)

The site is located within the Coastal Shelf landscape character type as defined within the NNDC Landscape Character Assessment but is located outside of the Norfolk Coast AONB.

In the context of this application, Officers consider that land to the south of Weybourne Road (A149) has a distinctly different urban character and appearance compared with the north side of Weybourne Road which is distinctly more rural in character.

The proposed development is located between industrial land to the east, the Reef Leisure Centre to the west, with car parking and Sheringham Football Club located to the south and west, and residential land beyond that. To the north on the opposite side of the A149 Weybourne Road is land forming part of Sheringham Golf Course which is located within the Norfolk Coast Area of Outstanding Natural Beauty (AONB).

Taking into account site context, although undoubtedly large in size, Officers consider that the proposed aparthotel building has a broadly similar form and appearance to the recently completed Reef Leisure Centre. The proposal, along with adjacent development, would provide a very strong edge to the area on the approach to Sheringham from the west, viewable from the AONB to the north and west.

Dark night skies are a stated feature of one of the defined special qualities of the Norfolk Coast AONB which is 'a sense of remoteness, tranquility and wildness.' In this respect consideration must be given to the site's immediate context on the edge of a built-up area, with light spill emanating from the industrial land to the east, the Reef itself and its car parking, and Sheringham Football Club.

It is not considered that internal illumination of the rooms would result in any material harm. It is however, recommended that a condition requiring details of any external lighting to be submitted and approved prior to installation, which should ensure that it does not result in any unacceptable impacts.

On balance, Officers consider that the development would sit comfortably within its immediate surroundings and would not have any significant harmful effect on view or experience of the AONB or Sheringham Park, or the wider landscape, given the prevailing development pattern in the area.

Taking account of the above, the proposed development is considered to be acceptable in terms of its effect on the landscape character and the AONB and as such in accordance with CS Policies EN 1, EN 2 and EN 4 and Sections 12 and 15 of the NPPF (2021).

4. Highway matters

The proposal includes the provision of car parking on land to the south of the hotel, comprising 49 spaces, including 3 disability accessible spaces (2 of which feature electric vehicle (EV) charging points), and a further 7 spaces with EV charging. This car park is to be accessed from a newly created access point to the south east corner of the Reef Leisure Centre's car park, with a single point of access (shared with The Reef) off the A149 to the north. The proposal also includes space for motorcycle parking.

Provision is made of cycle parking near the hotel's main entrance. The layout proposed would also allow for pedestrian access to the footpath network to the north of the site, and with it, bus stops on the A149 as well as a pedestrian link to Sheringham town centre. Overall, this level of parking provision for is considered to comply with the Council's adopted parking standards.

The highway authority has reviewed the submitted information and raises no objection with regards to highway safety or the effect of additional traffic on the surrounding highway network. They advise that the approved access to The Reef which the proposed development would utilise is appropriate to serve the site. No concerns are raised in relation to transport sustainability. The proposal is therefore considered to comply with CS Policies CT 5 and CT 6 and; Section 9 of the NPPF.

5. Environmental impacts

The application includes a construction management plan relating to noise, dust, and smoke which seeks to control levels of disturbance created during construction. Among other things, this document includes a traffic management plan, environmental and noise and dust monitoring, as well as good neighbour policies and procedures. Adherence to this can be secured through a condition

With regards to potential for land contamination, the applicants submitted a ground investigation report prepared for the adjacent planning permission at The Reef to the west. This report included investigation across the larger site as a whole, and has been considered as part of this application by the Environmental Protection team. Upon review, it is considered that more site-specific investigation would be required. It is recommended this be secured via planning condition.

With regard to waste, a bin storage area is proposed on the submitted site plan to the south west corner of the car parking area. Exact details of the provision of this area would be secured via condition, and it is anticipated that the layout as indicated would be appropriate.

It is not considered that the building would create harm in terms of noise disturbance once operational, and with controls such as the omission of balconies on sensitive elevations, it is considered that users of the hotel would not experience unacceptable noise disturbance themselves.

The proposed development is considered to be acceptable in terms of environmental impacts subject to conditions, and on that basis complies with CS policies EN 4 and EN 13 and Sections 12 and 15 of the NPPF (2021).

6. Flood Risk and Drainage

With regard to fluvial flood risk, the application site is located within Flood Zone 1 which has the lowest risk of flooding, and, as site area is less than 1 hectare, there is no ordinary requirement for a flood risk assessment. However, whilst, the site is within an area identified as being at low risk from surface water flooding, advice at paragraph 170 of the NPPF suggests, amongst other things, the incorporation of sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Surface water drainage has been extensively reviewed with ongoing engagement with the Lead Local Flood Authority (LLFA). To date however, there are still some matters that need to be resolved before the LLFA's current objection can be removed and compliance with CS policy EN 10 and the NPPF, confirmed.

Officers remain confident that these issues can be satisfactorily addressed to enable compliance with CS Policy EN 10. As such, given the proposal is acceptable in all other respects, it is recommended that the matter of surface water drainage is delegated to the Assistant Director- Planning so that officers can resolve including through the use of planning conditions where appropriate to do so.

7. Effect on protected species and habitats sites

The application site is an area of previously developed land, between the recently The Reef to the west and industrial land to the east. It is considered to have a very low potential for protected species to be present.

Nonetheless, in line with paragraph 183(d) of the NPPF it will be necessary for the development to provide a net gain in terms of biodiversity and a condition is recommended relating to this using recognised metrics.

With regards to designated habitats sites, the Norfolk-wide Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) was formally agreed and adopted by the Norfolk Planning Authorities and Natural England in 2022. It ensures that developers and the Local Planning Authorities (LPA) meet with the Conservation of Habitats and Species Regulations 2017 (as amended).

The Strategy enables growth in the District by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development either alone or in combination. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. It would result in the significant features of the sites being degraded or lost, and these internationally important areas losing significant important areas for birds, plants and wildlife generally and, therefore, their designations. All new net residential and tourism development are required to mitigate the effects of the development.

The application site is located in the Zone of Influence for recreational impacts from relevant development for a number of sites as listed in the constraints section above. A financial contribution of £185.93 per dwelling (or equivalent based on bedspaces for tourism accommodation) is identified in the GIRAMS that would provide appropriate mitigation for the indirect effects identified on designated habitat sites in Norfolk.

The proposed development would be provide new overnight accommodation and as such is a qualifying development for this purpose. A financial contribution amounting to **£2,665.00** is required to provide the necessary mitigation in accordance with the GI RAMS. To date, this contribution has not been received and therefore currently it cannot be confirmed that the

proposed development is not likely to have a significant effect upon the features of the European Sites habitats sites through increased recreational pressure, when considered individually or in combination. The proposed development therefore currently does not comply with CS Policy EN 9 and the NPPF insofar as it seeks to protect the integrity of habitats sites.

It is recommended that this matter is delegated officers to secure the required mitigation contribution. If payment is not secured then the mater would have to be returned back to the Development Committee for re-consideration on the basis that the local planning authority, as competent authority under the habitats regulations, would not be able to reasonably conclude it is satisfied that there is no reasonable doubt as to the absence of adverse effects on the integrity of European sites.

Summary and planning balance

This application is considered to be acceptable in principle, and would not result in any harmful effects on the character and appearance of the surrounding landscape, the Norfolk Coast AONB and the setting of Sheringham Park. There would be no negative impacts in terms of amenity. The layout of the site provides appropriate parking provision and the location is close to public transport links. The biodiversity of the site can be enhanced through measures to be secured through conditions.

There would be economic benefits during the construction of the development and thereafter by adding to the tourism offer in the District. The development would also provide some additional employment. These are matters which attract positive weight in favour.

Taking the above into account it is considered that with the imposition of conditions and subject to matters relating to surface water drainage being satisfactorily resolved and the receipt of the mitigation payment in relation to GI RAMS, the proposal complies with all relevant CS policies and is a sustainable form of development.

RECOMMENDATION:

DELEGATE APPROVAL of the application to the Assistant Director – Planning subject to:

- a) Satisfactory resolution of surface water drainage matters including through the imposition of planning conditions where appropriate to do so;**
- b) Securing a GI RAMS tariff of £2,655.00 via either S111 payment or S106 Obligation to mitigate the impact of development on recreational disturbance**

and subject to the imposition of conditions to cover the following matters and any others considered necessary by the Assistant Director – Planning

- 1) Time limit for implementation**
- 2) Occupancy Restrictions**
- 3) Approved plans**
- 4) Samples of materials**
- 5) Landscaping**
- 6) External lighting**
- 7) Parking layout**
- 8) Refuse areas**
- 9) Construction parking**
- 10) Land contamination**

11) Biodiversity enhancement

Final wording of conditions to be delegated to the Assistant Director - Planning

This page is intentionally left blank

TUNSTEAD - PF/22/3026 - Installation of a ground mounted solar PV array (1083 kWp) consisting of 1900 panels and associated infrastructure (including fencing and CCTV) AT R & JM Pace Ltd, Church Road, Tunstead, Norwich

Major Development

- Target Date: 04th April 2023

- Extension of time: N/A

Case Officer: Mr Mark Brands

Full Planning Permission

RELEVANT SITE CONSTRAINTS:

Countryside

Agricultural Land Classification Grade 1

Landscape Character Area - Description: Low Plains Farmland

RELEVANT PLANNING HISTORY:

Reference **PF/21/0048**

Description Agricultural building for water source heating equipment

Outcome Approved 19 March 2021

Reference **PF/20/1417**

Description Variation of condition 2(a) and 2(b) of planning permission PF/19/1833 to relocate approved agricultural building

Outcome Approved 13 October 2020

Reference **PF/19/1833**

Description Erection of agricultural building to house water source heating equipment

Outcome Approved 17 December 2019

Reference **NP/19/2104**

Description Prior notification of agricultural development – proposed clay lined reservoir

Outcome Refused 6 January 2020

Reference **PF/18/1760**

Description Erection of single bay extension to an agricultural building

Outcome Approved 28 November 2018

Reference **PF/17/0593**

Description Erection of a Agricultural Storage building

Outcome Approved 9 June 2017

Reference **PF/14/1664**

Description Installation of a ground mounted solar PV system

Outcome Approved 26 February 2015

Reference **PF/02/0249**

Description Erection of agricultural building and covered way

Outcome Approved 16 May 2002.

Reference **PF/96/1191**

Description Erection of agricultural building

Outcome Approved 30 October 1996

THE APPLICATION

The proposal is for the installation of a ground mounted solar photovoltaic array (PV) with a capacity of 1,083 kilowatt peak (kWp), comprising 1,900 PV modules with a combined surface area of 4,905sqm on an area of 1.571ha and associated infrastructure (including fencing, underground cabling and CCTV) at Church Farm, Place UK Ltd.

SITE AND SURROUNDINGS

The site is located in the countryside, currently comprising disused polytunnels. The site is located to the east of buildings related to Church Farm (Place UK) which is a large grower and processor of soft fruit, supplying major supermarkets. There are large units located to the west of the site, further polytunnel areas to the north and east of the site. To the South beyond the boundary is an existing solar array in the adjacent field, part of the same ownership as approved under PF/14/1664. Beyond this array is another small field with polytunnels, hedgerows on the boundary with Vicarage Lane to the south. The business is accessed via Church Road to the west of the existing agricultural units. There is hedging to the south and trees on the boundary of the site to the east, there are no public rights of way in the immediate vicinity and the area is flat, as such it is a contained site that is not visible from the public domain.

REASONS FOR REFERRAL TO COMMITTEE:

On the basis of the Council's Scheme of Delegation as the output from the development exceeds the 250kw capacity threshold.

PARISH/TOWN COUNCIL:

Tunstead Parish Council – Supports

CONSULTATIONS:

Norfolk County Council (Highways) - No objection

NNDC Landscape - No objection, subject to conditions

NNDC Environmental Health - No objection

NNDC Economic And Tourism Development Manager - Support

REPRESENTATIONS:

None received.

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.

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 Local Development Framework Core Strategy (September 2008):

Policy SS 1 - Spatial Strategy for North Norfolk
Policy SS 2 - Development in the Countryside
Policy SS 4 - Environment
Policy SS 6 - Access and Infrastructure
Policy EN 2 - Protection and Enhancement of Landscape and Settlement Character
Policy EN 4 - Design
Policy EN 6 - Sustainable Construction and Energy Efficiency
Policy EN 7 - Renewable Energy
Policy EN 8 - Protecting and Enhancing the Historic Environment
Policy EN 9 - Biodiversity and Geology
Policy EN 10 - Development and Flood Risk
Policy EN 13 - Pollution and Hazard Prevention and Minimisation
Policy EC 1 - Farm diversification
Policy CT 5 - The transport Impact of New Development
Policy CT 6 - Parking Provision

Norfolk County Council Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (September 2011):

Policy CS16 – Safeguarding mineral and waste sites and mineral resources

Material Considerations:

Supplementary Planning Documents and Guidance:

Design Guide Supplementary Planning Document (December 2008)
North Norfolk Landscape Character Assessment (2021)
Conservation of Habitats and Species Regulations 2017 (as amended).

National Planning Policy Framework (July 2021):

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision-making
Chapter 6 - Building a strong, competitive economy
Chapter 8 - Promoting healthy and safe communities
Chapter 11 - Making efficient 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
Chapter 17 - Facilitating the sustainable use of minerals

Other material documents/guidance:

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy -
Habitats Regulations Assessment Strategy Document (2021)

National Planning Policy Guidance (NPPG):

Climate Change (March 2019)
Renewable and low carbon energy (June 2015)

Government Strategy Documents:

Net Zero Strategy: Build Back Greener (October 2021)
Industrial Decarbonisation Strategy (March 2021)

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

1. Principle of development
2. Design
3. Landscape
4. Biodiversity and ecology
5. Amenity
6. Highways
7. Drainage
8. Habitats Regulations Assessment
9. 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 publication of the Intergovernmental Panel on Climate Change (IPCC) report (2021) has demonstrated that '*human influence has unequivocally impacted on our changing climate*'. The Government has set out its net zero by 2050 target in legislation under the Climate Change Act 2008 (as amended) (CCA). In addition to this, the Net Zero Strategy: Build Back Greener was published in October 2021, and the Industrial Decarbonisation Strategy in March 2021. These Strategies outline the steps to be taken to meet the legally binding net zero targets under the CCA. The Strategy indicates an intended direction of travel with regards to decarbonisation and climate change mitigation.

The principle for renewable energy projects in the countryside is supported by Policies SS 1 and SS 2 of the Core Strategy on the basis that such large scale installations would require a rural location. Chapter 14 of the NPPF (paragraphs 152 – 158) set out that the supply of renewable and low carbon energy production should be supported in decision making and local plans. The local plan and the NPPF supports the principle of such schemes that make a positive contribution towards more sustainable energy generation and reducing greenhouse gas emissions. This includes opportunities for development to draw its energy supply from decentralised, renewable, low carbon energy supply systems. The NPPF sets out that the Local Planning Authority (LPA) should not require applicants to demonstrate the overall need and approve such applications where its impacts are or can be made acceptable.

Policy EN 6 requires all new development to demonstrate how it minimises resource and energy consumption by and encouraged to incorporate on site renewable energy sources. On sites of over 1,000 sqm there is a requirement for onsite renewable energy technology to provide at least 10% of the predicted total energy usage. The proposal is solely renewable energy development, which is predicted to generate a significant proportion of the energy needs of the business (in excess of the 10% recommended). Officers consider this is in accordance with Policy EN 6.

Local Policy EN 7 sets out that renewable energy proposals will be supported and considered in the context of sustainable development and climate change, taking into account the wide environmental, social and economic benefits of renewable energy gain and their contribution to overcoming energy supply problems in parts of the district. Proposals for renewable energy technology, associated infrastructure and integration of renewable technology on existing or proposed structures will be permitted where individually, or cumulatively, there are no significant adverse impacts on the surrounding landscape and historical features, residential amenity, highway safety or designated nature conservation or biodiversity considerations. Additionally, for large scale renewable energy schemes, proposals should deliver economic, social, environmental or community benefits that are directly related to the proposed development and are of reasonable scale and kind to the local area.

Local Policy EC 1 supports development in the countryside for farm diversification where it can be demonstrated that the proposal would make an ongoing contribution to sustaining the agricultural enterprise as a whole where this is directly related to the agricultural business. Chapter 6 of the NPPF also sets out that decisions should enable the sustainable growth of all types of businesses in rural areas and support the diversification of agricultural businesses.

The scale of the enterprise means there is a significant amount of energy consumption on site for the various processes performed. As set out in the supporting documentation, the PV array would reduce the site load taken from the grid by 28.86%, with 88.65% of the PV used for self-consumption and 11.35% exported back to the grid. The proposal is expected to generate 947,711.01 kWh per year, offsetting approximately 192,500 kgCO₂ per year. This would result in a significant reduction to emissions, provide resilience to the business by providing a secure and sustainable source of energy on the site offering some protection against volatile energy prices and reducing outgoing operations costs of the sites. This would ensure the longer term sustainable growth and resilience of the business.

The proposal accords with Local Policies SS 1, SS 2, EN 6, EN 7, EC 1. The PV array is a renewable energy project that is one of the exemptions permitted in countryside locations. It will assist in decarbonising the business on the site through incorporation of the renewable energy project, support the existing business through the generation and reduce dependency and volatility from off site energy consumption. This will ensure the sustainability of the business without resulting in any adverse impacts on amenity, highway or landscape grounds, fully compliant with the Local Plan, NPPF and relevant guidance.

2. Design

The PV modules would be mounted on a galvanised steel frame with a dual leg system with support posts driven into the ground to a depth of circa 1.5m every 3m along the west east axis. The frames would stand 2.2m tall at their highest point (supporting 2 rows of panels on each frame) with a 0.6m clearance from the ground, inclined at 20 degrees and facing 22 degrees from the south. The modules comprise N type monocrystalline solar cells, heat-tempered glass with antireflective coating and an anodized aluminium alloy frame, each

module measuring 2278mm by 1134mm, depth of 30mm. The PV array would be spread out across 14 rows, with inter row spacing.

The perimeter fencing would comprise post and wire around the array, with mammal gates. The maximum height to the posts would be 1.6m. The CCTV towers in the four corners would have a maximum height of 4m with the distribution cabinet measuring 3m by 3m footprint with a maximum height of 2.747m, to be connected by underground cabling to the enterprise. The design, form and scale is considered acceptable in this contained location and would not adversely impact visual amenity of the surrounding locality.

The proposal accords with Local Policy EN 4 and paragraph 130 of the NPPF. The PV array location has been appropriately chosen in a contained area of the site where there will be no visual harm arising from the proposal as this will not be visible from the public domain. The layout is rational and makes optimum use of the land to provide a significant proportion of the energy needs of the business without adversely impacting neighbouring or visual amenity and retains important natural and landscape features.

3. Landscape

Policy EN 2 seeks amongst other matters to ensure that development be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area.

NPPF (Chapter 15) Paragraph 174 states that proposals should contribute to and enhance the natural and local environment in a number of ways. These include protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside and wider benefits from natural capital and ecosystem, including the economic benefits of best and most versatile agricultural land, and minimising impacts on and providing net gains for biodiversity.

The site is readily contained from the wider landscape with the existing buildings of the enterprise to the west and north, hedgerow, trees and polytunnels to the east and south (with a small area of solar panels to the southwest in the adjacent field). The site is not visible from the public domain from the local highway network or public rights of way. The topography of the area is flat, a characteristic recognised in the Landscape Character Area for Low Plains Farmland that the site forms part of. Given the low scale of the proposed development replacing the existing polytunnels in situ and the contained nature of the site, while this is a large array, it would not be prominent or particularly visible on the wider landscape.

The Landscape Officer has raised no objections to the proposal, concurring with the findings in the Landscape Visual Appraisal that the proposal would have limited effects on the landscape. There would be no change to any visual receptors in the local or wider area, with the scheme assimilating into the surrounding built context. The hedgerows and trees on the eastern and southern borders are being retained, though potentially some minor cutting back of the canopies to reduce shading if required may be required.

NPPF (Chapter 15) Paragraph 174(b) requires that developments should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The proposal accords with Local Policies EN 2 and Chapter 15 of the NPPF. The proposal would conserve and enhance the natural and local environment and provide net gains for biodiversity including through additional planting measures. The development is in a contained location away from the road or public rights of way, so will not infringe on the enjoyment of the wider landscape and countryside, but assimilate into the existing context of the business.

4. Biodiversity and Ecology (including loss of Grade 1 agricultural land)

Policy EN 9 states that development proposals should protect the biodiversity value of land and minimise habitat fragmentation, maximise opportunities for natural habitat restoration and enhancement, and incorporate beneficial biodiversity conservation features. The policy further requires proposals not to have a detrimental effect on designated habitats sites or protected species, unless any harm can be satisfactorily mitigated.

NPPF (Chapter 15) Paragraph 174 states that proposals should contribute to and enhance the natural and local environment in a number of ways, including minimising impacts on and providing net gains for biodiversity. Paragraph 180 further states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

NPPF Paragraph 177 states that ‘Planning...decisions should contribute to and enhance the natural and local environment by...b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – **including the economic and other benefits of the best and most versatile agricultural land**, and of trees and woodland...’ {emphasis added)

The application is accompanied by an Ecological Impact Assessment (EclA) letter report in support of the application which sets out the mitigation and enhancement measures taking place on the site. The existing trees and hedgerows bordering the application boundaries to the south and east are to be retained, though may be subject to some minor cutting back of canopies to reduce shading if required. The existing habitat has been assessed for their potential to support protected species with a number of trees having low to moderate bat roosting potential, with the hedgerows may also have potential for supporting nesting birds and hedgehogs, informatives and conditions have been recommended which will be included on the decision notice to mitigate against any potential impacts on local ecology.

Officers recognise that the proposal will result in the loss of an area of land currently in agricultural use with fruit polytunnels and associated growing tables. The land (and wider site) sits within a larger area classed as Grade 1 agricultural land as defined by Natural England, which is the best and most versatile land. Officers consider the temporary nature of the proposal and its relatively light disturbance of the ground in terms of construction would not likely lead to a detrimental effect on the site’s future agricultural use potential. In balancing the loss of grade 1 land, Officers recognise that its use for solar electricity generation helps enable the effective use of other Grade 1 land at the farm through reductions in the cost of production.

The installation of the solar array would only require minor construction works. There would be additional planting around the site including the planting of 280m of native species hedgerow, and 8,918sqm of meadow grass around the array. This would increase the biodiversity and habitat value of the site and ensure a net gain is achieved in accordance with Policy EN 9 and paragraphs 174 and 180 of the NPPF.

5. Amenity

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. The nearest neighbouring residential properties are significantly distanced from the siting of the solar panels, with the closest being Church Farm Cottages and Church Farm, 185m and 210m northwest of the site and both within the same ownership as the wider site. Orchard Cottage and Holly Cottage are again in the same ownership located to the north, 230m and 242m respectively. The nearest properties outside the applicants ownership are The Bungalow and Church Cottages, located 257m and 285m north.

The main consideration regarding impact to distanced neighbouring amenity would be potential for glint and glare impacts. The panels comprise black tempered glass with anti-reflective coating to maximise light absorption for optimal energy generation and prevention of glint and glare. The orientation of the panels are facing southeast, which is away from the nearest residential properties, further northwest (there are no dwellings within 1km located to the southeast). The background noise would also have a negligible impact on neighbouring amenity, with the only noise generation when operational coming from the inverters which is expected to be below the World Health Organisation's recommended noise level of 45 decibels. As this is a large enterprise with background noise from other plants, and units it is unlikely the noise would be noticeable given the scale of the enterprise and distance to neighbouring properties.

The Environmental Protection Officer has raised no objections to the scheme and do not foresee any adverse impacts associated with the development, the proposal would not adversely impact neighbouring amenity regarding glint and glare and noise impacts, as such, Officers consider the proposal to be in accordance with Policy EN 4.

6. Highways

Policy CT 5 requires that developments will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. NPPF (Chapter 9) Paragraph 111 further states that developments 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. Policy CT 6 requires that adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development.

The Highways Authority has raised no objections to the proposed scheme, the existing business would generate traffic of various vehicle sizes, other than some temporary additional traffic during the construction period, once constructed the development would generate little traffic in its own right. There is sufficient manoeuvrability and space on site to accommodate the construction traffic, as such the proposal is considered to accord with local policies.

7. Drainage

The site is in Flood zone 1 as defined by the Environment Agency. While the area covered by the development is large the raised panels are supported on a steel frame, with only the support posts driven into the ground, as such only a negligible proportion of the ground would become impermeable. The rest of the land including under the panels would remain permeable to allow surface water to drain naturally in what would become a meadow following the planting. The proposal therefore would not increase on-site or off-site flood risk, complying with Policy EN 10.

OTHER MATTERS

Habitats Regulations Assessment

This application does not provide overnight accommodation nor does it contribute to water quality concerns within the Broads SAC and Ramsar site catchment and is therefore **not** qualifying development in relation to GI RAMS or Nutrient Neutrality. Therefore, there is no requirement for additional information to be submitted to further assess any potential effects. The application can be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

9. Planning Balance and Conclusion

This application proposes the erection of a ground mounted solar photovoltaic array with associated infrastructure. The proposal would help support an existing agricultural enterprise by providing a secure and sustainable source of energy, offering resilience against volatile energy prices, reducing operational costs with the on-site generation. This would significantly reduce the emissions and greenhouse gasses generated from the business, and would ensure a more sustainable business.

There are no adverse impacts arising from the proposal on amenity, landscape or ecology (ecology wise the measures set out would enhance the site). The proposal is considered to be in accordance with Policies SS 1, SS 2, SS 4, SS 6, EN 2, EN 4, EN 6, EN 7, EN 8, EN 9, EN 10, EN 13, EC 1, CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

RECOMMENDATION:

APPROVAL subject to conditions as set out below and any other considered necessary by the Assistant Director - Planning

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.

Reason:

The time limit condition is imposed in order to comply with the requirements of 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):

- Site location plan 1835 1 C received 23 December 2022
- Proposed plans and elevations 1835 2 C received 23 December 2022
- Proposed site plan 1835 3 C received 23 December 2022
- Application form received 23 December 2022
- Design and access and planning statement received 23 December 2022
- Landscape visual appraisal received 23 December 2022

Reason:

For the avoidance of doubt and to ensure the development is carried out in accordance with the expressed intentions of the application and to ensure the

satisfactory development of the site, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy

3. Within six months of the solar PV array ceasing to be used for the generation of electricity, all plant and apparatus shall be removed and the land restored to its former agricultural condition.

Reason:

In the interests of protecting the Countryside from the visual impact of derelict equipment, in accordance with Policy EN 2 of the adopted North Norfolk Core Strategy.

4. Prior to the first use of the development, a Landscape Implementation and Management Plan for the seeded areas and the new hedge planting shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include a specification and timetable for ground preparation, seeding and hedge planting, schedule of aftercare establishment and maintenance for a minimum of ten years following implementation, including replacement of plant failures.

Reason:

To protect and enhance the visual amenities and biodiversity of the area, in accordance with the requirements of Policy EN 4 and EN 9 of the adopted North Norfolk Core Strategy

5. 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 in the same place during the next planting season following removal with another of a similar size and species as that originally planted

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.

6. The development hereby approved shall be carried out in strict accordance with the mitigation and enhancement measures outlined in the Ecological Impact Assessment (EclA) letter report prepared by Norfolk Wildlife Services dated 19/12/2022

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 174 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. The development hereby approved shall be carried out in strict accordance with the measures set out in the Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement received 23 December 2022.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 174 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).

Final wording of conditions to be delegated to the Assistant Director – Planning.

This page is intentionally left blank

MUNDESLEY – PF/22/1649 – Removal of existing pin tiles from chancel roof and installation of slate roof incorporating solar slates. All Saints Church, Cromer Road, Mundesley for The PCC of All Saints Church Mundesley

Minor Development

Target Date: 6 April 2023

Case Officer: Matthew Attewell

Full Planning Permission

RELEVANT SITE CONSTRAINTS

- Residential Area
- Settlement Boundary
- Open Land Area
- Conservation Area - Mundesley
- Listed Building Grade: II
- Coastal Erosion Constraint Area
- Coastal Erosion Risk Area - 100 years
- Contaminated Land
- Landscape Character Area: Weybourne to Mundesley Coastal Shelf

RELEVANT PLANNING HISTORY

None.

THE APPLICATION

Proposes to replace the existing pin tiles covering the chancel roof with a natural Spanish slate to the north roof slope and solar photovoltaic slates to the south roof slope. Both roof slopes would have traditional lead flashing into both the nave and the parapet wall.

The solar photovoltaic slate would have the appearance of a natural slate finish. It is estimated that the installation would produce 6,754 kWh of electricity per annum.

All Saints Church is a grade 2 listed building located with the Mundesley Conservation Area and on the main coastal road to Cromer. It sits within a 0.78 hectare plot on and is on raised ground, which makes the building a prominent feature within the street scene and conservation area. A church has been on this site since the 14th/15th Century; however, the church as it stands was rebuilt between 1899 and 1914 after being derelict for about a century.

The church is constructed of traditional materials, which include walls made up of flint, quoins and square napped flint details. The roof is covered with pin tiles, which in 2018 was re-covered over all sections of the church, with exception of the chancel.

The Ecclesiastical Exemption which would apply in this case, provides a mechanism for certain denominations to be exempted from the listed building consent systems administered by local planning authorities. It does not however, exempt denominations from the need to obtain planning permission for development which affects the exterior of a listed place of worship. Planning authorities are required to have special regard to the desirability of preserving the structure or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for any

development which affects a listed building or its setting. They also need to have regard to the desirability of preserving or enhancing the character or appearance of a conservation area.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Director for Place and Climate Change due to the finely balanced issues with the proposed development.

PARISH/TOWN COUNCIL

Mundesley Parish Council: - Support.

CONSULTATIONS

Conservation and Design (NNDC): Object.

The move away from the roof covering which has informed our view of the church for the last 100 years or so would undoubtedly have an impact. More importantly, so too would be the introduction of the contextually incompatible solar slates on the prominent South side. Taken together, it is therefore considered that these impacts would result in 'less than substantial' harm being caused to the overall significance of the grade II listed heritage asset."

Climate & Environment Team (NNDC): Support.

In keeping with the aims of the Council's Environmental Charter and Net Zero Strategy and the Council's declaration of a Climate Emergency, the Climate and Environment Team support the aims of the applicant in proposing a solution that will help maintain the viability of the Church and its community for the future.

REPRESENTATIONS

None received.

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.

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.

STANDING DUTIES

Due regard has been given to the following duties:

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2017 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law - Article 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 Local Development Framework Core Strategy (September 2008):

Policy SS1 – Spatial Strategy for North Norfolk

Policy SS4 – Environment

Policy EN4 – Design

Policy EN7 – Renewable Energy

Policy EN8 – Protecting and Enhancing the Historic Environment

Policy EN 11 - Coastal erosion

Material Considerations:

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide SPD (2008)

North Norfolk Landscape Character Assessment SPD (2021)

National Planning Policy Framework (NPPF):

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 8 – Promoting healthy and safe communities

Chapter 12 – Achieving well-designed places

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

Chapter 16 – Conserving and enhancing the historic environment

Other relevant documents

Net Zero 2030 Strategy & Climate Action Plan (February 2022)

SMP6: Kelling to Lowestoft Ness Shoreline Management Plan (August 2012)

North Norfolk District Council Coastal Control Guidance – Development and Coastal Erosion

Although they do not carry the full weight of adopted Supplementary Planning Documents or Guidance it is also considered that some limited weight as material considerations can be attached to the following:

In February 2022, North Norfolk District Council published its Net Zero 2030 Strategy & Climate Action Plan following its earlier declaration of a climate emergency. The Strategy highlights that active tracking of take up of incentives to participate in energy efficiency

programmes, including retrofitting properties, will also be very important. The Council will support and promote such initiatives where possible

The publication of the Intergovernmental Panel on Climate Change (IPCC) report (2021) has demonstrated that 'human influence has unequivocally impacted on our changing climate'.

The Government has set out its net zero by 2050 target in legislation under the Climate Change Act 2008 (as amended) (CCA). In addition to this, the Net Zero Strategy: Build Back Greener was published in October 2021, and the Industrial Decarbonisation Strategy in March 2021. These Strategies outline the steps to be taken to meet the legally binding net zero targets under the CCA. Officers note the recent High Court ruling on the Net Zero Strategy as unlawful under the CCA, but consider that the Strategy indicates an intended direction of travel with regards to decarbonisation and climate change mitigation.

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

- 1. Principle of Development**
- 2. The effect of the proposed development on the significance of designated heritage assets**
- 3. Effect on residential amenity, highway safety and biodiversity**
- 4. Coastal Erosion**

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.

Mundesley is designated as a coastal service village under Policy SS 1 of the North Norfolk Core Strategy (CS). All Saints Church is within the designated settlement boundary and within a designated residential area. Policy SS 3 allows for compatible non-residential development within such areas.

CS Policy SS 4 states that renewable energy proposals will be supported where impacts on amenity, wildlife and landscape are acceptable. CS Policy EN 7 similarly states that renewable energy proposals will be supported and considered in the context of sustainable development and climate change, taking account of the wide environmental, social and economic benefits of renewable energy gain and their contribution to overcoming energy supply problems in parts of the District. This is subject to there being no significant adverse impacts either individually or cumulatively on;

- the surrounding landscape, townscape and historical features / areas;
- residential amenity;
- highway safety and;
- biodiversity

With regards to national planning policy, paragraph 152 of the NPPF sets out that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve

resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Furthermore, paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should recognise the value of renewable energy projects in contributing to the cutting of greenhouse gas emissions and approve applications where the impacts of proposals can be made acceptable.

Core Strategy Policy EN7 is entirely consistent with the aims of the NPPF in relation to renewable energy development.

The proposal represents a modest solar PV renewable energy scheme which would generate 6,754 kWh of electricity per annum. The supporting Statement of Need and Significance submitted as part of the application states that, when the church was fully operational prior to the pandemic, the 2018 energy usage was 3,683kW hours. However, the intention of Mundesley Parish Church is to move from their current oil fuelled boiler to electric heaters, to become a net zero building. Therefore, the predicted net gain to the national grid would be approximately 2,315kW hours per annum.

As such is considered that the proposal accords with the aims of both national and local planning policies in this respect, but to be acceptable overall it must accord with the relevant criteria within Policy EN 7 and any other relevant development plan policies unless material considerations indicate otherwise.

2. The effect of the Proposed Development on the Significance of Designated Heritage Assets

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 the proposal, the Local Planning Authority will need to take into consideration Chapter 16, paragraph 205 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.

Officers consider that the proposed development would affect both special architectural or historic interest of the church and the character and appearance of the conservation within which it is located. With regards to the latter, the church is the most significant historic building within the village. It stands on high ground on the clifftop and can be seen from a range of southerly vantage points; in particular from Links Road and at the head of Church Lane where it terminates the view. It therefore has deliberate prominence and presence within the village.

Officers consider that the replacement roof coverings from the current red/orange clay pin tiles to a grey slate would materially alter the appearance of the building.

On the northern slope, the natural Spanish slate proposed would have a traditional texture associated with an authentic slate, which will weather in over time. On the southern slope, the proposed photovoltaic solar slates, would be grey in appearance, but due to their construction have a smooth finish with a non-reflective finish.

As part of the consideration of the application, Officers have visited sites elsewhere which have utilised the PV slates and it has been observed that, although they lack the texture of a natural slate, they do weather in time. Currently, the roof covering of the entire church is pin tiles. Whilst the proposal would result in a different material between the chancel and the remainder of the church, a similar differentiation in roof covering can be found at St. John the Baptist at Trimmingham.

The Conservation and Design (C&D) Officer raises two key points within their assessment of the proposal, firstly surrounding the loss of the existing pin tiles and secondly the impact of the proposed PV slates. With regards to the existing pin tiles, it is considered that they do not hold the same intrinsic value as would be the case for a medieval roof covering for example, but they are broadly consistent with those on the rest of the building and have been in place for just over 100 years. As such, they provide important evidential value of the decisions made at a time when pin tiles became available after the arrival of the railway. They therefore do make a positive contribution to the overall significance of the heritage asset.

In terms of the impact of the proposed development, the main visual impact would be that both the proposed materials would introduce a contrast where none currently exists. Whilst this would clearly alter the appearance of the church, Officers consider that having different materials on the same church is not without precedent as referred to above. It is also not considered necessarily harmful in a pure visual sense if a similarly authentic material is chosen.

In this case, providing the natural slate proposed for the northern roof slope is of appropriate quality to withstand the exposed conditions, and has the usual characteristic riven texture, it is likely to be acceptable. It is also a material which could have equally been brought in by the railways at the time of rebuilding, albeit more likely a Welsh slate.

On the southern elevation the impact would be less compatible. Although the proposed solar slates would be tonally similar to a natural equivalent, they would have a smoother and more uniform texture. This would result in a comparatively consistent end result which would lean more towards the contemporary than the traditional. It is however acknowledged that the visual impact of the solar slates would not be less acute than having solar or PV panels retrofitted to the existing roof. Nonetheless, their contrasting visual properties would still be quite pronounced standing on top of the rise and as such would thus fail to preserve or enhance the appearance and character of the listed building, and that of the wider Mundesley Conservation Area in which the church is a key component

It is also acknowledged by the Conservation and Design Officer that the chancel roof is suffering from 'nail sickness' and that its tiles are nearing the end of their useful life in such a harsh coastal environment. Hence, this part of the church will need to be re-roofed in the near future anyway. The most appropriate solution would be a like-for like replacement similar to that recently carried out on the nave.

Officers consider that the proposal would need to be assessed as a departure from Core Strategy Policy EN 8 with the identified harms weighed against the public benefits as set out at NPPF para 205. This assessment is completed below within the Planning Balance.

3. Effect on residential amenity, highway safety and biodiversity

With regard to the other criteria set out within Policy EN 7, Officers consider that the proposal would not have any material effects in respect of these matters and would accord with the aims of Development Plan policy.

4. Coastal Erosion

Whilst the site is within the Coastal Erosion Constraint Area and the 100 year Coastal Erosion Risk Area, Officers consider that the proposed development would not intensify the existing use and is not of a type that would be likely to increase risk to life or significantly increase risk to property. The proposal therefore complies with Core Strategy Policy EN 11

CONCLUSION AND PLANNING BALANCE

The proposal is considered to be in accordance with Core Strategy Policies SS 1, SS 4, EN 7 and EN 11. However, the proposal would not be in accordance with Policy EN 8 and would result in less than substantial harm to designated heritage assets including the Grade II listed All Saints Church and Mundesley Conservation Area.

In considering the public benefits, the supporting information provided by the applicant, details public benefits of the proposal including reduced running costs of the church as a result of a net gain of 2,315kWh of electricity per annum, which will be supplied back to the national grid. In addition, with the other works the church is considering, these proposed works would help the church in becoming one of the first carbon neutral churches within North Norfolk. More locally, the development would allow for a warmer and more environmentally sustainable space in the building which would also open up its use by the community and help support the future of the building. The considerable running cost savings would allow the church to redirect funds to expand its community programmes. Finally, the development would contribute to reductions in greenhouse gas emissions impacting on climate change through meeting the energy needs of the building from a renewable source.

Weighing these benefits against the harm identified in the specialist advice of the Conservation & Design Officer, Officers consider that, given the specific circumstances, the public benefits through adaptation of the building to respond positively to the climate emergency attract significant positive weight in favour and this would outweigh the identified heritage harm to the church and its setting within the Conservation Area.

Whilst each case has to be assessed on its own merits, Officers consider that adapting heritage assets in a sensitive manner to help reduce running costs associated with older fossil fuel technologies will ultimately enable important heritage assets such as parish churches to remain in active use to serve the wider community. Heritage assets in active viable use are far more likely to be appropriately maintained and this will be to the benefit of future generations.

RECOMMENDATION:

APPROVAL subject to the imposition of conditions to cover the matters listed below:

- **Time limit for implementation**
- **Approved plans and details**
- **External materials**

Final wording of conditions to be delegated to the Assistant Director – Planning

NORTHREPPS – PF/22/1708 - Siting of 2 glamping pods for holiday use at Shrublands Farm Camping Site, Craft Lane, Northrepps.

Minor Development

- Target Date: 9th September 2022
 - Extension of time 31st March 2023
- Case Officer: Miss A Walker
Full Planning Permission

RELEVANT SITE CONSTRAINTS:

Countryside
Area of Outstanding Natural Beauty
Landscape Character Area Type RV6 (River Valley)
County Wildlife Site – Templewood Estate

RELEVANT PLANNING HISTORY:

PF/21/2263

Siting of four glamping pods for holiday use at Shrublands Farm Camping Site
Refused by Committee 17.12.2021

PF/92/0781

Siting of 5 self-contained holiday lodges (Land Part of Shrublands Farm, Church Street Northrepps)
Refused 30.07.1992
Appeal Dismissed 07.01.1993

THE APPLICATION

Is a resubmission of PF/21/2263 and seeks full planning permission for the siting of 2 no. self-contained curved timber glamping pods to be constructed on a rectangular parcel of land at Shrublands Farm to the south of Northrepps village. The glamping pods would be arranged informally with each pod providing self-contained holiday accommodation including bedroom, bathroom and kitchen facilities, and measuring approximately 3.3 metres in width, 7.2m in length, with a maximum height of 2.8 metres. On-site parking would be provided to the front of each pod, along with an area of decking proposed to the north of each pod, with indicative details provided.

The application site is currently used as a 'Certified' Caravanning and Camping Site to the east of Craft Lane. To the north-west of the site lies a parcel of grassed land within the Applicants ownership. Access to the glamping pods would be via an existing forked vehicular access off Craft Lane, currently used to serve the Certified site.

REASONS FOR REFERRAL TO COMMITTEE:

At the request of Councillor Fitch-Tillett who confirmed support for the application for the following reasons.

In respect of harm to the AONB it is my understanding that these pods will be serviced (by this I assume you mean cleaned and topped up with provisions as required) and as Vice Chairman

of the Norfolk Coast Partnership, one of our policies is to entice tourism away from the hot spots and this would seem to comply with this. Any additional potential light pollution can be controlled by condition.

In respect of the dangers of traffic in Craft Lane, I understand that the applicant will be providing a footpath link from the within the site to link to the paved part of Craft Lane thus making a safe pedestrian access to the village centre. It is to be noted that Craft Lane is served by the OurBus service taking passengers to either North Walsham or Cromer. This site is infinitely preferable for access than the current siting at the top of Hungry Hill.

PARISH/TOWN COUNCIL:

Northrepps Parish Council – Fully Support

CONSULTATIONS:

NNDC Landscape Officer – **Object** to the proposal for the following reasons:

‘The proposed installation of 2 permanent glamping pods for year round use (as stated on the Shrublands Farm website) within this exempted camping site at Shrublands Farm within the Norfolk Coast AONB and designated Countryside raises significant policy conflict.

It is understood that the wider Shrublands campsite offering tented pitches, motorhomes, caravans and shepherds huts and glamping pods from March to November has no formal planning permission and operates under the 28-day exempted site legislation. Given this context, the current proposal for two glamping pods must be considered as a new tourist facility, engaging Local Plan Policy EC10 Static and Touring Caravan and Camping Sites. This policy clearly states that new tourist facilities will not be permitted within the Norfolk Coast AONB due to the landscape impact and additional visitor pressure that may result. Given the site location within the AONB this raises a principle policy conflict.

The site is located off Craft Lane, a small, narrow rural lane that connects Northrepps to Southrepps, via Frogshall, and is wholly within the Norfolk Coast AONB. The road is typical of the quiet rural lanes that are prevalent in this part of the District and is itself part of a Sustrans Cycle route. The site is located within the River Valleys Landscape Character Type (North Norfolk Landscape Character Assessment, LCA, January 2021, SPD), specifically within Mundesley Beck (RV6), and is characteristic of the valued features and qualities of the defined Landscape Type. For example, small field sizes that provide an intimacy and a strong sense of place on the valley floor, woodland edge and sense of rurality and historical continuity.

The increase in domestic tourism and the demand for new facilities and infrastructure (including camping and glamping sites) is cited as a key force for change for the landscape type, which can increase traffic levels, recreation pressure and light pollution, all of which detract from the prevailing landscape character.

Although any wider visual impact would be relatively contained by the enclosed wooded setting around the pods, the permanent structures would be visible in the

winter months. This, together with the increased human activity, light spill and vehicle movements that the development would generate year-round would not conserve or enhance the valued features of the Landscape Type or the defined special qualities of the Norfolk Coast AONB, particularly 'a sense of remoteness, tranquillity and wildness'. The development would not conserve or enhance the landscape and scenic beauty of this designated landscape, as required under para 176 of the NPPF, and to which 'great weight' should be afforded in the planning balance. For the same reasons, and as set out above, the development would conflict with Local Plan Policy EN2: Protection and Enhancement of Landscape and Settlement Character and Local Plan Policy EN1: Norfolk Coast AONB and the Broads.

The Landscape section therefore conclude that any economic benefits resulting from this development are not outweighed by the considerable national and local policy conflict, particularly in relation to the designated landscape of the AONB.

Norfolk County Council (Highways) – Object to the proposal for the following reasons:

"I note that this is a revised application to [application reference: PF/21/2263] with the number of proposed glamping pods reduced from four to two. I attach below my comments in relation to that application:-

Further to my response to your Authority of the 21 September 2021 I have been made aware that this overall site has only permission for camping units based upon a Certificated Camping licence granted under the Camping & Caravan Act rather than via any Planning consents.

Accordingly the agents suggestion that these glamping pods will replace existing camping units is flawed in that any additional units, above that allowed under the Certificate' would appear to have been unlawfully accommodated on the site. There is also no suggestion that the camping allocation granted under the Certificated Camping licence would be given up should this application be allowed.

I also have been made aware of a previous similar application [application reference: PF/92/0781] on this site that was refused and dismissed at Appeal (T/APP/Y2620/A/92/212496/P5) with the reasons for dismissal being in part related to highway matters.

I include below a copy of part of the Appeal Inspectors assessment which again reflects the current situation regarding the vehicular access route to the site;-

'Turning to the second main issue, I saw that Craft Lane is a single track road with limited opportunities for vehicles to pass each other. It is also without footways and is unlit.

A small number of dwellings to the north-west and the southeast of the appeal site take access from the lane. In my view Craft Lane provides a poor access to the present caravan site because of the restricted width and the length. I appreciate that the present use by the Caravan Club is permitted development and therefore outside the control of the Council and the Highway Authority. You argue that the proposed development would generate less traffic than the present use of the site because the occupiers of the proposed lodges would be less inclined to leave the site.

I do not find this to be a compelling argument. I would expect a greater use of the site over a longer period as a consequence of the permanency of the lodges.

Moreover, it is reasonable to expect that visitors would wish to avail themselves of the wide range of tourist attractions and the quality of the landscape no less than the occupiers of caravans. In my opinion the proposal would lead to a greater use of the lane.

This could cause a degree of inconvenience, particularly for nearby residents who regularly use the lane. Moreover, because of the absence of footways and street lighting, an increase in traffic flows would add to the dangers faced by pedestrians. I conclude that the proposed development would, as a consequence of increased traffic, cause a deterioration in highway safety'.

The present proposal, on the basis that any camping/caravan units to be replaced are unlawful, is therefore detrimental to highway safety on the approach road to the site and should be refused for the following reason:-'

(SHCR 07) The road. Craft Lane (C292), serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment / restricted width / lack of passing provision / restricted visibility at adjacent road junctions and lack of pedestrian facilities. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety. Contrary to Development Plan Policies.

In the absence of definitive evidence that any mitigating reduction of existing lawful camping accommodation will result, the proposal must be seen as increasing the traffic use of the narrow and severely sub-standard Craft Lane and I must therefore recommend the application for refusal as before.'

Norfolk Coast Partnership – Confirmed they neither object to nor support the application. Comments as follows;

“Our original concerns as to the growth of the site remains, the pods will be more of a permanent feature in the landscape albeit well screened. The actual physical impact of the pods on the landscape and AONB may be negligible. However there will be added cars on site as well as potential light pollution if not mitigated and movement creating visual disturbance.

EC 10 states ' Extension of, or intensification of, existing static caravan sites (including replacement with woodland lodges) and touring caravan / camping sites will only be permitted where the proposal: conclusively demonstrates a very high standard of design and landscaping and minimal adverse impact on its surroundings; is appropriate when considered against the other policies of the plan'. This was the main reason for refusal at the last submission and I suspect will be the same for this proposal even though the number has reduced. I don't feel I can fully support the proposal as it will not 'conserve and enhance' the AONB in line with NPPF para 176 and there are questions around EC3 and EC7 and being fully compliant.

However it is difficult to object given the precedent of other development on the site. In landscape terms and looking at the proposal as it stands I don't believe there will be a significant impact on the AONB however in terms of Local Plan policy there is a direct conflict and Highways have also objected.

The buildings are relatively modest and screened therefore if approved we would not want to see additional infrastructure on site or sub urbanisation of the area with artificial boundary treatments etc. We would also ask that no external lighting is included to safeguard our dark skies, a special feature of the AONB.”

Environmental Protection - Provided no comment

Economic Growth Team - **Support** the application and provide the following comments as follows;

‘The Economic Growth Team has reviewed the application and further discussed the proposal with the applicant.

The proposed erection of 2 glamping pods will complement the farm’s existing camp site and provide an all year offer to visitors. This is key to providing the farm with a degree of economic sustainability outside of the peak summer holiday period and strengthen the resilience of the business.

The Economic Growth Team recognises the importance of the applicant’s business in contributing to the north Norfolk visitor economy. It recognises that there are potential economic benefits that would be derived by such a proposal – such as supporting the local supply chain, local spend from visitors, supporting local businesses etc.’

REPRESENTATIONS:

None received.

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.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

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 Local Development Framework Core Strategy (September 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 9 Biodiversity and geology
Policy EN 13 Pollution and hazard prevention and minimisation
Policy EC 1 Farm Diversification
Policy EC 3 Extensions to existing businesses in the Countryside
Policy EC 7 Location of New Tourism Development
Policy EC 10 Static and Touring Caravan and Camping Sites
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 (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

Other relevant documents/considerations

National Design Guide (September 2019)
Norfolk Green Infrastructure and Recreation Impact Avoidance and Mitigation Strategy – Habitats Regulations Assessment Strategy Document (March 2021)
Natural England’s letter to local planning authorities dated 16th March 2022 regarding nutrients

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

1. Principle and site history
2. Design and landscape impacts including upon the AONB
3. Residential amenity
4. Highway safety
5. Other matters

1. Principle and Site History

This application seeks to construct 2 no. glamping pods on a parcel of land belonging to Shrublands Farm in Northrepps.

The application site lies within a rural location on the periphery of Northrepps village, on land designated as 'Countryside' under Policies SS 1 and SS 2 of the North Norfolk Core Strategy. Policy SS 2 of the North Core Strategy limits the types of development to those requiring a rural location, with the principle of 'recreation and tourism development' (such as that being proposed) supported, subject to compliance with other local and national planning policies.

Policies EC 7 and EC 10 deal specifically with controlling the location of new tourism development, with EC 7 requiring a sequential approach to its location, with specific reference that new build unserviced holiday accommodation in the Countryside should be treated as permanent residential dwellings and should not be permitted. Policy EC 10 further states that new static caravan sites and woodland holiday accommodation (which would also cover glamping pods) will only be permitted in limited circumstances, and not where they are located within sensitive landscape designations such as the Norfolk Coast AONB, with extensions to existing sites being tightly controlled where they demonstrate a high standard of design and have minimal adverse impacts upon their surroundings.

In this case, the site, while used as a caravan/camping site does not benefit from planning permission, but instead has operated for many years as a Certified Camping site, over which the Council has no control subject to it operating within the parameters of the exemption licence. The pods would replace and relocate the two existing pods located within the farm site itself which also appear to be in use without the benefit of planning permission.

The site lies within the Norfolk Coast AONB where Policy EN 1 of the Core Strategy recognises the impact of individual proposals and their cumulative impact on the designated AONB and its setting, stating that proposals which would be significantly detrimental to the special qualities of the AONB and their setting should not be permitted.

Therefore, given the sites certified status, Officers would conclude that the scheme should be assessed as a new camping site under Policy EC 10, as opposed to a scheme for the extension or intensification of an existing site, with its location within the Norfolk Coast AONB, therefore resulting in the scheme being contrary to the requirements of Policy EC 10. This view is also reflected in the Landscape Officers objection to the principle of such a development being permitted in this location. The self-contained nature of the holiday accommodation being proposed would also result in the creation of new-build unserviced holiday accommodation in the Countryside, which would also be contrary to Policy EC 7. Members attention is drawn to the planning history section which refers to a similar proposal for the siting of 5 no. self-contained holiday lodges to be sited on this land (Ref: PF/92/1086). Whilst some years ago and thus determined under different policies, the application was refused and dismissed at Appeal on the grounds of principle, detrimental impacts upon the AONB/landscape and highway safety.

In any case, the benefits, including economic benefits of the proposal would need to be balanced against the significant harm which would result from new tourist accommodation being permitted within this sensitive landscape designation. The certified camping site is run

by a separate company 'Shrublands Farm' which supports the Farm business 'Northrepps Farming Company' via a rental agreement. Whilst a detailed economic farm report has been submitted which states the farming enterprise is rather reliant on the "rental support" from Shrublands Farm in order to return a profit, no specific details regarding the economic benefits accruing from this proposal have been submitted and given the application would replace and relocate existing pods located within the farm site itself there is unlikely to be a significant additional economic benefit resulting from this proposal.

2. Design and Landscape Impacts Including upon the Norfolk Coast AONB

A site layout has been provided in support of the application, along with visualisations of the external appearance of the two proposed glamping pods. However, no proposed elevation drawings or detailed floor plans have been submitted. Details such as external appearance and materials could be conditioned in the event of approval and, from a purely design perspective, Officers consider that the proposed glamping pods and decking areas would likely be acceptable in design terms to enable compliance with Policy EN 4 and Chapter 12 of the NPPF.

Notwithstanding this, due to their location within the designated AONB, Landscape Officers objected to the scheme, along with the concerns raised by the Norfolk Coast Partnership. These concerns relate to compliance with Policy EC 10 and the resulting impacts that the addition of 2 no. permanently sited glamping pods would add to the traffic levels, recreation pressure and light pollution, all of which detract from the prevailing landscape character in this part of the AONB, eroding key features such as tranquillity and dark skies.

The pods would occupy the site year round making them permanent structures which could be occupied throughout the year. The Planning Statement references a gate which could be locked from the end of the summer season. Landscape Officers are of the opinion that, whilst wider visual impact would be relatively contained by the enclosed wooded setting around the pods, as permanent structures the pods would be visible in the winter months. This, together with the increased human activity, light spill and vehicle movements that the development would generate would not conserve or enhance the valued features of the Landscape Type or the defined special qualities of the Norfolk Coast AONB, particularly 'a sense of remoteness, tranquillity and wildness'.

Officers consider that the development proposals would be contrary to Policies EN 1, EN 2, EC 7 and EC 10 of the Core Strategy as they would fail to protect or conserve the valued features of the Norfolk Coast AONB or defined Landscape Character.

3. Residential Amenity

Core Strategy Policy EN 4 supports development proposals where they would not have a significantly detrimental impact upon the residential amenity of nearby occupiers.

It is noted that existing residential properties lie to the north-west and south of the site. Notwithstanding this, given the degree of separation from this proposed site, the presence to the existing established vegetation and the fact that the application site is already largely used for tourism purposes (albeit for a lesser period due to the certification limitations), it is not considered that the proposals would result in any significantly detrimental impacts upon the residential amenities of the occupants of the existing properties in respect of privacy, light or

disturbance. Lighting could be controlled through the imposition of conditions.

As such, it is considered that subject to the proposed conditions, the proposed development would broadly comply with the requirements of Policies EN 4 and EN 13 of the adopted North Norfolk Core Strategy in respect of protecting residential amenity.

4. Highway Safety

Access to the site would be via an existing unmade access off Craft Lane which currently serves the Certified Camping site.

It is noted that under previous application PF/21/2263, NCC Highways officers raised concerns regarding the suitability of the surrounding road network (due to it being accessed by narrow single-track roads) to cater for the proposed development but did not raise a formal objection.

However, since the consultation of 21 September 2021 NCC Highways were made aware that the overall site only has permission for camping units based upon a Certificated Camping licence granted under the Camping & Caravan Act rather than via any Planning consents.

Officers consider that the traffic impact of a 28-day Certified Camping site does not provide an adequate fallback position in highway terms to justify or enable permanent all-year glamping pods which would intensify highway movements. The road serving the site (Craft Lane), is considered to be inadequate to serve the development proposed, by reason of its poor alignment, restricted width, lack of passing provision, restricted visibility at adjacent road junctions and lack of pedestrian facilities. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety contrary to Development Plan Policy CT 5 and Highways officers recommend the application for refusal.

5. Other Matters

GIRAMS

A new Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) came into effect from 1 April 2022. This is a strategic approach to ensure no adverse effects are caused to European sites across Norfolk, either alone or in combination from qualifying developments and ensures that applicants and local planning authorities meet with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended). The GIRAMS Strategy applies to all net new residential and tourism-related growth. The proposed development would result in the creation of two new self-contained units of tourist accommodation and a RAMS tariff of £371.86 is required in line with the above strategy. The required £371.86 tariff has not been received, neither has the applicant demonstrated that this development would not have localised and in-combination effects and ensure no adverse impact on the European sites.

In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of Policies SS 4 and EN 9 of the North Norfolk Core Strategy and approval of the application would conflict with the legal requirements placed on the Local Planning

Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

Conclusion and Planning Balance

In conclusion, it is considered that the principle of new tourist accommodation in this location, due to its siting with the sensitive AONB designation resulting in conflict with Policy EC 10, its self-contained nature in the 'Countryside' conflicting with Policy EC 7 and the resulting landscape harm due to the introduction of a more intensive use of the site, would if carried out, result in an unacceptable level of harm to the Norfolk Coast AONB and wider landscape character. The access road (Craft Lane) is also considered inadequate to serve the development as proposed and would likely give rise to conditions detrimental to highways safety conflicting with Policy CT 5.

In respect to protected species (GIRAMS), in the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of Policies SS 4 and EN 9 of the North Norfolk Core Strategy as well as the requirements contained within the Conservation of Habitats and Species Regulations 2017 (as amended).

Officers consider that the development would fail to comply with relevant Development Plan policies and the guidance set out in the National Planning Policy Framework (NPPF). Whilst there are undoubtedly economic benefits attributable to the proposal, these have not been clearly articulated by the applicant and, as such, can only be afforded limited weight in the planning balance. Having considered the benefits and harms associated with the proposals, Officers consider that the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

RECOMMENDATION:

REFUSAL for the following reasons:

In the opinion of the Local Planning Authority:

- 1. The scheme would result in introduction of new build tourist accommodation on land designated as 'Countryside' in Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy, where Policy EC 7 states that 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 and Policy EC 10 specifically prohibits the principle of new holiday sites within sensitive landscape designations including the Norfolk Coast Area of Outstanding Natural Beauty.**
- 2. A development of 2 no. glamping pods in this location would constitute an unacceptable form of development within the Norfolk Coast Area of Outstanding Natural Beauty and would harm its special qualities, contrary to the requirements of Policies EN 1, EN 2 and EN 4 of the adopted North Norfolk Core**

Strategy, Chapter 15 of the National Planning Policy Framework and the principles set out in the North Norfolk Landscape Character Assessment (2021) and the North Norfolk Design Guide Supplementary Planning Document.

- 3. The access road (Craft Lane) is considered to be inadequate to serve the development proposed, by reason of its poor alignment, restricted width, lack of passing provision, restricted visibility at adjacent road junctions and lack of pedestrian facilities. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety contrary to Policy CT 5 of the adopted North Norfolk Core Strategy.**

- 4. The proposed development falls within the Broads Sites, East Coast Sites, North Coast Sites, North Valley Fens and The Wash Zones of Influence and affects European Designations as set out in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy. The application has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance. In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of Policies SS 4 and EN 9 of the adopted North Norfolk Core Strategy, and approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).**

Final wording of reasons for refusal to be delegated to the Assistant Director for Planning.

This page is intentionally left blank

Hempstead – PF/23/0198 - Installation of 316kW of ground mounted solar panels at Hole Farm House, Hole Farm Road, Hempstead, Holt, Norfolk, NR25 6TT for Nethergate Farms

Minor Development

- Target Date: 17th March 2023

- Extension of time: N/A

Case Officer: Miss I McManus

Full Planning Permission

RELEVANT SITE CONSTRAINTS

Countryside

Agricultural Land: Grade 2

Landscape Character Type: TF1 (Tributary Farmland)

RELEVANT PLANNING HISTORY

PF/22/2848: Creation of 2 No. access points to onshore export cable route for construction traffic for Hornsea 3 Offshore Wind Farm - Pending Consideration

THE APPLICATION

This application proposes installation of ground mounted solar panels on land at Hole Farm. The array would consist of 632 photovoltaic panels in two rows and would have an output of 316kW, providing electricity for the farm complex. The PVs would be laid 2 high, portrait format, in 5 rows orientated east to west, facing south and set at an angle of 30°. This orientation and pitch maximizes the electricity generated by the PVs. The lower edge of each row would be fixed 0.8m - 1m from ground level with the higher edge at 3m above the ground level. The total area covered by the PVs and associated infrastructure, would be 1,543sqm.

The application site comprises a parcel of agricultural land bounded by mature trees and vegetation to the north and a mature hedge runs to the west of the application site. The farm complex is located to the southwest of the application site.

REASONS FOR REFERRAL TO COMMITTEE

On the basis of the Council's Scheme of Delegation as the output from the development exceeds the 250kw capacity threshold.

PARISH/TOWN COUNCIL:

Hempstead Parish Council – No comments submitted.

(Adjacent Parish) Baconsthorpe Parish Council – No objection.

CONSULTATIONS

North Norfolk District Council Landscape Officer– No objection.

Proposal raises no significant issues with regards to landscape and visual impact. Conditions relating to soft landscaping and tree protection are recommended.

Norfolk County Council Public Rights Of Way & Green Infrastructure – No objection, Highlight that access to the site will be via the Public Right of Way known as Hempstead Restricted Byway 12 which does not offer any means of public vehicular access and it is not maintainable at the public expense to a vehicular standard. It is advised that it would be expected that any damage caused to the Restricted Byway by the exercise of the private rights remains with the rights holders to repair and that the full legal extent of this Restricted Byway must remain open and accessible for the duration of the development and subsequent occupation.

Norfolk County Council Highways – No objection.

Norfolk County Council - Historic Environment Service – No objection

Will not have any significant impacts on historic environment.

REPRESENTATIONS

None received.

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.

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 Local Development Framework Core Strategy (September 2008):

Policy SS 1 Spatial Strategy for North Norfolk

Policy SS 2 Development in the Countryside

Policy SS 4 Environment

Policy EN 2 Protection and enhancement of landscape and settlement character

Policy EN 4 Design

Policy EN 7 Renewable Energy

Policy EN 8 Protecting and Enhancing the Historic Environment

Policy EN 9 Biodiversity and Geology

Policy CT 5 The transport impact of new development

Material Considerations:

Supplementary Planning Documents and Guidance:

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

National Planning Policy Framework (July 2021)

Chapter 2 Achieving sustainable development
Chapter 4 Decision-making
Chapter 9 Promoting sustainable transport
Chapter 12 Achieving well-designed places
Chapter 15 Conserving and enhancing the natural environment

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

- 1. Whether the proposed development is acceptable in principle**
- 2. The effect on the character and appearance of the surrounding landscape**
- 3. The effect on residential amenity**
- 4. Whether the proposed development would have any effect on highway safety**
- 5. Whether the proposed development would affect biodiversity and result in loss of Grade 2 Agricultural Land**

1. Principle

This site within the area on land designated as 'Countryside' under Policy SS 1 of the North Norfolk Core Strategy (CS). Policy SS 2 limits development within the Countryside to that which requires a rural location and where it is for a type of development listed in the policy. This includes for renewable energy projects and as the development would serve the applicant's farm, it is considered that it requires a rural location. The proposal therefore complies with CS policies SS 1 and SS 2.

CS Policies SS 4 and EN 7 also indicate renewable energy proposals will be permitted subject to there being no significant adverse impacts either individually or cumulatively on;

- the surrounding landscape, townscape and historical features / areas;
- residential amenity;
- highway safety and;
- biodiversity

Each of these matters are considered below

2. Effect on landscape

The solar panels will be located to the north of an 8.9 hectare field, the field is located to the north east of the applicant's dwelling and farm buildings. The proposed panels will have an overall height of 3m.

The site is well screened from Hole Farm Road and from the north by mature trees and vegetation. A public right of way (Hempstead RB12) extends from Hole Farm Road along an existing track which is initially wooded and then opens up with a mature hedge along the east side of the track, which will provide a degree of visual screening. A condition is also recommended to secure additional planting. As such the proposal raises no significant issues with regard to landscape and visual impact. Nonetheless, to ensure the effect on the landscape is minimised in the longer term, a condition requiring the panels to be removed when no longer required for electricity generation is also recommended.

With regards to the effect on existing landscape features i.e. trees and hedges, there will be a requirement for trenching to connect up the panels close to the farm buildings and; access via the existing farm track will be required for construction vehicles and subsequent installation and maintenance of the panels. Given that trenching involves traversing a mature hedge and areas of woodland, an Arboricultural Method Statement (AMS) is required to demonstrate that this can be achieved without causing harm to the Root Protection Areas. In addition, the AMS will also need to consider access for construction vehicles and installation of the panels and the implications of this on mature vegetation. A pre-commencement condition requiring the submission of an AMS and Tree Protection Plan is therefore recommended.

For the reasons stated and with the inclusion of the recommended conditions, it is considered that the proposed development would not result in any significant harm to the character and appearance of the area. It is therefore in accordance with CS Policies EN 2, EN 4 and EN 7, Chapter 12 of the NPPF (2021), and the North Norfolk Landscape Character Assessment SPD (2021).

3. Effect on residential amenity

Solar glare can sometimes be a concern in this respect. Given the separation distance between the site and the closest dwellings however, along with intervening landscape features, it is considered that the proposed development would not result in any material harmful effects. The proposal therefore complies with CS policies EN 4 and EN 7.

4. Effect on highways safety

The proposed access to the site for construction, routine maintenance and eventual decommissioning will be through an existing track entrance, which runs to the east of the cluster of dwellings.

Norfolk County Council Highways were consulted on the proposal and have no objection. Public Rights of Way were also consulted and have no objection to the proposal.

The application is therefore considered acceptable in terms of highway impact, in accordance with CS Policies EN 7 and CT 5 as well as Chapter 9 of the NPPF (2021).

5. Biodiversity and loss of Grade 2 Agricultural Land

The current use of the site is arable farming where the agricultural land quality is classified as Grade 2. Whilst the placing of solar panels on part of a grade 2 agricultural field will limit the ability to continue arable use, the applicant has confirmed that, following the development, the site will still be farmed and proposal seeks to enhance biodiversity through

wild flower and pollinator mixes being sown under the panels. Sheep will graze under the panels at appropriate times of the year and it is understood that there is no requirement for permanent fencing and that temporary electric fencing will be used to contain livestock as required.

Officers consider that, whilst the proposal will result in loss of land considered to be the best and most versatile land for food production, the loss is temporary in nature and can be returned back to agricultural use in the future, provided that the quality of the soils are managed by the applicant. With suitable planting to be secured through a landscaping scheme condition, the biodiversity value of the site would be enhanced in accordance with the requirements of Core Strategy Policy EN 9.

Other Considerations

The west wing of the farmhouse, is grade II listed. However, given the separation distance between it and the application site, intervening farm buildings together with a fairly well enclosed agricultural landscape by way of trees and hedge rows, it is considered there would be no adverse effect on its setting. The proposal therefore complies with CS Policy EN 8.

Conclusion

Relevant Core Strategy policies are supportive of this type of development and it is considered that the proposal will not result in any significant adverse effects for the reasons stated above. The proposed development complies with all relevant policies and would have significant benefits in terms of renewable energy generation and carbon reduction in terms of climate change.

RECOMMENDATION:

APPROVAL subject to conditions to cover the following matters and any other considered necessary by the Assistant Director - Planning

- **Time Limit for commencement (3 years)**
- **Development in accordance with the approved plans**
- **Removal of equipment when no longer required**
- **Soft landscaping scheme**
- **Arboricultural Method Statement and Tree Protection Plan**

Final wording of conditions to be delegated to the Assistant Director – Planning.

This page is intentionally left blank

DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – MAR 2023

1. INTRODUCTION:

- 1.1 This report briefly sets out performance in relation to the determination of planning applications in both Development Management and Majors teams for the month up to 28 Feb 2023.
- 1.2 The table below sets out the figures for the number of cases decided within the month and percentage within time set against the relevant target and summary of 24-month average performance.
- 1.3 In addition, the table sets out the number of cases registered and validated within the month (up to 28 Feb 2023.).

Performance Measure	Actual Performance	Target	Comments
Decision Notices (Month up to 28 Feb 2023.)	Major 2 decisions issued. <i>100% within time period</i>	60% (80% NNDC)	24 month average to 31 Jan 2023 is 93.55% ▼
	Non-Major 72 decisions issued <i>100% within time period</i>	70% (90% NNDC)	24 month average to 31 Jan 2023 is 85.91% ▲
Validation (Month up to 28 Feb 2023.)	243 applications registered 215 applications validated	3 days for Non- Major from date of receipt 5 days for Majors from date of receipt	Datasets do not currently breakdown validated apps by Major / Minor or those on PS2 returns, but performance data retrieval to be reviewed.

2. S106 OBLIGATIONS

- 2.1 A copy of the list of latest S106 Obligations is attached. There are currently 9 S106 Obligations being progressed.

3. RECOMMENDATIONS:

- 3.1 **Members are asked to note the content of this report.**

This page is intentionally left blank

SCHEDULE OF S106 AGREEMENTS				UPDATE FOR DEVELOPMENT COMMITTEE:				23 March 2023		
Application reference	Site Address	Development Proposal	Parish	Planning Officer	Case Committee or Delegated Decision	Date of Resolution to Approve	Eastlaw Officer	Eastlaw Ref:	Current Position	RAG Rating
PF/20/0523	Land North Of Fakenham Road Great Ryburgh Fakenham NR21 7AN	Construction of 15 no. grain silos and 1 no. 5,574 sqm (60,000sqft) warehouse with associated drainage, access and external lighting	CP080 - Ryburgh	Geoff Lyon	Committee	24/11/2022	Fiona Croxon	21423	Draft s106 is circulating and substantially agreed save for the First Schedule.	
PO/20/0524	Land North Of Fakenham Road Great Ryburgh Fakenham NR21 7AN	Hybrid application for creation of HGV access road to serve an expanded Crisp Maltings Group site (Full Planning permission) and construction of buildings and structures required to increase the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes) (Outline application with all matters reserved except for access).	CP080 - Ryburgh	Geoff Lyon	Committee	24/11/2022	Fiona Croxon			
PF/22/1596 & PF/22/1784 (Duplicate)	Land South Of Norwich Road North Walsham Norfolk	Hybrid planning application, comprising the following elements: 1. Full Planning Application for the construction of 343 dwellings (including affordable homes), garages, parking, vehicular access onto Ewing Road and Hornbeam Road, public open spaces, play areas, landscaping, drainage and other associated infrastructure; 2. Outline Planning Application with all matters reserved for a phased development comprising 7 serviced self-build plots and associated infrastructure; and 3. Outline Planning Application with all matters reserved for the construction of an elderly care facility and associated infrastructure, landscaping and open space	CP071 - North Walsham	Phillip Rowson	Committee	Not Yet Determined	Fiona Croxon	21830	Draft s106 Agreement is awaited from applicant's solicitors. Costs undertaking received.	
PF/21/3458	Land At Woodland Browns Covert Hindolveston Road Fulmodeston Norfolk	Erection of two one-bed tree houses with external works and servicing (to include biorock drainage system and solar panels)	CP034 - Fulmodeston	Jamie Smith	Committee	26/01/2023	Fiona Croxon	21829	Draft s106 Unilateral Undertaking is still awaited from applicant's solicitors. Fire Service response received which is likely to impact progress.	

OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 23 MARCH 2023

APPEALS SECTION

NEW APPEALS

EAST BECKHAM – ENF/22/0289 - Appeal against Enforcement Notice Re: Material change of use of agricultural to land to storing of machinery and creation of a bund
Land North Hwrc, Holt Road (a148), East Beckham, Norwich, Norfolk NR11 8RP
For Mr Eamon Denny
WRITTEN REPRESENTATION

SUSTEAD – PF/22/1738 - Change of use of the first floor of outbuilding (detached triple garage) from annexe to Church Barn to holiday let (retrospective)
Church Barn, The Street, Sustead, Norwich, Norfolk NR11 8RU
For Mr Adrian Sellex
WRITTEN REPRESENTATION

TUNSTEAD – PF/22/2640 - Demolition of flat roof garage, side extension and conservatory; Erection of single-storey side and rear extensions and raising of/extended roof and installation of 3no. front and 1no. rear dormer windows and 4no. rear rooflights to provide roofspace accommodation; Erection of two-storey front extension; Change to external material from brick to render; Erection of detached single garage to rear.
Chawton, Market Street, Tunstead, Norwich, Norfolk NR12 8RB
For Mr Jason Lee
FAST TRACK HOUSEHOLDER

WALSINGHAM – PF/21/3302 - Two storey detached dwelling; new vehicle access off Chapel Yard
St James Cottage, 18 Bridewell Street, Walsingham, Norfolk NR22 6BJ
For Mr Vincent Fitzpatrick
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 Spiegel
INFORMAL HEARING – 1 & 2 March 2022 Re-Scheduled – 22 & 23 June 2022 This has been postponed due to late submission of information – ~~future date to be arranged~~ – Re-scheduled again to 24th-26th January 2023

CLEY-NEXT-THE-SEA – PF/21/0882 - Erection of dwelling and associated external works and landscaping
Arcady, Holt Road, Cley-next-the-Sea, Holt, NR25 7TU
For Adam and Gay Spiegel
INFORMAL HEARING – to be linked with ENF/18/0164 – Date to be Confirmed – Re-scheduled to 24th-26th January 2023

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

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

Arcady, Holt Road, Cley-next-the-Sea, Holt, NR25 7TU

For Adam and Gay Spiegel

INFORMAL HEARING – to be linked with ENF/18/0164 – ~~Date to be Confirmed~~ – Re-scheduled to 24th-26th January 2023

NORTH WALSHAM – ENF/20/0088 - Appeal against Enforcement Notice for Occupation of the site , bungalow structure and operating an LGV from within the site

Sewage Works, Marshgate, North Walsham NR28 9LG

For Mr Luke Jackson

INFORMAL HEARING

THURNING – ENF/19/0307 – Appeal against breach of planning control

(and RV/21/2645 linked with the above) - Removal of Condition 3 of planning permission

PF/13/1048 the condition to be simply deleted and not included in the the new permission

Courtyard Barn, Roundabout Farm, Hindolveston Road, Thurning, NR20 5QS

For Mr & Mrs Kerrison

INQUIRY

THURNING – ENF/19/0307 - Appeal against breach of planning control

(and CL/20/2055 linked with the above) - Certificate of lawfulness for existing use of "The Office" at Courtyard Barn as a residential dwelling (C3)

The Office, Roundabout Farm, Hindolveston Road, Thurning, NR20 5QS

For Mr & Mrs Kerrison

INQUIRY

WRITTEN REPRESENTATIONS APPEALS - IN HAND

ALBY WITH THWAITE – PO/21/2697 - Demolition of former snooker hall and erection of 2 semi-detached self/custom dwellings (Outline with all matters reserved)

Alby Billiards Club, Church Road, Alby, Norfolk NR11 7HE

For Mr N Rounce

WRITTEN REPRESENTATION

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

CORPUSTY – ENF/20/0095 - Operational development without planning permission

Manor Farm Barns, Norwich Road, Corpusty, NR11 6QD

For Mr Michael Walsh

WRITTEN REPRESENTATION

FAKENHAM - ENF/21/0002 - Appeal against Enforcement Notice - Material change of use of the Land for the siting of a static caravan to provide overnight accommodation for security staff
Unit 4, RS Car Sales, Hempton Road, Fakenham. Norfolk NR21 7LA
For Mr Shaun Brooker
WRITTEN REPRESENTATION

FAKENHAM – PF/21/3158 - Siting of a static caravan to provide overnight accommodation for a security staff
RS Vehicle Hire, Hempton Road, Fakenham NR21 7LA
For RS Vehicle Hire Shaun Brooker
WRITTEN REPRESENTATION

FAKENHAM – CL22/1552 - Certificate of Lawful Development for existing use of land for storage purposes (Class B8)
Unit 4, RS Car Sales, Hempton Road, Fakenham. Norfolk NR21 7LA
For Mr Shaun Brooker
WRITTEN REPRESENTATION

HOLT - CD/21/3325 - Discharge of condition 42 (cycle store) of planning permission PF/17/1803 (Residential development of 52 dwellings (including the removal of No.67 Hempstead Road), provision of new vehicular access to Hempstead Road; associated landscaping, open space, pumping station and electricity substation)
Land Rear Of 67 Hempstead Road, Holt Norfolk
For Hopkins Homes Limited
WRITTEN REPRESENTATION

LUDHAM – PF/21/2851 - Conversion of garages into a single dwelling
Land North Of Magnolia Cottage, Staithe Road, Ludham, Norfolk
For Mrs Val Enever
WRITTEN REPRESENTATION

NORTH WALSHAM – ENF/21/0146 - Appeal against enforcement notice - Erection of single-storey garden annexe building
1 Millfield Road, North Walsham, Norfolk, NR28 0EB
For Mr Robert Scammell
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

ROUGHTON – PF/21/0693 - Demolition of existing stable block and replacement with a self-build dwelling
Heath Farm, Norwich Road, Roughton, Norwich, Norfolk NR11 8ND
For Amy Zelos
WRITTEN REPRESENTATION

RUNTON – PF/21/3353 - Erection of detached bungalow
Land At 17 Buxton Close, East Runton, Cromer, Norfolk NR27 9PJ
For Mr & Mrs Ian & Karen Wells
WRITTEN REPRESENTATION

SHERINGHAM – PF/22/0443 - Erection of potting shed and greenhouse (part retrospective)
Morley Grange, 14 Cremers Drift, Sheringham, Norfolk NR26 8HY
For Mr Stephen Pigott
WRITTEN REPRESENTATION

SWAFIELD – PO/21/1525 - Erection of 3 bedroom chalet bungalow with garage (outline application with details of access only - all other matters reserved)
The Kingdom Halls, The Street, Swafield, Norfolk NR28 0RQ
For Mr Neville Watts
WRITTEN REPRESENTATION

WELLS-NEXT-THE-SEA – PF/22/0275 - Demolition of outbuilding and erection of single/two storey rear extension; replacement dormer to rear
Seawood House (Formally Known As Brig Villa), 56 Freeman Street, Wells-next-the-sea Norfolk NR23 1BA
For Mr S Doolan
WRITTEN REPRESENTATION

WELLS-NEXT-THE-SEA – ENF/21/0061 - Appeal against breach of Planning Control - Material change of use of the land for takeaway
Land Adj. 19 The Glebe, Wells-next-the-Sea, Norfolk NR23 1AZ
For Adrian Springett – Pointens
WRITTEN REPRESENTATION

APPEAL DECISIONS - RESULTS AND SUMMARIES

DILHAM - PU/21/2825 - Change of use of an agricultural building to 5 dwellinghouses (4 "smaller" dwellinghouses and 1 "larger" dwellinghouse), and building operations reasonably necessary for the conversion
Agricultural Barns, Oak Road, Dilham, Norfolk
For Mr Luke Paterson, Bindwell Ltd
WRITTEN REPRESENTATION
APPEAL ALLOWED

EDGEFIELD – PF/22/0727 - Change of use of land from agriculture to dog exercise area (sui generis) (Retrospective)

Land At Top Of Sands Loke, Sands Loke, , Edgefield, Norfolk

For Ms Caroline Sands

WRITTEN REPRESENTATION

APPEAL DISMISSED

RUNTON – PF/21/2593 - Removal of existing outbuilding and raised paving and steps to rear of building; two storey side extension; new outbuildings to side and rear; raised rear seating area and glass wind screen to rear of building incorporating ramp and steps; new fire escape stair; pergola and glass wind screen to front of building; replacement of 2 no. roof windows by dormer windows; change window to bi-fold doors from restaurant to outside seating area; 2m high screen fence to eastern boundary (retrospective)

Dormy House Hotel, Cromer Road, West Runton, Norfolk NR27 9QA

For Mr Steve Brundle - Highview Properties (London) Ltd.

WRITTEN REPRESENTATION

APPEAL ALLOWED

SEA PALLING – PF/21/0729 - Erection of Stable Building

The Marrams, Sea Palling, Norfolk

For Mr F Newberry

WRITTEN REPRESENTATION

APPEAL DISMISSED

This page is intentionally left blank