

# Development Committee



**Please contact:** Lauren Gregory

**Please email:** [lauren.gregory@north-norfolk.gov.uk](mailto:lauren.gregory@north-norfolk.gov.uk) Direct Dial: 01263 516108

**TO REGISTER TO SPEAK PLEASE SEE BOX BELOW**

Wednesday, 12 April 2023

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 20 April 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](mailto: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](mailto:districtcouncil@north-norfolk.gov.uk) **Web site** [www.north-norfolk.gov.uk](http://www.north-norfolk.gov.uk)

## A G E N D A

<b>PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN</b>
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### **PUBLIC BUSINESS**

**1. CHAIRMAN'S INTRODUCTIONS**

**2. TO RECEIVE APOLOGIES FOR ABSENCE**

**3. SUBSTITUTES**

**4. MINUTES**

(Pages 1 - 14)

To approve as a correct record the Minutes of a meeting of the Committee held on Thursday, 23<sup>rd</sup> March 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 15 - 20)

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. 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**

(Pages 21 - 48)

**9. CROMER- PF/22/3028 - INSTALLATION / RE-INSTALLATION OF**

(Pages 49 - 54)

**CCTV CAMERAS IN CROMER TOWN CENTRE. CROMER TOWN COUNCIL, 21 OVERSTRAND ROAD AND 13 OTHER LOCATIONS AROUND CROMER.**

10. **CROMER - PF/22/2651 - CONVERSION OF FORMER BED AND BREAKFAST TO 7NO. FLATS AT LEIGHTON HOUSE, 11-13 ST MARYS ROAD, CROMER, NORFOLK, NR27 9DJ** (Pages 55 - 68)
11. **NNDC (CROMER) 2022 NO. 8 - LAND REAR OF THE POPLARS TPO/22/0997** (Pages 69 - 72)
12. **NNDC (SHERINGHAM) 2022 NO. 7 - LAND SHERINGHAM HOOKS HILL TPO/22/0996** (Pages 73 - 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**

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## DEVELOPMENT COMMITTEE

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

**Committee** Cllr P Grove-Jones (Chairman) Cllr P Heinrich (Vice-Chairman)  
**Members Present:**

Cllr A Brown	Cllr P Fisher
Cllr A Fitch-Tillett	Cllr R Kershaw
Cllr N Lloyd	Cllr G Mancini-Boyle
Cllr N Pearce	Cllr M Taylor
Cllr J Toye	Cllr L Withington

**Members Present:** Cllr W Fredericks (Local Member for Item PF/22/1649)

**Officers in Attendance:** Assistant Director - Planning (ADP)  
Development Management (DM)  
Principle Lawyer (PL)  
Planning Officer – AW (PO-AW)  
Senior Planning Officer (SPO)  
Planning Officer – MA (PO – MA)  
Planning Officer – MB (PO – MB)  
Planning Officer - IM (PO-IW)

### 120 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Cllr V Holliday and Cllr A Varley.

### 121 SUBSTITUTES

None present.

### 122 MINUTES

- i. Cllr P Heinrich proposed a correction to Minute 114, and clarified he had declared a non-pecuniary interest as a member of the Caravan and Motorhome Club, not the Caravan and Camping Club.
- ii. Cllr N Pearce questioned the outcome of Planning Application RV/22/0308, and sought advice when it would be appropriate to discuss his concerns.
- iii. The PL advised that the Committee were asked under this agenda item to consider whether the Minutes were an accurate reflection of what was said.
- iv. Cllr N Pearce commented that his concerns also related to the accuracy of the Minutes but that he would be content to discuss later.
- v. Cllr A Brown stated that the conduct of contributor in the February meeting would be discussed later in the meeting, as a matter of urgent business.
- vi. The DM reiterated the advice offered by the PL and noted there was no agenda item to specifically discuss the Holt application on the agenda. This matter had not been raised as an item of urgent business prior to the

meeting, but could be added if Members considered they required clarification.

- vii. Cllr N Pearce affirmed that RV/22/0308 should be discussed as an urgent item, particularly in light of a written article which required urgent clarification.
- viii. The Chairman advised that the Hopkins Home development for Holt (RV/22/0308) would be added as an urgent item, with this item being taken at the end of the meeting.

**The Minutes of the Development Committee on 23<sup>rd</sup> February were approved as a correct record subject to the amendment put forward by Cllr P Heinrich.**

## **123 DECLARATIONS OF INTEREST**

Cllr A Fitch-Tillett declared a non-pecuniary interest for Planning Application PF/22/1708, she is a friend of the applicant, and therefore affirmed she would abstain from voting on the application.

## **124 NORTHREPPS - PF/22/1708 - SITING OF 2 GLAMPING PODS FOR HOLIDAY USE AT SHRUBLANDS FARM CAMPING SITE, CRAFT LANE, NORTHREPPS.**

### Officer's Report

The PO-AW introduced the Officers report and recommendation for refusal. She advised that the application was a scaled down resubmission of PF/21/2263 which came before the committee in 2021 and seeks full planning permission for the siting of 2 self-contained timber glamping pods to be constructed on a rectangular parcel of land at Shrublands Farm to the south of Northrepps village.

It was noted that the application site does not have planning permission and currently operates under a 'Certified' Camping and Caravanning license. This license is a permitted development exemption which allows land to be used for the purposes of camping for up to 28 consecutive days at any one time, for up to 10 tent pitches and 5 motorhomes. The glamping pods do not qualify under this exemption and therefore are required to be assessed against Planning Policy.

The PO-AW affirmed the sites location, images of the site and its context in its local surroundings.

In terms of the key issues for consideration, the proposal is located in an area designated as countryside 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 AONB, stating that proposals which would be significantly detrimental to the special qualities of the AONB and their setting should not be permitted.

Polices EC 7 and EC 10 deal specifically with controlling the location of new tourism development, EC 7 gives specific reference that new build un-serviced 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. Extensions to existing sites are tightly controlled and only where they

demonstrate a high standard of design and have minimal adverse impacts upon their surroundings. Given its certified status Officers conclude that the land at Shrublands farm cannot be treated as an existing site and that the scheme should be assessed as a new camping site under Policy EC 10, and is considered contrary to the aims of this policy.

With respect on landscape matters, the PO-AW stated that the proposed pods would occupy the site year round making them permanent structures. Landscape Officers are of the opinion that, whilst wider visual impact would be relatively contained by the enclosed wooded setting, 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 or the defined special qualities of the Norfolk Coast AONB, particularly 'a sense of remoteness and tranquillity.

The Case Officer advised that the benefits of the proposal would need to be balanced against the harm which would result from new tourist accommodation being permitted within this sensitive landscape designation, and noted there would be some economic benefits from the scheme. However, however there is little detail in the submitted farm report as to how much the pods themselves would generate and given they are already in use on a different part of the farm and the application only seeks to relocate these, little weight can be afforded to this economic benefit.

Further, there was also an objection to the proposal in terms of highway safety. Highways 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. They consider the road serving the site to be inadequate due to restricted width, lack of passing provision, restricted visibility 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.

The PO-AW advised that the authority had not received GIRAMS payment and therefore the application fails to demonstrate that the proposed development would not result in adverse effects on the European Sites and so the proposal is currently contrary to the requirements of Policies SS 4 and EN 9 of the adopted North Norfolk Core Strategy.

The Case Officer reaffirmed Officers' recommendations and stated that the proposal is considered contrary to Policies EN1, EN 2, EC 7, EC 10 CT5, SS4 and EN 9 of the Adopted Core Strategy.

#### Public Speakers

Alistair Mackay - Chairman of Northrepps Parish Council  
Matthew Rooke - Supporting

#### Member's Question's and Debate

- i. The Local Member – Cllr A Fitch-Tillett – expressed her support for the recommendation and affirmed her reasons as outlined of P.60 of the Agenda Pack. She stated that the application would entice tourism away from the coastal hotspots within the AONB which accorded with adopted core strategy policies.

With respect of the suitability of Craft Lane, the Local Member advised that this road was used by a mini bus service between North Walsham and Cromer 3-4 times a day both ways. If the road was considered unsuitable by the Highways Authority, this bus route would not have been permitted.

Cllr A Fitch-Tillett considered the benefits the additional footpath from the rear of the camping site would bring. Such benefits would not be limited to users of the proposal, but also to local residents including allotment holders, who do not currently have access to paved routes into the village.

The Local Member advised that the application had been discussed by Norfolk Coast Partnership within the last week, and noted P.62 of the Agenda Pack which detailed that the Partnership neither objected to, nor supported the application. She stated that the proposal was not considered to have a significant detrimental impact to the AONB. Further, any potential light pollution would be controlled, and the Local Member commented that the Parish Council held their own 'Dark Skies' Policy which the proposal would accord with.

Cllr A Fitch-Tillett noted that Development Committee had approved Planning Application PF/22/1337 located within the West Runton AONB at the last meeting, which she considered had set a precedent.

- ii. The DM clarified that the pathway discussed by the supporting speaker did not form part of the proposed scheme. He cautioned Members in attributing weight to this consideration when it was not included in the formal application. Should the applicant wish to include the pathway in the scheme, they would be required to submit amended plans and have that secured as part of any decision.

He noted that the supporting speaker referred to a 12-month Caravan use of the site, but advised this was not Officer's understanding and they had been provided no evidence to indicate 12-month use was permitted. This formed an important consideration when weighing the highway impacts, as going from 28 days permitted use to 365 days was a significant increase.

With reference to Cllr A Fitch-Tillett's comments on the West Runton application, the DM advised with respect of that scheme it did not propose additional pitches, rather it was an enhancement of the existing site. It was therefore not a straightforward comparison with the proposal presented.

- iii. Cllr R Kershaw thanked officers for their advice, and affirmed that the distinction between 28 days and 365 days permission was important in decision making. He noted that the pods would not be available all year round and would run March - October. He questioned the Highways objection as the pods were already located on the site in an alternate location, and expressed his preference for cars to make use of Craft Lane as opposed to caravans or motorhomes.

From an economic perspective, Cllr R Kershaw spoke favourably of the application, the need to support farmers, promote diversification, and in attracting visitors away from coastal hotspot areas.

Cllr R Kershaw affirmed that clarification was needed regarding the footpath

and the conflicting opinion about the 28 day vs 52 week designation. He therefore proposed deferment of the application.

- iv. The Chairman permitted the applicant to make a representation. The Applicant advised the site was open 365 days a year.
- v. The DM advised no evidence had been provided as part of the application to establish that the site had the full 365 day permission. The DM recommended that this item be deferred, and cautioned Members from reaching a decision on potentially incorrect information.
- vi. Cllr A Brown seconded the recommendation for deferment.

**RESOLVED** by 11 votes for and 1 abstention

**That Planning Application PF/22/1708 be DEFERRED to clarify whether the site had 12 month Caravan permission, and if the footpath was to form part of the proposal.**

**125 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**

Officer's Report

The SPO introduced the Officers report and recommendation for approval subject to conditions. He affirmed the location plan for the site and its relationship with neighbouring surroundings including AONB, proposed site plan, floor plans and elevations which included 9 EV parking spaces 2 of which were accessible, as well as cycle and motorcycle parking and solar array to the roof. Photographs were offered to better demonstrate the site's context. Access to the car park would be obtained via the car park on the adjacent Reef Leisure Centre.

The SPO stated that the scale and design of the proposal had been chosen to accord with the Reef, making an overall cohesive development. The extensive proposed landscaping scheme would aid to obscure aspects of the development, in addition, as the development would sit lower in the landscape than the nearby residential area and football club, it's the visual impact was considered to be less noticeable.

The Case Officer outlined the key areas of consideration and reiterated the recommendation subject to conditions. He noted that GIRAMS payment had been secured since the publication of the Officer Report, however matters of surface water drainage were outstanding.

Public Speakers

None

Member's Question's and Debate

- i. Cllr L Withington, Member for Sheringham North, speaking on behalf of Local Member Cllr C Heinink for Sheringham South, acknowledged the positive and negative impacts the proposed development would result in. She stated

that whilst there would be economic benefits, there remained concern in the local community that the development would have the opposite effect. There were misgivings about the nature of the apartment-hotel model, and in missed opportunities for the town's economy. Cllr L Withington stated, given the limited availability of land in Sheringham for development, there was some scepticism that the proposal was the best use of land to bring the greatest benefit to the local economy. The Local Member considered an expansion of the adjacent industrial site was desperately needed, allowing smaller businesses to expand and potentially bring additional employment opportunities and more resilience to the community. Alternatively, a housing scheme which included an assisted living complex would have brought a synergy with the new residential home being built at Westwood (adjacent to the Reef site).

Reflecting on the application, Cllr L Withington stated that there had been concerns expressed about the density of the development, and that the design would be far more imposing than the neighbouring Reef development. The proposed development was considered to result in a marked change in the town's character and tourist accommodation offering. Views from the western entrance to the town would be impacted, and the Northern elevation 'block-like' design she contended lacked in design quality. Cllr L Withington affirmed that many felt that the landscape design was disappointing, and although extensive hedging was utilised, this was considered an easy option with little thought as to how the large construction could be immersed in its AONB setting.

With respect of drainage, the Local Member advised that there were already concerns about the drainage, and that there had been significant flooding to properties to the rear to the development associated with changes linked to climate change.

Cllr L Withington asked if a cycle path to the town could be included in the proposal as a S106 condition, which had been requested by the Town Council at the time of the Reef development, and argued that there was a greater need given the increased volume of traffic from the development

Further, concerns had also been raised regarding the speed of traffic on this section of road, which would be worsened by increased traffic flow from the proposal. Cllr L Withington stated it would be beneficial to move the 30mph zone further west, beyond Cemetery Lane, allowing for safer access for pedestrians and vehicles.

- ii. Cllr A Brown expressed his disappointment in the design, size and simulated art-deco style which he was uncertain accorded with the design guide. Given the proposals status in the AONB, he considered that the applicant could have submitted a much improved scheme. His principle concern for the proposal related to the lack of documentation on the sustainable urban drainage system, particularly at this late stage. He was concerned how this scheme would be agreed, as believed a S106 agreement should be conditioned. Cllr A Brown argued that as there remained outstanding drainage concerns, this justified reasons for deferment.
- iii. Cllr R Kershaw spoke favourably of the application, which he reflected would bring economic benefits to Sheringham. Further, he considered the site was well suited to siting a hotel. Cllr R Kershaw expressed his surprise to the

Local Members comments on community sentiment, and reflected on the lack of objections raised within the Officers report. He did not consider the hotel objectionable, and contended it would be in keeping with the Reef, both in height and size. He argued that it was preferable to have the brownfield land developed, particularly given the need for tourist accommodation in Sheringham, than for it to sit vacant. Cllr R Kershaw proposed acceptance of the Officers recommendation.

- iv. Cllr N Lloyd contended it was difficult to see what would fit in well within the local environment given as the site was located between the Reef Leisure Centre, an Industrial site, and Football Pitch. He considered the applicant had gone some way to make the scheme attractive, though taste was subjective.

As the Portfolio Holder for climate change, he spoke positively that the application had considered EBPC and solar, and noted within the Officers report that the scheme exceeded the minimum energy performance building standards, however stated this had not been evidenced. Cllr N Lloyd affirmed his preference that an energy efficiency report be provided by the applicant, something he considered pertinent given the size of the property. Whilst he understood that the building would be heated by gas, this had not be explicitly stated within the report. Cllr N Lloyd seconded the Officers recommendation, and asked that an energy report be provided by the applicant.

- v. The DM advised that Officers were reviewing the local validation list and the suite of documents required by applicants when submitting proposals. At present, Policy EN6 of the Adopted Core Strategy was the key policy lever. The DM noted Members suggestion that the local list be updated to reflect how applicants were positively responding to the Climate Emergency. But advised that the applicant had demonstrated compliance with current policies.
- vi. On reflection, Cllr N Lloyd stated that he was dissatisfied that the developer had not provided information he considered critical with relation to the Climate Emergency, and whilst noting the DM advice that the Developer had satisfied building regulations, he withdrew his seconding of the Officers recommendation. Cllr N Lloyd stated it was shocking, in light of the IPC report, that a 4 storey property could be approved without information on energy usage.
- vii. The DM advised the recommendation was for one of delegated authority subject to conditions and that additional conditions could be applied, should the Committee be minded to do so, that information on energy use be provided by that applicant to ensure full policy compliance.
- viii. Cllr P Heinrich expressed his concerns for the proposal both in its design, to a lesser extent, but also how the building would be managed to ensure the 90 day restriction was enforced, noting that this was not a traditional hotel model. He contended that the apartment owners may not live locally or in the County, and asked how compliance could be ensured. Cllr P Heinrich further shared in Members concerns raised regarding the drainage situation and sought assurances that such issues would be considered and resolved under delegated authority. He considered that more could be done to ensure the building was Carbon neutral including the introduction of additional solar

panels on the roof and in the car park by way of solar car ports.

- ix. The DM advised that the apart-hotel model was not a new concept and were used elsewhere in the Country, particularly as these types of schemes de-risked development costs for developers. The hotel would be designated under C1 hotel calcification, and if approved would be subject to C1 restrictions including the prohibiting of the apartments from being used as someone's sole or main residence. Further, a register of lettings would confirm occupancy, verifying that the accommodation did not exceed the restriction. The DM advised that the Councils enforcement team would be able to attend the site (if approved) to ensure compliance. He was satisfied that the aforementioned conditions would be met.
- x. Cllr J Toye supported Cllr N Lloyd representations, and agreed that whilst the proposal would be policy compliant, he would be unable to support the proposal. He argued that in the absence of the flood report and evidence on energy usage and how the development would positively respond to the Climate Emergency, that a deferment was necessary.
- xi. Cllr W Fredericks asked, as Portfolio Holder for Housing, if S106 money could be conditioned through the development, and commented it was important that this development gave back to the community.
- xii. The DM advised that there were no S106 requirements as this was not a residential scheme. The C1 classification did not trigger S106 contributions. The proposal would require GIRAMS tariff payments, which had been paid by the developer.
- xiii. The Chairman seconded the Officers recommendation

**THE VOTE WAS LOST** by 3 votes for, 7 against, and 2 abstentions.

- xiv. Cllr A Brown proposed and Cllr P Heinrich seconded, that the application be deferred to enable Officers and the Applicant to address issues raised by the Committee.

**IT WAS RESOLVED** by 6 votes for, 5 against, and one abstention.

**That Planning Application PF/22/1660 be DEFFERED to enable the receipt of drainage scheme proposals and information on energy use, and how the proposal would respond the Climate Emergency.**

**126 MUNDLESLEY - PF/22/1649 - REMOVAL OF EXISTING PIN TILES FROM CHANCEL ROOF AND INSTALLATION OF SLATE ROOF INCORPORATING SOLAR SLATES. ALL SAINTS CHURCH, CROMER ROAD, MUNDLESLEY FOR THE PCC OF ALL SAINTS CHURCH MUNDLESLEY**

Officers Report

The PO-MA introduced the Officers report and recommendation for approval. He outlined the sites context, location plan, areal views, as well as photographs of the various elevations.

The SPO-MA provided photographic evidence of the proposed roof tiles on the Northern roof, comprised of traditional Spanish style slate tile, and the proposed

photovoltaic Solar Slates on the Southern Elevation, which would not be subject to the same glint and glare issues associated with traditional PV panels. He advised that the applicant had provided information on their energy consumption for the last full year which was 2018 (later years were impacted by COVID-19) amounting to 3683kWh. The proposed PV slate roof was expected to generate 6754 kWh, with the new electric heating and replacement lighting expected to consume 756 kWh. The proposal was therefore expected to approximately generate a net gain of 2315 kWh to the National Grid per year.

The SPO-MA affirmed the main issues for consideration; the principle of development; the effect of the proposed development on the significance of designated heritage assets; effect on residential amenity, highway safety and biodiversity; and Coastal Erosion.

### Public Speakers

Mr White - Supporting

### Member's Question's and Debate

- i. The Local Member – Cllr W Fredericks – spoke in support of the application which she considered to be a trailblazer for other churches, noting that the Bishop of Norwich's vision for all churches in the County to be greener. She commended the application for being common sense, and if approved would see the removal of the old oil boiler and leaking tank.
- ii. Cllr N Lloyd expressed his support for the application, and reflected that this type of scheme was taking place across the Country including historic locations and buildings within Cambridge University. He argued that the panels would not be distinguishable from a typical slate tile to many observers. Whilst understanding why the Conservation Officer had objected to the proposal based on current NNDC adopted core strategy policies, Cllr N Lloyd stated that the policies were outdated and in need of addressing. He proposed acceptance of the Officers recommendation.
- iii. Cllr A Brown seconded the Officers recommendation, and agreed with Cllr N Lloyd that having declared a Climate Emergency it was important the Council support applications which looked after the environment.
- iv. Cllr P Heinrich reflected that whilst the proposal would amount to a minor change in appearance, it would make a significant and positive difference to the environment.
- v. Cllr L Withington considered the application in relation to the Coastal Transition and Acceptation Programme, and stated that it was important to consider the retrofitting of existing infrastructure to ensure they were fit for the future.
- vi. Cllr G Mancini-Boyle stated this was a fantastic scheme which he hoped would be replicated across the district.
- vii. The Chairman noted that replacement/repairs to the roof and heating system would ensure that the Church be more amenable for community use, noting that that active lunch club could be accommodated in the church.

**IT WAS UNANIMOUSLY RESOLVED** by 12 votes for.

**That Planning Application pf/22/1649 be APPROVED subject to the imposition of conditions detailed in the Officers report. Final wording of conditions to be delegated to the Assistant Director – Planning.**

**127 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**

Officers Report

The PO-MB introduced the Officers report and recommendation for approval, subject to conditions. He updated the Committee and advised that the Council were in receipt of the Landscape implementation and management plan, satisfying condition 4. The PO-MB outlined the sites location, aerial plan, site plan, images of the proposed panels, associated infrastructure, and images of the site visible from the road.

The PO-MB advised that the site was well contained and noted the proposal would not be visible within the wider landscape, being located away from public rights of way.

He highlighted the main issues for consideration as detailed in the Officers report and reaffirmed the Officers recommendation.

Public Speakers

None.

Member's Questions and Debate

- i. The Local Member – Cllr G Mancini-Boyle - Proposed acceptance of the Officers recommendation and noted the lack of objections as set out in the Officers report. He stated that such schemes were the future, and that he was glad to see more schemes of this nature coming forward. The Local Member asked if the threshold for bringing such items to Committee could be reviewed, as he considered these could be approved under delegated authority.
- ii. The DM advised that the call in requirements were in the process of being reviewed, and would be brought back the Committee for consideration.
- iii. Cllr R Kershaw spoke positively of the application, and noted that the applicant was a large employer in the district and had been suffering with the effects of Brexit, restrictions of employment as well as issues of water extraction. Cllr R Kershaw expressed his support for the business, which was very popular in its local community, and so seconded the Officers recommendation.
- iv. Cllr N Lloyd agreed that the threshold for call ins for schemes of this nature be re-assessed and only be called in if objected to by the Local Member.

- v. Cllr A Brown noted that the Council could consider its validation list, and assess the process for schemes in specific areas i.e. within the AONB. He considered that something more prescriptive was needed rather than Members calling in applications, and argued for the application of permitted development.
- vi. Cllr N Pearce noted that the design of Solar Panels had changed in last 15 years, with newer models having the ability to be disposed of or recycled more easily. He asked if this information could be included in the Officers Report going forward.

**IT WAS UNANIMOUSLY RESOLVED** by 12 votes for.

**That Planning Application PF/22/3036 be APPROVED subject to conditions detailed in the Officers Report. Final Wording of conditions to be delegated to the Assistant Director – Planning.**

**128 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**

Officers Recommendation

The PO – IM introduced the Officers report and recommendation for approval subject to conditions. She outlined the sites location, relationship with neighbouring dwellings, proposed site plan, aerial photos, proposed elevations and photos of the site, as well as the main issues for consideration.

Public Speakers

None

Member's Question's and Debate

- i. Cllr N Lloyd proposed acceptance of the Officers recommendation.
- ii. Cllr G Mancini-Boyle expressed his support for the recommendation and reiterated earlier comments that the threshold for call in's be reviewed.
- iii. Cllr J Toye seconded the Officers recommendation.

**IT WAS UNANIMOUSLY AGREED** by 12 votes for.

**That Planning Application PF/23/0198 be APPROVED subject to conditions detailed in the Officers Report. Final Wording of conditions to be delegated to the Assistant Director – Planning.**

**129 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

- i. The DM introduced the Development Management Performance Update Report and spoke positively of the Planning Service's performance, with both major and non-major performance being 100% in time or with an agreed extension of time for the month. He noted that the 24 average for majors had diminished but commented this was due to older applications dropping off the list. The DM commended Officers for their continued hard work, and

management of high caseloads. He advised that work was ongoing with respect of the Planning Service Improvement Plan. Further, it was hoped in future to reduce the reliance on extensions of time, and to review the scheme of delegation to streamline the items being brought to Committee.

- ii. Cllr A Brown thanked Planning Officers for their dedication and in producing improved figures. It was hoped that with better application of the Uniform system by Officers that additional improvements could be made.
- iii. The Chairman noted that it had been a difficult period for the department, noting staff shortages, changes in operational systems, working from home and more. She thanked Officers for their hard work.
- iv. The PL advised that there were 7 current S106 obligations, and that she remained hopeful that the Crisp Malting S106 would be completed by the next meeting.
- v. Cllr G Mancini-Boyle spoke highly of the recently appointed S106 Officer, and the positive way she had engaged with him.

## 130 APPEALS SECTION

### New Appeals

Nothing to add.

### Inquiries and Hearings – In progress

The DM advised that the outcome for the Arcady hearing was due around early April, and that the Members would be informed once this had been received.

### Written Representations Appeals – In hand

Nothing to add.

### Appeal Decisions

The DM noted the Officers report and affirmed that in addition to those detailed application PF/21/3353 and ENF/20/0095 had also been dismissed.

- i. Cllr N Lloyd noted the ongoing case (not included in the Officers report) with regard to the Mural dedicated to footballer Lauren Hemp within the Conservation Area in North Walsham, and which had garnered significant media interest. He asked for an update on this matter.
- ii. The ADP advised that Officers had visited the site and that a report had been compiled for the Planning Enforcement Panel. A review of the mural had been undertaken, and it was considered that the Mural could fall under S215 or alternatively be defined as graffiti. The Panel took a view that this was not untidy land nor was the mural graffiti. Officers were working with the building owner on the building enforcement matter, with positive discussions taking place.
- iii. Cllr N Lloyd supported the recognition of Lauren Hemp but argued that the location of the mural had upset many local residents. He cautioned against individuals for failing to abide by planning rules and stated if everyone was able to do what they wanted it would amount to chaos. He concluded that there may have been better ways to pay tribute to Lauren Hemp.

## 131 ITEMS OF URGENT BUSINESS

- i. Cllr N Pearce advised that an article had appeared in one of the Local papers, the Crab Tales, regarding application RV/22/0308 which had been discussed at the last Development Committee meeting. The article detailed that a decision had been reached that there would be no low cost homes on the site, despite Members agreeing for deferment with the item expected to be brought before Committee once more. Cllr N Pearce asked for clarity if a decision had been reached, and to confirm that the item would be returned to Committee.
- ii. The DM advised that since the deferment of the application at the last meeting, no decision had been reached, and the item would be presented again to the Development Committee provided that the Applicant did not appeal against non-determination based on the expiry of the proposal. The extension of the time for the proposal had been since agreed to the end of April. He advised that two further meetings had taken place between Officers and the Applicant following the last Committee Meeting, to discuss particular issues on delivering affordable houses on the site, and to negotiate a successful way forward. These negotiations were ongoing.
- iii. Cllr A Brown noted that there was a free press in the UK, though perhaps it may be better that reporters gain a greater insight into the planning process before reporting. He asked if the head of Communications at NNDC could follow up on this matter with the editor of the Crab Tales.
- iv. The ADP advised, subject to the discretion of the Chairman, he would be pleased to refer the matter to the Communications team, and ask that the editor be contacted. As a matter of public record, he confirmed that the public access system is available which confirms that no decision had been reached on this application. The ADP advised that it remained the case that the application would be returned to Committee as agreed.
- v. Cllr N Pearce thanked Officers for the clarification that no decision had been reached. He noted that the provision of low-cost housing was of significant concern locally, and that the way the case had been reported in the Crab Tales had resulted in a number of distressed calls made by residents to himself. Further, he considered that the conduct of the Applicant, contacting Officers during the Committee meeting, but not being in attendance themselves, to be poor.

*Cllr N Lloyd left the meeting at 11.23am.*

- vi. Cllr A Brown affirmed that as Portfolio Holder for Housing he had asked that the manner in which the applicant had engaged with the Committee at the last Committee Meeting be reviewed. He argued that representations should be made in person to the Committee, as an act of deference to the Committee in their decision making. He was not satisfied with the conduct of the Applicant at the last meeting. Cllr A Brown thanked Cllr P Heinrich for his competent Chairing of the meeting which had been challenging.
- vii. The Chairman shared her thanks for Cllr P Heinrich for deputising in her absence. She agreed that it was a sign of respect to the Committee and Officer's that large developers attend Development Committee, and that she as Chairman would expect a representative to attend in person to support

their application. To not do so, she considered, was disrespectful.

- viii. Cllr R Kershaw reflected that Members were expected to attend Committee in person, and stated it was underhanded of the Applicant to conduct themselves in the manner they had done at the last meeting.
- ix. The ADP advised the current position, that representations were made through the discretion of the Chairman, and that the Committee, both in terms of Officers and Members, try to be flexible in receiving those representations. Following the Portfolio Holder meeting he had engaged with the Committee support team, and affirmed that it was clear that the Committee could refuse to accept written representations which are made after the commencement of the Development Committee meeting. A review of public speaking representations and attendance at committee would be undertaken in the new administration. The ADP further advised this matter had been followed up with the Applicant, and it was his expectation that when this item was re-presented at Committee a representative for the developer would be in attendance. He advised that Officers would continue to encourage the representations of applicants in articulating their case, but advised that attendance could not be enforced.

#### **132 EXCLUSION OF PRESS AND PUBLIC**

None.

The meeting ended at 11.30 am.

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Chairman

## 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](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	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.
<b>Contracts</b>	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>
<b>Land and Property</b>	<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>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<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>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

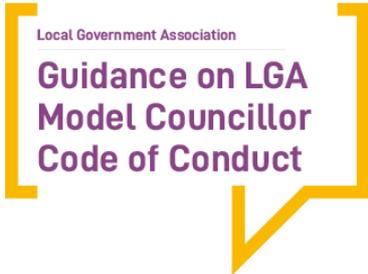
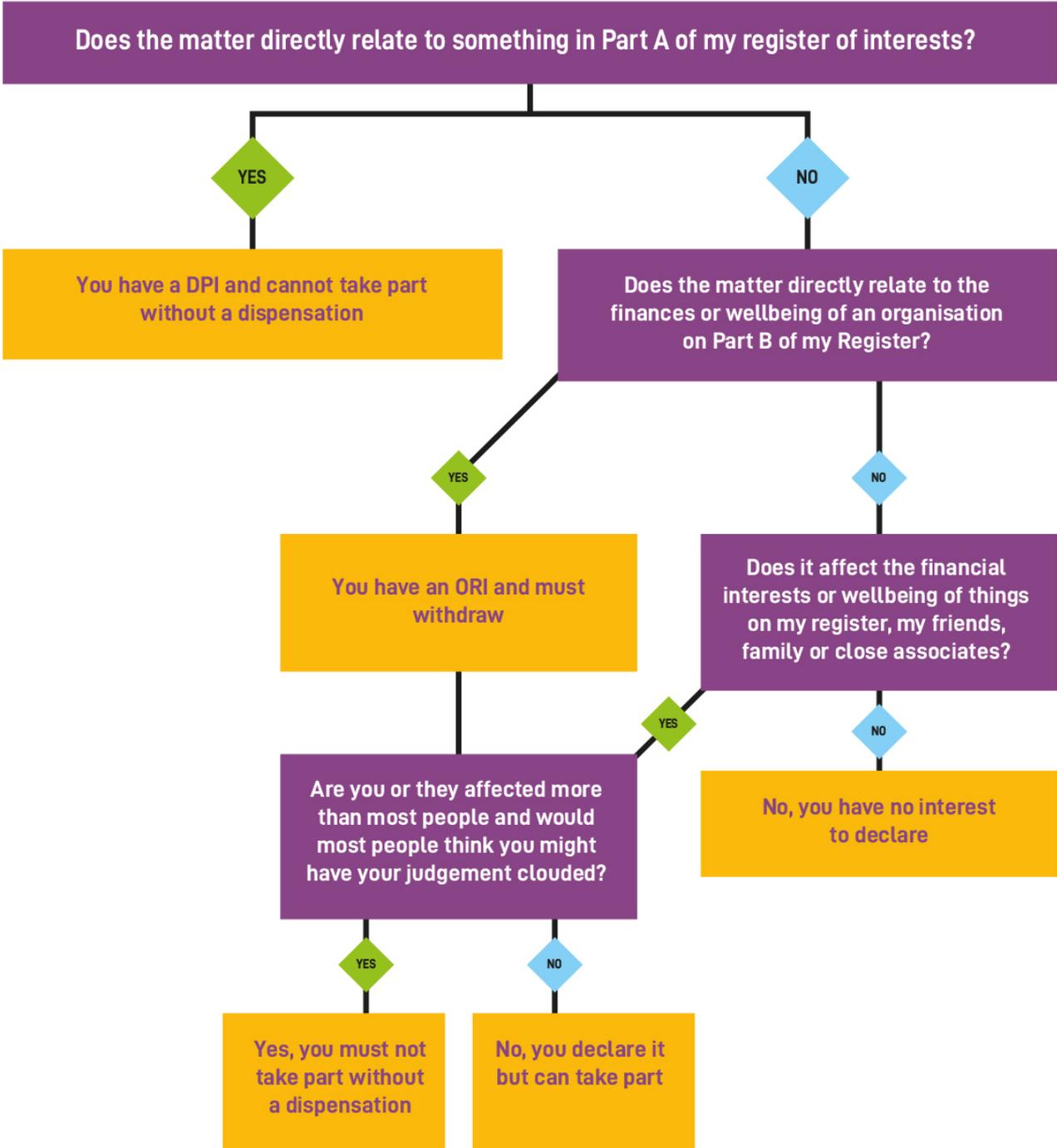
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

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

**Table 2: Other Registrable Interests**

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> <li>a) any body of which you are in general control or management and to which you are nominated or appointed by your authority</li> <li>b) any body <ul style="list-style-type: none"> <li>(i) exercising functions of a public nature</li> <li>(ii) any body directed to charitable purposes or</li> <li>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</li> </ul> </li> </ul>
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**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**

## **Major Development**

**Target Date:** 28<sup>th</sup> April 2023

**Extension of Time:** 28<sup>th</sup> April 2023

**Case Officer:** Russell Stock

## **Variation of Condition Application**

### **REASONS FOR REFERRAL TO COMMITTEE**

This application was brought before Members for consideration at the 23<sup>rd</sup> February 2023 Development Committee meeting at the request of the Assistant Director for Planning. Following debate, the Committee resolved to defer making a decision on the application so that further discussions between the Local Planning Authority and the Applicants could take place, with the aim of reaching a position which would result in affordable housing being provided on this site including through use of grant funding.

Since the Development Committee meeting, discussions have taken place with the applicant and Officers which are summarised below. Additionally, further public representations have been received since the meeting on the 23<sup>rd</sup> February and a summary of these are also provided within the relevant section below.

A copy of the Officer Report from the 23<sup>rd</sup> February 2023 agenda is attached at **Appendix 1**.

### **REPRESENTATIONS (received since the 23<sup>rd</sup> February meeting):**

A letter of objection has been received from CPRE Norfolk as summarised below:

- The process is not lawful and is being used to secure excess developer profits;
- The loss of affordable housing would significantly and demonstrably outweigh the benefits of the development;
- CPRE would wish to review the outcome of the open book assessment.

A representation has been received as summarised below:

- The use of HMRC Corporation Tax Subsidy should be looked into as this could provide the developer with a greater return.

### **OFFICER ASSESSMENT:**

A fundamental consideration for the Development Committee is to determine whether it is reasonable to accept the applicant's assertion that the proposal is not viable to provide affordable housing on-site via the standard S106 Obligation process.

The application approved under planning ref: PF/17/1803 proposed 23 of the 52 dwellings as affordable housing (44%) and this is now proposed to be reduced to 0% via S106 derived units. The Officer recommendation to the 23<sup>rd</sup> February Development Committee was one of approval, primarily on the basis that it is considered that refusal of the proposal would be difficult to sustain in light of both local and national planning policy provisions and government guidance in respect to developer profit and scheme viability.

Notwithstanding the clear local and national guidance, the Development Committee resolved to defer the decision and asked Officers to negotiate with the applicant to see what additional public benefits could be derived including through use of other S106 monies held by the Council to deliver grant funded on-site affordable housing.

Since the 23<sup>rd</sup> Feb Committee, Officers have met with representatives of Hopkins Homes on three occasions to discuss the securing of affordable housing. After exploring various options, an agreement has been reached (informal at this stage) which would see Flagship, a local Housing Association, purchase from Hopkins Homes the original 23 dwellings which were to be provided as affordable as part of application PF/17/1803. These properties would then be managed as affordable housing by Flagship as part of their wider portfolio of properties. The purchase of these 23 dwellings by Flagship would be supported by various forms of grant funding which are available for affordable housing provision at this time, as well as from the Section 106 monies which were secured as part of applications PO/14/0283, PO/14/0284 and PO/14/0274.

It is important for the Development Committee to appreciate that these 23 affordable dwellings are not being secured via a traditional S106 affordable housing obligation. Viability evidence demonstrates that the development is not viable to deliver any S106 affordable units. However, Flagship Housing would be buying the 23 dwellings at near market rates and then managing the 23 properties as affordable housing. The use of grant funding has been pivotal in securing the market units for use as affordable units.

Consideration as to whether these 23 affordable dwellings can in some way be secured as part of the required varied/new legal agreement is being given by the Council's Legal Team and the applicants solicitors. As part of the wider process of securing these dwellings as affordable, an agreement between the Council and Flagship will need to be formally made. A separate agreement between Flagship and Hopkins Homes will also likely be required. If available, an update on the latest position in this regard will be reported to Members on or ahead of the 20<sup>th</sup> April meeting.

The Housing Strategy and Delivery Manager supports the proposal.

#### Viability Assessment – Other Matters

Following receipt of representations relating to Land Remediation Tax Relief, this matter has been considered by the Council's Viability Assessor. His comments on this matter are as following:

“This is a relief that reduces the amount of tax paid on profit so does not directly reduce the actual costs of undertaking the on-site remediation. Therefore, it does not change the viability of the scheme but does mean the developer can retain more profit than would otherwise be the case. In this case the cost of decontamination within the cost plan is £154,000 and applying the developer rate of tax relief at 50% the amount of tax saved would be £19,250 (assuming the

incoming Corporation tax rate of 25%). Even if this were taken into account within the viability it will not make a material difference or change the conclusions reached” [in relation to development viability].

Having considered the comments received from third parties and those from the Viability Assessor set out above, it is considered that the conclusions reached by the Council’s Viability Review, and by extension the applicant’s Viability Assessment, remain sound and are not at odds with the relevant guidance.

In relation to the letter of Objection received from CPRE relating to the loss of affordable housing and viability matters, the issues raised by the CPRE are matters which have already been considered as part of the assessment of this application and which are set out within the main report attached at **Appendix 1**.

### Summary

Officers have been able to make some positive progress in securing affordable housing on the site, enabled through use of grant funding sources. This would see 23 properties (the same ones as the original S106 units) on this development site being purchased by Flagship to be used and managed as affordable dwellings. Given that the developer’s affordable housing contribution on this site would still remain at 0%, the previously discussed viability review mechanism would still need to form part of the revised legal agreement in the event that developer profit for the development exceeds 17.5%.

For clarity an updated officer recommendation for this application is set out below.

### **RECOMMENDATION:**

**Delegate APPROVAL to the Assistant Director for Planning subject to:**

- 1. The completion of a deed of variation to the original Section 106 Agreement associated with the approval of application PF/17/1803, or completion of a new Section 106 Agreement, whichever is more appropriate, to secure the updated affordable housing position and review mechanism;**
- 2. The imposition of appropriate conditions (draft list attached at Appendix 2);**
- 3. Any other conditions that may be considered necessary at the discretion of the Assistant Director for Planning; and**
- 4. In the event that the Deed of Variation cannot be secured within three months of the date of Committee resolution to approve, to return the matter to the Development Committee for further consideration.**

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**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**

**Target Date:** 03<sup>rd</sup> March 2023

**Extension of Time:** 03<sup>rd</sup> March 2023

**Case Officer:** Russell Stock

**Variation of Condition Application**

**RELEVANT SITE CONSTRAINTS:**

Within the defined Residential Area and Settlement Boundary of Holt

Part of a Mixed Use Allocation (site allocation Policy HO9)

The application proposes development within a defined County Wildlife Site

Within a Mineral Safeguard Area

Within a Contaminated Land Area/Buffer

Within an area of Controlled Water Risk - Medium (Ground Water Pollution)

Development is within 60m of Class A road and is adjacent to a defined Principal Route (A148), Access from a C Road, in the vicinity of an Unclassified Road

**RELEVANT PLANNING HISTORY:**

**Reference PF/17/1803**

Description 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

Decision Approved 02.06.2021

**Reference CD/21/2590**

Description Discharge of Condition 5 (CEMP - Construction Environmental Management Plan) of planning permission PF/17/1803

Decision Condition Discharge Reply 28.07.2022

**Reference CD/21/2794**

Description Discharge of Condition 13 (detailed schemes, including full engineering and construction details for on and off-site highway improvement works) of planning ref: 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

Decision Condition Discharge Reply 06.01.2023

**Reference CD/21/2795**

Description Discharge of Condition 37 (full engineering, drainage, street lighting and constructional details) of planning ref: 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

Decision Condition Discharge Reply 05.08.2022

<b>Reference</b>	<b>CD/21/3202</b>
Description	Discharge of condition 7 (Arboricultural Method Statement) 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)
Decision	Condition Discharge Reply 31.03.2022
<b>Reference</b>	<b>CD/21/3325</b>
Description	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)
Decision	Condition Discharge Reply 29.07.2022
Appeal	Currently Pending Decision
<b>Reference</b>	<b>CD/21/3326</b>
Description	Discharge of condition 22 (noise mitigation) 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)
Decision	Currently Pending Decision
<b>Reference</b>	<b>CD/21/3327</b>
Description	Discharge of condition 29 (Foul Drainage Scheme) 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)
Decision	Condition Discharge Reply 08.06.2022
<b>Reference</b>	<b>CD/21/3328</b>
Description	Discharge of condition 27 (surface water) 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)
Decision	Condition Discharge Reply 08.06.2022
<b>Reference</b>	<b>CD/21/3329</b>
Description	Discharge of condition 12 (Ecological Enhancement Plan) 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)
Decision	Condition Discharge Reply 20.05.2022
<b>Reference</b>	<b>CD/21/3441</b>
Description	Discharge of condition 3 (Reptile Migration)) 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)

Decision Condition Discharge Reply 14.04.2022

**Reference CD/21/3442**

Description Discharge of condition 31 (Energy Statement) 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)

Decision Condition Discharge Reply 20.05.2022

**Reference CD/21/3468**

Description Discharge of conditions 17 (Landscape & Ecological management Plan) and 19 (Landscaping) 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)

Decision Condition Discharge Reply 06.04.2022

**Reference CD/22/0085**

Description Discharge of condition 33 (Accessible and Adaptable Dwellings) 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)

Decision Condition Discharge Reply 06.04.2022

**Reference CD/22/0129**

Description Discharge of condition 35 (Fire Hydrant Scheme) 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)

Decision Condition Discharge Reply 26.04.2022

**THE APPLICATION**

This application seeks to vary Conditions 2 and 24 for planning permission reference: PF/17/1803 to amend the plans to reflect an updated on-site affordable housing provision of 0% from the original 44% approved, and to update the previously approved land contamination report.

**REASONS FOR REFERRAL TO COMMITTEE**

At the request of the Assistant Director for Planning in the public interest given that the initial application was heard by the Development Committee in Dec 2020, with affordable housing provision being a key element of the development.

**LOCAL WARD COUNCILLOR COMMENTS**

Cllr Perry-Warnes:

“This proposal is very upsetting, particularly as we recently lost a substantial number of affordable housing due to NNDC mistakes. Far from making up the shortfall as promised, this

reduction to 0% is being considered. I am sure you can appreciate the level of anger and outrage the people of Holt feel about this, which I share.”

“I am grateful that you have given me another opportunity to express my dismay that, once again, Holt will lose much needed affordable home provision. I am concerned that the objection I raised in an earlier email has not been recorded as a consultee comment on the website.

As you correctly identified, this is not the outcome we want and need. Holt has many new developments which are not meeting local needs and making Holt an unaffordable option for many whose families have been based in Holt for decades and even generations. This development received lukewarm initial support due to its detrimental impact on traffic on the Hempstead Road, despite the Highways assessment, and it was the need for the affordable homes which tipped the balance. If it is no longer viable with the affordable home provision, then it should be stopped until it is viable.

Affordable homes are not an optional extra, and Hopkins Homes and all developers need to know that. Allowing them to provide none, and to presumably replace them with market houses to render the scheme viable, sends the wrong message and sets a precedent. I suggest that they go back to the drawing board and make the numbers work without dropping the affordable home provision.”

Cllr Eric Vardy:

“I have been in communication with Cllr Perry Warnes and Holt Town Council regarding this application and I fully concur with Cllr Perry Warnes email comments regarding this. Holt is in desperate need for affordable accommodation, I appreciate that a viability study has been completed, however these are often carried out to the advantage of the developers who are often able but not willing to make changes.”

## **PARISH/TOWN COUNCIL**

### **Holt Town Council:**

“Holt Town Council strongly object to the planning proposal to remove all affordable housing from the site off Hempstead Road.

NNDC’s own evidence states the clear need for more affordable housing in Holt, unfortunately it is becoming increasingly difficult for many to be able to afford to live in the town, in which they were born. The town recently missed out on affordable housing on the Cley Road development and simply cannot afford to miss out again.

Affordable homes are needed for those wanting to work in the town, the two new care homes in the town will provide many new jobs, but the workers require homes to live in! Holt is losing the younger generations, who have no choice but to move away to more affordable areas of Norfolk.

Cllrs know every single affordable house provided can make such a difference. They have already accepted a reduction on this site and made allowances for the financial climate. It must be remembered that it is the same cost of living crisis in which residents are struggling with. Now more than ever more help is required to secure affordable housing for the families of Holt.

Holt is fortunate as it sits outside the Nitrate Vulnerable Zone, the Norfolk Homes site at Cley Road site has just got started and as such Cllrs are prepared to wait for the Hempstead Road site to be developed. In short, they would prefer to wait, until such a time the affordable housing can be achieved as planned, rather than see the site developed with 0% affordable homes provided.

It is concerning that Hopkins Homes are claiming that the Hempstead Road site is unviable in Holt, which is a High Value District, where does this leave other proposed developments across North Norfolk?

Holt Town Council requests that members call this planning re-consultation into Committee, to be discussed further, and asks that this letter is shared with the Cllrs of the Development Management Committee.”

## **CONSULTATIONS:**

**Environmental Health Officer: No objection, subject to condition.**

**Strategic Housing: In principle does not support the loss of Affordable Housing, however in relation to this application the independent viability assessor’s comments are noted/understood.**

## **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 SS 1 (Spatial Strategy for North Norfolk)  
Policy SS 3 (Housing)  
Policy SS 4 (Environment)  
Policy SS 6 (Access and Infrastructure)  
Policy SS 9 (Holt)  
Policy HO 1 (Dwelling Mix and Type)  
Policy HO 2 (Provision of Affordable Housing)  
Policy HO 7 (Making the Most Efficient Use of Land (Housing Density))  
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 8 (Protecting and Enhancing the Historic Environment)  
Policy EN 9 (Biodiversity & Geology)  
Policy EN 10 (Development and Flood Risk)  
Policy EN 13 (Pollution and Hazard Prevention and Minimisation)  
Policy CT 2 (Developer Contributions)  
Policy CT 3 (Provision and Retention of Local Facilities and Services)  
Policy CT 5 (The Transport Impact of New Development)  
Policy CT 6 (Parking Provision)

### **North Norfolk Site Specific Allocations Development Plan Document (DPD) (Adopted February 2011):**

Policy HO9 (Land at Heath Farm / Hempstead Road:

### **Minerals and Waste Development Framework - Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026**

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 (January 2021)  
North Norfolk Landscape Sensitivity Assessment (January 2021)

### **National Planning Policy Framework (2021):**

Chapter 2 (Achieving sustainable development)

Chapter 4 (Decision-making)  
Chapter 5 (Delivering a sufficient supply of homes)  
Chapter 6 (Building a strong, competitive economy)  
Chapter 8 (Promoting healthy and safe communities)  
Chapter 9 (Promoting sustainable transport)  
Chapter 11 (Making effective use of land)  
Chapter 12 (Achieving well-designed places)  
Chapter 14 (Meeting the challenge of climate change, flooding and coastal change)  
Chapter 15 (Conserving and enhancing the natural environment)  
Chapter 16 (Conserving and enhancing the historic environment)  
Chapter 17 (Facilitating the sustainable use of minerals)

**Other material documents/guidance:**

Heath Farm Development Brief (July 2013)  
Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)  
Technical housing standards – nationally described space standard (March 2015)  
National Design Guide (2019)

**SITE DESCRIPTION**

The application site comprises an irregular shaped piece of rough grassland / scrub of approximately 2.8 hectares in area behind (north) of 67 Hempstead Road. Development has commenced on site following the grant of permission PF/17/1803. Surrounding developments have also progressed since the determination of PF/17/1803, in most other respects, the site description set out within the Committee Report for PF/17/1803 remains largely reflective of the current site context.

**OFFICER ASSESSMENT:**

**MAIN ISSUES FOR CONSIDERATION:**

- 1. Housing Land Supply Position**
- 2. Principle of Development**
- 3. Affordable Housing**
- 4. Contaminated Land**
- 5. Other Matters**

**1. Housing Land Supply Position**

The National Planning Policy Framework (NPPF) requires Local Planning Authorities to identify a five-year supply of specific deliverable sites to meet housing needs. At the current time the council is unable to demonstrate that it has 5 years' worth of deliverable sites. Planning applications will therefore be considered in line with paragraph 11 of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

## **2. Principle of Development**

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary a condition imposed upon a decision already granted planning permission by the Local Planning Authority (LPA). Section 73 of the Act instructs the Local Planning Authority to consider the variation to, or relief of conditions that are applied for, stating that "if...[the LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted....they shall grant permission accordingly" (s.73(1)(a)). As such, the Local Planning Authority can grant permission unconditionally or subject to different conditions, or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.

The variation to the planning permission would not revoke the development, however, the grant of a planning permission under Section 73 essentially provides a new planning permission. It is therefore necessary to reconsider the overall development proposal against the development plan.

Since the grant of planning permission on 02.06.2021 in respect of application PF/17/1803 there has been a change in national planning policy as contained within the NPPF. The changes made to the policies however do not significantly differ from those contained within the previous versions of the NPPF with regard to the matters relevant in this case. The below assessment has had regard to the latest version of the NPPF which was published in July 2021. The assessment has also had regard to the Development Plan and all relevant guidance, some of which has been updated since the consideration of application PF/17/1803.

In this instance the principle of development on the site has been established following the grant of planning permission under application PF/17/1803. This application seeks permission to amend the scheme approved under PF/17/1803. These changes relate to the site wide dwelling type layout and is a result of the Applicants intentions to remove all provision of affordable dwellings from the site. This would result in the 23 dwellings originally secured as 'affordables' becoming available on the open market. Further discussion on these changes are set out within the sections below.

## **3. Affordable Housing**

Policy HO 2 of the Core Strategy states that planning permissions for the erection of new dwellings or conversion of existing buildings to dwellings will be permitted provided that, where it is viable to do so, the scheme provides affordable housing. For developments such as this one, Policy HO 2 expects the provision of 45% Affordable Housing and of those, 80% should be affordable rent and 20% should be shared ownership. Site allocation Policy HO9 which covers this development reflects this policy requirement.

The NPPF sets out at paragraph 65 that where major development involving the provision of housing is proposed, planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. Paragraph 58 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at

the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

The Governments Planning Practice Guidance states any viability assessment should be supported by appropriate available evidence informed by engagement with developers, landowners, and infrastructure and affordable housing providers. Any viability assessment should follow the government’s recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available. In decision making, viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.

As approved under application PF/17/1803, 23 of the 52 dwellings were secured as affordable housing (44%), comprising 17 (74% of the affordable dwellings) as Affordable Rental tenure and 6 (26% of affordable dwellings) as Shared Ownership tenure. No viability assessment was put forward by Hopkins Homes, the Applicant, for application PF/17/1803, and therefore in line with paragraph 58 of the NPPF, it can be assumed that the development was viable.

However, following a review of the economic viability of the development approved under application PF/17/1803, the Applicants have submitted this Section 73 Application to remove all on-site provision of affordable housing and have supported their position with a detailed viability report. It was during the course of the consideration of this application that this report was amended to remove all on-site affordable housing. The initial submission sought a reduction from the secured 23 affordable dwellings down to 10 Section 106 secured affordable dwellings, whilst a further 8 were being put forward to be delivered as affordable via grant funding (not secured via legal agreement).

As part of the assessment of this application the Council instructed an Independent Viability Assessor to review the Applicant’s viability case. This review found that the evidence produced and methodology followed by Pathfinder on behalf of the Applicants, was sound and whilst there were some errors identified, these were minor and did not have a material impact on the outcome of the appraisals. The appraisals produced by Pathfinder achieve the following outcomes:

	<b>% Affordable Housing</b>	<b>Section 106 Obligations</b>	<b>Developer Profit</b>	<b>Viability Deficit</b>
<b>Base</b>	45%	£432,691	17.5%	£3,500,771
<b>Option 1</b>	0%	£432,691	17.5%	£1,566,904
<b>Option 2</b>	0%	£0	15%	£681,224
<b>Option 3</b>	0%	£432,691	15% plus reduced build cost	£315,014

In all scenarios the financial appraisals result in a viability deficit. Hence, the applicants claim the development is no longer sufficiently viable to deliver any affordable housing.

The Independent Viability Assessor’s review concludes that the Pathfinder assessments and findings are appropriate and suitably demonstrate that the proposed development is now not sufficiently viable to support the delivery of any affordable housing. It is however recommended that a review mechanism is secured in order that the final outcome of the development can be established and provide for the payment of commuted sums if the 17.5% agreed profit return is improved upon.

The Council do not wish to see the removal of affordable housing provision from this scheme or indeed any other, given the significant identified need for such housing within Holt and the wider district. That being said, the independent and expert review of the viability evidence provided by the Applicants has been found sound. The guidance highlighted above makes it clear that the weight to be given to a viability assessment is a matter for the decision maker. Having regard to the circumstances in this case, that the findings of the assessment have been found sound, appropriately evidenced and in accordance with relevant guidance and requirements, it is considered that this assessment can be given weight in reaching the decision.

The review mechanism to be secured via legal agreement provides some comfort that any changes in circumstances which result in higher levels of developer profits would ensure that commuted sums towards affordable housing provision would be made.

Therefore, whilst it is undesirable for a scheme of this scale not to be providing on-site affordable housing which helps to create mixed, inclusive and diverse communities, the evidence provided by Hopkins Homes, the Applicants, has been found sufficient to justify this approach. On this basis, it is considered that refusal of the proposals on this matter would be difficult to sustain in light of both local and national planning policy provisions and government guidance in respect to developer profit and scheme viability.

#### **4. Contaminated Land**

This application seeks to vary Condition 24 of the planning permission granted under application PF/17/1803. This condition related to contamination matters and ensured that the development was carried out in accordance with the approved assessments covering these issues. The applicant has submitted a Supplementary Phase II Geoenvironmental Assessment alongside a Remediation Method Statement as part of this application. These reports are updated versions of those originally considered as part of application PF/17/1803, and which were secured via Condition 24.

The Environmental Protection Officer (EPO) has considered these assessments and states that they are sufficiently robust and detailed in so far that if implemented, would meet the obligations of the developer to mitigate the contamination risks identified on site. The EPO therefore raises no objection to the proposed development, subject to an amended condition to secure the recommendations and procedures set out within the revised assessments.

Subject to an amended condition in this respect, the development would accord with the requirements of Policy EN 13 of the Core Strategy which seek to protect public health and safety.

#### **5. Other Matters**

##### Housing mix

Whilst the proposed development would see the removal of all on-site affordable dwellings, the proposed housing mix would remain as that approved under application PF/17/1803. A mix that was found to satisfy Policy HO 1 of the Core Strategy.

##### Conditions

The grant of a planning permission under Section 73 enables the Local Planning Authority to impose planning conditions that are deemed appropriate and meet the relevant tests as cited

within the NPPF (paragraph 57). Given that the application provides a new planning permission, it is considered necessary and reasonable to continue to impose those planning conditions attached to planning permissions PF/17/1803 that remain relevant to the development for clarity and completeness, with amended phrasing where applicable.

### **Planning Balance/Conclusion**

As highlighted above, the loss of the provision of 23 affordable homes from this 52 dwelling residential development is not a welcomed progression. This would weaken the creation of a vibrant, mixed and inclusive development which helps to meet identified affordable housing needs. In this instance however, the Applicant has provided sufficient evidence to justify their decision to alter the plans. This evidence has been independently assessed and a review mechanism put forward to ensure that any unexpected exceedance of profits is appropriately routed back towards the provision of affordable dwellings in the public interest.

The updated contamination assessments have been found to be acceptable and amended conditions are suggested which would secure the recommendations set out within.

The proposals do not seek to amend PF/17/1803 beyond that set out above. Consideration has been given to the latest policy position and relevant guidance when assessing this submission. The proposals have also been considered in line with paragraph 11 of the NPPF and it is not considered in this instance that the harms identified would outweigh the benefits associated with the development.

### **RECOMMENDATION:**

**Delegate APPROVAL to the Assistant Director for Planning subject to:**

- 1. The completion of a deed of variation to the original Section 106 Agreement associated with the approval of application PF/17/1803, to secure the updated affordable housing position and review mechanism.**
- 2. The imposition of appropriate conditions** (detailed list of conditions to be provided to Development Committee ahead of the meeting);
- 3. Any other conditions that may be considered necessary at the discretion of the Assistant Director for Planning; and**
- 4. In the event that the Deed of Variation cannot be secured within three months of the date of Committee resolution to approve, to return the matter to the Development Committee for further consideration.**

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Draft conditions for RV/22/0308

1.

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as where amendments or further details may be required in order to discharge specific condition(s) attached to this decision:

The following drawing numbers produced by Hopkins Homes issues 10/02/2023:

- 009 Rev E 'Planning Layout – Proposed S106 DOV'
- 010 Rev E 'External Works Layout – Proposed S106 DOV'

Additionally, for clarity the development hereby permitted shall be carried out in accordance with the following plans submitted under application PF/17/1803:

The following drawing numbers produced by Hopkins Homes issued 03/11/2017:

- 001 Rev: A 'Location Plan'

The following drawing numbers produced by Hopkins Homes issued 18/09/2018:

- 006 Rev: - 'Boundary Treatment Details'
- 303 Rev: A 'Substation Floor Plans & Elevations'
- 304 Rev: A 'Pumping Station Enclosure Floor Plan & Elevations'

The following drawing numbers produced by Hopkins Homes issued 11/05/2020:

- 300 Rev: B 'Single Garage Floor Plan & Elevations'
- 301 Rev: B 'Twin Garage Floor Plan & Elevations'
- 1001 Rev: - 'House Type 1291 Floor Plans' [Plots 1, 35h]
- 1002 Rev: - 'House Type 1291 Elevations' [Plots 1, 35h]
- 1003 Rev: - 'House Type 885 Floor Plans' [Plot 2]
- 1004 Rev: - 'House Type 885 Elevations' [Plot 2]
- 1005 Rev: - 'House Type 1032 Floor Plans and Elevations' [Plot 3]
- 1006 Rev: - 'House Type 777, 951 Floor Plans' [Plots 21-23]
- 1009 Rev: - 'House Type 754 Floor Plans' [Plots 27-28]
- 1010 Rev: - 'House Type 754 Elevations' [Plots 27-28]
- 1011 Rev: - 'House Type 754 Floor Plans' [Plots 29-31]
- 1012 Rev: - 'House Type 754 Elevations' [Plots 29-31]
- 1013 Rev: - 'House Type 1550 Floor Plans' [Plots 36, 37]
- 1014 Rev: - 'House Type 1550 Elevations' [Plots 36, 37]
- 1016 Rev: - 'House Type 1469 Elevations 1' [Plots 38-39]
- 1018 Rev: - 'House Type 1021 Floor Plans' [Plots 40-43]
- 1019 Rev: - 'House Type 1021 Elevations' [Plots 40-43]
- 1020 Rev: - 'House Type 1033, 882 Floor Plans' [Plots 44-45]
- 1021 Rev: - 'House Type 1033, 882 Elevations' [Plots 44-45]
- 1022 Rev: - 'House Type 1179, 1194 Floor Plans' [Plots 46-47]
- 1023 Rev: - 'House Type 1179, 1194 Elevations 1' [Plots 46-47]
- 1024 Rev: - 'House Type 1179, 1194 Elevations 2' [Plots 46-47]
- 1025 Rev: - 'House Type 1021 Floor Plans' [Plots 48-49]

- 1026 Rev: - 'House Type 1021 Elevations' [Plots 48-49]
- 1027 Rev: - 'House Type 777 Floor Plans' [Plots 50-52]
- 1028 Rev: - 'House Type 777 Elevations' [Plots 50-52]
- 2001 Rev: - 'House Type 1009 Floor Plans' [Plots 4-5]
- 2002 Rev: - 'House Type 1009 Elevations' [Plots 4-5]
- 2003 Rev: - 'House Type 743 Floor Plans' [Plot 6]
- 2004 Rev: - 'House Type 743 Elevations' [Plot 6]
- 2009 Rev: - 'House Type 1104 Floor Plans' [Plots 13-15]
- 2010 Rev: - 'House Type 1104 Elevations' [Plots 13-15]
- 2011 Rev: - 'House Type 743 Floor Plans' [Plot 16]
- 2012 Rev: - 'House Type 743 Elevations' [Plot 16]
- 2013 Rev: - 'House Type 542 Floor Plans' [Plots 17-18, 19-20]
- 2014 Rev: - 'House Type 542 Elevations' [Plots 17-18, 19-20]

The following drawing numbers produced by Hopkins Homes issued 03/11/2020:

- 004 Rev: D 'Proposed Materials Plan'
- 005 Rev: E 'Planning Layout Overlay with Adjacent Sites'
- 1007 Rev: A 'House Type 777, 951 Elevations 1' [Plots 21-23]
- 1008 Rev: A 'House Type 777, 951 Elevations 2' [Plots 21-23]
- 1015 Rev: A 'House Type 1469 Floor Plans' [Plots 38-39]
- 1017 Rev: A 'House Type 1469 Elevations 2' [Plots 38-39]
- 2005 Rev: A 'House Type 540 Floor Plans 1' [Plots 7-12]
- 2006 Rev: A 'House Type 540 Floor Plans 2' [Plots 7-12]
- 2007 Rev: A 'House Type 540 Elevations 1' [Plots 7-12]
- 2008 Rev: A 'House Type 540 Elevations 2' [Plots 7-12]
- 2015 Rev: A 'House Type 904, 859 Floor Plans' [Plots 24-26, 32-34]
- 2016 Rev: A 'House Type 904, 859 Elevations' [Plots 24-26, 32-34]

Reason: For the avoidance of doubt in the interests of proper planning and to ensure the development is carried out in accordance with the expressed intentions of the application submission and to ensure the satisfactory development of the site, in accordance with Policies SS 9, EN 2, EN 4, EN 9, EN 10, CT 5 and CT 6 of the adopted North Norfolk Core Strategy and Policy HO9 of the North Norfolk Site Specific Allocations Development Plan Document (DPD) (Adopted February 2011).

2.

The development hereby permitted shall be carried out in strict accordance with the Reptile Condition Compliance Letter Report, prepared by Southern Ecological Solutions (SES) dated 17 December 2021, and the Additional Information to Support Reptile Condition Compliance Letter Report, prepared by SES dated 4 April 2022, approved under Condition 3 of PF/17/1808 on 14.04.2022 (Condition application reference: CD/21/3441).

Reason: In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy, paragraphs 174 and 180 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).

3.

The development hereby permitted shall be carried out in strict accordance with the Construction Environmental Management Plan (CEMP) prepared by Hopkins Homes dated May 2022 and received by the Local Planning Authority on 16 June 2022 and approved under application CD/21/2590 on 28.07.22.

All works and ancillary operations which are audible at the site boundary or at such other place as would result in unacceptable harm shall be carried out only between the following hours:

- a) 08:00 hours and 18:00 hours Monday to Fridays;
- b) 08:00 hours to 13:00 hours Saturdays; and
- c) At no time on Sundays or Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Reason: To ensure that construction activities in relation the development hereby permitted do not result in unacceptable impacts in accordance with the requirements of Core Strategy Policies EN 9 and EN 13.

4.

The development hereby permitted shall be carried out in strict accordance with drawing no. 9078-D-AIA, Rev B, Tree Survey, received on 9 March 2022, and the Arboricultural Method Statement & Tree Protection Plan, Revision B, received on 9 March 2022 and approved under application CD/21/3202 on 31.03.2022.

Development affecting retained tree (ref: T011 - English Oak) shall only take place in accordance with the approved Arboricultural Method Statement referenced above.

Reason: To ensure the works carried out will protect the health of the tree to be retained on the site in the interests of the visual amenity, and the character and appearance of the area, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

5.

Except in relation to the additional tree now to be retained (ref: T011 - English Oak) which is subject to the requirements of Condition 4, works on site shall be undertaken in strict accordance with the Tree Survey, Arboricultural Impact Assessment Preliminary arboricultural Method Statement & Tree Protection Plan produced by Hayden's Arboricultural Services dated 18 January 2019 and the accompanying tree protection plan (drawing number: 6151-D-AIA dated 17/01/2019).

All the existing trees identified to be retained shall be protected from damage during the course of the development by means of protective fencing in accordance with the details specified in BS5837:2012 Trees in relation to Design, Demolition and Construction: Recommendations to the reasonable satisfaction of the Local Planning Authority. Protective fencing around trees shall be maintained during the period of construction works. Within the fenced area(s) no soil, fuel, chemicals or materials shall be stored, temporary buildings erected plant or vehicles parked or fires lit.

Reason: To ensure the works carried out will protect the health of the trees and hedges on the site in the interest of the visual amenity, and the character and appearance of the area, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

6.

The Mitigation and Enhancement Measures contained within the Ecological Impact Assessment Report produced by Southern Ecological Solutions (SES) dated 20 December 2018 including the measures set out within that document at Appendix 10. 'Ecological Enhancement Plan' shall be provided in full in accordance with an ecological enhancement delivery timetable approved on the 20.05.22 under application CD/21/3329 (Discharge of Condition 12 of PF/17/1803). The approved details include:

- Drawing No. 200.1, Rev I, External Works Layout, received on 27 April 2022
- Document No. LA3587-LEMP-01B, Landscape & Ecological Management Plan & Open Space Specification

The Mitigation and Enhancement Measures provided shall be retained for their intended purpose thereafter.

Reason: In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy, paragraphs 174 and 180 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 permitted shall be carried out in strict accordance with the following plans insofar as they relate to the first two criteria (as set out below – i. and ii.) as contained within Condition 13 of application PF/17/1803 and which were submitted as part of application CD/21/2794 and approved on 06.01.23.

i. a detailed scheme for the Hempstead Road crossing point. (in broad accordance with drawing number: IP14-019-10-278 Revision: C 'SMALL HIGHWAY WORKS PROPOSALS HEMPSTEAD ROAD FOOTPATH LINKS' produced by Ingent Consulting Engineers dated June 2018);

ii. a detailed scheme for the proposed highway access designs into the site including gateway feature and splays (In broad accordance with drawing number: IP14\_019\_10\_SK002 Revision: E 'PROPOSED SITE ACCESS 30mph' produced by Ingent Consulting Engineers dated April 2016 and drawing number: IP14-019-10-300 Revision: - 'HIGHWAY WORKS MASTERPLAN HEMPSTEAD ROAD ALL DEVELOPERS' produced by Ingent Consulting Engineers dated Nov 2020);

- Drawing no. 278F, S278 General Arrangement, received on 29 July 2022;
- Drawing no. 281C, S278 Site Clearance, received on 29 July 2022;
- Drawing no. 285A, S278 Land Dedication, received on 29 July 2022;
- Drawing no. 290D, S278 Construction Details Sheet 1, received on 29 July 2022;
- Drawing no. 291D, S278 Construction Details Sheet 2, received on 29 July 2022;
- Drawing no. 300C, S278 Location Plan, received on 29 July 2022;
- Drawing no. 280F, S278 Kerb Layout, received on 29 July 2022;

- Drawing no. 071M, Engineering Layout Sheet 2, received on 3 October 2022;
- Drawing no. 072P, Engineering Layout Sheet 3, received on 3 October 2022;
- Drawing no. 073K, Engineering Layout Sheet 4, received on 3 October 2022;
- Drawing no. 070K, Engineering Layout Sheet 1, received on 3 October 2022;
- Drawing no. 200.1, Revision L, External Works Layout, received on 3 October 2022

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor and to ensure that the highway network is adequate to cater for the development proposed in accordance with Policies SS 6, CT 2 and CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework.

8.

Prior to the occupation of the first dwelling on site, the highway improvement works referred to in Condition 7 above shall be completed in accordance with the approved details. Thereafter, the works shall be retained as such in accordance with the approved details.

Reason: To ensure the highway works are provided in accordance with the approved details and to ensure that the highway network is adequate to cater for the development proposed in accordance with Policies SS 6, CT 2 and CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework.

9.

Prior to the first occupation of the development hereby approved, a detailed scheme, including full engineering and construction details shall be submitted in writing to the Local Planning Authority in respect to the developments links to the adjoining sites' cycle/pedestrian paths and public open space (In broad accordance with drawing number: IP14-019-10-300 Revision: - 'HIGHWAY WORKS MASTERPLAN HEMPSTEAD ROAD ALL DEVELOPERS' produced by Ingent Consulting Engineers dated Nov 2020).

Prior to the occupation of the fifth dwelling on site, the highway/path/link works referred to within this condition shall be completed in accordance with the approved details. Thereafter, the works shall be retained as such in accordance with the approved details.

Reason: To ensure that the highway/path/link works are designed to an appropriate standard in the interest of highway safety, to protect the environment of the local highway corridor, to ensure that the highway network is adequate to cater for the development proposed, and to ensure that suitable connections are provided with surrounding areas to support the use of low carbon modes of transport and to ensure that the development helps to support inclusive and connected communities in accordance with Policies SS 6, CT 2 and CT 5 of the adopted North Norfolk Core Strategy, Policy H09 of the adopted North Norfolk Site Allocations Development Plan Document (2011) and Chapters 8, 9 and 14 of the National Planning Policy Framework.

10.

The development hereby permitted shall be carried out in strict accordance with the following details which were submitted under application CD/21/3468 - Discharge of Condition 17 (Landscape and Ecological Management Plan) and Condition 19 (Hard and Soft Landscaping Scheme) of application PF/17/1803 and approved on 06.04.2022:

- Drawing no. AC-N-684, Rev A, Proposed Parish Lighting Layout, dated 24 December 2021;
- Document no. LA3587-LEMP-01B, Landscape & Ecological Management Plan, dated 24 December 2021;
- Drawing no. 100E, Landscape Strategy, received on 9 March 2022;
- Drawing no. 101E, Planting Plan 1 of 2, received on 9 March 2022;
- Drawing no. 102E, Planting Plan 2 of 2, received on 9 March 2022.

Reason: In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraphs 174 and 180 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).

11.

The external materials to be used in the construction of the development hereby permitted shall be in accordance with the details set out on drawing number: 004 Rev: D 'Proposed Materials Plan' produced by Hopkins Homes as issued on 03/11/2020.

Reason: To ensure the satisfactory appearance of the development in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

12.

Prior to first occupation of the development hereby permitted, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the protection of proposed residential properties from noise emanating from road traffic along Hempstead Road and commercial noise from adjacent commercial premises.

Reason: To control the impacts of noise in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

13.

The noise control measures to be approved as part of the discharge of Condition 12 of this planning permission shall be implemented in full prior to occupation of any proposed dwellings subject of the noise control scheme.

Reason: To control the impacts of noise in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

14.

The development hereby permitted shall be undertaken in strict accordance with the Contamination and Remediation Recommendations (including Ground Gas Measures) as set out within Section 4, 6 and 7 of the Remediation Method Statement (ref: 1828 R02: Issue 1) produced by Green Earth Management Company Ltd (GEMCO).

Reason: In the interests of public health and safety and in accordance with the requirements of Policy EN13 of the adopted North Norfolk Core Strategy

15.

Prior to the occupation of the first dwelling on site, a site phasing scheme for verification that works have been undertaken in accordance with the requirements of Condition 14 shall be submitted to and approved in writing by the Local Planning Authority.

The development hereby permitted shall carried out in strict accordance with the site phasing scheme for verification to be submitted and approved as part of this condition.

Reason: In the interests of public health and safety and in accordance with the requirements of Policy EN13 of the adopted North Norfolk Core Strategy

16.

The development hereby permitted shall be carried out in strict accordance with the following details which were submitted under application CD/21/3328 - Discharge of Condition 27 (Surface Water) of application PF/17/1803 and approved on 08.06.2022:

- Drawing no. 063, Private Drainage Construction Details – Sheet 1, dated 13 December 2021
- Drawing no. 064, Private Drainage Construction Details – Sheet 2, dated 13 December 2021
- Drawing no. 070E, Engineering Layout – Sheet 1, dated 13 December 2021
- Drawing no. 071F, Engineering Layout – Sheet 2, dated 13 December 2021
- Drawing no. 072F, Engineering Layout – Sheet 3, dated 13 December 2021
- Drawing no. 073C, Engineering Layout – Sheet 4, dated 13 December 2021
- Drawing no. 090, Manhole Schedules, dated 13 December 2021
- Drawing no. 104D, Section 104 Layout, dated 13 December 2021
- Drawing no. 110, Section 104 Construction Details, dated 13 December 2021
- SuDS Strategy, dated 13 December 2021

There shall be no development on site other than in accordance with the surface water drainage scheme approved.

No buildings shall be occupied until the relevant works have been carried out in accordance with the approved details. Interim and long-term ownership and management responsibilities for the surface water drainage features shall be undertaken in accordance with the approved scheme.

The approved surface water drainage scheme shall be retained thereafter.

Reason: To ensure satisfactory drainage / surface water disposal in accordance with Policy EN 10 of the adopted North Norfolk Core Strategy.

17.

The development hereby permitted shall be carried out in strict accordance with the following details which were submitted under application CD/21/3327 - Discharge of Condition 29 (Foul Drainage Scheme) of application PF/17/1803 and approved on 08.06.2022:

- Full Water Pump Station Plans, dated 13 December 2021
- Manhole Schedules, dated 13 December 2021
- Pump Station Construction Details – Sheet 1, dated 13 December 2021
- Pump Station Construction Details – Sheet 2, dated 13 December 2021
- Pump Station Construction Details – Sheet 3, dated 13 December 2021
- Section 104 Layout, dated 13 December 2021
- Pump Station Technical Submission B, dated 13 December 2021
- Drawing no. IP14\_019\_10\_SK003, Revision C, received 11 January 2022
- Drawing no. 003, Revision J, received 19 April 2022
- Agent correspondence regarding the management and maintenance of foul water system, received 19 May 2022
- Agent correspondence regarding foul water discharge, received 30 May 2022

There shall be no development on site other than in accordance with the foul water drainage scheme approved.

No buildings shall be occupied until the relevant works have been carried out in accordance with the approved details. Interim and long-term ownership and management responsibilities for the foul water drainage features shall be undertaken in accordance with the approved scheme.

The approved foul water drainage scheme shall be retained thereafter.

Reason: To ensure satisfactory drainage / sewerage disposal in accordance with Policy EN 10 of the adopted North Norfolk Core Strategy and to ensure that expectations within the Habitats Regulations Assessment are met.

18.

The development hereby permitted shall be carried out in strict accordance with the following details which were submitted under application CD/21/3442 - Discharge of Condition 31 (Decentralised, renewable or low-carbon energy sources) of application PF/17/1803 and approved on 20.05.2022:

- Energy Statement prepared by JSP Sustainability Limited and received by the Local Planning Authority on 22 December 2022;
- Agent's email received by the Local Planning Authority on 19 April 2022;
- Site Plan, Revision R2, received by the Local Planning Authority on 27 April 2022;
- HT 540, Revision R1, received by the Local Planning Authority on 27 April 2022;
- HT 859, Revision R2, received by the Local Planning Authority on 27 April 2022;
- HT 1021 Left, Revision R3, received by the Local Planning Authority on 27 April 2022;
- HT 1021 Right, Revision R3, received by the Local Planning Authority on 27 April 2022;
- HT 1550, Revision R2, received by the Local Planning Authority on 27 April 2022;
- Solar PV Schematic, received by the Local Planning Authority on 27 April.

The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.

Reason: In the interests of achieving the required level of renewable energy supply in accordance with Policy EN 6 of the North Norfolk Core Strategy.

19.

The development hereby permitted shall be carried out in strict accordance with the following details which were submitted under application CD/22/0085 - Discharge of Condition 33 (Accessible and adaptable dwellings) of application PF/17/1803 and approved on 06.04.2022:

- Drawing no. 200.1, Revision G, External Works Layout, dated 18 January 2022;
- Drawing no. 320.2, Revision A, Floor Plan & Setting Out Plan, Plots 17-18, 19-20 (HT542), dated 18 January 2022;
- Drawing no. 320.3, Revision A, Elevations & Section Details Plots 17-18, 19-20 (HT542), dated 18 January 2022;
- Drawing no. 321.2, Revision A, Ground & First Floor Plan Plots 24-26, 32-34 (HT859), dated 18 January 2022;
- Drawing no. 321.3, Revision A, Floor Setting Out Plans Plots 24-26, 32-34 (HT859), dated 18 January 2022;
- Drawing no. 321.4, Revision A, Elevations & Sections Plots 24-26, 32-34 (HT859), dated 18 January 2022
- Agent's email received on 1 April 2022 confirming that 10 dwellings on this development will comply with Building Regulations M4(2): Category 2 Accessible & Adaptable Dwellings

These dwellings shall be completed in accordance with the agreed 'accessible' specifications.

Reason: To ensure that the dwellings accord with the requirements of Policy HO 1 of the North Norfolk Core Strategy.

20.

The development hereby permitted shall be carried out in strict accordance with Drawing no. X790-W-01, Rev C, entitled Water Design, received by the Local Planning Authority on 4 February 2022 as part of discharge of condition application CD/22/0129 (Condition 35 of PF/17/1803) and approved on 26.04.2022

Development shall be carried out in strict accordance with the scheme approved, which shall be fully operational prior to the first occupation of any dwelling to which the approved scheme relates. No dwelling to which the approved Fire Hydrant scheme relates shall be occupied until such time as fire hydrants intended to serve that property have first been provided.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Policies SS 6 and CT 2 of the adopted North Norfolk Core Strategy.

21.

The development hereby permitted shall be carried out in strict accordance with the following details which were submitted under application CD/21/2795 - Discharge of Condition 37 (Full engineering, drainage, street lighting, and constructional details) of application PF/17/1803 and approved on 05.08.2022:

- Drawing No. 060, Private Road Construction Details Sheet 1, dated 19 October 2021;
- Drawing No. 061, Private Road Construction Details Sheet 2, dated 19 October 2021;
- Drawing No. 062, Private Road Construction Details Sheet 3, dated 19 October 2021;
- Drawing No. 063, Private Drainage Construction Details Sheet 1, dated 19 October 2021;
- Drawing No. 052A, Section 38 Construction Details – Highways, received on 12 April 2022;
- Drawing No. 070H, Engineering Layout, received on 12 April 2022;
- Drawing No. 038H, Section 38 Layout, received on 16 June 2022;
- Drawing No. 050B, Section 38 Construction Details – Sheet 1 Drainage, received on 16 June 2022;
- Drawing No. 051C, Section 38 Construction Details – Sheet 2 Highways, received on 16 June 2022;
- Drawing No. 064A, Private Drainage Construction Details – Sheet 2, received on 16 June 2022;
- Drawing No. 071K, Engineering Layout – Sheet 2, received on 16 June 2022;
- Drawing No. 072K, Engineering Layout – Sheet 3, received on 16 June 2022;
- Drawing No. 073F, Engineering Layout – Sheet 4, received on 16 June 2022;
- Drawing No. 090D, Manhole Schedules, received on 16 June 2022;
- Drawing No. 053, Section 38 Construction Details – Sheet 4 Drainage, received on 16 June 2022

Reason: To ensure that proposed works are designed to an appropriate standard in the interest of highway safety and to ensure that the highway network is adequate to cater for the

development proposed in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

22.

Each dwelling shall not be first occupied until the associated road(s), footway(s) and cycleway(s) from that dwelling to the adjoining County road have been constructed to binder course surfacing level.

Reason: To ensure the highway works are provided in accordance with the approved details and to ensure that the highway network is adequate to cater for the development proposed.

23.

All roads, footways and cycleways within each Phase of development shall be surfaced in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling.

The scheme to be approved shall include details as to when surfacing works are to be completed in full. Thereafter, the surfacing works shall be completed in accordance with the approved scheme.

Reason: For the avoidance of doubt and to ensure the highway works are provided in accordance with the approved details and to ensure that the highway network is adequate to cater for the development proposed in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

24

The development hereby permitted shall be undertaken in accordance with the Full Surfacing Scheme to be submitted and approved under the discharge of Condition 23 of this planning permission.

Reason: For the avoidance of doubt and to ensure the highway works are provided in accordance with the approved details and to ensure that the highway network is adequate to cater for the development proposed in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

25.

Prior to the first occupation of Plots 7-12, a scheme for the secure and covered parking of cycles for Plots 7-12 shall be submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of Plots 7-12, the secure and covered parking of cycles for those plots shall be provided in accordance with the scheme approved. Secure and covered parking for those Plots shall be retained thereafter.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the flats and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies EN 4, CT 5 and CT 6 of the adopted North Norfolk Core Strategy and Chapters 8, 9 and 14 of the National Planning Policy Framework.

26.

Each dwelling shall not be first occupied until associated vehicle, cycle parking and refuse storage areas for that dwelling have been provided in accordance with the approved details.

Reason: To ensure that each dwelling has appropriate parking and refuse storage areas in accordance with the requirements of Policies EN 4 and CT 6 of the adopted North Norfolk Core Strategy.

**CROMER- PF/22/3028** – Installation / re-installation of CCTV cameras in Cromer town centre. Cromer Town Council, 21 Overstrand Road and 13 other locations around Cromer.

## **Minor Development**

**Target Date: 28<sup>th</sup> March 2023**

**Extension of time: 28<sup>th</sup> April 2023**

Case Officer: Ms A Walker

Full Planning Permission

## **RELEVANT SITE CONSTRAINTS**

- The application sites are located within the settlement boundary of Cromer in areas designated as Residential, Open Land, Public Realm, Primary Shopping and Town Centre, in policy terms.
- The application sites are located within the Cromer Conservation Area and affects the setting of Locally Listed and Grade II listed Heritage Assets.
- The application sites are within areas susceptible to Ground and Surface Water Flooding.
- The application sites are within areas of Contaminated Land.

## **RELEVANT PLANNING HISTORY**

Reference PF/00/1381  
Description Erection of six meter pole and cctv photo-scanner dome  
Outcome Approved 17/04/01

Reference PF/03/0132  
Description Relocation of six meter pole with cctv camera dome  
Outcome Approved 03/04/03

Reference PF/00/1490  
Description Erection of six meter pole mounted cctv camera  
Outcome Approved 17/04/01

Reference PF/00/1489  
Description Erection of six meter pole mounted cctv camera  
Outcome Approved 09/02/01

Reference PF/00/1488  
Description Erection of six meter pole mounted cctv camera  
Outcome Approved 17/04/01

Reference PF/00/1382  
Description Erection of six meter pole and cctv photo-scanner dome  
Outcome Approved 05/02/01

Reference PF/00/1380  
Description Erection of eight meter pole and cctv photo-scanner dome  
Outcome Approved 17/04/01

### **THE APPLICATION**

The application seeks permission for installation / re-installation of 11 CCTV cameras in various locations around Cromer town centre and 3 associated bridge antenna infrastructure.

### **REASONS FOR REFERRAL TO COMMITTEE**

The application received a number of objections raising material planning issues. As both Ward Councillor and leader of Cromer Town Council (the Applicant) the application cannot be referred to Councillor Adams under Lead Member Protocol and is therefore referred to the planning committee due to Cllr Adams declared interest.

### **REPRESENTATIONS**

Seven in objection (summarised):

- Too many proposed cameras disproportionate to the crime level - the intrusion of privacy is hugely disproportionate to the small benefits achieved by the installation of the cameras.
- Number of cameras proposed will ruin the ambiance of the town.
- Health concerns regarding the use of Nanobeam technology.
- The previous installations for CCTV were proved to be ineffective and were subsequently removed at a great waste of money
- Number of cameras excessive and infringes on our freedom of movement common law rights to privacy.
- Violation of public right to privacy and unwelcome intrusion into residents' private lives, with no evidence-based justification.
- Cost- It's expensive and the money could be better spent elsewhere the current economic climate/ cost of living crisis.
- People do not consent to be monitored in this way.

### **CONSULTATIONS**

**Cromer Town Council: No response received.**

**Historic England: No advice given.**

**Conservation and Design: No objection.**

**Environmental Health: Support Application.**

**Estates Officer: No response received.**

**County Council Highways: No objection.**

## **(Police) Architectural Liaison Officer/safety Officer: Support Application.**

### **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 - CHAPTER 17**

The application is intended to help reduce crime and disorder within Cromer Town Centre and will also help provide a way of capturing evidence when crime and disorder incidents do occur within the coverage area of the cameras.

### **LOCAL FINANCE CONSIDERATIONS**

Under Chapter 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: Environment Act 2021 Equality Act 2010 Crime and Disorder Act, 1998 (S17) Natural Environment & Rural Communities Act 2006 (S40) The Conservation of Habitats and Species Regulations 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 Core Strategy (Adopted September 2008):**

Policy SS 1 (Spatial Strategy for North Norfolk)

Policy SS 6 (Access and Infrastructure)

Policy SS 7 (Cromer)

Policy EN 2 (Protection and Enhancement of Landscape and Settlement Character)

Policy EN 4 (Design)

Policy EN 5 (Public realm)

Policy EN 8 (Protecting and enhancing the historic environment)

Policy EN 13 (Pollution and hazard prevention and minimisation)

Policy CT 5 (The Transport Impact of New Development)

Policy CT 6 (Parking Provision)

#### **National Planning Policy Framework (NPPF) (2021):**

Chapter 2 (Achieving sustainable development)

Chapter 4 (Decision-making)

Chapter 7 (Ensuring the Vitality of Town Centres)

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)

### **Supplementary Planning Documents**

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

## **MAIN ISSUES FOR CONSIDERATION**

- 1. Principle of development**
- 2. The effect on the character and appearance of the area**
- 3. The effect on local amenity**
- 4. Highway safety**

## **APPRAISAL**

### **1. Principle**

The site lies within the settlement boundary of Cromer, which is designated as a 'Principal Settlement' by Policy SS 1 and SS 7 of the Adopted North Norfolk Core Strategy. The site also lies within the 'Town Centre' designation where external alterations are supported in principle subject to compliance with relevant core strategy policies.

### **2. Design and visual impact**

The proposal seeks the reinstallation of 8 CCTV cameras and the installation of 3 new cameras and 3 new antennas for transmission purposes. The CCTV cameras will largely be placed on existing CCTV columns and streetlights with one new column proposed (Runton Road Car Park) and the new antenna will be located on existing streetlights along the A149 (Mount Street and Runton Road).

The cameras proposed are NanoBeam devices with a fibreglass housing, measuring c. 189mm (7.44 inch) in diameter and c. 125mm (4.92 inch) in depth. With regards to the antennas these use line-of-sight based communication, using frequencies of around 2.5 Ghz (similar to mobile phone signal). The cameras are proposed to be located at least 3-4 metres high from street level on the smaller lamp columns and higher on the existing CCTV posts in the town. Given the proposed size, materials and locations of the cameras and antennas within Cromer, there is not considered to be any significant negative visual impact associated with the scheme.

The proposed cameras are located within the Cromer Conservation area and also within the setting of several listed heritage assets. Conservation and Design officers were consulted and offered no objection to the proposals.

The application is therefore considered to comply with Adopted Core Strategy Policies EN 2, EN 4 and EN 8 in terms of design and visual impact.

### **3. Amenity**

The proposal is largely to reinstall a number of CCTV Cameras within Cromer Town Centre with 3 additional locations proposed as there have been instances of anti-social behaviour where the applicant would have benefitted from the use of CCTV. The applicant has previously engaged with Norfolk Constabulary to discuss the locations where coverage would be most valuable.

The Council is also aware that there have been recent incidents of vandalism and anti-social behaviour in the Cromer area, including destruction of Council assets such as public toilets which is detrimental to the community. Environmental Health Officers consider that the proposed CCTV cameras should help to discourage such activity or better ensure that perpetrators can be brought to suitable justice.

Policy EN 5 requires that within areas designated as Public Realm proposals will be expected to enhance the overall appearance and usability of the area, the proposal would require some refurbishment of the existing CCTV infrastructure (poles) visually enhancing the appearance of several existing CCTV locations within the town centre.

The cameras would be predominantly located within Town Centre or Public realm locations with only camera location 10 (at the junction of Bernard Road overlooking Cadogan Road Carpark) being located within a designated residential area. The cameras are intended only to monitor public realm areas and there will be no usage of the system to monitor private property. The system would be operated by the Town Council who are registered with the Information Commissioner's Office. The footage collected may be shared when necessary with North Norfolk District Council, Norfolk County Council, Norfolk Constabulary, Insurance Companies, Ombudsman and regulatory authorities, Courts and tribunals, and other prosecuting authorities.

Images captured will not be kept for more than 28 days unless there are circumstances which require them to be kept for longer, for instance where a crime is being investigated.

Overall, the application is considered to comply with Policies EN 4 and EN 5 of the Adopted North Norfolk Core Strategy in terms of amenity.

#### **4. Highway Safety**

It is not expected that this proposal will have an impact upon parking provision in town or traffic movement.

On this basis, the proposal is acceptable under Policy CT 5 and Policy CT 6 of the Adopted North Norfolk Core Strategy as well as Chapter 9 of the NPPF (2021).

#### **Conclusion and 'Planning Balance'**

The proposal is considered acceptable in terms of principle, design, highways and amenity with public benefits identified from the refurbishment of existing CCTV poles as well as safer public spaces.

The issues raised in letters of representation (summarised above) have been considered. Officers consider that they do not raise material considerations which outweigh the recommendation to approve.

No consultees have raised objections to the proposals.

The application therefore accords with the relevant policies of the adopted Development Plan as listed above.

**RECOMMENDATION:**

**APPROVAL subject to conditions to cover the matters listed below**

- Time (3 years)
- Development in accordance with the approved plans
- Materials

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

**CROMER – PF/22/2651 – Conversion of former bed and breakfast to 7no. flats at Leighton House, 11-13 St Marys Road, Cromer, Norfolk, NR27 9DJ**

## **Minor Development**

**Target Date:** 20.04.2023

**Extension of Time:** 28.04.2023

**Case Officer:** Bruno Fraga da Costa

**Full Planning Permission**

## **RELEVANT SITE CONSTRAINTS**

- Within Cromer Conservation Area as designated within North Norfolk Core Strategy
- Within the Coastal Shelf Landscape Character Area as designated in the North Norfolk Landscape Character Assessment
- Within a Residential Area as designated in the North Norfolk Core Strategy
- Within the Settlement Boundary as designated in the North Norfolk Core Strategy
- Within the Mineral Safeguard Area as designated within the Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026
- Within multiple Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) Zones of Influence

## **RELEVANT PLANNING HISTORY**

None

## **THE APPLICATION**

### Site Description:

The site accommodates an existing building that the applicant has indicated was being used previously as bed and breakfast accommodation. However, that use has ceased operations for several years.

### Proposal:

The proposal consists of the conversion of the former bed and breakfast to 7 self-contained flats.

## **REASONS FOR REFERRAL TO COMMITTEE**

**At the request of Councillor Tim Adams for the following reasons:**

- Level of public interest in the application. Several residents have indicated their wish to speak to the Committee about the application.
- I feel we must fully understand the prior usage of the property and the level of change occurring. We understand that the building has not been serviced holiday accommodation for more than 30 years now. Our understanding is that this usage as serviced accommodation was actually very limited, and not what we would refer to as holiday accommodation today. Keeping in mind the long-term derelict state of the property, this

development constitutes a significant change from its most recent use as a single household residential property. It is going from one household to seven.

- The scale of the proposed development is unsuitable for the host building and its context. A reduced quantum of flats would be more suitable in this context close to the Town Centre. There is also particular pressure on parking in the area, which will mean there is little to no parking provision for the development on this or nearby roads.
- It is accepted that development does need to occur, and this is supported to bring the building back into use. However, based on previous experience on the road, there is concern about construction impacts and this needs to be carefully managed.

## **CONSULTATIONS:**

### **Cromer Town Council: objected**

The scale of development is too big which will impact on parking in the area. There are too many flats and those which are proposed are too small. A reduction would be appropriate given the existing parking pressures. Concerns have been raised that the timber windows will be replaced with uPVC. Members would like to see appropriate windows for the host building.

### **Highways Authority: does not wish to resist the grant of consent**

The proposal seeks to convert an unused 21-bedroom bed and breakfast, which could have the propensity to generate approximately 60 daily movements, to a block of 7 flats, which would be likely to see around 42 daily vehicle movements.

Whilst there is a lack of parking, previous uses would have had the propensity to generate higher levels of activity and parking demands than the 7 flats now proposed.

### **Environmental Health: no objection or comment**

There are no adverse environmental health concerns in relation to this proposal.

## **REPRESENTATIONS:**

Public consultation of the application took place for a period of 21 days between 10.03.2023 to 31.03.2023. Ten letters of **OBJECTION** have been received as summarised below:

- The proposed scale of the development, the number and size of the flats are inappropriate and disproportionate in terms of the location of the property. A reduction in the number of flats to four would be appropriate
- Concerns have been raised over the added traffic congestion and parking issues that will result from a conversion into 7 flats all with potentially multiple vehicles in an already overcrowded road.
- Concerns over privacy, light, security, and structure of this proposal have been raised the site is not identified for development in the North Norfolk District Council Local Plan, in contrast the council has identified 5.16-year housing land supply 2020-2025 which exceeds the Framework requirement for 5yr supply. Windfall sites such as Conversion of buildings and removal of restrictive conditions equates to 10 dwellings per annum. There is no identified need for an increase in residential properties outside the requirement of the Local Plan

- The proposal does not accord with the adopted Local Plan. Although this does not prevent an exception being made should the public benefit outweigh the presumption against windfall development. As detailed above the proposed development would create no public benefit other than the supply of housing. However, any increase in housing units on this site would cause harm and detrimental effect, therefore reducing current enjoyment to local residents and sense of place.
- The proposal would cause an inconvenience to neighbouring properties from overlooking private amenity space and direct observance into neighbouring windows/properties. Considerable disturbance would be caused by noise and vehicle lights projecting directly into neighbouring property when parking vehicles during night hours
- Concerns over the parking and movement of construction vehicles and damage that it would cause to St Mary's Road.
- uPVC windows would not be permissible in this Conservation Area

## **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:

Equality Act 2010

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

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

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

## **RELEVANT POLICIES:**

## **North Norfolk Local Development Framework Core Strategy (September 2008):**

Policy SS 1: Spatial Strategy for North Norfolk  
Policy SS 3: Housing  
Policy SS 4: Environment  
Policy SS 5: Economy  
Policy SS 6: Access and Infrastructure  
Policy SS 7: Cromer  
Policy HO 1: Dwelling Mix and Type  
Policy EN 2: Protection and Enhancement of Landscape and Settlement Character  
Policy EN 4: Design  
Policy EN 8: Protecting and Enhancing the Historic Environment  
Policy EN 9: Biodiversity and Geology  
Policy EN 13: Pollution and Hazard Prevention and Minimisation  
Policy EC 8: Retaining an Adequate Supply and Mix of Tourist Accommodation  
Policy CT 5: The Transport Impact of New Development  
Policy CT 6: Parking Provision

## **Minerals and Waste Development Framework – Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026**

Policy CS 16: Supplementary Planning Documents and Guidance

### Material Considerations:

#### **Supplementary Planning Documents and Guidance:**

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

#### **National Planning Policy Framework (July 2021)**

Chapter 2: Achieving sustainable development  
Chapter 4: Decision-making  
Chapter 5: Delivering a sufficient supply of homes  
Chapter 6: Building a strong, competitive economy  
Chapter 8: Promoting healthy and safe communities  
Chapter 9: Promoting sustainable transport  
Chapter 12: Achieving well-designed places  
Chapter 15: Conserving and enhancing the natural environment  
Chapter 16: Conserving and enhancing the historic environment  
Chapter 17: Facilitating the sustainable use of minerals

#### **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 16<sup>th</sup> March 2022 regarding nutrients

#### **OFFICER ASSESSMENT:**

## **MAIN ISSUES FOR CONSIDERATION:**

- 1. Housing Land Supply**
- 2. Principle of development**
- 3. Housing**
- 4. Landscape**
- 5. Design**
- 6. Amenity**
- 7. Protecting and Enhancing the Historic Environment**
- 8. Biodiversity and Geology**
- 9. Pollution and Hazard Prevention and Minimisation**
- 10. The Transport Impact of New Development and Parking Provision**
- 11. Other matters**
- 12. Planning Balance/Conclusion**

### **1. Housing Land Supply**

The National Planning Policy Framework (the Framework) requires Local Planning Authorities (LPA's) to identify a five-year supply of specific deliverable sites to meet housing needs. At the current time, the council is unable to demonstrate that it has 5 years' worth of deliverable sites. Planning applications will therefore be considered in line with paragraph 11 of the Framework which states that where relevant policies are considered out of date, permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The determination of this proposal will have regard to these requirements.

### **2. Principle of development (Policies SS 1, SS 3, SS 5, SS 7, and EC 8)**

Policy SS 1 sets out that the majority of new commercial and residential development will take place in the towns, as defined as Principal and Secondary Settlements, and a small amount of new development will be focused on smaller villages as designated as Service and Coastal Villages. Policy SS 3 sets out that in designated Residential Areas appropriate residential development will be permitted.

The site lies in Cromer, which is defined as a 'Principal Settlement,' and a designated 'Residential Area' under Policies SS 1 and SS 3. The proposal consists of the conversion of a former bed and breakfast to 7 flats. In this designated area, appropriate residential development will be permitted, provided it complies with other relevant policies of the adopted plan.

Policy EC 8 states that development proposals that would result in the loss of sites or premises currently, or last used for, tourist accommodation will be permitted provided that: alternative provision of equivalent or better quality and scale is available in the area or will be provided and made available prior to commencement of redevelopment; and, the facility does not provide an important local facility or service to the community; or it can be demonstrated that there is no reasonable prospect of retention at its current site; and that an independent viability test has demonstrated that the use is no longer viable and that all reasonable efforts have been made to sell or let the property at a realistic price for a period of at least 12 months.

The former use of the existing building as a bed and breakfast would not fall under any of the types of tourist accommodation described in the supporting test of Policy EC 8. That being

said, it is not considered the list provided within Policy EC 8 to be exhaustive. It is not expressed in such a manner but rather it lists the types of tourist accommodation that may be considered as such. The supporting text explains that the purpose of the policy is to retain a mix of all types of tourist accommodation and allows for redevelopment if the use is no longer viable. As such, whilst 'bed and breakfast' is not expressly referred to, it is appropriate to assess the application against Policy EC 8.

Several holiday cottages, bed and breakfasts, and hotels are situated within a 600m radius of the application site. The existing building has not been used for at least ten years (which has led to it being in a poor state of repair). Given there is alternative provision of equivalent or better quality and having regard to the scale of tourist accommodation available in the area and that the facility has not for a significant period of time and currently does not provide an important facility or service to the community, it is considered the proposal complies with policy requirements.

For the reasons given above, it is considered the proposal complies with Policies SS 1, SS 3, SS 5, SS 7, EC 8, and Chapter 2 of the Framework.

### **3. Housing (Policy HO 1)**

Policy HO 1 requires that for schemes involving the conversion of existing buildings to five or more dwellings, at least 40% of the total number of dwellings shall comprise of not more than 70sq.m. of internal floor space and incorporate two bedrooms or fewer and at least 20% of dwellings shall be suitable or easily adaptable for occupancy by the elderly, infirm or disabled.

The proposal consists of 4 no. of 1-bedroom units and 3 no. of 2 bedrooms units. 71%, e.g., 5 of those apartments comprises of less than 70sq.m. of internal floor space, and 100%, e.g., 7 of the total of the apartments incorporate two bedrooms or fewer. Therefore, the first criterion of Policy HO 1 has been met. The proposal consists of 7 apartments. 43%, e.g., 3 of those apartments are situated at ground floor level, where layout could be easily made adaptable. These should comply with Buildings Regulations document M4 (2) accessible and adaptable and M4 (3) wheelchair user standards to meet the needs of people with limited mobility. No evidence has been provided that corroborates officer assumptions. However, on balance, 43% of the dwellings are located at ground floor level and, if required, alterations can be made to such apartments to adhere to Building Regulations requirements. Therefore, subject to a condition securing compliance with the relevant accessible and adaptable standards, the proposal would comply with the second criteria of Policy HO 1.

For the reasons provided above, the proposed development complies with Policy HO 1, and Chapter 5 of the Framework.

### **4. Landscape (Policies SS 4, and EN 2)**

Policy EN 2 sets out that proposals should be informed by and be sympathetic to the distinctive character areas identified in the North Norfolk Landscape Character Assessment (January 2021). Development proposals should demonstrate that their location, scale, design, and materials would protect, conserve, and where possible enhance the distinctive settlement character and setting of, and views from Conservation Areas.

The site lies within the Coastal Shelf Landscape Character Area as designed within the North Norfolk Landscape Character Assessment. Valued features and qualities of this landscape character area consist of the distinctive character and historical value of individual settlements,

which provides a sense of place, historic and visual interest, and is recognised in numerous Conservation Area designations throughout the Type.

Given the proposal comprises of the conversion of an existing building and would not result in any significant external alterations, it is considered the proposal conserves the distinctive settlement character and special character and distinctiveness of the area. As a result, it complies with Policy EN 2 and Chapter 15 of the Framework.

## **5. Design (Policy EN 4)**

Policy EN 4 requires that all development should be designed to a high quality, reinforcing local distinctiveness. Development proposals would be expected to have regard to the North Norfolk Design Guide and be suitably designed for the context within which they are set, amongst other things.

The proposed conversion of the building to 7 flats along with its palette of materials, which comprise of white painted masonry, replacement roof tiles to match existing, replacement windows and doors, and rainwater goods, would not give rise to significant design concerns. However, due to the absence of precise details of the method of opening, glazing, glazing bars, materials, colour and finish of the windows and doors, these would have to be secured by condition. The proposal would not give rise to significant design concerns, and subject to condition, it is considered it complies with Policy EN 4, and Chapter 12 of the Framework.

## **6. Amenity (Policy EN 4)**

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. New dwellings should provide acceptable residential amenity, and this relates both to external amenity and internal living space dimensions. Dwellings should include refuse disposal and recycling storage facilities, drying areas and access to outdoor amenity space. Residents have the right to adequate privacy levels and to be kept free from excessive noise and unwanted social contact.

### *Neighbouring amenity*

Residential properties surround the existing building. No new windows would be introduced; therefore, the amenity of neighbouring properties would not be significantly impacted. On balance, whilst there would be a different use of the internal spaces of the building, given no new windows would be introduced, the visual relationship between the building and neighbouring properties would not materially change. Officers consider that the intensified use of the building which would result from it being brought back into use would not have a significantly detrimental effect on the residential amenity of nearby occupiers in accordance with Policy EN 4.

### *Internal amenity*

Flat no. 4 and 6 would not provide for the required 70sq.m and 50sq.m. internal space standard to comply with the technical housing standards – nationally described spaced standard, albeit standards which do not currently have any policy weight. However, it could be argued that if flat 4 were occupied by 3 people (e.g., it would only require 61sq.m. of internal floor space instead of the proposed 69sq.m.) and flat 6 were occupied by 1 person (e.g., it would only require 39sq.m. of internal floor space instead of the proposed 49sq.m.) it would be acceptable.

It is considered that whilst the proposal falls short of 1sq.m. for flat 4 and 1sq.m. for flat 6 to comply with the technical housing standards, officers would not be able to refuse the scheme on this basis alone. In relation to other matters of residential amenity, including external amenity space, whereby two private areas are proposed alongside a communal space, the proposal is considered acceptable. Further details of the external amenity space, including hard and soft landscaping, as well as boundary treatments can be suitably secured via condition. Therefore, subject to such conditions the development would comply with Policy EN 4 in this regard.

## **7. Protecting and Enhancing the Historic Environment (Policy EN 8)**

Policy EN 8 requires that development proposals, including alterations and extensions, should preserve or enhance the character and appearance of Conservation Areas, 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 full conformity with the guidance contained in the latest version of the Framework (2021). As a result, in considering the proposal for this site, the Local Planning Authority will need to take into consideration the guidance contained within Chapter 16 of the Framework as a material consideration. Paragraph 206 of the Framework sets out that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The site is situated within the designated Cromer Conservation Area as of December 2012, which is an area of special architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance as defined by the Planning (Listed Buildings and Conservation Areas) Act 1990. The Conservation and Design Team has raised concerns over the design and materials used in the replacement windows and doors (e.g., the use of uPVC). The North Norfolk Design Guide requires that alterations to existing buildings should aim to respect their character and appearance; this applies to replacement windows and doors. The use of timber remains the preferred option for window frames on visual grounds.

Officers consider that whilst the use of uPVC is not favourable, it may be permissible in this context. However, in order to secure an acceptable design and material for such windows and doors, full details of the replacement windows and external doors, including method of opening, glazing, glazing bars, materials, colour, and finish shall be secured through condition. Given the proposal would not give rise to any other significant heritage concerns and providing that acceptable details of the replacement windows and doors are secured by condition, it is considered the proposal would comply with Policy EN 8 and Chapter 16 of the Framework.

## **8. Biodiversity and Geology (Policy EN 9)**

Policy EN 9 sets out that development proposals should protect the biodiversity value of land and buildings and minimise fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated sites or protected species will not be permitted unless prevention, mitigation and compensation measures are provided.

*GIRAMS*

The Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) is a strategy agreed between the Norfolk planning authorities and Natural England. 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.

The GIRAM Strategy is a strategic approach to ensure no adverse effects are caused to European sites across Norfolk, either alone or in-combination from qualifying developments. Taking a coordinated approach to mitigation has benefits and efficiencies and ensures that developers and the Local Planning Authority meet the Conservation of Habitats and Species Regulations 2017 (as amended).

This Strategy recommends a tariff approach to ensure funds are collected and pulled together to deliver the Recreational Impact Avoidance and Mitigation (RAMS) package proposed. This reflects the entirety of Norfolk including all partner Local Planning Authorities and would see a common tariff amount for all net new dwellings in the county (£185.93 as of April 2022 and £210.84 as off 1 April 2023) alongside a 6:1 ratio for tourism development. This has been calculated from the RAMS mitigation package to cover the lifetime of the Local Plans.

The list of relevant residential growth, which this Strategy, and therefore the RAMS tariff, applies to, is as follows: 1. All new dwellings of 1+ units in current site allocations and windfall (excludes replacement dwellings and extensions); 2. Houses in Multiple Occupancy e.g., hotels, guest houses and lodges; 3. Student Accommodation; 4. Residential care homes and residential institutions (excludes nursing homes); 5. Residential caravan sites/mobile homes/park homes; 6. Gypsies, travellers and travelling show people plots; and in addition to Natural England's Advice: 7. Residential moorings, holiday caravans, touring pitches, and campsites.

The proposed development would create 7 dwellings, and the applicant has made a financial contribution amounting to **£1,475.88** through a Section 111 of the Local Government Act 1973. The Local Planning Authority as the 'competent authority' has completed an Appropriate Assessment and concluded that subject to securing the GIRAMS financial contribution, the planning application would not have an adverse effect on the integrity of the European Sites identified above from recreational disturbance, when considered alone and 'in combination' with other development. Consultation with Natural England is not considered to be necessary as the proposed development would be subject to the GIRAMS payment to offset potential impacts of an increase in recreational disturbance to nearby Habitat Sites.

#### *Nutrient Neutrality*

Long-term nutrient pollution has led to adverse impacts upon designated Habitat Sites to the extent that the condition of some sites, including The Broads Special Area of Conservation (SAC) and Ramsar site, are no longer considered to be favourable. Nutrient neutrality guidance was issued by Natural England on 16 March 2022 requiring competent authorities to ensure that any planning applications proposing a net gain in overnight accommodation (e.g., new dwellings) must evidence that there will be no net increase in nutrient loads (nitrates and phosphates) within an affected catchment area because of the proposal, i.e., that the development would be nutrient neutral. As the competent authority, North Norfolk District Council is required to have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended). Where the Local Planning Authority cannot lawfully conclude that development within the catchment of The Broads SAC and Ramsar site will not have an adverse effect, permission would have to be refused. However, where there is sufficient evidence to rule out likely significant effects, permission can be granted.

The proposed development would result in the creation of overnight accommodation through the conversion of the existing building into 7 residential dwellings. Given the scheme lies outside the affected catchments, in considering its duties as a competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), Officers consider 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 in relation to nutrient enrichment.

For the reasons provided above, it is considered the proposal complies with the requirements of Policy EN 9, and Chapter 15 of the Framework.

## **9. Pollution and Hazard Prevention and Minimisation (Policy EN 13)**

Policy EN 13 sets out the requirements for all development to minimise, and where possible reduce all emissions and other forms of pollution, including light and noise pollution. Proposals will only be permitted where, individually, or cumulatively there are no unacceptable impacts on the natural environment and general amenity, health, and safety of the public and air quality.

The Environmental Health team has assessed the proposal and considered there are no adverse environmental health concerns in relation to this proposal. On that basis, it is considered the proposal would comply with Policy EN 13, and Chapter 15 of the Framework.

## **10. The Transport Impact of New Development and Parking Provision (Policies SS 6, CT 5, and CT 6)**

Policy CT 5 sets out that a proposal should provide for safe and convenient access on foot, cycle, public, and private transport addressing the needs of all; is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality; the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety, amongst other things.

Policy CT 6 requires that adequate vehicle parking facilities should be provided by the applicant to serve the needs of the proposal. Proposals should make provision for vehicle and cycle parking in accordance with the Council's parking standards, including provision for parking for people with disabilities.

The proposal is an established building that is situated in a consolidated residential area where access to Cromer town centre can easily be made by all forms of transport. Given the scheme only comprises of alterations to the existing building, it would not change the physical nature of the site. However, questions have been raised by representations in relation to the existing use of the site as the planning history on record does not provide a decisive position. The applicant asserts that the building was previously used as a 21 bedroomed bed and breakfast accommodation. Representations received from third parties as well as the Ward Councillor have raised questions about this. At the current time, the definitive answer is not known and further information has been requested from the applicants in order to evidence their assertions.

If it can be demonstrated that the lawful use of the building is that of a 21 bedroomed bed and breakfast, then the nature and volume of traffic generated by the proposal would likely be less than the existing use. If the lawful use of the building is that of a single or even two dwellings,

the proposed development would result in an increase in trips generated as well as an increase in parking demand.

The County Council Highway Authority have been consulted on this application and have considered the development in light of the bed and breakfast being the current/lawful use. On this basis they have raised no objection. A further consultation request has been sent to the Highway Authority to seek their opinion on the scenario of the lawful use being that of a single dwelling. An update on this matter will be provided to Members at the meeting and the recommendation set out at the end of this report will reflect this pending matter.

No details have been provided with the application as to how the development would provide suitable storage for cycles in line with policy requirements. Details of such provision however in this instance can be suitably secured via condition.

## **11. Other matters**

### *Minerals & Waste*

Policy CS16 of the Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 defines the area as a Mineral Safeguarding Area for its sand & gravel resources. The Mineral Planning Authority would expect to see appropriate investigations conducted to assess whether any mineral resource there is of economic value, and if so, whether the material could be economically extracted prior to the development taking place. In this instance, given the proposal falls under the 12 excluded development types set out in Appendix C of the above document, it is considered it would be exempt from the requirements of Policy CS16.

### *Construction traffic*

Concerns have been raised that parking and movement of construction traffic vehicles would cause traffic issues and cause damage within St Mary's Road. This is not a planning matter and should be dealt with through appropriate civil channels.

### *Refuse and recycling*

Limited details of how waste would be managed on site have been provided with the application, therefore it is considered appropriate that conditions be used to secure further details of these provisions. This would include details of storage and collection areas, including any enclosures where appropriate, drag distances and surfacing details for drag routes.

## **12. Conclusion and Planning Balance**

Whilst Officers note the concerns raised in the public representations, the principle of the proposal is considered to be acceptable. Further clarification in respect to the lawful existing use is being sought alongside formal Highway Authority comments. Subject to the satisfactory resolution of this matter and the imposition of appropriate conditions, the proposal would accord with the aims of the Development Plan. Officers consider there are no material considerations to justify a decision other than in accordance with the Development Plan. Having regard to the provisions of paragraph 11 of the NPPF, any harms arising from the development would not significantly and demonstrably outweigh the benefits of the development.

## RECOMMENDATION:

**To delegate Authority to the Assistant Director of Planning to APPROVE PERMISSION subject to the satisfactory resolution of highway matters (including clarification of existing use) and the imposition of conditions listed below and any other conditions considered necessary by the Assistant Director of Planning:**

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

### Reason

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

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

- Design & Access Statement, received on 28 February 2023
- Drawing no. 04, Revision B, Proposed SF Plans, Section & Site, received on 28 February 2023
- Drawing no. 03, Revision A, Proposed Plans & Elevations, received on 28 February 2023
- Drawing no. 02, Existing SF Plan, Section, Site & Location, received on 10 November 2022
- Drawing no. 01, Existing Plans and Elevations, received on 10 November 2022

### Reason

For the avoidance of doubt and to ensure the satisfactory appearance of the development in accordance with Policies EN 1, and EN 4 of the adopted North Norfolk Core Strategy.

3. Prior to their installation, full details of the replacement windows and external doors (including large appropriately scaled drawings which shall include, method of opening, glazing, glazing bars, materials, colour, and finish) shall be submitted to and approved, in writing, by the Local Planning Authority. The windows and doors shall then be installed and retained thereafter in accordance with the approved details.

### Reason

To ensure the satisfactory appearance of the development in accordance with Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy and the guidance set out within Chapters 12 and 16 of the National Planning Policy Framework.

4. The applicant/developer shall notify the Local Planning Authority in writing of the date of commencement of the development hereby permitted. Such notification shall be provided within 14 days of the date of commencement.

### Reason

To ensure the GI RAMS tariff payments secured in relation to this development are made available and can be used towards the county wide strategic mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy, or successive strategy, which is aimed at delivering the necessary mitigation to avoid adverse effects on the integrity of European Sites arising as a result of the development.

5. No hard landscaping works shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied and thereafter maintained.

Reason

To protect and enhance the visual amenities of the area, and ensure that residential amenities are appropriately provided for in accordance with the requirements of Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

6. The development hereby approved shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate). The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before commencement of the landscaping works. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

To protect and enhance the visual amenities of the area, and ensure that residential amenities are appropriately provided for in accordance with the requirements of Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

7. Prior to installation a plan indicating the positions, design, materials and type of screen walls/fences/gates/hedges and retaining walls to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The approved screens/walls/gates/fences shall be erected before the use/buildings hereby approved are first occupied and shall subsequently be maintained as approved. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, details of which shall be agreed in writing by the Local Planning Authority before replacement occurs.

Reason

To protect and enhance the visual amenities of the area, and ensure that residential amenities are appropriately provided for in accordance with the requirements of Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

8. No part of the development hereby approved shall be occupied until secure covered cycle parking facilities have been provided on site in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority. Such drawings shall show the position, design, materials and finishes of the facilities. The development shall be carried out, and thereafter maintained, in accordance with the approved details.

Reason

Details are required prior to occupation because insufficient information has been submitted with the application in this regard, to improve provision for cyclists and discourage the use of the car wherever possible and in accordance with Policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy and paragraphs 3.5.5, 11.1.14 and 11.1.15 of the Design Guide Supplementary Planning Document (December 2008).

9. No part of the development shall be occupied until refuse storage and collection facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority. Such drawings shall show the position, design, materials and finishes thereof. Development shall be carried out, and thereafter maintained, in accordance with the approved details.

Reason

Details are required in the absence of accompanying the application to ensure that the storage and collection of refuse does not harm highway safety or impact detrimentally upon the amenities of the site in accordance with Policies EN 4, EN 8 and CT 5 of the adopted North Norfolk Core Strategy.

10. A minimum of two of the dwellings hereby approved shall be built to accessible and adaptable standards. No development shall commence on site until details of which properties are to be built to such standards are submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

Details are required in the absence of accompanying the planning submission, to ensure an appropriate co-ordinated high quality form of development and to enable people to stay in their homes as their needs change in accordance with Policy HO 1 of the adopted North Norfolk Core Strategy.

## **NOTES AND INFORMATIVES TO APPLICANT**

1. The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application, to secure a policy compliant proposal that has been determined in the wider public interest at the earliest reasonable opportunity, in accordance with the requirements of the National Planning Policy Framework (paragraph 38).
2. The Applicant is advised that in relation to Condition 10 accessibility and adaptability standards are achieved by meeting requirement M4(2) or M4(3) of the Building Regulations 2015 or any subsequent government standard.

## **NNDC (CROMER) 2022 No. 8 - Land Rear Of The Poplars TPO/22/0997**

**To consider whether to confirm a Tree Preservation Order (TPO) to protect one lime tree at the rear of the above site.**

### **BACKGROUND**

The dwelling at 29 Vicarage Road was converted from one dwelling house to three flats. The permission was granted under planning reference PF/03/1946.

At this time the lime tree in the rear garden space was considered and was judged important to retain. In condition 5 of the decision, it is set out;

5) The tree which is indicated on the approved plan to be retained shall not be topped, lopper, uproots, felled or in any other way destroyed, within ten years of the date of this permission, without prior consent of the Local Planning Authority in writing.

### Reasons

- 1) The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990
- 2) To ensure the satisfactory layout and appearance of the development in accordance with policy 13 of the adopted North Norfolk Local Plan.
- 3) To ensure the permanent availability of the parking and manoeuvring area, in the interests of highway safety, and in accordance with Policy 11 of the adopted North Norfolk Local Plan
- 4) In order to protect the trees on site, in accordance with the requirements of the adopted North Norfolk Local Plan

The tree continues to contribute positively to the area and is visible from several properties at Vicarage Road and St Mary's, the rear access road is well used by residents.

The authority received tree work application TW/22/2513 - *To fell and grind the stump, poison roots that are left as per attached quotation.*

The tree was reinspected and found to be in good condition, with regular pollard maintenance being carried out. There was some surface damage to roots through parking activities.

To allow the removal of the tree in these circumstances is contrary to policy, there is no demonstrable public benefit, exceptional circumstance or substantiated justification. In this instance it appears that car parking is a primary

concern. Retaining and protecting the tree conserves the character and appearance of the area, the tree continues to contribute positively to biodiversity, and it plays a small part in mitigating against the impacts of climate change.

## REPRESENTATIONS

**Objections to the Order:** One email representing the residents at the property has been received objecting to the Order.

**Support of the Order:** None

Summary of Objections	Officer response
<p>The car parking space is narrow and difficult to use, especially with larger vehicles and heavier use of the area</p>	<p><i>I can understand the frustration experienced negotiating car parking in a small space with lots of others using the area.</i></p> <p><i>Previously, owners of the flats were able to park and that they were able to do so respectfully. I have received no confirmation measures have been explored between the homeowners on setting out positioning of vehicles or other monitoring of the area to help make sure the car parking is being done in an appropriate way.</i></p>
<p>Parking at Vicarage Road is also difficult and busy</p>	<p><i>A Traffic Regulation Order to address visitors parking on Vicarage Road may provide a more permanent solution to the parking problems on Vicarage Road.</i></p> <p><i>A request for new TROs is normally made to Norfolk County Council via the local Town Council who will represent a wider consensus of the community need. I am sure you are not the only resident on Vicarage Street finding parking difficult.</i></p>
<p>The condition was only valid for 10 years, the room for parking and manoeuvring is no longer available.</p>	<p><i>The conversion of the dwelling house to flats considered the tree and retained it specifically.</i></p> <p><i>The conversion was acceptable because the tree was retained.</i></p>

The tree does not contribute to amenity and the view is blocked for residents of St Mary's Road by the garages	<i>The tree is clearly visible from a number of places, as the only tree at the rear of the properties it remains important to retain.</i>
Residents are concerned the tree will affect the wall's stability  The tree roots are protruding from the ground and may cause damage to property and the road.	<i>The tree has been regularly maintained as a pollard, this means the tree's size is controlled by regular cutting back to the knuckles. It will not grow substantially bigger, no evidence of damage to the wall or road has been provided</i>

## **HUMAN RIGHTS IMPLICATIONS**

It is considered that the serving of the Order may raise issues relevant to Article 8: The right to respect for private and family life, and 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, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

## **MAIN ISSUES FOR CONSIDERATION**

- 1. Whether or not the Order was served correctly in accordance with the relevant legislation and the Council's adopted policy.**

Officers are satisfied that the proper procedures were followed when serving the Order.

- 2. Whether or not the Order has been served on trees of sufficient amenity value to warrant a Preservation Order.**

Officers consider that the woodland makes a significant contribution to the quality of the local environment and its enjoyment by the wider public and that therefore has high amenity value.

## **RECOMMENDATION:-**

**That the Order be confirmed with modification.**

**Officer:** Imogen Mole - Senior Landscape Officer

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**NNDC (SHERINGHAM) 2022 No. 7 - Land at Sheringham Hooks Hill**  
**TPO/22/0996**

**To consider whether to confirm a Tree Preservation Order (TPO) to protect a mixed species woodland at the above site.**

## **BACKGROUND**

The woodland is an established area of trees that is situated to the southwest of Sheringham. It is a mixed species woodland that joins with the natural area of Franklin Hill public space and further protected woodland to the south TPO/15/0895.

The topography of the hill offers a scenic view point out towards the sea, across the town and towards Beeston bump. The aerial photographs taken around the 1940's show the area wooded, it is likely that the land has been natural in character historically as the steep slopes make for tricky cultivation or habitation.

The site is adjacent to a series of planning applications. These include a new dwelling to the west of the original house (PF/21/0947) and the demolition of the original house replacing with two further dwellings along Hooks Hill Road (PF/21/3078). These applications have been approved with tree protection measures in place to protect retained trees in the woodland area to the south.

The further application that initiated the TPO (PF/22/2387) has been withdrawn, with preliminary siting of a further dwelling illustrated within the woodland area.

The Order will establish the status of the woodland and will connect this area with the wider landscape. It will afford the trees formal protected status securing their future in the landscape.

## **REPRESENTATIONS**

**Objections to the Order:** One letter has been received objecting to the Order.

**Support of the Order:** None

Summary of Objections	Officer response
The trees are not at risk of being removed and the owners have been careful to consider the trees as part of the applications relating to the land	<i>It's fair to say professional arboricultural advice has been sought throughout the planning process and trees have not been felled pre-emptively.</i>
The Woodland category is incorrect	<p><i>The reports submitted as part of the previous planning applications describe the area as woodland.</i></p> <p><i>The woodland category should be used where individual, or groups could not accurately describe the area. Area TPO's are not recommended to be served for long term protection as the Order only protects trees present at the time the Order is served.</i></p> <p><i>The woodland category is consistent with the woodland category TPO/15/0895 that connects this area with Franklin Hill and the DEFRA woodland inventory.</i></p>
The map of the TPO shows overlap with the approved planning permission.	<i>The map area does overlap a previous approved application, thank you for drawing our attention to this administrative error. I have recommended the Order is modified to accommodate the approved plans.</i>
Could a site meeting negotiate adjustments to the application to make proposals acceptable?	<i>A meeting was held on site and an alternative positioning of the proposals were discussed, the proposals would still require tree removal, there would remain ongoing concerns about trees close to proposals, coupled with technically difficult access and service provision problems.</i>

## HUMAN RIGHTS IMPLICATIONS

It is considered that the serving of the Order may raise issues relevant to Article 8: The right to respect for private and family life, and

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, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

## **MAIN ISSUES FOR CONSIDERATION**

- 1. Whether or not the Order was served correctly in accordance with the relevant legislation and the Council's adopted policy.**

Officers are satisfied that the proper procedures were followed when serving the Order.

- 2. Whether or not the Order has been served on trees of sufficient amenity value to warrant a Preservation Order.**

Officers consider that the woodland makes a significant contribution to the quality of the local environment and its enjoyment by the wider public and that therefore has high amenity value.

## **RECOMMENDATION:-**

**That the Order be confirmed with modification.**

**Officer:** Imogen Mole - Senior Landscape Officer

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## DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – April 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 31 March 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 31 March 2023).

Performance Measure	Actual Performance	Target	Comments
<b>Decision Notices</b> (Month up to 31 Mar 2023.)	<b>Major</b> 5 decisions issued.  <i>100% within time period</i>	60%  (80% NNDC)	24 month average to 31 Mar is <b>96.55%</b> ▲
	<b>Non-Major</b> 76 decisions issued  <i>97.37% within time period</i>	70%  (90% NNDC)	24 month average to 31 Mar is <b>87.03%</b> ▲
<b>Validation</b> (Month up to 31 Mar 2023.)	260 applications registered  223 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 8 S106 Obligations being progressed.

### 3. RECOMMENDATIONS:

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

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SCHEDULE OF S106 AGREEMENTS				UPDATE FOR DEVELOPMENT COMMITTEE:				20 April 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			
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	21423	Draft s106 is circulating and substantially agreed save for the First Schedule.	
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.	

PF/17/0680 & RV/22/0855	Land North Of Rudham Stile Lane & East Of Water Moor Lane Fakenham Norfolk	12, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 26, 28, 30, 37, 38, and 40 of outline planning permission PO/17/0680 (Outline planning application (all matters except primary means of access reserved for future approval) for residential development of up to 950 dwellings (Use Class C3), employment development (Use Classes B1/B2/B8), a primary school and children's nursery (Use Class D1), a hotel (Use Class C1), local retail (Use Classes A1/A3/A4/A5) and associated public open space and infrastructure) regarding the highways works associated with Condition 31i. (site access and roundabout from the A148 and associated works to Wells Road) and 31v. (scheme for the A148/A1065/Wells Lane (Shell Garage) including lane widening and road markings) are proposed to be undertaken directly by the Highway Authority and not the applicant. As such, these works are to be specifically excluded from the requirements and triggers indicated in the conditions that are proposed to be amended (See-Schedule of Condition amends) Amendments 21 March 2022)	CP030 - Fakenham	Geoff Lyon	TBC	TBC	Fiona Croxon	13791	Draft Deed of Variation is being reviewed.	
RV/22/0308	Land Rear of 67 Hempstead Road, Holt	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	CP049 - Holt	Russell Stock	Committee	TBC	Fiona Croxon	13094	Draft s106 Deed of Variation circulating in respect of s73 Application but it needs revision to include developer uplift contributions.	
PF/22/1714	The Cattle Shed Binham Road Wighton Wells-next-the-sea Norfolk NR23 1NX	Construction of detached three bay carport and domestic store with annexe on first floor	CP011 - Binham	Robert Arguile	Delegated	TBC	Fiona Croxon	21934	S106 Unilateral Undertaking agreed. Costs on account paid.	

Variation of conditions 2, 3, 4, 5, 6, 10, 11,

## **OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 20 APRIL 2023**

### **APPEALS SECTION**

#### **NEW APPEALS**

**BRISTON – PO/21/2294** - Erection of two storey detached 3 bedroom dwelling (outline - all matters reserved)

**26 Providence Place, Briston, Norfolk NR24 2HZ**

**for Mr Simon Mavilio**

WRITTEN REPRESENTATION

**STIBBARD – PF/22/0624** - Two storey detached dwelling

**3 The Glebe, Stibbard, Fakenham, Norfolk NR21 0LU**

**For Mr Shaun Kerr**

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 24<sup>th</sup>-26<sup>th</sup> 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 24<sup>th</sup>-26<sup>th</sup> 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 24<sup>th</sup>-26<sup>th</sup> 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**

**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**

**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

**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

**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

**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

**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

**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**

**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 – **ENFORCEMENT NOTICE QUASHED**

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

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

**For Mr Michael Walsh**

WRITTEN REPRESENTATION – **APPEAL DISMISSED**

**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 – **APPEAL DISMISSED**

**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 - **APPEAL DISMISSED**

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