

Development Committee



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TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 12 July 2023

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 20 July 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.

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

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed. Please note that this meeting is livestreamed: <https://www.youtube.com/channel/UCsShJeAVZMS0kSWcz-WyEzq>

Presentations: If you wish to view the Officers' presentations for the applications being considered by the Committee please follow the following link:

<https://modgov.north-norfolk.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13644&path=0>

Emma Denny

Democratic Services Manager

To: Cllr P Heinrich, Cllr R Macdonald, Cllr M Batey, Cllr A Brown, Cllr P Fisher, Cllr A Fitch-Tillett, Cllr M Hankins, Cllr V Holliday, Cllr G Mancini-Boyle, Cllr P Neatherway, Cllr J Toye, Cllr K Toye, Cllr A Varley and Cllr L Vickers

Substitutes: Cllr T Adams, Cllr P Bailey, Cllr J Boyle, Cllr G Bull, Cllr S Bütikofer, Cllr E Coleman, Cllr N Dixon, Cllr T FitzPatrick, Cllr W Fredericks, Cllr N Housden, Cllr L Paterson, Cllr J Punchard, Cllr C Ringer, Cllr E Spagnola and Cllr E Vardy

All other Members of the Council for information.

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



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

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

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A G E N D A

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

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. MINUTES

(Pages 1 - 16)

To approve as a correct record the Minutes of a meeting of the Committee held on Thursday, 22nd June 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 17 - 22)

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. HAPPISBURGH - PF/22/2510 - ACCESS TRACK TO LIGHTHOUSE LANE TO SERVE EXISTING PUBLIC CAR PARK AND NEW CAR PARK TO ALLOW FOR ROLLBACK OF EXISTING CAR PARK; ANCILLARY WORKS FOR HAPPISBURGH PARISH COUNCIL

(Pages 23 - 34)

9. SHERINGHAM - PF/22/1928 - FULL PLANNING APPLICATION: REVISED SCHEME FOR THE ERECTION OF 62. NO RETIREMENT DWELLINGS, ACCESS, ROADS, OPEN SPACE, PARKING AREAS

(Pages 35 - 54)

AND ASSOCIATED WORKS AT LAND SOUTH OF SHERINGHAM HOUSE, CREMERS DRIFT, SHERINGHAM, NORFOLK FOR SUTHERLAND HOMES LTD

10. **NORTH WALSHAM - PF/23/1029 - VERANDA TO REAR OF DWELLING AND EXTENSION OF FIRST FLOOR BALCONY. CEDAR HOUSE, 21 CROMER ROAD, NORTH WALSHAM, NORFOLK** (Pages 55 - 60)
11. **CROMER - PF/23/0459 - PROPOSED TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND ERECTION OF OUTBUILDING TO THE REAR AT 8 BERNARD ROAD, CROMER, NORFOLK, NR27 9AW** (Pages 61 - 66)
12. **HINDOLVESTON - PF/23/0153 - INSTALLATION OF A GROUND MOUNTED SOLAR PV SYSTEM, AT CHURCH FARM LAND NORTH EAST OF, DAIRY BARN, FULMODESTON ROAD, HINDOLVESTON** (Pages 67 - 76)
13. **SLOLEY - PF/23/0929 - RETENTION OF GARAGE (RETROSPECTIVE) WITH EXTERNAL ALTERATIONS AND ERECTION OF BOUNDARY WALL - THE OLD WORKSHOP, SLOLEY ROAD, SLOLEY** (Pages 77 - 84)
14. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 85 - 88)
15. **APPEALS SECTION** (Pages 89 - 94)
 - (a) New Appeals
 - (b) Inquiries and Hearings – Progress
 - (c) Written Representations Appeals – In Hand
 - (d) Appeal Decisions
 - (e) Court Cases – Progress and Results

16. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:-

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

PRIVATE BUSINESS

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DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 22 June 2023 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present:

Cllr P Heinrich (Chairman)	Cllr R Macdonald (Vice-Chairman)
Cllr M Batey	Cllr A Brown
Cllr P Fisher	Cllr A Fitch-Tillett
Cllr M Hankins	Cllr V Holliday
Cllr G Mancini-Boyle	Cllr J Toye
Cllr K Toye	Cllr L Vickers

Substitute Members Present:

Cllr L Paterson

Officers in Attendance:

Development Manager (DM)
Principle Lawyer & Deputy Monitoring Officer (PL)
Planning Officer (PO)
Development Management Team Leader (DMTL)
Democratic Services Officer - Regulatory

10 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr P Neatherway and Cllr A Varley.

11 SUBSTITUTES

Cllr L Paterson was present as a substitute for Cllr P Neatherway.

12 MINUTES

The minutes of the Development Committee Meeting held on 25th May 2023 were approved as a correct record.

13 ITEMS OF URGENT BUSINESS

None.

14 DECLARATIONS OF INTEREST

- i. At the invitation of the Chairman the PL recited advice circulated to Members of Development Committee prior to the meeting pertaining to pre-determination and the perception of bias with regards planning application PF/22/3010. This guidance related to those Members of the Committee who had attended Full Council 27 July 2022 in which the Friends of North Lodge Park planning application was discussed as part of a levelling up bid.

“Whilst the North Lodge Park scheme formed but a small part of one of two larger proposed sites for which the Council was seeking funding via the levelling up bid, the following section of the Officers report to Full Council is particularly pertinent as it forms the basis for the proposal that has been submitted:

“Re-model and landscape dilapidated North Lodge Park – new and improved facilities to include new multi-purpose space for themed events, splash pad, public toilets, and creation of concessions. Improvement in the local economy - creation of jobs with splashpad and concessions/event space, visitor dwell time increased and attract visitors away from more crowded and/or environmentally sensitive locations. Access to improved green spaces for local residents/visitors.”

I appreciate there was limited discussion at the full council meeting directly relating to the North Lodge Park scheme, and that this formed only a small part of one of two locations which you were asked to consider for a levelling up bid, however, your role went beyond expressing a view (a predisposition) and to voting in favour, or not as the case may be, of a bid for funding to support this scheme. This appears to suggest an inclination as to your views in this matter. Add to this the fact that the land in question is Council owned and the applicant is the Cromer Town Council, I would suggest you are moving into territory where a fair minded and informed observer, having considered the facts, might conclude there was a real possibility of bias or indeed predetermination, and beyond the saving provision of the Localism Act 2011 (which clarifies certain situations where a member is deemed not to have a closed mind). Whether it would be of sufficiency to stand up to judicial scrutiny remains to be seen, but certainly it is fair to say that in light of the outcome of the vote at full council, a member of the public might suppose that the application would equally be considered favourably at development committee by the members who participated at full council. This is further compounded that this involves a number of councillors.

The PL asked Member's to consider whether they should participate in and vote on the proposal at Development Committee, and noted that it was a decision for each individual Member to decide whether they considered themselves to be pre-determined or subject to apparent bias.

- ii. The Chairman advised he would abstain from voting on application PF/22/3010 (Item 8) as he had attended and voted on the levelling up bid in July 2022. He confirmed he would continue to serve as Chairman for this item. In the event that there be a tied vote, he stated he would pass the casting vote to the Vice Chairman, Cllr R Macdonald.
- iii. Cllr J Toye advised, with regards PF/22/3010 (Item 8), that he was a Member of Cabinet when the Council agreed to award Friends of North Lodge Park/Cromer Town Council the bid for the site, and had received separate advice on this matter. He confirmed he would abstain from voting on this item and participating in any discussion. Cllr J Toye additionally declared a non-pecuniary interest in application PF/22/1708 (Item 9), he is a member of the Camping and Caravan Club, but did not consider this influenced his views.
- iv. Cllr A Fitch-Tillett declared a non-pecuniary interest with regards application PF/22/1708, as with Cllr J Toye she was a serving Member of Cabinet when the bid was accepted. She confirmed she would abstain from voting on the application.
- v. Cllr V Holliday stated, in relation to application PF/22/1843 (Item 10), that she was Chairman of Cley Parish council and considered herself pre-disposed but not pre-determined.

- vi. Cllr A Brown advised he would abstain from voting on application PF/22/3010 (Item 8) as he had been in attendance and voted on the levelling up bid, but that he would participate in the debate. Cllr A Brown raised a concern that Cllr V Holliday as Chairman of Cley Parish Council would have considered the application at Cley (PF/22/1843 Item 10), and may have voted on forming a response to NNDC for the application, in effect indicating a preference on the application. He asked whether there was a recorded vote to evidence decision making on this application at Cley.
- vii. Cllr V Holliday commented that there was not a recorded vote for the application when it was considered by Cley Parish Council, but that she would be happy to change her position and abstain from voting on the perception of predetermination.
- viii. Cllr K Toye declared a non-pecuniary interest in application PF/22/1708 (Item 9), she is a member of the Camping and Caravan Club, but did not consider this influenced her views.
- ix. Cllr P Fisher advised, with regards PF/22/1708 (Item 9) that he is also a member of the Caravan and Camping Club.

15 **CROMER PF 22 3010 DEMOLITION OF FORMER BANDSTAND AND STORAGE BUILDING; REDEVELOPMENT OF FORMER TENNIS COURTS CONSISTING OF ERECTION OF 2NO. PUBLIC TOILET BUILDINGS, COMMUNITY SHED BUILDING, POLYTUNNEL AND ASSOCIATED FENCING CONTAINING HORTICULTURAL HUB, 2NO. CURVED WALLS WITH CANOPY FOR ENTERTAINMENT SPACE, MULTI-USE SPACE FOR POP-UP MARKET STALLS/LEISURE ACTIVITIES AND ASSOCIATED ON-SITE CAR/CYCLE PARKING, VEHICULAR AND PEDESTRIAN ACCESS POINTS, AT NORTH LODGE PARK OVERSTRAND ROAD, CROMER.**

Officers Report

The PO introduced the Officer's report and recommendation for approval subject to conditions. The PO affirmed the sites location within North Lodge Park, a designated area of public realm and open space in policy terms. The park also forms the setting of the Grade II listed North Lodge with the formers tennis courts being considered an accessory to this.

The PO advised the site, as existing, is comprised of a 1950's brick built bandstand and large concreted slab, both of which had been unused for several years and had fallen into a state of disrepair, although the concreted area remains level and in reasonable condition.

Images were provided of the site, the proposed block plan and structures, with visualisations provided by the architect offering some idea of how the multi-use area could be utilised. Containers were proposed at the South West corner of the site, which were to be clad in timber to match the shed and would provide food banks for the community. The horticultural hub is formed of a polytunnel and community shed and would be secured with an area of fencing. Vehicular access is available from Carriage Drive along the western boundary of the site and would be secured with a lockable gate and further up additional pedestrian access. Space had been set aside for occasional parking, with cycle racks also proposed.

The PO advised that Officers considered the scheme acceptable in design terms, with the majority of structures proposed being temporary and would have a low impact on the existing hard standing. Whilst concerns had been raised through public representations with regards to design and durability of the structures, Officers considered the structures lend to the flexibility of the site which is designated as open land.

Officers further identified that there would be some heritage harm as a result of the appearance and concentration of structures in this area, however contended that this would be less than substantial when addressing the planning balance, the harm being considered to be outweighed by the public benefits accruing from the scheme such as the provision of new public facilities and bringing the currently disused and dilapidated former tennis courts back into use.

Highways concerns had also been raised due to the vehicular access on site. Access proposed for maintenance and space for 7 parking spaces to be used for vendors at the proposed pop up markets. The PO advised that Officers had worked proactively with the agent to reduce the number of vehicle movements on site, and that the frequency of the markets would be limited. Further, a traffic management plan had been submitted to manage these movements.

Public Speakers

Emma Spagnola – Cromer Town Council
Jerry Foulkes – Objecting

Members Questions and Debate

- i. The Local Member – Cllr E Spagnola spoke in support of the application and added to her comments made as Major of Cromer Town Council. She commented that the scheme would contribute positively to the run-down site which had been disused for 20 years, noting that the applicant had sought to install temporary structures as per NNDC's guidance. The Local Member conceded that whilst the structures were not the most aesthetically pleasing, but they were considered the best option in meeting the temporary structures remit.

Cllr E Spagnola commented that the food hub would help support local residents and the polytunnel would supply fresh fruit and veg to the food hub, as well as aiding to improve the look of North Lodge Park. In addition, the community shed would provide a range of activities to help fight loneliness and improve mental health. She considered the stage space provided an exciting opportunity for young people to develop and hone their talents, and add to the vibrancy of the site.

The Local Member expressed her firm support for the proposed changing spaces toilets, and noted the benefits these would bring to the town with the site laying on the east side of Cromer it was closer lift access to the beach.

- ii. Cllr A Brown advised that he was very familiar with the site, and reflected that it was predominantly used as a transit route to and from the Town as opposed to being a destination location. Whilst he welcomed revitalisation to

the site, he was not convinced that the scheme could be improved. Cllr A Brown expressed his concern over the visual impact of the polytunnel which he considered failed to accord with the North Norfolk Core Strategy, both failing to preserve or enhance the Conservation Area in which the proposal would be sited. With regards the large shed and shipping container, Cllr A Brown stated that a shipping container, no matter how well disguised was contentious, and remarked the Council were, in many other instances, perusing enforcement action with individuals for the siting of shipping containers. He affirmed that his main issue was the lack parking for visitors, and concluded that whilst there were many positive elements to the application he considered the overall scheme to be deficient.

- iii. The Chairman noted the Officers report and the exert from NNDC Conservation and Design Officer's representation on P.15 detailing 'less than substantial harm' The Chairman asked that this phase be clarified for the public's benefit.
- iv. The DM advised that the NNPF introduced the concept, in heritage terms, of assessing harm. This included 'substantial harm' equating to the total loss of a heritage asset, as well as 'less than substantial harm'. With respect of the application, the Conservation and Design Officer acknowledged that there would be some harm to the designated heritage asset and to the character of the site by consequence of the proposed structures in North Lodge Park, but concluded that as the structures were removable they posed 'less than substantial harm'. With cases of 'less than substantial harm' it was a matter of planning judgement whether the public benefits attributable to the scheme could outweigh the heritage arising harm.
- v. Cllr V Holliday expressed her concerns that the community views for a café and community park would not be achieved through the scheme. She stated she would prefer that the hard standing be replaced with grass, which would contribute to the open green space of the town.
- vi. Cllr L Paterson commented that whilst he was supportive of the aims of the scheme, the structures proposed were not appropriate for the Victoria Seaside Town.
- vii. Cllr K Toye agreed that the site was in need of improvement, but she was not convinced by all elements of the proposed scheme. She considered that the site should be kept vehicle free and commented that the shipping containers would not be in keeping with the setting. Cllr K Toye expressed her preference that site be utilised as an open green space with consideration given to North Norfolk's elderly residents who would perhaps struggle to get down to the beach but who would also like a place to relax.
- viii. Cllr Gerard Mancini-Boyle disagreed with the use of shipping containers, commenting that whilst the scheme looked trendy he was concerned that it would be seasonally used and not used during winter months. He contended that a better scheme with more permeant fixtures in keeping with the town would be an improvement and would lead to the site being used all year round.
- ix. Cllr P Fisher advised that he had spent many years using the large open green space adjacent on the site for putting and other activities. He reflected that the tennis courts were only a small part of the larger open space, and

that this should be taken into consideration. Cllr P Fisher further noted that the public toilets located in North Lodge Park (next to the former Seaview Nursery) would no longer be available and therefore replacement facilities would be needed, with the former Seaview Nursery & adjacent café soon to be opened as a Bistro by the charity organisation 'About with Friends'. Cllr P Fisher spoke favourably for the use of the sedum roof, the community shed, and the polytunnel which would produce fresh produce for the foodhub, however, accepted Members' concerns regarding the use of shipping containers in the scheme. Cllr P Fisher considered that the public benefits of the scheme outweighed the harm to the heritage asset and the conservation area more broadly and so proposed acceptance of the Officer's recommendation for approval.

- x. The DM clarified that the shipping containers proposed were to be clad in timber, which would alter the appearance of the containers.
- xi. In the absence of a seconder for the application, the Chairman seconded the Officer's recommendation to trigger a vote for the Officer's recommendation; though would abstain from voting on the application for the reasons identified under the Declaration of Interest item.

The vote was lost by 4 votes for, 5 against and 4 abstentions.

- xii. The Chairman advised Members were now to proceed with voting against the proposal and sought planning reasons from the Committee to refuse.
- xiii. The DM noted Member's comments that they did not consider that the public benefits arising from the scheme would outweigh the harm to the Conservation Area and Heritage Asset, and advised this would substantiate a planning reason for refusal.
- xiv. Cllr A Brown proposed refusal of the application as per the reasons cited by the DM in order to trigger a vote, but would abstain from voting on the application itself (having confirmed his abstention under the Declaration of Interest item.)
- xv. Cllr K Toye seconded the proposal for refusal.

The vote was lost by 4 votes for, 1 against, and 8 abstentions

The meeting was adjourned at 10.12am and was reconvened at 10.20am

- xvi. The PL confirmed that a majority vote had not been achieved to either approve or refuse the proposal. She advised that it would be recommended that Members consider deferral of the application, with the DM providing further guidance on this matter. Should Members not agree to deferral, further legal advice would need to be sought.
- xvii. Cllr A Fitch-Tillett sought guidance whether she would be able to vote on deferral, as she would not be voting on the merits application itself.
- xviii. The PL advised that in voting on a deferment, Members would not be voting to make a decision to approve or refuse the application. She considered it would be appropriate that those Members who had previously been offered advice regarding pre-determination and perceptions of bias, be able to vote

on deferment.

- xix. The DM affirmed that this was an unusual matter, noting that typically when the Committee voted against the Officers recommendation for approval, Members usually voted for refusal and provided planning grounds detailing the reasons for refusal. The DM recommended that Members consider deferral of the application to enable the applicant to reconsider those elements of the scheme which the Committee were concerned about. If deferred the application would return to Committee at a future date.
- xx. Cllr A Brown suggested, if it was agreed that the proposal be deferred and therefore brought to a future meeting, that those Members who had abstained due to potential perceptions of pre-determination consider seeking a substitute member to attend the meeting in their stead. The Chairman and Cllr A Fitch-Tillett expressed their support for this approach.
- xxi. Cllr G Mancini-Boyle proposed deferral on the basis that whilst the Committee noted merits in the application there were elements of the scheme which could be improved including ensuring use of the space all year round.
- xxii. Cllr R Macdonald seconded the proposal. He considered some elements of the scheme to be excellent and agreed that the site was in need of revitalisation, but concluded some components of the proposal were unacceptable.
- xxiii. The Chairman summarised Members comments, and noted concerns primarily related to the use of the shipping container and visual impact of the polytunnel.

UNANIMOUSLY RESOLVED by 13 votes for.

That planning application PF/22/3010 be DEFERRED to enable the applicant to reconsider those elements of their proposal the Development Committee had expressed concerns about.

16 NORTHREPPS - PF/22/1708 - SITING OF 2 GLAMPING PODS FOR HOLIDAY USE AND CREATION OF PERMISSIVE FOOTPATH AT SHRUBLANDS FARM CAMPING SITE, CRAFT LANE, NORTHREPPS.

Officers Report

The PO introduced the Officers report and recommendation for refusal. The application was returned to Committee following deferment in February 2023.

The PO affirmed that the subject two glamping pods are currently in use unlawfully on land off Hungry Hill without planning permission. The application proposes to relocate them to an area of land which is used as a certified camping and caravanning site off Craft Lane.

It was noted that application site is located within an area of Countryside and the Norfolk Coast AONB in policy terms. The PO provided aerial images of the site, photos of the land including a demonstrative of what the pods would look like in situ, and images of the associated highways access. Access to the glamping pods would be via an existing forked vehicular access off Craft Lane.

Since the application had been deferred, a permissive footpath had been included within the proposal which would run along Craft Lane on land owned by the applicant.

With respect of key issues for consideration, the PO advised that as the site is only run under a certificate of exemption, the glamping pods do not qualify under this exemption, therefore are required to be assessed against Planning Policy. 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, along with policies EN 1 and EC 7.

The PO commented that whilst the design of the pods is broadly acceptable, the provision of two permanent structures on the site, which would be visible in winter months and the associated human activity, light spill and vehicle movements that the development would generate, are not considered to conserve or enhance the valued features or the defined special qualities of the Norfolk Coast AONB.

In terms of highways matters, it was noted that the site is accessed by the very narrow single track, Craft Lane. The PO confirmed that the Highways Authority had objected on the basis that the road is considered to be inadequate to serve the site with restricted width and passing provision for vehicles. The applicant has confirmed they would not be prepared to remove or reduce the certified camping provision so the two permanent Glamping pods would intensify existing vehicular movements and detrimentally impact highway safety under CT 5.

In cases such as this, the benefits of the proposal would need to be balanced against the harms which would result from new tourist accommodation being permitted within this sensitive landscape designation. Officers considered that whilst there are some limited benefits, such as the provision of a permissive footpath and some economic benefits, these had not been clearly articulated by the applicant and, as such, could only be afforded limited weight in the planning balance.

Further, the PO advised at this time the local planning authority had not received GIRAMS payment and therefore the application failed 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.

Having considered the other benefits and harms associated with the proposals, Officers consider that the adverse impacts of the development and policy conflict would significantly and demonstrably outweigh the benefits.

Public Speakers

Matthew Rooke – Supporting

Members Questions and Debate

- i. The Local Member – Cllr A Fitch-Tillett expressed her support for the application, and thanked Officers for recommending to defer consideration of the application to establish missing information.

The Local Member considered the application would align with NNDC Core Strategy Policies SS2 (Development in the Countryside) and EN1 (Impact on the AONB) and reflected that there was local support for the application. Cllr A Fitch-Tillett recited a supporting email from the publicans of the Foundry Arms in Northrepps who offered their full support, and commented that the campsite provided invaluable business which aided in the employment of 14 local people at the Pub. The publicans did not consider the visual impact to be any different from that of Forest Park Camping and Caravan site also in Northrepps which was permitted.

Cllr A Fitch-Tillett noted the history for the site with the pods replacing a large commercial greenhouse, and considered that, had this been a household application to replace a greenhouse with a shed, she doubted there would have been any issue.

With reference to the Highway's Authority objection, Cllr A Fitch-Tillett reiterated her comments from the prior meeting that Craft Lane was used as a bus route. Further, the entrance to the site had been widened, and there were passing places along Craft Lane to Northrepps.

The Local Member concluded in endorsing the diversification of farming and the need to support local businesses.

- ii. Cllr L Paterson noted that no public objections had been raised, and that the Parish Council were in support of the application. He further acknowledged the long-standing family farm had made use of the government's future farming resilience fund, and to better secure their future post basic payment scheme payments they needed to consider alternate methods to generate revenue and diversify their business. Cllr L Paterson expressed his full support for the application and the need to support local businesses and families though farm diversification particularly during challenging economic times. He considered that the proposal would be in keeping with its local setting, and would aid in attracting visitors away from the tourist hot-spots. Cllr L Paterson reflected on the benefits of the scheme to the local economy and commented that 22.2% of jobs locally centred around the tourist economy, with tourists on average spending 1.6 times more on holiday that they would normally at home.
- iii. Cllr J Toye considered that a balanced, sensible, pragmatic approach was needed. He reflected that within his own ward an individual had put in an application with another organisation for 5 geodesic zones. The Council in that instance were powerless to object, as authorisation to grant permission had been provided to organisations like the Camping and Caravan Club, and others, by Natural England. Cllr J Toye endorsed working with farmers who protect the AONB, and acknowledged that the applicant had worked with Officers to keep the proposal to a reasonable scale. He cautioned that the applicant could take another field and apply for a certificate from another organisation, (without NNDC's consent or endorsement) resulting in increased traffic.
- iv. Cllr G Mancini-Boyle endorsed the remarks made by Cllr L Paterson and stated that the reduction in units from 4 to 2 was indicative that the applicant was committed to working with the Planning Authority. Further, the applicant had addressed concerns of Nutrient Neutrality and light pollution which was commendable.

- v. Cllr V Holliday stated that whilst she agreed with the comments made by Cllr L Paterson, and had every sympathy with farmers, she considered that greater weight should be attributed to the conservation of special qualities of the AONB and that the district should move away its dependence on the tourism economy to more high value industries. Cllr V Holliday proposed support for the Officer's recommendation.
- vi. Cllr A Brown thanked Officer's for their report and the extensive reasons for refusal as outlined on pages 37 and 38 of the agenda. He remarked, as this was a retrospective application, that this something which was frowned upon. Cllr A Brown affirmed that the sites location within the AONB would challenge the conservation of the natural beauty of the area; hence the concerns outlined by the landscape officer that the economic benefits brought by the scheme would not outweigh the harm arising to the AONB. He considered the Local Member had misinterpreted to the Norfolk Coast partnerships comments, which should be seen as an objection in that they could not endorse the application. Further the proposal conflicted with several NNDC Core Strategy Policies including EC3 and EC7. Cllr A Brown noted there was a distinction between the proposed permissive path and a public footpath, with permissive footpaths able to disappear without notice. Further, the inclusion of the footpath did not remedy Highways issues, and would not allow for passing places for increased traffic. On balance, he was unable to support the application and so seconded the Officer's recommendation for refusal
- vii. The DM clarified that the pods were not retrospective and were in fact located in an alternate location on the applicants land. The image provided was demonstrative. Cllr A Brown thanked the DM for this guidance, apologised to the applicant, and withdrew this remark from his comments.
- viii. Cllr L Paterson asked if the permissive path could be tied to any granted planning permission to ensure it could not be taken away. The PO advised this could be secured via a legal agreement.
- ix. Cllr A Fitch-Tillett stated that there were several passing places along Craft Lane, and considered the current provision adequate.
- x. The Chairman reminded Members that the application must be considered on planning policy grounds, and not on gut feeling.
- xi. Cllr K Toye contended that the application would be considered as a new build within the AONB, and reflected that cumulative impact of continuous use of passing places would only make such spaces bigger leading to an erosion of verges, which would negatively impact flora and fauna.
- xii. The DM reiterated that Officer's determined that the proposal would result in the departure from policies and considered that the material benefits did not outweigh policy conflicts or harm to the AONB. He advised that if Members were minded to oppose the Officer's recommendation, they would need to articulate material considerations which outweighed those policy conflicts.
- xiii. Cllr L Paterson asked if farm diversification was supported by policy. The DM advised it was, but that it is was incumbent of the applicant to evidence this. It would be inappropriate to make a decision on this matter without

supporting evidence.

Cllr L Paterson further asked if the government-funded farming reliance fund report had been taken into consideration. The PO stated the issue with the report provided is that it did not directly specify the income from the campsite.

RESOLVED by 7 votes for, 3 votes against and 3 abstentions.

That Planning Application PF/22/1708 be REFUSED in line with the reasons identified in the Officer's recommendation.

The meeting was adjourned at 11.00am and resumed at 11.16am.

17 CLEY-NEXT-THE-SEA - PF/22/1843: CHANGE OF USE OF OUTBUILDING FROM SHOP (USE CLASS E(A)) TO SELF-CONTAINED ANNEXE (USE CLASS C3) FOR USE IN CONJUNCTION WITH WEST COTTAGE WITH EXTENSION AND EXTERNAL ALTERATIONS AT WEST COTTAGE, NEW ROAD, CLEY-NEXT-THE-SEA

Officer's Report

The DMTL introduced the Officer's report and recommendation for refusal. He outlined the sites location, context in its wider setting, proposed floor plan and elevations.

In terms of matters pertaining to principle, design, amenity and parking, Officer's determined that there were no overriding concerns. Whilst the addition of the rear extension incorporating a gym/studio may be uncomfortable in terms of the overall size, given its position and design, it is considered to be broadly acceptable with no detrimental wider impact. The DMTL confirmed that the primary issue for consideration was that of flood risk and policy EN 10 of the adopted Core Strategy, along with Paragraph 167 of the NPPF.

The DMTL advised that the site lies within Flood Zones 2 and 3A. The proposal is not listed as a permitted type of development under Policy EN 10 as the proposal includes extension and alteration to the building (constituting operational development) in addition to its change of use to a more vulnerable use, from a less vulnerable use, thereby raising to a higher risk category. Accordingly, the submitted proposed development is contrary to policy EN 10. Notwithstanding this, a balanced approach can be taken to such conversions, given the overall scale and size of potential works. It is also worth noting that some development may need to occur to ensure the feasibility of a scheme or to overcome other material planning considerations.

Since the publication of the agenda, it has been agreed between Officer's and the applicant that the sequential and exceptions test in relation to flood risk would not apply to this development proposal as it would consist of a change of use of an existing building. As such, the DMTL advised that the remaining matter for consideration was flood risk.

The DMTL confirmed that the proposed ground floor levels are 4.20m AOD (Above Ordnance Datum), under the expected flood levels of 5.84m AOD for a flood event with a 1 in 200 annual event probability and accordingly, the ground floor will flood during the identified flood event. This takes into account both climate change levels

and the overtopping of current flood defences. He advised that the proposal is supported by a Flood Risk Assessment and had been designed to address flood risk, amendments had been made following discussions with the Environment Agency and the Emergency Planner. The latest amended plans include the provision of small mezzanine floor in order to provide a first-floor refuge along with an escape window to access the flat roof and the proposed extension. The DMTL noted that this refuge would be only just above the predicted flood level. It is recognised that the applicant and agent had gone to some length to address the concerns raised, and had worked with Officer's to this end. However, in the event of a flood, it has been determined that the only potential egress would be through a roof light from the proposed refuge onto the roof of the property. There would be no further means of escape from the roof, without entering flood water. Officer's determined this would expose the occupants to extreme weather and present the possibility of having to be rescued by emergency services personnel.

The DMTL confirmed that Environment Agency and the Emergency Planner continued to uphold their objections regarding the risk of flooding. The Environment Agency considered that their objection could only be lifted if the Local Planning Authority were satisfied that the proposed flood mitigation measures were acceptable. These measures, in addition to the refuge, include signing up to the Environment Agency's Flood Warnings Direct scheme, a Personal Flood Plan and the occupiers of the annexe having keys to the main house with access to the first floor of the house with a higher refuge. However, the Council's Emergency Planner considers that, with no safe route of escape above the estimated flood level (a matter which the submitted Flood Risk Assessment cannot demonstrate, which is against EA advice), there is likely to be a need to enter flood water to escape, and the requirement to potential be rescued by emergency services, leaves an unacceptable risk for the occupants and as such, the measures proposed are not considered to be acceptable.

Any benefits of the proposed development, which include the re-use of an existing redundant building are considered limited at best and do not outweigh the flood risk issues identified.

Public Speakers

Richard Allen – Cley Parish Council
Sophie Russo – Supporting

Members Questions and Debate

- i. The Local Member - Cllr V Holliday – stated that it was with some trepidation that she recommended that the Committee disregard the advice of the Environment Agency and NNDC Emergency Planning, the opinions of which she holds in the highest regard, but considered they approached the application with a super abundance of trepidation. Cllr V Holliday noted that there was a cluster of housing in this area of Cley which would be subject to the same flood risk, and which were brought and sold seemingly without a problem. The Local Member reflected that this area did not flood during the 2013 surge, which offered some faith that the post 1953 defences were functioning properly, and further commented that the annexe would be ancillary to the two storey cottage a few metres away, and which would be occupied by a family member. Tidal flooding was well monitored and

advertised with 14 flood wardens in Cley to raise awareness, and therefore the family member would likely have sufficient time to be able to move to the first floor of the main dwelling for refuge. In the case of unpredicted flooding, there would be a point of egress through the mezzanine floor. Cllr V Holliday stated that there were other applications in similar circumstances which had been approved by the Council recently. The Local Member concluded by affirming the public benefits of the proposal, in converting a disused building into an annexe occupied by a permanent resident at a time when 44% of properties in Cley were second or holiday homes. Further, there were social benefits to the application in bringing a family together.

- ii. Cllr A Fitch-Tillett stated that whilst she had huge sympathy for the applicant, there was no way she could support the application due to the associated flood risk and so proposed acceptance of the Officer's recommendation for refusal. Cllr Fitch-Tillett stressed the power of natural forces, the impact of rising sea level and increasing violent storms. Regardless of whether a refuge was provided, she reflected on the strain there would be to emergency services in an evacuation level event.
- iii. Cllr J Toye expressed his sympathy for the personal circumstances of the family, but commented this was not a material planning consideration and therefore could not be taken into account. He stated that he was concerned about the impact exceptional flooding would have on the occupants, and questioned the C3 designated use. If permitted, he asked whether the annexe could be used as a future holiday let. Cllr J Toye seconded the Officer's recommendation.
- iv. Cllr L Vickers sought clarification whether the annexe could be used by persons other than the family. She stated she was hugely sympathetic to the applicant and their family and was minded to grant permission.
- v. The DMTL advised that a planning condition could be imposed, if approved, that the annexe could only be used for ancillary use. To use the annexe as a separate holiday let would then require separate planning permission.
- vi. Cllr A Brown reflected that this was a difficult application, and commented that personal circumstances were sadly not a planning consideration though he had great sympathy with the applicant. Cllr A Brown placed weight on the concerns raised by the Environment Agency, however asked Officer's to elaborate on permissions granted in Salthouse and whether this application could be distinguished in any way. He understood the sense of frustration from the applicant, that a similar application was approved in Salthouse, yet this proposal was recommended refusal.
- vii. The DMTL advised that the full details of the Salthouse application were not presently available to the Committee, and accepted the degree of frustration from the applicant that a decision had been taken on another application which perhaps did not consider the flood risk to the extent it should have done. He confirmed he was satisfied that the proposal for consideration by the Committee had been given the full and proper scrutiny in terms of flood risk issues.
- viii. Cllr A Brown remarked that the first duty of Planning Authority to its residents was matters of safety, it was therefore with a heavy heart that he would endorse the Officer's recommendation.

- ix. The Chairman commented, by way of precedent, that a farm building further along from this site was refused planning permission on grounds of flooding also.

RESOLVED by 11 votes for, 1 against and 1 abstention.

That planning application PF/22/1843 be REFUSED In accordance with the reasons identified in the Officers recommendation.

18 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- i. The DM introduced the Development Management Performance report and spoke favourably of the Planning Service with all decision's being made in time for the month, and of the Councils record at appeal.
- ii. Cllr A Brown, as Portfolio Holder for Planning and Enforcement, thanked Officers for their continued hard work and their extremely positive performance.
- iii. The Chairman echoed his thanks to the Planning Service.
- iv. The DM advised with respect of the S106 Appendix that S106 agreements for Crisp Malting's were to be signed imminently. The application for treehouses at Fulmodeston was however proving to be more difficult and far slower than initially anticipated.

19 APPEALS SECTION

- i. The DM advised, since the agenda publication, that a further decision had been reached for Sheringham PF/22/0443 which had been permitted.
- ii. The Chairman asked how a potting shed required planning permission, as he considered this ancillary to a garden. The DM advised that the potting shed did not fall within permitted development.
- iii. Cllr P Fisher noted, with regards ENF/21/0061 that the Pizza Van had been located down the road, and was subject to a further notice. He asked if this could be updated. The DM advised that action was being pursued on this matter, and he would leave the Enforcement team to liase with the Local member.
- iv. Cllr A Brown asked if there was an update regarding Arcady, as the Council were due to meet the Architect. The DM advised that he had not been directly involved, with this matter being handled by the Director for Place and Climate Change, and was unable to add to this matter.

20 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 11.55 am.

Chairman

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Registering interests

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

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

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

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

Non participation in case of disclosable pecuniary interest

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

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

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

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

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

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

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

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

Table 1: Disclosable Pecuniary Interests

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

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

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

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

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

Table 2: Other Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
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HAPPISBURGH – PF/22/2510 - Access track to Lighthouse Lane to serve existing public car park and new car park to allow for rollback of existing car park; ancillary works for Happisburgh Parish Council

Major Development

Target Date: 7th March 2023

Extension of time: 27th July 2023 (TBC)

Case Officer: Mr Joseph Barrow

Full Planning Permission

RELEVANT SITE CONSTRAINTS:

Agricultural Land Classification: Grade 1

Countryside

Undeveloped Coast Constraint Area

Coastal Erosion Risk Areas:

Coastal Erosion Risk Area - 100 years

Coastal Erosion Risk Area - 50 years

RELEVANT PLANNING HISTORY:

RV/22/0821: Variation of condition 2 (approved plans) of planning permission PF/11/0169 (Change of use of land from agricultural/amenity land to public car park/amenity land and construction of beach access ramp) to retain dropped kerb - Approved

PF/12/1354: Change of use of land from agricultural to playing field - Approved

PF/11/0169: Change of use of land from agricultural/amenity land to public car park/amenity land and construction of beach access ramp - Approved

COND/15/0515: Discharge of condition 3 (landscaping) of planning permission PF/12/1354 – Details approved

THE APPLICATION

This application proposes development that would take place in two phases:

- The first would be the creation of a new access road to the existing Beach Road Car Park from Lighthouse Lane, to an access point on the west side of the car park.
- The second phase would be the provision, and subsequent use, of new car parking spaces on current agricultural land to the west of the existing car park.

The proposed road would be sited to the south east of the site, running west-east, with the spaces provided to the north of that road. The spaces would be provided in three blocks of 18 spaces with an access road between them, and one block comprising 15 spaces (6 of which would be for disabled persons cars), as well as the provision of five powered two wheeler bays. All of this built form would be formed of 'grasscrete'.

The site is approximately 1.3 hectares in area, and is used for agricultural purposes. The site is bound by dwellings (and initially, their gardens) to the north, Lighthouse Lane with the village

of Happisburgh beyond to the west, further agricultural land and the grade II listed Happisburgh Lighthouse to the south, and the existing car park and Happisburgh beach to the east. Other than the screening of the existing residential development to the north and west, the site is open in its appearance

REASONS FOR REFERRAL TO COMMITTEE:

At the request of the Director for Place and Climate Change given the public interest

PARISH/TOWN COUNCIL:

Happisburgh Parish Council – No comments submitted as they are the applicants.

CONSULTATIONS:

Coastal Partnership East: Support the application as it is predicted the current access at the end of Beach Road would erode away before the car park itself, so the creation of the new access road and roll back car park would secure future use of the area.

Lead Local Flood Authority (Norfolk County Council): Standing advice issued.

Natural England: No objection.

North Norfolk District Council Business Development Officer: No objection.

North Norfolk District Council Conservation and Design Officer: No objection, less than substantial harm caused to the setting of the grade II listed Lighthouse and cottages by way of the encroachment of the parking area and access road moving closer.

North Norfolk District Council Landscape Officer (Ecology): No objection subject to conditions securing the ecological mitigation and enhancement measures recommended within the submitted Ecological Report.

North Norfolk District Council Landscape Officer (Landscape): No objection subject to a condition securing a mixed native species hedgerow to the south boundary of the site for visual screening purposes.

Norfolk County Council Highway Officer: objection

- Believed to be an intensification of use and traffic generation due to the change from agricultural land.
- Visibility is unacceptable at the following junctions:
 - Lighthouse Lane / Beach Road
 - Beach Road / Whimpwell Street
 - Lighthouse Lane / Whimpwell Street
- The section of Lighthouse Lane between the proposed access and Beach Road fails to provide safe refuge for pedestrians, and the prevalence of parked cars for the nearby dwellings restricts adequate passing facilities.
- The southern section of Lighthouse Lane is too narrow with insufficient passing place provision.

- The proposed location of the new access would necessitate increased use of Lighthouse Lane, which, in many ways, is considered to be of a worse standard of highway safety than Beach Road.
- *“In summary, the LHA remain of the opinion that this location cannot be considered as suitable for development as it would significantly increase the likelihood of vehicles meeting, leading to cars reversing and manoeuvring not only in Lighthouse Lane itself but also at visibility restricted junctions i.e Whimpwell Street/Beach Road; Lighthouse Lane/Beach Road; and Lighthouse Lane with Whimpwell Street.”*

REPRESENTATIONS

25 received, and one petition of 95 signatures, with **objections** on the following grounds:

- Insufficient width and capacity of Lighthouse Lane.
- Possibility of crime/unwanted overnight parking/camping.
- Amenity disturbance for residential properties, mostly caused by an increase in traffic on Lighthouse Lane.
- Negative impact upon pedestrian safety in the area.

3 representations in **support** also received.

HUMAN RIGHTS IMPLICATIONS

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

Article 8: The Right to respect for private and family life.

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT POLICIES:

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

SS 1 – Spatial Strategy for North Norfolk

SS 2 – Development in the Countryside

SS 5 – Economy

EN 2 – Protection and Enhancement of Landscape and Settlement Character

EN 3 – Undeveloped Coast

EN 4 – Design

EN 8 – Protecting and Enhancing the Historic Environment

EN 11 – Coastal Erosion
EN 12 – Relocation and Replacement of Development Affected by Coastal Erosion Risk
EC 6 – Public Car Parking Provision
CT 5 – Transport Impact of New Development
CT 6 – Parking Provision

Material Considerations

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

National Planning Policy Framework (2021):

Chapter 2 – Achieving Sustainable Development
Chapter 6 – Building a Strong, Competitive Economy
Chapter 9 – Promoting Sustainable Transport
Chapter 12 – Achieving Well Designed Places
Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 16 – Conserving and Enhancing the Historic Environment

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

- 1. Principle and Coastal Erosion**
- 2. Design and Landscape Impacts**
- 3. Residential Amenity**
- 4. Highway Safety**
- 5. Heritage**
- 6. Ecology**

1. Principle and coastal erosion

In considering issues of principle, Officers also consider it necessary to have regard to matters of coastal erosion given their relationship to this application.

This application is submitted due to the impact that coastal erosion is having upon the coastline, and community, of Happisburgh. Beach Road's loss to erosion is well-documented, and the 100 year coastal erosion risk area demonstrates a further predicted 158m of erosion further along Beach Road.

Critically, the alignment of the coast, and the dominant erosion pattern, means that the access into the existing car park from Beach Road is likely to be one of the next areas to be rendered unsafe, which would prohibit use of the car park.

The proposal therefore seeks to secure the future of the existing car park, as well as providing future spaces for when the existing car park becomes unsafe due to threat of erosion.

In policy terms the site is located within countryside, however the car park serves the coastal service village of Happisburgh to which it is adjacent. Policy SS2 of the Core Strategy states

that proposals for *'community services and facilities meeting a proven local need'* and *'recreation and tourism'* are acceptable in countryside locations.

It is also a site that is located within the Undeveloped Coast constraint area, where policy EN 3 is therefore applicable. This policy states *"community facilities, commercial, business and residential development that is considered important to the well-being of the coastal community will be permitted where it replaces that which is threatened by coastal erosion."*

Policy EN12 is also applicable. This allows for the relocation of community facilities, commercial and business uses that are considered important to the well-being of a coastal community affected by coastal erosion, where the following criteria are met:

- the development replaces that which is affected (or threatened) by erosion within 50 years of the date of the proposal;
- the new development is beyond the Coastal Erosion Constraint Area shown on the Proposals Map and is in a location that is well related to the coastal community from which it was displaced;
- the site of the development / use it replaces is either cleared and the site rendered safe and managed for the benefit of the local environment, or put to a temporary use that is beneficial to the well-being of the local community, as appropriate; and
- taken overall (considering both the new development and that which is being replaced) the proposal should result in no detrimental impact upon the landscape, townscape or biodiversity of the area, having regard to any special designations.

With regards to these criteria, Officers recognise that the existing development is very much under threat within a timescale much shorter than 50 years. The proposed new parking spaces are sited outside of the constraint area, whilst still being accessible from, and well-related to, the community of Happisburgh. The provision of the access road to the existing car park also secures the future use of that facility for as long as is safe.

It is considered that the third criterion could be complied with through the attachment of planning conditions to any permission granted necessitating the removal/relocation of structures when required. It is also the case that the development proposed accords with the last criterion as there would be no detrimental impact upon the landscape, townscape or biodiversity of the area, having regard to any special designations.

Finally, Policy SS 5 states that development should *"promote and enhance long distance walking and cycling routes and heritage trails."* The car park provides an access point onto the Norfolk Coast Path, with the Deep History Coast trail also accessible, as well as the Time and Tide Bell (once installed) on the beach itself.

Having regard to Core Strategy Policies SS 1, SS 2, SS 5, EN 3, EN 11 and EN 12 it is considered that this proposal is acceptable in principle, and in terms of coastal erosion risk. To be acceptable overall however it must also comply with all other relevant development plan policies unless material consideration indicate otherwise.

2. Design and Landscape Impacts

The site is agricultural land bound by residential development to two sides, the car park which it will support to the east, and existing agricultural land surrounding the landmark of Happisburgh Lighthouse to the south.

The development proposed includes the creation of a single carriageway road to the south of the site, from the east side of Lighthouse Lane, along the southern boundary of the site, before connecting to the existing car park to the north of the existing toilet facilities. A footpath is detailed to the north of this road to enable pedestrians to access the beach.

The surface proposed to be used is 'grasscrete' throughout, which is beneficial both visually, and in terms of surface water drainage. The site will also be bound to the north and west by a substantial ecological and landscape buffer comprised of hedgerow as per Section 6.9 of the submitted ecological report. A mixed native hedgerow with trees every 10m will be planted to the south of the road, to provide a natural visual screen to the open south side of the site.

Taking account of this, the proposal is considered to be acceptable in terms of design and landscape impact, having regard to Core Strategy Policies EN 2, EN 3 and EN 4 and Chapter 12 of the NPPF (2021).

3. Residential Amenity

Amenity is a concern raised in many of the representations received from local residents, with main concerns relating to an increase in traffic using Lighthouse Lane and disturbing those residents.

Firstly, it is not considered that the development would be harmful in terms of visual dominance, overshadowing, or privacy in terms of the location of the spaces and the new access road itself. The distances between the land to be developed and residential properties are sufficient to avoid these concerns, with the landscaping buffers and visual screen further reducing disturbance from the proposed car park location.

With regard to houses along Beach Road after the junction with Lighthouse Lane, it is considered that the proposal would have a beneficial effect in terms of disturbance and privacy. The provision of the new access road, and the closing of the existing car park access point, would divert traffic away from Beach Road, where currently cars accessing the car park pass close to principle elevations of dwellings, and often use residential driveways as passing places. The proposed car park and access road is much further away than Beach Road from these properties, with gardens, an existing hedgerow screen, and the proposed landscaping measures between them as well. This would therefore reduce the noise and privacy disturbance when compared with the existing arrangement.

With regard to dwellings on Lighthouse Lane situated to the south of the proposed access, it is acknowledged that this proposal would increase the number of cars passing these properties, and their accesses. It may also be likely that an absence of passing places would require the use of driveways, resulting in some amenity impact in terms of noise and privacy, albeit Officers consider this would not result in significant adverse effects.

The existing signage on the highway network directs beach traffic to the Whimpwell Street / Beach Road junction, and it would be understood that this signage would remain. Officers recognise it may be difficult to quantify the likely increase (if any) in traffic using the southern section of Lighthouse Lane. It is however, considered reasonable to conclude that any amenity disturbance in this location should not exceed that which currently impacts dwellings on Beach Road given there is no increase in parking spaces proposed.

It is acknowledged that dwellings between the new access from Lighthouse Lane and the Lighthouse Lane / Beach Road junction would likely be exposed to a greater level of amenity disturbance. This number of affected dwellings is less than those currently between that junction and the access point to the car park from Beach Road.

In considering the overall impact of the development in this respect, it is likely that it would have a comparable impact on the level of residential amenity in the immediate area, having regard to the different properties which may be affected, as well as visual and audio screening proposed as part of the scheme.

Subject to conditions, it is not considered that this proposal would have a greater negative impact on the area as a whole in terms of amenity disturbance. Consequently, it is considered to be acceptable in terms of these impacts and in accordance with Core Strategy Policy EN 4 and Chapter 12 of the NPPF (2021).

4. Highway Safety

Core Strategy Policy CT 5 sets out that:

‘Development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. Development proposals will be considered against the following criteria:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability;
- the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;
- outside designated settlement boundaries the proposal does not involve direct access on to a Principal Route, unless the type of development requires a Principal Route
- 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; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan’.

Paragraph 111 of the NPPF (2021) states that *‘Development should only be prevented or*

refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

The Highway Authority have been consulted on the application as first submitted and following amendments to it. In summary they continue to object on highway safety grounds with the main concerns relating to the increased use of road junctions with substandard visibility and roads with limited width and lack of formal passing places.

Whilst the Highway Authority's position is noted, Officers recognise that this application seeks replacement of an existing car parking facility which is soon to be lost due to coastal erosion. The new car park layout proposed would not provide any more spaces than was originally permitted for the existing car which it will eventually replace. The 2012 permission for the car park allowed for a maximum of 76 spaces, with this proposed layout now detailing 74 spaces total (inclusive of 6 disability accessible spaces and 5 powered two wheeler spaces. Without a suitable replacement car parking facility, visitors to the area and others wishing to access the nearby coastal footpath(s) may well choose to park on-street where there are currently no parking restrictions in place. The Committee will therefore need to weigh up the highway impact of this proposal having regard to the benefits/dis-benefits of the proposed replacement facility as compared to the potential scenario where the car park is not replaced. The Highway Authority's stance does not appear to have recognised the potential highway safety impacts resulting from the loss of an existing car park facility.

With regards to the road standards that highway users would need to access to reach the car park, it is understood that current signage within the village, namely that on Whimpwell Street directing beach traffic down Beach Road, would not change (notwithstanding any provision of signage to direct people down Lighthouse Lane). For those that would use this access route, the length of Beach Road between Whimpwell Street and the junction with Lighthouse Lane would remain the same, with traffic now proposed to turn right down Lighthouse Lane rather than continuing along Beach Road as it does currently.

The distance along Beach Road to the current car park access point is approximately 268m, compared with a distance of approximately 118m along Lighthouse Lane to the access point of the proposed car park. It is considered that the quality of these roads, provision of passing places (or lack of), and speeds, would likely be similar, with the current route (Beach Road) often demanding the use of private driveways for passing places.

Officers accept that the proposal could result in additional vehicle movements along the southern section of Lighthouse Lane. The part of Lighthouse Lane to the south of the proposed car park access, through to the Whimpwell Street junction, is undoubtedly substandard, with insufficient passing place provision, and at a distance of approximately 478m to that junction, increased use would be undesirable. The applicant has indicated that the access to the car park '...could be designed with a much-reduced bell mouth or no bell mouth on the southern side of the access track to make southbound movements difficult. These measures would discourage the use of Lighthouse Lane to the south...'. Officers would welcome these measures together with appropriate signage to ensure traffic is directed to use the most appropriate routes.

Having regard to the advice of the Highway Authority, it is recognised that this development

may encourage and result in use of parts of the road network that currently are unlikely to be used to the same level. It is consequently the case that the application could have some negative impact on highway safety, which would be contrary to Core Strategy Policy CT 5.

Whilst it is ultimately a matter of planning judgment, having regard to the existing car parking arrangements, Officers are not persuaded that the impact on highway safety would be so severe as to justify refusal in this case, especially in light of Paragraph 111 of the NPPF (2021) which provides a material consideration to determine this application contrary to the advice of the Highway Authority.

5. Heritage

The proposal involves encroachment of the car park into land which currently forms part of the agricultural area surrounding the grade II listed Happisburgh Lighthouse and its cottages. The setting of these designated heritage assets is important, with the Lighthouse an important landmark and attraction within this part of North Norfolk.

The surrounding area being largely undeveloped contributes positively to the setting and significance of these heritage assets. The proposed development would still maintain a separation distance of approximately 150m, and with no additional above ground structures, the main visual impact of the scheme would come from parked cars.

Following consultation with the Council's Conservation and Design Officer it is considered that the impact upon the setting and significance of the heritage assets would be towards the lower end of the 'less than substantial' spectrum for NPPF purposes'.

In cases where the harm would be less than substantial paragraph 202 of the NPPF (2021) requires that this is weighed against the public benefits that would be provided by the proposed development. In this case Officers consider that there are ecological benefits along with the retention of a parking facility serving the local community and the area's tourism offering which attract considerable positive weight. On that basis it is considered that the proposal is acceptable in terms of Core Strategy Policy EN 8.

6. Ecology

The application has been submitted with an ecological survey inclusive of a 'Shadow Habitats Regulations Assessment' (HRA), survey work, and suggested enhancements. The Council's Landscape Officer (ecology) agrees with the findings of the Shadow HRA and proposes that the application can be screened out at Stage 1.

The proposal includes precautionary mitigation, as well as enhancement measures. Both of which are deemed appropriate and suitable for the development proposed. It is therefore considered that, subject to conditions securing these enhancements, the proposal is acceptable in terms of ecological impact, and complies with Core Strategy Policy EN 9 and Chapter 16 of the NPPF (2021).

Other considerations

Loss of grade 1 agricultural land – land designated as such is the best and most versatile for agricultural purposes. In this case given the public benefits associated with the proposed development referred to above, including ecological enhancements and maintaining public parking provision, it is considered that the loss of what is a modest area of grade 1 agricultural land is, on balance, acceptable.

Planning Balance and Conclusion

The proposed development would cause less than substantial harm to the grade II listed lighthouse and cottages. There are also concerns in terms of highway safety.

Paragraph 111 of the NPPF (2021) states that *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’*

Paragraph 202 of the NPPF (2021) states that *‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’*

It is also the case that this proposal brings forward ecological enhancements, as well as community-wide benefits in terms of resistance and adaptation to coastal erosion constraints as well as tourism through beach and footpath access.

Whilst it is ultimately a matter of planning judgment, having regard to the existing car parking arrangements, Officers are not persuaded that the impact on highway safety would be so severe as to justify refusal in this case, especially in light of Paragraph 111 of the NPPF (2021) which provides a material consideration to determine this application contrary to the advice of the Highway Authority.

It is also considered that the scheme brings forward a significant number of identified public benefits which outweigh the less than substantial harm to the heritage asset.

RECOMMENDATION:

APPROVAL subject to conditions to cover the matters listed below (and any others subsequently considered necessary by the Assistant Director – Planning)::

1. Time Limit
2. Approved plans (including design of bell-mouth to car park)
3. Surface materials
4. Compliance with the drainage strategy
5. Use prohibition for the new parking space until such a time as they are necessary
6. Closure of the existing access point as soon as the new access is in use
7. Number of spaces not to exceed 74 as per the plan at any time
8. Car park opening hours with access gate to be closed when car park is not in use

9. Prohibition of overnight camping
10. Implementation of ecological mitigation and enhancement measures
11. Provision of a mixed species native hedgerow with trees every 10m to the southern boundary of the site
12. External lighting
13. Any other highway conditions

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

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Sheringham – PF/22/1928 - Full Planning Application: Revised scheme for the erection of 62. no retirement dwellings, access, roads, open space, parking areas and associated works at Land South Of Sheringham House, Cremers Drift, Sheringham, Norfolk for Sutherland Homes Ltd

Major Development

Target Date: 14.11.2022

Extension of time: 30.06.2023

Case Officer: Mr Geoff Lyon

Full Planning Permission

RELEVANT SITE CONSTRAINTS

The Norfolk Coast Area of Outstanding Natural Beauty

Contaminated Land

EA Groundwater Source Protection Zone 1 and 2.

Landscape Character Area - Description: Coastal Shelf (Weybourne to Mundesley Coastal Shelf)

Open Land Area

Site Allocation

Mineral Safeguard Area

TPO/00/0663 - TREE PRESERVATION ORDER 2000 NO 9 (AREA)

GIRAMS Zones of Influence:

GIRAMS ZOI (Broads Sites) - GIRAMS: Broadland RAMSAR Zone of Influence

GIRAMS ZOI (Broads Sites) - GIRAMS: Broadland Special Area of Conservation (SAC) Zone of Influence

GIRAMS ZOI (Broads Sites) - GIRAMS: Broadland Special Protection Area (SPA) Zone of Influence

GIRAMS ZOI (Norfolk Valley Fen Sites) - GIRAMS: Norfolk Valley Fens Special Area of Conservation (SAC) Zone of Influence

GIRAMS ZOI (North Coast Sites) - GIRAMS: North Norfolk Coast Special Protection Area (SPA) Zone of Influence

GIRAMS ZOI (North Coast Sites) - GIRAMS: North Norfolk Coast RAMSAR Zone of Influence

GIRAMS ZOI (North Coast Sites) - GIRAMS: North Norfolk Coast Special Area of Conservation (SAC) Zone of Influence

GIRAMS ZOI (The Wash Sites) - GIRAMS: The Wash Special Protection Area (SPA) Zone of Influence

GIRAMS ZOI (The Wash Sites) - GIRAMS: The Wash RAMSAR Zone of Influence

GIRAMS ZOI (The Wash Sites) - GIRAMS: The Wash & North Norfolk Coast Special Area of Conservation (SAC) Zone of Influence

Adjacent:

LDF Residential Area

Setting of Sheringham Park

RELEVANT PLANNING HISTORY

Application **PO/16/1725**

Description Erection of 62 later living retirement apartments including communal facilities

and car parking (outline application)

Outcome A - Approved

Status A - Decided

Application **PM/18/1502**

Description Erection of 62 later living retirement apartments including communal and car parking facilities (Reserved Matters for Landscaping; Outline ref: PO/16/1725)

Outcome A - Approved

Status A - Decided

Application **CDE/16/1725**

Description Discharge of Condition 7 (Off-site highways works - 3no. Crossing Points proposed along Cremer's Drift) for Planning Permission PO/16/1725

Outcome CD - Condition Discharge Reply

Status CD - Condition Discharge Reply

Application **CDD/16/1725**

Description Discharge of Condition 8 (Surface Water Drainage Strategy) for Planning Permission PO/16/1725

Outcome CD - Condition Discharge Reply

Status CD - Condition Discharge Reply

Application **CDC/16/1725**

Description Discharge of Condition 10 (Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity)) for Planning Permission PO/16/1725

Outcome CD - Condition Discharge Reply

Status CD - Condition Discharge Reply

Application **CDB/16/1725**

Description Discharge of Condition 9 (Partial discharge) (Contamination Assessment - Desk study and risk assessment) for Planning Permission PO/16/1725

Outcome CD - Condition Discharge Reply

Status CD - Condition Discharge Reply

Application **CDA/16/1725**

Description Discharge of Conditions for Planning Application PO 16 1725 - Cond.3: Landscaping, Cond.7: Highways, Cond.8: Flood Scheme, Cond.9: Contaminants, Cond.10: Enviro. Management Plan, Cond.11: Garaging & Storage, Cond.12: External Materials, Cond.13: Access & Footpaths, Cond.14: Fire Hydrants, Cond.15: Construction Traffic Mgmt

Outcome WFI - Withdrawn - Invalid

Status WFI - Withdrawn Invalid

THE APPLICATION

Seeks Full planning permission to erect 62 dwellings comprising 42 No. 2 Bedroom Apartments, 10 No. 1 Bedroom Apartments and 10 No. 2 Bedroom Bungalows. The proposal is, in effect, a revised scheme to that approved under application PO/16/1725 / PM/18/1502 which was a scheme of 62 apartments set across five buildings. This application seeks to retain three of the buildings without change ('Kittiwake House', 'Redshank House' and 'Puffin House') amend one of the buildings ('Sandpiper House') to accommodate a mix of 18 one and two bed apartments rather than the previous 14 two-bed apartments and to delete 'Pintail House' and replace it with 10 No. two bed bungalows which each have a floor area of circa 103sqm.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Liz Withington – there are ongoing concerns about drainage and flooding as a result of a drainage scheme which is not clear will mitigate or prevent further escalation of the localised flooding already an issue in the area.

In addition, there are also concerns about the need to include conditions to prevent anything other than pedestrian access through the gate and into Knowle road. The inclusion of passing places in a path appears to residents and concerns them that vehicular access will develop over time. Even if vehicular access is not included initially. Knowle Road is very waterlogged and would potentially become inaccessible with further traffic. This is also a private road providing a calm and quiet residential area with little traffic or people wandering around.

Given these issues need to be addressed, please can this application be called into the Development Committee

PARISH/TOWN COUNCIL:

Sheringham Town Council – **No Objection** but raised concerns about the impact of construction on the residents of Willow Grove, particularly were the construction period to prolong.

CONSULTATIONS:

Conservation and Design (NNDC) – **No Objection**

Environmental Health – **No Objection** subject to imposition of conditions

Landscape (NNDC) – Further ecology report requested. Comments awaited.

Planning Policy Manager NNDC – **No Comment**

Strategic Housing NNDC – **No Objection** - Financial Viability Assessment (FVA) requested given that proposal is not proposing any affordable housing on-site. FVA provided and Council's Viability consultant has confirmed and agreed the findings of the FVA which assumes the sum of £97,265 would be available for S106 contributions of which £ 57,292.92 is available for off-site affordable housing. The applicant has indicated that the proposal would be delivered within 5 years within a single phase. Ordinarily this would not require an uplift clause but the applicant has agreed that, in the event that completion takes longer than 5 years that an uplift clause would apply. Strategic Housing indicated they are content with this outcome.

Anglian Water – **No objection** in relation to AW assets affected, wastewater treatment and used water network but has raised concerns about surface water disposal and has recommended consultation with the LLFA

Forestry Commission – **No comment**

Natural England – **No objection** subject to GI RAMS mitigation being sought

NCC – Highways – **No Objection** subject to conditions and informative notes.

NCC - Historic Environment Service – **No objection**

NCC Flood & Water Mgmt (LLFA) – Objection (See copy of response at **Appendix A**)

NCC - Minerals And Waste – No Objection

NCC - Planning Obligations Co-Ordinator – No Objection subject to provision of fire hydrants and library provision contribution (£75 per dwelling).

NCC - Public Rights Of Way & Green Infrastructure – No Objection

REPRESENTATIONS

10 representations have been received of which 9 are in **objection** summarised as follows:

- Concerned about impact on amenity from glazing
- Existing planting is being removed and opening up views
- Replacement planting is insufficient to protect amenity of neighbouring residents.
- Public bus transport from Woodland Rise has not existed for 10+ years. Most residents will need some kind of personal transport to reach the town centre
- Single point of vehicular access from Willow Grove is not acceptable, especially during construction phase.
- Construction impacts will be significant for neighbouring residents
- Surface water run-off is a big problem along Knowle Road
- Added hard-standing will exacerbate surface water flooding concerns
- Footpath to Knowle Road should not be used by vehicles – Knowle Road is not suitable for vehicular access.
- Knowle Road should not be used by construction traffic
- Removal of trees will affect water levels and impact on properties in Knowle Road

HUMAN RIGHTS IMPLICATIONS

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT POLICIES

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

- SS 1: Spatial Strategy for North Norfolk (specifies the settlement hierarchy and distribution of development in the District).
- SS 4: Environment (strategic approach to environmental issues).
- SS 5: Economy (specifies expectation for jobs growth through distribution of new employment sites in the District, protection of designated Employment Areas, and specifies criteria for tourism growth)
- SS 6: Access and Infrastructure (strategic approach to access and infrastructure issues).
- EN 2: Protection and enhancement of landscape and settlement character (specifies criteria that proposals should have regard to, including the Landscape Character Assessment).
- EN 4: Design (specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction).
- EN 6: Sustainable construction and energy efficiency (specifies sustainability and energy efficiency requirements for new developments).
- EN 8: Protecting and Enhancing the Historic Environment
- EN 9: Biodiversity and geology (requires no adverse impact on designated nature conservation sites).
- EN 10: Flood risk (prevents inappropriate development in flood risk areas).
- EN 13: Pollution and hazard prevention and minimisation (minimises pollution and provides guidance on contaminated land and Major Hazard Zones).
- CT 2: Development contributions (specifies criteria for requiring developer contributions).
- CT 5: The transport impact on new development (specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport).
- CT 6: Parking provision (requires adequate parking to be provided by developers, and establishes parking standards).

Material Considerations:

Site Allocations Development Plan Document (Adopted Feb 2011)

Policy SH06 - Land Rear of Sheringham House

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide (December 2008)

National Planning Policy Framework (July 2021)

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision-making
- Chapter 6: Building a strong, competitive economy
- Chapter 8: Promoting healthy and safe communities
- Chapter 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

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

1. **Principle of development**
2. **Housing Mix and Type**
3. **Effect on residential amenity**
4. **Effect on highway safety**
5. **Effect on Flood Risk**
6. **Effect on Trees and Landscape**
7. **Effect on Ecology**
8. **Affordable Housing and Development Viability**

1. Principle

The principle of residential development on this site was secured following the adoption of the Site Allocations Development Plan Document in Feb 2011. Policy SH06 (Land Rear of Sheringham House) sets out that:

Land amounting to 2.3 hectares is allocated for approximately 70 dwellings. Development will be subject to compliance with adopted Core Strategy policies including on-site provision of the required proportion of affordable housing (currently 45%) and contributions towards infrastructure, services, and other community needs as required and:

- a) *Development on this site will not be permitted until improved pedestrian access is provided to the town centre, the health centre and the town's schools (including access to Morley Hill);*
- b) *the development must secure the permanent protection of trees and woodland (including the orchard at the northern end of the site) and the development must follow a landscaping scheme that incorporates suitable native species together with a management plan;*
- c) *wildlife mitigation and improvement measures including ensuring connectivity of the site to surrounding habitats;*
- d) *demonstration that there is adequate capacity in sewage treatment works and the foul sewerage network and that proposals have regard to water quality standards; and,*
- e) *prior approval of a scheme of mitigation to minimise potential impacts on the North Norfolk Coast SPA/SAC and Ramsar site arising as a result of increased visitor pressure, and on-going monitoring of such measures.*

This site is within the Norfolk Coast AONB, and development proposals should be informed by, and be sympathetic to, the special landscape character of this protected area. Proposals should also be informed by Development Control Policies EN1 and EN2.

Outline planning permission was secured under application ref: PO/16/1725 for 'Erection of 62 later living retirement apartments including communal facilities and car parking (outline application)'. A subsequent reserved matters application was submitted under application ref: PM/18/1502 and approved. Conditions were discharged (including a surface water drainage scheme) and the applicant made a meaningful start such that the applications have been lawfully commenced / implemented. The principle of 62 dwellings on site has therefore been established and the existing permissions remain capable of completion, albeit work has ceased whilst an alternative proposal is explored.

Whilst the revised scheme, similar to the permitted scheme, departs in some areas from the expectations set out in the site allocation policy (as detailed in this report), the existence of the

implemented permission is a material consideration to which significant weight should be apportioned. Officers therefore consider the principle of development is acceptable subject to compliance with all other relevant development plan policies unless material consideration indicate otherwise.

2. Housing Mix and Type

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

The proposed development comprises the following housing mix:

- 42 No. 2 Bedroom Apartments
- 10 No. 1 Bedroom Apartments
- 10 No. 2 Bedroom Bungalows

The scheme approved under application PO/16/1725 had a housing mix of:

- 62 No. 2 Bedroom Apartments

The plans submitted by the applicant indicate that the 10 No. 1 Bedroom Apartments within 'Sandpiper House' would have floor areas of 50.7sqm (five apartments) and 62 sqm (five apartments). The remainder would have floor areas ranging from 92.4sqm up to 170.85sqm.

Only 10 out of 62 units (16%) would comply with the size requirements of Policy HO1. However, the proposals do comply with the policy expectations regarding being suitable for occupation by the elderly, infirm or disabled.

On balance, whilst the number of smaller units falls below the policy expectation of Policy HO1, the mix represents an improvement on the scheme approved under application PO/16/1725. Officers consider that the existence of the implemented permission is a material consideration to which significant weight should be apportioned as a reason to depart from Policy HO1.

3. Effect on residential amenity

Policy EN 4 of the Core Strategy requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers.

The development site adjoins existing residential development along Woodland Rise including properties on Chestnut Grove, Willow Grove, Juniper Grove, Cedar Grove, Ash Grove, Poplar Grove and Elm Grove. Adjoining properties predominantly comprise bungalows along Chestnut, Willow and Juniper Groves with two-storey properties along Cedar, Ash, Poplar and Elm Groves. The sloping nature of topography both on the site and

off-site affect the impact of development.

The main changes resulting from this application (compared with the scheme approved under application PO/16/1725) is the removal of 'Pintail House' and replacement with 10 bungalows. This primarily impacts residents on Chestnut, Willow and Cedar Groves with 'Pintail House' being a three storey property with a height to ridge of circa 11.5m. The proposed bungalows would be single storey in height with a height to ridge of circa 5.6m.

Even accounting for the fact that the bungalows would sit closer to the southern boundary (circa 9m) compared with circa 21m for 'Pintail House', Officers consider that this is a better relationship than the previously approved scheme and would accord with the aims of Policy EN 4.

In respect of other changes, Officers consider that the changes to 'Sandpiper House' would not materially change the impact on residential amenity.

It is therefore considered that the proposed development would not result in any material effect on the living conditions of the occupiers of neighbouring dwellings and therefore complies with Policy EN 4 of the CS and Chapter 12 of the NPPF (2021).

4. Effect on highway safety

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

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

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

The proposal seeks highway access from Woodlands Rise via Willow Grove for the development. Pedestrian access to the town centre would be facilitated via a new footpath to the north to join Knowle Road. This remains the same as previously approved under PO/16/1725. The Highway Authority have raised No Objection subject to conditions and informative notes.

Whilst representations have raised concerns about the potential for the Knowle Road

pedestrian access to become a vehicular route, that is not what is being proposed and Officers would recommend the imposition of suitable conditions to secure that this remains for pedestrian use only. The applicant has indicated their agreement to such a condition.

Subject to conditions, the application is therefore considered acceptable in terms of highway and parking impacts, in accordance with Core Strategy Policies CT 5 and CT 6 and, Chapter 9 of the NPPF (2021).

5. Effect on Flood Risk

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

The site is located within Flood Risk Zone 1 (the lowest risk of flooding). However, the applicant has identified a spring on the north/northwest site boundary and the site also falls within the Environment Agencies Groundwater Source Protection Zone 1 and 2. This means that careful consideration needs to be given to ensure that surface water drainage is appropriately managed so as not to result in adverse impacts off-site nor adversely affect protected groundwaters.

In considering the flood risk implications, the Committee need to be aware that a surface water drainage scheme was agreed for the site in relation to applications PO/16/1725 / PM/18/1502. That scheme was discharged in 2020 following agreement by the Lead Local Flood Authority in relation to discharge of condition application CDD/16/1725.

However, as a new planning application, surface water drainage issues are being considered again to ensure they remain appropriate. The applicant's drainage engineers submitted a flood risk assessment and drainage strategy dated 24 May 2023. This has been reviewed by the Lead Local Flood Authority with a response provided on 06 July 2023. The LLFA have identified a number of areas where further information is required so that they can be satisfied that the development is acceptable in relation to matters of flood risk (See full response at **Appendix A**).

In response to the LLFAs recent comments, the applicant's drainage engineers have confirmed that they are to fully review the points raised and update the design and Drainage Strategy document. Alongside this, the applicant's drainage engineers have indicated that they will provide a response document which will provide a direct response to each of the points raised to facilitate a subsequent LLFA review to allow the design to reach approval. This continued dialogue should enable parties to reach a point to allow planning acceptance to be reached.

Whilst it may be preferable to have all drainage matters resolved prior to determination by Development Committee, in this instance given that an extant scheme exists with an acceptable drainage scheme, Officers consider it would be reasonable to conclude that a very similar scheme should also be capable of reaching an acceptable conclusion in relation to

surface water drainage. The recommendation will reflect this with Officers seeking delegated authority to resolve the drainage issues and would seek the imposition of suitable drainage conditions to secure an acceptable drainage scheme for this development.

Subject to the above, the development would accord with the aims of Core Strategy Policy EN 10.

6. Effect on Trees and Landscape

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

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

The application site/adjoining land contains a number of trees many of which contribute positively to the character and appearance of the area. The applicant has submitted an Arboricultural Impact Assessment (AIA) as well as a Landscape Plan. On the basis of these submissions, the Landscape Officer has not raised any objection save for the fact that a further ecology survey is required (now submitted). Subject to conditions to secure the landscape plan, the proposal would broadly accord with the aims of Policy EN 2. In any event, Officers consider that the existence of the implemented permission is a material consideration to which significant weight should be apportioned when assessing the impact on trees and landscape.

7. Effect on Ecology

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

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

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

interests of nationally designated sites will not be permitted.

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

Following a request from the Landscape Officer, the applicant has now submitted an Ecological Appraisal and Impact Assessment which, at the time of writing this report, is still being assessed by the Landscape Officer.

Subject to the findings of the report being considered acceptable and subject to the imposition of any conditions required to secure any required ecological mitigation, the proposal would accord with the aims of Core Strategy Policy EN 9.

8. Affordable Housing and Development Viability

Core Strategy Policy HO 2 sets out, amongst other things, that:

‘Planning permission 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 in accordance with the following:

- On all schemes of 10 or more dwellings or sites of more than 0.33 hectares in Principal and Secondary Settlements, not less than 45% of the total number of dwellings proposed are affordable...’

Core Strategy Policy CT 2 (Developer Contributions) sets out, amongst other things, that:

‘On schemes of 10 or more dwellings and substantial commercial development where there is not sufficient capacity in infrastructure, services, community facilities or open space, improvements which are necessary to make that development acceptable will be secured by planning conditions or obligations, and these must be phased so as to be in place in accordance with an agreed time frame or prior to the occupation of an agreed number of units...’

In this case, the applicant has advanced an argument that it is not financially viable to provide on-site affordable housing for this scheme and, on that basis, a Financial Viability Assessment (FVA) was requested.

The submitted FVA has been reviewed by the Council’s Viability consultant who has confirmed and agreed the findings of the FVA which assumes the sum of **£97,265.00** would be available for S106 contributions of which £ 57,292.92 is available for off-site affordable housing.

The applicant has indicated that the proposal would be delivered within 5 years within a single phase. Ordinarily this would not require an uplift clause but the applicant has agreed that, in the event that completion takes longer than 5 years that an uplift clause would apply. Strategic Housing indicated they are content with this outcome.

In terms of the total financial contributions to be secured via S106 Obligation these would be:

Contribution Type	Purpose	Cost per dwelling	Number of Units	Total Cost
GI RAMS Contribution	To mitigate the impact of development on European Sites	£ 210.84	62	£ 13,072.08
Library Contribution	To be spent on increasing the capacity of the library serving the development	£ 75.00	62	£ 4,650.00
Community Infrastructure Contribution	To be used towards capital investment projects in the expansion, extension and improvement of the Sheringham Little Theatre	£ 358.87	62	£ 22,250.00
Affordable Housing Contribution	To be used towards the provision of Affordable Housing in the District	£ 924.08	62	£ 57,292.92
Total				<u>£ 97,265.00</u>

On the basis of the above, Officers consider that sufficient evidence has been provided by the applicant to justify their viability case. Subject to the securing of the S106 obligations, the proposal would accord with Core Strategy Policies HO 1 and CT 2.

Other considerations

As part of the consideration of the application, a Habitats Regulations Assessment has been undertaken. The Council's Landscape Officer is satisfied that concerns regarding impacts upon sites of international importance have been addressed. Concerns regarding hydrological impacts upon Norfolk Valley Fens SAC/Sheringham and Beeston Regis Common SSSI were also initially raised as part of application PO/16/1725 though further investigation determined the two sites were hydraulically unconnected. Recreational impacts are considered the only likely potential pathway of impacts based on the site location and proposed scheme.

Officers conclude that the GIRAMS tariff payment and provision of Enhanced Green Infrastructure onsite are sufficient to ensure no significant recreational impacts upon the Norfolk Valley Fens SAC will occur. Subject to securing the mitigation payments and onsite green infrastructure, the proposal would accord with the aims of Policy EN 9.

Planning Balance and Conclusion

The Development Committee are being asked to, in effect, consider a revised scheme to that previously approved under application PO/16/1725 / PM/18/1502 which was a scheme of 62 apartments. That scheme has been implemented and Officers consider the extant permission is a material consideration to which significant weight should be apportioned.

In many ways the proposed scheme will deliver enhancements compared with the extant permission and much of the proposal accords with Development Plan Policy.

At the time of writing this report, there are two outstanding areas to resolve which Officers consider are capable of being delegated to the Assistant Director for Planning to resolve. These include surface water drainage and ecology.

Relevant Core Strategy policies are broadly supportive of this type of development and it is considered that subject to securing a S106 Obligations and subject to the imposition of conditions, the proposal will not result in any significant adverse effects for the reasons stated above and complies with all relevant policies. Where the proposal departs from Policy, Officers consider that the existence of the implemented permission is a material consideration to which significant weight should be apportioned as a reason to depart from Policy.

RECOMMENDATION:

DELEGATE APPROVAL TO THE ASSISTANT DIRECTOR - PLANNING SUBJECT TO:

- 1. satisfactory resolution of surface water drainage and ecology matters;**
- 2. Securing of S106 Obligations to the value of £97,265.00 for the purposes as set out in Section 8 of this report; and**
- 3. Imposition of conditions including any considered necessary by the Assistant Director - Planning (draft list of conditions to follow)**

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

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

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via e-mail

Geoff Lyon

Planning Section

North Norfolk District Council

Holt Road

Cromer

Norfolk

NR27 9EN

NCC contact number: 0344 800 8020

Textphone: 0344 800 8011

LPA Ref: PF/22/1928

Date: 06 July 2023

NCC Member: Cllr Judy Oliver

LLFA Ref:

Tel No.:

Email:

FW2023_0492

0344 800 8020

llfa@norfolk.gov.uk

Dear Mr Lyon,

Town and Country Planning (Development Management Procedure) (England) Order 2015

Full Planning Application: Revised scheme for the erection of 62. no retirement dwellings, access, roads, open space, parking areas and associated works at Land South of Sheringham House, Cremers Drift, Sheringham, Norfolk.

Thank you for your consultation on the above site, received from the Local Planning Authority (LPA) on 31 May 2023. The County Council, as Lead Local Flood Authority (LLFA), have reviewed the application as submitted.

This is an application for full planning permission. The development type is residential.

Prior to this reconsultation, the LLFA have provided advice both in and independent of our role as a statutory consultee to the planning application process. A summary of LLFA involvement is as follows:

- LLFA Consultation Response Letter | LLFA Ref: FW2022_0827 | Status: Statutory formal advice | Recommendation: Objection | Dated: 21 October 2022
- Meeting (requested by applicant) | LLFA Ref: N/A | Status: Non-statutory informal advice | Recommendation: N/A | Dated: 02 December 2022
- Meeting (requested by LPA) | LLFA Ref: FW2023_0082 | Status: Statutory formal advice | Recommendation: N/A | Dated: 08 February 2023

We are now being reconsulted for further advice. The applicant has now provided the following additional and/or revised information to account for flood risk and drainage aspects of the planning application:

- Document Title: Flood Risk Assessment and Drainage Strategy | Author: Canham Consulting Ltd | Ref: 218852-00-XX-XX-RP-C-05000 | Rev: P1 | Dated: 24 May 2023

To the best of our understanding, any revised documents/drawings are to supersede the previous revisions with the same titles or references. It is our understand that the above report supersedes all previously submitted information pertaining to flood risk and drainage aspect of the planning application.

We note that the report refers to supporting documents and drawings, some of which have been provided as appendices, but not all. Where these have been referenced in the flood risk assessment and drainage strategy report, we have cross-referenced against this information. You should ensure that all supporting information is uploaded to the planning portal to inform the planning application. If any information has not been provided, we request we are reconsulted so we can provide comments and advice.

Where possible, we have cross-referenced our review with overarching development documents and plan drawings to ensure flood risk and drainage proposals correlate. If the applicant wants information outside of the flood risk assessment and drainage strategy report to be considered for flood risk and drainage aspects of the planning application, we request they indicate this through a form of summary document to signpost the LLFA to applicable documents and/or drawings. We rely on the applicant to ensure the proposals correlate across all aspects of the submission.

At this stage, our comments and advice are formed from a preliminary assessment against expected criteria for an application for full planning permission. Where we believe there is scope for significant revisions or additional information to be submitted, the LLFA feel it is counterproductive to provide a detailed review in our role as a statutory consultee at this time. Once the broader principles have been scoped sufficiently, we can advise on the finer aspects of the drainage strategy.

Our comments and advice are as follows:

- Ahead of this response letter we provided provisional advice to you via a short meeting, scoping interim findings ahead of this written response (Dated: 21 June 2023). With an extension of time, we have now had an opportunity to review the submitted information further.
- From our preliminary assessment, we are not satisfied that the submitted information sufficiently addresses relevant national and/or local policy, frameworks, strategies, guidance (including best practice) and/or statutory/non-statutory standards pertaining to flood risk and drainage aspects.
- We have highlighted some of the overarching, broader principles of the flood risk assessment and drainage strategy that we believe have a significant impact on the overall proposals:

SuDS feature suitability, overall design and deep infiltration depth:

- The drainage design modelling has been designed with pre-development levels rather than re-graded finished ground levels. The site has steep gradients and hummocky topography which we believe are likely to be

lowered to allow for the development. This is unrepresentative of the post-development site.

- We have reservations with the drainage design modelling (input parameters, infiltration rates used, rainfall data used, naming convention etc). We are not in agreement that this best represents the post-development scenario in accordance with expected standards.
- The features have not been proposed with suitable offsets for protection of foundations. Some features have been placed in areas of existing trees which are listed to be retained (also outside of the red line boundary). We are not in agreement that best practice standards have been adopted.
- We query the suitability of permeable paving on a sloped site with no consideration for gradient impact on the collection effectiveness and storage abilities.
- We stress that deep infiltrating features are being used to achieve a functioning infiltration design. The soakaway feature in the west of the site has an invert level exceeding 2.00mbgl. This is not acceptable.

Drainage hierarchy and viability:

- Rainwater re-use/harvesting has not been utilised as a complimenting component to the drainage scheme.
- We believe that the referenced Micro Geotechnical Report from October 2021 is missing from the submission. We are unable to locate where the test locations for results shown in Table 5 have been positioned. We are unable to ensure testing has been conducted at the correct depth, in the location of infiltrating features and the BRE365 standards. From the current information provided, we believe all testing has been conducted at deep infiltration depths (exceeding 2.00mbgl).
- The rates proposed are feasible for an infiltration design, albeit they are on the lower side of favourable. An appropriate factor of safety should be considered on the design of features with these types of rates. We question whether these rates are representative of all the features proposed.
- We have reservations with how this testing has been extrapolated to represent the site infiltration potential. The single results have been used to represent large zones of the site. The methodology behind this needs to be justified.
- We stress earlier points related to deep infiltration.
- The applicant states, “we would recommend progressing with the results of the results from Table 5 but would look to confirm this absolutely ahead of construction on site.” We advise this statement should be actioned now and further BRE365 testing should be conducted, in the location of the infiltrating features and their proposed invert, to better inform the design modelling.

Groundwater:

- This has not been scoped at a local (site) level.

- Ground investigations were conducted in September 2009 (Autumn) when results do not tend to be representative of peak levels.
 - Current excavations have been to a depth of 3.30mbgl via trial pits. Deeper excavations (via boreholes) should be carried out with an allowance for a period of groundwater monitoring to assure a resting water level is established.
 - We note the applicant has identified a spring on the north/northwest site boundary. This can be a direct correlation/indicator of groundwater conditions.
 - Subsequently, we are not assured a 1.20m unsaturated zone beneath the infiltrating features of the drainage system has been clearly confirmed.
 - Groundwater sensitivity should be of paramount with the site being within a Source Protection Zone 1 and 2. The Environment Agency should be consulted for comments on the proposals.
- It is important to note that a review of the proposals against criteria expected for flood risk and drainage aspects of the development tend to have cascading influence. Where we have reservations in one area of the submission, it will tend to have a direct impact on another area, meaning we are unable to agree sufficiency until alterations have been made.
 - To summarise, from a preliminary assessment of the submitted information in its current format, we are satisfied that the applicant has scoped and sufficiently addressed the following criteria:
 - Sequential Test/Sequential Approach
 - From a preliminary assessment of the submitted information in its current format, we are not satisfied that the applicant has scoped and sufficiently addressed the following criteria:
 - Supporting Detailed Flood Modelling
 - Drainage Hierarchy and Viability
 - Discharge Rates, Connections and Permissions and/or Consents
 - Drainage Scheme, SuDS Component Elements and Four Pillars of SuDS
 - Drainage Design Calculations/Modelling
 - Drainage Strategy Drawings
 - Drainage Features - Protection from all Sources of Flooding
 - Greenfield/Brownfield Runoff Rates (Pre- and Post-development)
 - Greenfield/Brownfield Runoff Volumes (Pre- and Post-development)
 - Urban Creep
 - Water Quality
 - General Mitigation and Freeboard Allowances
 - Exceedance Routes (Flood event greater than 1.0% AEP +CC event)

- Phasing Issues and Mitigation
- Maintenance and Management
- Summary of alignment to relevant Non-Statutory Technical Standards for Sustainable Drainage Systems

We **maintain our objection** to this planning application in the absence of an acceptable flood risk assessment / drainage strategy / supporting information relating to:

- Insufficient information provided to demonstrate compliance with relevant national and/or local policy, frameworks, strategies, guidance (including best practice) and/or statutory/non-statutory standards.
- Submission of a flood risk assessment and drainage strategy that does not meet the standards expected by the LLFA in an application for full planning permission.

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Once we are satisfied that the broader principles of the flood risk assessment and drainage strategy have been scoped and addressed sufficiently, we will be able to provide a more detailed review of the submission. Where reports or supporting information are to be superseded, this should be clearly indicated by the applicant. We suggest this could be through a covering summary letter or supporting summary report.

Comments, advice and recommendations made at this time are representative of the most current submitted information for the planning application. Where applicants vary drainage proposals at later stages the LLFA may amend the original comments, advice and recommendations accordingly. As such, the applicant must accept that submissions are open to further scrutiny from the LLFA and a revised assessment may be deemed necessary where drainage proposals have changed significantly.

Where planning applications are elongated over a period of time, the applicant must accept that the latter stages of the planning application may be subject to a revised assessment against the latest revisions of national and local policy, frameworks, strategies, guidance (including best practice) and statutory/non-statutory standards.

Further guidance on the information required by the LLFA from applicants can be found at <https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers>.

If you, the LPA review and wish to determine this application against our advice you should notify us, the LLFA, by email at llfa@norfolk.gov.uk. Alternatively, if further information is submitted, we request we are reconsulted and we will aim to provide bespoke comments within 21 days of the formal consultation date.

Yours sincerely,

Lewis Chappell
Flood Risk Officer

Lead Local Flood Authority

Disclaimer

We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue.

North Walsham - PF/23/1029 - Veranda to rear of dwelling and extension of first floor balcony. Cedar House, 21 Cromer Road, North Walsham, Norfolk for Ed & Marion Louis & Becker

Householder Development

Target Date: 6 July 2023

Extension of time:

Case Officer: Chris Green

Householder planning application

RELEVANT SITE CONSTRAINTS

Within Residential area LDF

Within Settlement Boundary LDF

Areas Susceptible to Groundwater SFRA

Gas Pipe Buffer Zone

Landscape Character Area

RELEVANT PLANNING HISTORY

None.

THE APPLICATION

The proposal is to add a covered lean to roofed veranda across the whole width of the rear of the dwelling, 3.3 metres deep, with the roof rising to abut the existing house around 150mm below the first-floor window cills.

A deeper balcony at first floor is also proposed extending outward from that existing for the whole depth of the 3.3 metre deep wide veranda below. The balcony would be the same width (3 metres) as the existing. The guarding around the balcony strikes outward from the point of abutment of the veranda roof.

This site is at the fringe of the centre of North Walsham with the bypass on the route of the old railway to Mundesley to the west of the site, in an area of mid to late 20th century suburban development with Cromer Road featuring generally larger detached two storey dwellings such as Cedar House. Adjacent to the west is a pair of bungalows in a subdivided tandem plot arrangement. To the east is Morrison Close, a small estate of detached bungalows. The corner of Cedar House is 7.5m from the site boundary and the foremost of the pair of tandem bungalows.

Cedar House is a four-bedroom two storey dwelling in timber weatherboard and cedar tile cladding with a slate roof, probably inter war date. On its south side at first floor level is an inset balcony around 1.2m deep and 3m wide. There is a substantial mature tree to the southeast of the house, the veranda proposed appears to be outside its root protection area.

REASONS FOR REFERRAL TO COMMITTEE

Cllr Richard Sims requests a committee decision for reasons relating to privacy impact and harm to an undesignated heritage asset.

PARISH/TOWN COUNCIL

North Walsham Town Council: No comments received.

CONSULTATIONS:

British Pipeline Agency Ltd – No objection

The BPA pipeline(s) is not affected by these proposals

REPRESENTATIONS

One received from occupiers of 23A Cromer Road objecting on the following grounds:

- The proposed balcony would cause loss of privacy to their garden.

HUMAN RIGHTS IMPLICATIONS

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

Article 8: The Right to respect for private and family life.

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT POLICIES

North Norfolk Core Strategy (September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 3 - Housing

SS 10: North Walsham

EN 2: Protection and enhancement of landscape and settlement character

EN 4: Design
EN 6: Sustainable construction and energy efficiency
CT 6 - Parking provision

Material Considerations:

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide SPD (2008)

National Planning Policy Framework (July 2021):

Section 2 – Achieving sustainable development.
Section 4 – Decision-making
Section 12 - Achieving well-designed places

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION

- 1. Principle of development**
- 2. Settlement character and appearance**
- 3. The effect on the living conditions of the occupiers of nearby dwellings**

1. Principle of development (Policies SS 1, SS 3 and SS 10)

Extensions to dwellings are a type of development considered to be acceptable in principle with a designated Residential Area. The proposal complies with Core Strategy policies SS 1, SS 3 and SS 10. To be acceptable overall however it must also comply with all other relevant development plan policies unless material consideration indicate otherwise.

Permitted development rights.

The veranda proposed would be 3 metres deep and is within the permitted rights stated in Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 if the height at the point of abutment is below 4 metres. Although difficult to scale off the drawings conventional upper cill levels are generally within this. The aspect of this proposal requiring express permission therefore is the extended balcony.

2. Settlement character and appearance Policies EN 2 and EN 4)

As the timber posts, decking and balustrades of the proposed development would all reinforce the wood clad character of the dwelling, in a manner satisfying in both general design and townscape terms, the proposal is considered compliant with Core Strategy policies EN 2 and EN 4.

3. Living conditions (Policy EN 4)

The proposed balcony extension has the potential to impact on both privacy and noise amenity for neighbours. It would be set in from the western boundary by 10.5 metres.

The rearmost of the tandem bungalows (23 Cromer Road) to the southwest has its street facing façade towards the balcony. Separation distance would be 12 metres and the relationship is oblique. The change in privacy given the presence of the existing balcony is not considered to be material in planning terms in respect of this property.

Number 23B Cromer Road the foremost of the tandem bungalows (to the west) is set forward on its plot, such that its front and rear facades align with 21 Cromer Road. The proposed balcony would not therefore have overlooking into windows of that property at anything other than a very oblique angle. Furthermore, there is a screening rear flat roof extension that projects out and will provide some screening to the rear of number 23B. It is not considered that any significant material harms would arise, in part because the garden area is also very much more visible to the residents at number 23 to the rear, which looks directly into the garden from a much lesser distance.

Number 23A is further to the west and around 30 metres distant, it is therefore considered no material change in amenity would occur.

Number 4 Morrison Close to the south fronts the road with a mainly blind flank wall (there is a narrow top hung window, probably serving a toilet) alone facing the application site with substantial screen planting on both sides of the boundary. The garden area immediately to the rear of that bungalow will be visible from the balcony, especially in wintertime, the distance is however, over 20 metres though this will reduce to 17 metres once the balcony is extended. Views are currently available from the existing balcony and as such the relative change is not considered material.

With regard to noise, the extended balcony would be large enough for a table and chairs allowing sitting out, but there would not be sufficient space for a larger party that might give rise to noise impacts. Therefore, from a domestic noise impact perspective the relative change is considered not to be material given the distances involved and other intervening elements of the neighbouring buildings that would serve to mitigate noise.

The proposal is therefore considered to comply with Core Strategy Policy EN 4 in this respect.

Other considerations

Sustainable construction and energy efficiency

The proposed timber construction will not alter the performance of the existing building in terms of insulation but will benefit insulation (solar heating) by shading the ground floor rooms of Cedar House. The proposal is considered compliant with Core Strategy Policy EN 6.

Parking provision

No change occurs as a result of the proposal. The drive shows as just avoiding the need for

adjustment to clear the corner of the veranda. The proposal therefore complies with Policy CT 6:

Conclusion

The proposal is considered to avoid material harms to neighbour's amenity because of specific relationships within the site and neighbouring sites that either provide screening and or are mitigated by the existing levels of privacy being affected by overlooking from other neighbours.

RECOMMENDATION –

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

- Time limit for implementation
- Approved plans
- External materials

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

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Cromer – PF/23/0459 - Proposed two storey side extension, single storey rear extension and erection of outbuilding to the rear at 8 Bernard Road, Cromer, Norfolk, NR27 9AW

Minor Development

Target Date: 23.06.2023

Extension of time: 27.07.2023

Case Officer: Miss I McManus

Full Planning Permission

RELEVANT SITE CONSTRAINTS

LDF Residential Area

LDF Settlement Boundary

RELEVANT PLANNING HISTORY

None.

THE APPLICATION

This application proposes a two-storey side extension, single storey rear extension and the erection of an outbuilding (summerhouse) to the rear. Since it was first submitted, the application has been amended to omit the rear facing full height gable.

The application site is occupied by a red brick semi-detached dwelling situated within the principle settlement of Cromer and within a designated residential area. It is accessed by Bernard Road to the west, with a small access track running along the east of the application site which serves a number of other nearby dwellings. An existing outbuilding is located to the rear of the dwelling at the end of its garden.

REASONS FOR REFERRAL TO COMMITTEE

Cllr. Adams and Cllr. Boyle request a committee decision for the following reasons:

The scale and massing of the proposed development would result in overdevelopment of the site, which along with elements of the design, would be out of keeping with the existing form and character of the area, as well as the host property in terms of scale. Recent refusals nearby were refused for comparable reasons. The application is therefore considered contrary to Policy EN 4 of the North Norfolk Core Strategy (2008) and should be refused.

PARISH/TOWN COUNCIL:

Cromer Town Council – Object for the following reasons:

- The scale and massing of the proposed development is not appropriate for the host dwelling.
- Do not want the outbuilding to be used as ancillary accommodation.
- The rear access is not safe for the number of vehicles proposed.

CONSULTATIONS

Norfolk County Council Highways – No objection subject to the attaching of a condition restricting the use of the outbuilding to purposes incidental to use of the host property as a dwellinghouse and for it not be to be occupied at any time as a separate and un-associated unit of accommodation.

REPRESENTATIONS

Application as first submitted

11 received with objections on the following grounds:

- Design – overdevelopment of site, large increase in scale of dwelling from 3 to 6 bedrooms, out of keeping with the street scene
- Amenity – overbearing, impact on the visual amenity of neighbouring properties
- Highways – generation of traffic, parking issues, increased noise
- Environmental impact of development

Some of the objections relate to a change of use to a holiday let, but this is not what is proposed and as such is not part of the consideration of the application.

Application as amended

Two objections maintained, but no new objections received

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.
Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT POLICIES

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

Policy SS 1 Spatial Strategy for North Norfolk
Policy SS 3 Housing

Policy SS 4 Environment
Policy EN 4 Design
Policy EN 7 Renewable Energy
Policy CT 5 The transport impact of new development
Policy CT 6 Parking provision

Material Considerations:

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide (December 2008)

National Planning Policy Framework (July 2021)

Chapter 2 Achieving sustainable development
Chapter 4 Decision-making
Chapter 9 Promoting sustainable transport
Chapter 12 Achieving well-designed places

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

1. **Whether the proposed development is acceptable in principle**
2. **The effect on the character and appearance of the surrounding area**
3. **The effect on residential amenity**
4. **Whether the proposed development would have any effect on highway safety**

1. **Principle**

The application site is located in settlement boundary of Cromer, a principle settlement as defined by Policy SS 1 of the North Norfolk Core Strategy. It is within a designated Residential Area. Extensions to dwellings and the erection of outbuildings within their curtilage, as proposed, are a type of development that is acceptable in principle in such locations according to Policy SS 3 and subject to compliance with all relevant Core Strategy policies.

2. **Effect on surrounding area**

This application proposes a two-storey side extension, single storey rear extension and erection of outbuilding to the rear.

As part of the initially submitted scheme, a rear facing full height gable was proposed. This raised design concerns that were considered harmful to the character and appearance of the area. The rear facing full height gable was judged as being a visually dominant element leading to unacceptable massing. This element has since been removed from the scheme.

The two-storey side elevation will be marginally stepped down from the existing ridgeline, allowing it to be sympathetic to the host dwelling. The rear element by virtue of its single storey form is considered to be subservient and compatible with the host dwelling.

The proposed materials are to be red clay pantiles, white UPVC windows and red brickwork which will match those of the existing dwelling, such that the extension that will tie in visually with the existing dwelling and street scene.

As amended, both elements are considered to sit comfortably within the plot, remaining subservient and well related to the host dwelling.

The proposal would increase the number of bedrooms in the dwelling from three to six. Whilst the representations in regard to overdevelopment of the site are noted, as amended the proposal is, on balance, considered to be of an acceptable design which sits comfortably in the application site and wider street scene.

The outbuilding would have a footprint of approximately 6.14 metres by 5.20 metres and would be 3.13 metres high. The walls would be clad in fibre cement weatherboarding in grey slate, with solar panels on the north and south roof elevations. A window is proposed on both the north and south elevations, with doors opening into the garden on the western elevation. Given that there is a small outbuilding already on the site, its replacement by a larger outbuilding is considered acceptable. It will be for domestic use ancillary to the host dwelling. A condition controlling this use is recommended.

As amended, by virtue of its scale, form and location, the proposed extension and outbuilding are considered subservient and compatible with the existing dwelling and, therefore, it is considered that the proposal would not result in any material harm to the character and appearance of either the dwelling or the surrounding area. The proposed development therefore complies with Policy EN 4 of the Core Strategy, Chapter 12 of the NPPF (2021) and the North Norfolk Design Guide.

3. Effect on residential amenity

Policy EN 4 of the Core Strategy requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers.

The proposed development would result in a large increase in the size of the dwelling. It would not however, result in any unacceptable overshadowing, loss of light or overbearing impacts on neighbouring dwellings.

With regards to privacy, a condition requiring 3 windows to be fitted with obscure glazing is recommended in order to protect residential amenity, namely the 3 upper floor windows on the eastern elevation serving an ensuite and bathroom. The right hand upper floor window on the eastern elevation, which serves a bedroom, is existing and therefore there would be no change to the existing situation. Given the position of existing windows, the relationship with, and distance to, adjoining properties, together with the implementation of an obscure glaze condition, it is considered that there would be no harmful loss of privacy.

It is therefore considered that the proposed development would not result in any material effect on the living conditions of the occupiers of neighbouring dwellings and therefore complies with

Policy EN 4 of the CS and Chapter 12 of the NPPF (2021).

4. Effect on highway safety

The proposal would increase the number of bedrooms from three to six and as such triggers the need for additional parking based on the standards at Appendix C of the Core Strategy.

Given the age of the property there is no requirement for the existing car parking spaces to be retained, however, the site plans indicate that parking spaces could be provided at the front and rear of the application site in accordance with Appendix C of the Core Strategy.

Whilst the representations in regard to traffic generation, noise and parking issues are noted, the proposed outbuilding (a summerhouse) at the rear of the dwelling is considered ancillary to it. As such it would be very unlikely to generate additional vehicle movements and parking requirements. Furthermore, weight cannot be given to the representations relating to highways issues from rental accommodation as this is not what is proposed.

Finally, Norfolk County Council Highways have been consulted and have no objection on highway safety or parking grounds subject to a condition requiring the outbuilding to only be used for incidental purposes.

The application is therefore considered acceptable in terms of highway and parking impacts, in accordance with Core Strategy Policies CT 5 and CT 6 and, Chapter 9 of the NPPF (2021).

Other considerations

Solar panels are proposed on the roof of both the dwelling and proposed outbuilding. CS Policies SS 4 and EN 7 indicate renewable energy proposals will be permitted subject to there being no significant adverse impacts either individually or cumulatively on;

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

The proposed location is considered acceptable as sited to the rear the panels would not be visible from the surrounding roads and therefore are considered to protect the surrounding street scene, residential amenity and highways safety.

The proposed solar panels are therefore considered compliant with Core Strategy Policies SS4 and EN 7 and, Chapter 2 of the NPPF (2021).

Conclusion

Relevant Core Strategy policies are supportive of this type of residential development and it is considered that as amended, the proposal will not result in any significant adverse effects for the reasons stated above and complies with all relevant policies.

RECOMMENDATION:

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

- Time Limit for commencement (3 years)
- Development in accordance with the approved plans
- External materials
- Outbuilding to be used only for incidental purposes only
- Obscure glaze windows (3 upper floor windows on the eastern elevation serving ensuite and bathroom)

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

Hindolveston - PF/23/0153 - Installation of a ground mounted solar PV system, at Church Farm Land North East Of, Dairy Barn, Fulmodeston Road, Hindolveston

Other Minor Development

- Target Date: 24th July 2023

- Extension of time 24th July 2023

Case Officer: Mr Mark Brands

Full Planning Permission

RELEVANT SITE CONSTRAINTS:

Within a Countryside Location

Grade 3 Agricultural Land Classification

Site contains areas susceptible to Groundwater Flooding

Within the Nutrient Neutrality Catchment

Within multiple Zones of Influence as contained within the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS)

RELEVANT PLANNING HISTORY:

PF/99/0303

Erection of general purpose agricultural building

Approved 29.04.1999

PF/11/0398

Erection of agricultural storage building

Approved 01.02.2012

PF/12/0743

Variation of Condition 2 of planning permission reference: 12/0265 to permit conversion of barns to farm manager's dwelling (revised scheme)

Approved 15.08.2012

THE APPLICATION

The proposal is for the installation of a ground mounted solar photovoltaic (PV) system with a capacity of 51.46 kW. This will comprise 124 solar panels, ground mounted at 30 degrees angle, consisting of 31 panels in two double rows covering total area of 406.98sqm.

Amended plans received during the course of the application

Following the comments from the landscape team, further details were received:

- Updated design and access statement and cable plan received 24 March 2023 to clarify where this is located.
- Preliminary Ecological Appraisal received 25 May 2023, following further conversations following a review from the landscape this was updated 23 June 2023 to include enhancements in the form of the wildflower meadow.

SITE AND SURROUNDINGS

The site is located in the countryside, comprising a cluster of agricultural buildings to the west and agricultural land around the site. There are hedgerows and trees on the field boundaries around the site, and along the public highway which is significantly distanced from the application site further north. The site is not in close proximity to footpaths, as such there are limited views from the public domain. There is also a pond to the south (previously the dairy farm slurry pond).

REASONS FOR REFERRAL TO COMMITTEE:

This application is before members on the basis of the Council's Scheme of Delegation as the site area exceeds the 0.5 hectare threshold set out within paragraph 6.2 (4) (b).

CONSULTATIONS:

Parish/Town Council – No objection. However, concern was raised about the loss of arable land.

Landscape – No objections (Final Comments) subject to conditions.

County Council Highways - No objection

REPRESENTATIONS:

1 objection received from CPRE main concerns below (full comments available on public site);

- Loss of land for food production
- Impact on the landscape

HUMAN RIGHTS IMPLICATIONS

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

Article 8: The Right to respect for private and family life.

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT POLICIES:

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

Policy SS 1 - Spatial Strategy for North Norfolk
Policy SS 2 - Development in the Countryside
Policy SS 4 - Environment
Policy SS 6 - Access and Infrastructure
Policy EN 2 - Protection and enhancement of landscape and settlement character
Policy EN 4 - Design
Policy EN 6 - Sustainable Construction and Energy Efficiency
Policy EN 7 - Renewable Energy
Policy EN 9 - Biodiversity and Geology
Policy EN 10 - Development and Flood Risk
Policy EN 13 - Pollution and hazard prevention and minimisation
Policy EC 1 - Farm diversification
Policy CT 5 - The transport impact of new development
Policy CT 6 - Parking provision

Material Considerations:

Supplementary Planning Documents and Guidance:

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

National Planning Policy Framework (July 2021):

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision-making
Chapter 6 - Building a strong, competitive economy
Chapter 12 - Achieving well-designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment
Chapter 16 - Conserving and enhancing the historic environment
Chapter 17 - Facilitating the sustainable use of minerals

Other material documents/guidance:

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

National Planning Policy Guidance (NPPG):

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

Government Strategy Documents:

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

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

1. Principle of development

- 2. Design**
- 3. Landscape**
- 4. Biodiversity and ecology**
- 5. Amenity**
- 6. Highways**

1. Principle of Development

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

The publication of the Intergovernmental Panel on Climate Change (IPCC) report (2021) has demonstrated that 'human influence has unequivocally impacted on our changing climate'. The Government has set out its net zero by 2050 target in legislation under the Climate Change Act 2008 (as amended) (CCA). In addition to this, the Net Zero Strategy: Build Back Greener was published in October 2021, and the Industrial Decarbonisation Strategy in March 2021. These Strategies outline the steps to be taken to meet the legally binding net zero targets under the CCA. The Strategy indicates an intended direction of travel with regards to decarbonisation and climate change mitigation.

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

Policy EN 6 requires all new development to demonstrate how it minimises resource and energy consumption by and encouraged to incorporate on site renewable energy sources. The proposal is solely renewable energy development, which will generate electricity and support the existing business. Officers consider this is in accordance with Policy EN 6.

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

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

The proposal would generate up to 51.46 kW. As set out in the supporting documentation the estimated annual electricity generation from the ground mounted solar PV system is 56,410 kWh/year which would equate to carbon savings of up to 13.14 tCO₂e/year. This would result in a significant reduction to emissions, provide resilience to the business by providing a secure and sustainable source of energy generation on the site offering some protection against volatile energy prices and reducing outgoing operations costs of the sites. This would ensure the longer term sustainable growth and resilience of the business. The site has been selected following an appraisal by virtue of its topography, location and technical performance, with a low impact on the surrounding countryside.

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

2. Design

There would be 124 photovoltaic (solar) panels would be installed on ground mounted frames. The panels sit approximately 600mm from the ground at the front and 2307.91mm at the rear. Each panel is approximately 1m in width and 1.762m in length, the panels are mounted in two double rows of $31 \times 2 \times 2 = 124$ modules. The panel would be connected to a UKPN kiosk.

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

3. Landscape

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

NPPF (Chapter 15) Paragraph 174 states that proposals should contribute to and enhance the natural and local environment in a number of ways. These include protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the

countryside and wider benefits from natural capital and ecosystem, including the economic benefits of best and most versatile agricultural land, and minimising impacts on and providing net gains for biodiversity.

The nearest Public Rights of Way are Hindolveston FP6 and Hindolveston RB11, which lie 240m north and 280m east of the array, respectively, from which visibility would be minimal due to intervening hedgerows and treelines. Based on the limited visibility towards the site, the proposal would not be prominent or particularly visible on the wider landscape.

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

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

4. Biodiversity and Ecology

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

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

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

The application is accompanied by a Preliminary Ecological Appraisal, which sets out no impacts upon designated sites are foreseen, site habitat had potential to be used by protected species such as foraging/commuting bats, breeding birds, reptiles and hedgehogs in a minor capacity. A nearby pond was assessed as being of poor suitability for great crested newts due to the presence of major populations of waterfowl and fish. Mitigation measures includes sensitive lighting design and any works to hedges and trees to be undertaken outside of the nesting bird season (or following a nesting bird survey) and following best practice precautionary construction methods. Additionally, enhancement will include the creation of a wildflower grassland beneath the solar arrays and for a 5m buffer around them.

The landscape team is satisfied with the assessment and mitigation and enhancement measures outlined in the report and recommends these details are conditioned against. The proposed development would accord with Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 174 of the NPPF.

5. Amenity

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. There is a farm managers dwelling to the west of the site, which is separated by hedgerow planting and in the same ownership. The nearest neighbouring properties are some 200m northeast. Given the spatial distance and intervening landscaping, and other neighbouring agricultural buildings and scale of the development, there would be a negligible impact on neighbouring amenity. Officers consider the proposal to be in accordance with Policy EN 4.

6. Highways

Policy CT 5 requires that developments will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. NPPF (Chapter 9) Paragraph 111 further states that developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy CT 6 requires that adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development.

The Highways Authority has raised no objections to the proposed scheme as its not considered to significantly impact existing vehicular movements on the local highway network.

OTHER MATTERS

Habitats Regulations Assessment

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

Loss of Grade 3 Agricultural Land

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

The site is located within an area of Grade 3 (good to moderate quality) Agricultural Land, as defined by Natural England. However, Officers note that the site is not utilised for commercial agriculture and that as a result, the proposal is not considered to remove any useable Grade 3 agricultural land from circulation. If the site were to be used for agriculture, Officers further consider the temporary nature of the proposal and its relatively light disturbance of the ground in terms of construction would not likely lead to a detrimental effect on the site's future agricultural use potential.

Planning Balance and Conclusion

This application proposes the installation of a ground mounted solar PV system and associated infrastructure. The proposal would help support an existing agricultural enterprise by providing a secure and sustainable source of energy and reduce greenhouse gas emissions.

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

RECOMMENDATION:

APPROVAL subject to the conditions listed below (and any others subsequently considered necessary by the Assistant Director – Planning):

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

Reason:

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

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

Preliminary Ecological Appraisal (PEA) (Revision 2, June 2023) received 23 June 2023

Cable site plan received 24 March 2023

Design and access statement (details of the panels and mounting system p4-p5), received 24 March 2023

Site plan (1:500) received 23 January 2023

Site location plan (1:1250) received 2 February 2023

Reason:

For the avoidance of doubt and to ensure the development is carried out in accordance with the expressed intentions of the application and to ensure the satisfactory development of the site, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy

3) The development hereby approved shall be carried out in strict accordance with the recommendations as set out in Section 5 of the Preliminary Ecological Appraisal (PEA) prepared by Abrehart Ecology (Revision 2, June 2023). The mitigation and enhancement measures shall include:

- a) Any excavations to be covered overnight or egress ramps (at an angle of no more than 30 degrees) provided,
- b) Any external lighting must be installed following best practice guidance, e.g. operate using motion sensors on a 1 min or less interval, be mounted horizontally to the ground and not tilted upwards, and in the warm white spectrum (preferably <2700K),
- c) Site to be sown with a wildflower seed mix (Emorsgate EM5F or similar) with a minimum 5m buffer around all sides of the solar arrays and managed in accordance with Section 5.3 of the report.

The mitigation and enhancement measures shall be carried out in accordance with the approved details and thereafter retained in a suitable condition to serve the intended purpose.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 174 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

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

Reason:

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

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

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Sloley - PF/23/0929 - Retention of garage (retrospective) with external alterations and erection of boundary wall - The Old Workshop, Sloley Road, Sloley, Norwich for Mr and Mrs Harper-Gray

Minor Development
Target Date: 19 June 2023
Extension of time
Case Officer: Chris Green
Full planning application

RELEVANT SITE CONSTRAINTS

High grade Agricultural Land Classification
Contaminated Land
Landscape Character Area
A curtilage building to a Listed Building
Countryside LDF
Nutrient Neutrality Catchment
Within the Zone of Influence of multiple habitats site for GIRAMS

RELEVANT PLANNING HISTORY

PF/22/1909 Conversion of barn to dwelling (retrospective) Approved 27.01.23

LA/22/1910 Retention of internal and external alterations to facilitate conversion of barn to dwelling - Approved 27.01.23

PF/20/0537: Conversion of barns to five dwellings – approved

LA/20/0538: Internal and external works to facilitate conversion of a complex of barns to 5 dwellings – approved

CD/21/1625: Discharge of Conditions 5 (windows and doors) and 6 (materials) of listed building consent LA/20/0538 – details approved

CD/21/1680: Discharge of Conditions 5 (windows and doors), 6 (materials), 15 (highway plan) and 23 (external lighting) of planning permission PF/20/0537 – details approved

LA/17/0496: Internal and external alterations to facilitate conversion of a complex of barns into 5 dwellings - approved

PF/17/0495: Conversion of barns to 5 dwellings - approved

CDA/17/0495: Discharge of conditions 15 (offsite highway improvement works), 19 (method statement for protected species), 20 (landscaping), 22 (arboricultural method statement and tree protection) of planning permission PF/17/0495 – details approved

THE APPLICATION

This is a retrospective application for the retaining of a garage, already constructed, with detailed changes proposed to the existing building. The garage is not attached to other buildings in the group and so is a curtilage building. No listed building consent application is required.

The application also proposes the erection of a boundary wall.

REASONS FOR REFERRAL TO COMMITTEE

The Agent in this matter is a close relative of a Council Officer.

PARISH/TOWN COUNCIL

Sloley Parish Council: No comments received.

CONSULTATIONS:

Conservation and Design (NNDC): - Objection.

With regards to:

- *Retention of the garage (with alterations)* - have always been resistant to the notion of adding garaging on this site; this is on the basis that barns should be capable of conversion without substantial new build elements, and because of the desire to avoid harm being caused to the agrarian setting of the group. As a result, a garage was removed from the originally approved scheme as far back as 2016.

Notwithstanding this a decision (*by the developer*) was regrettably taken to build a garage anyway. This culminated in an application last year to retain it as built. However, following the expression of similar concerns, this too was dropped from the plans in order to facilitate an approval on the main barn. This has prompted the current submission.

The proposals involve the retention of the existing structure, albeit with its roof turned through 90° and its garage door relocated to the south elevation. Of these two alterations, it can be argued that the former would help in terms of simplifying the overall appearance of the garage, and in terms of bringing it more in-line with the main barn. Fundamentally, however, it would remain a detached structure with a square footprint which would be of domestic scale and appearance, and which would be offset from, and sited beyond, the host building. As a result, its impact upon the overall setting of the listed group would be little changed in practice. For this reason, and because the relocation of the unattractive/inappropriate roller shutter door would make no appreciable difference to acceptability, it is considered that the retention of this structure in its amended form would not satisfactorily address the previous concerns.

- *Erection of boundary wall* - this element stems from objections previously raised to the unauthorised slatted fence currently projecting out from the garage towards the eastern

boundary of the site. Not only has this had a suburbanising impact upon the rural context, but it has also introduced solid enclosure where it is least required, i.e. towards the margins of the site where it transitions into the wider countryside.

Against this context, it can be argued that a brick wall would be less fussy than the fence and would generally have greater resonance within a farmyard setting. This notwithstanding, however, it would take the existing subdivision and enclosure and make it even stronger and more permanent visually. With it also lying outside of the main yard, and in a position where one would not ordinarily expect to find such a barrier, it is considered that the proposal does not represent an acceptable way forward. With a wall likely to block views out into the wider landscape, additional harm would be the inevitable consequence.

Conclusion - although slightly better in some respects, the revised proposals would not provide appropriate mitigation for the heritage and landscape impacts. With no obvious public benefits to outweigh the 'less than substantial' harm identified, it is considered that this application is contrary to paras 130 & 202 of the NPPF, s66(1) of the Planning (Listed Buildings & Conservation Areas) Act, 1990 and policies EN 4 & EN 8 of the Core Strategy. As such, refusal is recommended.

It is noted that a series of other planning breaches have been identified across the wider group (now in separate ownership). These are the subject of ongoing enforcement discussions and are likely to result in further submissions coming forward in due course. Whilst these clearly do not influence our decision making on the current application, they do regrettably illustrate a repeat pattern of behaviour in terms of how the originally negotiated and approved proposals have been implemented.

County Council Highways: no objection

REPRESENTATIONS

Three received. One is neutral, and two raising the following concerns:

- Dispute the common boundary at the access to the application site.
- The garage door should be orientated to the east elevation on amenity grounds.
- A timber door not a roller door should be used.
- A continuous brick wall along the frontage would be more massive in character - a post and rail fence with new native hedging would be more appropriate.
- A five-bar timber gate would be better than the iron gate.
- There are legal agreements in place that prevent loss of views from permissive footpaths on the estate towards the barns. The wall proposed will further harm these views.
- The garage is detrimental to the aesthetic of the complex and surrounding area.
- There are numerous planning and listed building consent breaches.
- The owl slots in the brickwork have been replaced with uncharacteristic modern windows.

HUMAN RIGHTS IMPLICATIONS

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

Article 8: The Right to respect for private and family life.

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

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

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: 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 (September 2008):

SS 1 - Spatial Strategy for North Norfolk
SS 2 - Development in the Countryside
HO 8 - House extensions and replacement dwellings in the Countryside
HO 9 - Conversion and Re-use of Rural Buildings as Dwellings
EN 2 - Protection and enhancement of landscape and settlement character
EN 4 – Design
EN 8 - Protecting and enhancing the historic environment.
EN 9 - Biodiversity and geology
CT 6 - Parking provision

National Planning Policy Framework (July 2021):

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision making
Chapter 12 - Achieving well-designed places
Chapter 16 - Conserving and enhancing the historic environment.

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide (December 2008)

OFFICER ASSESSMENT

MAIN ISSUES FOR CONSIDERATION

1. Whether the proposed development is acceptable in principle
2. The effect on the building's significance building as a designated heritage asset.
3. The effect on the living conditions of the occupiers of nearby dwellings

This proposal is to retain the currently unauthorised garage and make further alterations to it, that is to move the vehicular access door from the east elevation to the south elevation of the garage and replace the pyramid roof with a dual pitch roof with gables at east and west ends so as to mimic the roof of the larger main barns in the complex. Materials would remain pantile and weatherboard as at present. The proposal is also to erect a brick wall running east from the southeast corner of the garage to the curtilage boundary. This is not built.

1. Principle (Policies SS1, SS 2 and HO 8)

The dwelling with which the garage is associated is a converted barn. As a dwelling policies SS 2 and HO 8 are relevant under which extensions to dwellings in the countryside including the erection of outbuildings are acceptable in principle. To be acceptable overall however, a proposal must comply with all other relevant development plan policies unless material considerations indicate otherwise.

The original (2016) application for the conversion of the group of barns was considered against Core Strategy policy HO 9, amongst others. Criteria within this policy require that barns should be capable of conversion without substantial new build elements and to preserve the agrarian setting of the group. As a result, a garage was removed from the approved scheme to ensure compliance with policy HO 9.

2. Effect on heritage asset and surrounding landscape (Policies EN 2, EN 4 and EN 8)

The development carried out which does not accord with the previously approved plans involves:

- A new pyramidal roofed garage that was specifically omitted from the previous application upon the advice of the conservation officer.

The garage extends the built form beyond the original barn group and intrudes on open countryside to suburbanise the barn group rather than allowing its appreciation as a group in the wider agrarian landscape. It is considered this results in harm the setting of the designated heritage asset.

With regards to the proposed wall to replace the boundary fence, whilst it would be less fussy than the fence and would generally have greater resonance within a farmyard setting,

it would take the existing subdivision and enclosure and make it even stronger and more permanent visually. With it also lying outside of the main yard, and in a position where one would not ordinarily expect to find such a barrier. The wall would also be likely to block views out into the wider landscape, resulting in harm to the setting of the designated heritage asset.

Although this harm in respect of both the garage and proposed wall is less or would be less than substantial, there are no public benefits which outweigh it and as such the development is contrary to Core Strategy policies EN 4 and EN 8, paragraphs 130 & 202 of the NPPF and s66(1) of the Planning (Listed Buildings & Conservation Areas) Act, 1990.

It is considered that the garage has resulted in harm to the character and appearance of the surrounding landscape and the proposed wall would also, for similar reasons, be harmful. As such, the proposals conflict with Core Strategy Policy EN 2.

3. Living conditions (Policy EN 4)

The proposed southern vehicular access door into the garage will have a marginally greater impact on the occupant of the Oaks Barn to the south. This however is next to an area currently used as parking for vehicles and the driveway is positioned in a manner not uncommon in residential developments, so this is not considered to be materially harmful to the neighbour.

The proposal is considered to comply with Core Strategy Policy EN 4 and Section 12 of the NPPF.

Other considerations

The barn has already been converted and is now occupied. The changes to the approved scheme have not resulted in new material issues in terms of ecology, parking, and highway considerations and are otherwise acceptable in those respects and relevant Core Strategy policies listed above.

With regards to the effect on designated European Habitats Sites, the application site is within an area affected by the advice from Natural England received in March 2022 in respect of nutrient pollution and within the Zones of Influence of a number of habitats sites in respect of the Norfolk-wide Green Infrastructure & Recreational Impact Avoidance and Mitigation Strategy adopted in 2022. These are new material issues that have arisen since the previous applications to convert the barn to a dwelling were approved.

The fallback position of the previous approvals remains extant and operable. The small-scale nature of the changes to the approved scheme are limited only affecting the appearance of the barn, it is considered that the proposal has not resulted in any materially adverse impact in this respect. A mitigation contribution in respect of GIRAMS and evidence of the development being nutrient neutral are therefore not considered to be required in this instance. As such the development complies with Core Strategy Policy EN 9.

Procedural comments. Observations have been made by the neighbour that the red line on the submitted plans does not accurately describe the ownership of the land in the vicinity of

the access drive and its connection to the adopted public highway. It is noted that the amended plan associated with the earlier application: PF/22/1909 showed same access information. The proposed retrospective retention of the garage would not however, intrude on this land, so decision making need not be impacted by boundaries elsewhere in the site being disputed.

Conclusion

The development comprising alterations to an unauthorised structure and new walling is considered to be unacceptable for the reasons stated and planning permission should be refused on grounds of landscape impact and impact on the setting of the heritage asset.

RECOMMENDATION –

Refuse for reasons relating to the harmful effect on the setting of the designated heritage asset and, the effect on the character and appearance of the landscape, contrary to Policies EN 2 and EN 8 of the North Norfolk Core Strategy, with no public benefits which would outweigh the harm.



Final wording of reasons for refusal to be delegated to the Director for Place and Climate Change.

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DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – JULY 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 30 June 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 The table also sets out the percentage of the total number of decisions made that are subsequently overturned at appeal as 24-month average performance.
- 1.4 In addition, the table sets out the number of cases registered and validated within the month (up to 30 June 2023).

Performance Measure	Actual Performance	Target	Comments
(Speed) Decisions Made <i>(Month up to 30 June 2023.)</i>	Major 4 decisions issued. <i>100% within time period</i>	60% (80% NNDC)	24 month average to 30 June 2023 is 100.00% 
	Non-Major 85 decisions issued <i>98% within time period (two out of time)</i>	70% (90% NNDC)	24 month average to 30 June 2023 is 92.15% 
(Quality) % of total number of decisions made that are then subsequently overturned at appeal <i>(Month up to 30 June 2023)</i>	Major	10% (5% NNDC)	24 month average to 30 June 2023 is 2.44%
	Non-Major	10% (5% NNDC)	24 month average to 30 June 2023 is 0.43%
Validation <i>(Month up to 30 June 2023.)</i>	243 applications registered	3 days for Non- Major from date of receipt	Datasets do not currently breakdown validated apps by Major / Minor or those on PS2 returns, but performance data retrieval being reviewed.

	206 applications validated	5 days for Majors from date of receipt	
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2. S106 OBLIGATIONS

2.1 A copy of the list of latest S106 Obligations is attached. There are currently 6 S106 Obligations being progressed. One has been completed and can be removed from the list.

3. RECOMMENDATIONS:

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

SCHEDULE OF S106 AGREEMENTS

UPDATE FOR DEVELOPMENT COMMITTEE:

20 July 2023

Application reference	Site Address	Development Proposal	Parish	Planning Case Officer	Committee or Delegated Decision	Date of Resolution to Approve	Eastlaw Officer	Eastlaw Ref:	Current Position	RAG Rating
PF/20/0523	Land North Of Fakenham Road Great Ryburgh Fakenham NR21 7AN	Construction of 15 no. grain silos and 1 no. 5,574 sqm (60,000sqft) warehouse with associated drainage, access and external lighting	CP080 - Ryburgh	Geoff Lyon	Committee	24/11/2022	Fiona Croxon	21423	Draft s106 is agreed and being signed (expected to be completed to enable decisions to be issued on or before 20 July)	Red
PO/20/0524	Land North Of Fakenham Road Great Ryburgh Fakenham NR21 7AN	Hybrid application for creation of HGV access road to serve an expanded Crisp Maltings Group site (Full Planning permission) and construction of buildings and structures required to increase the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes) (Outline application with all matters reserved except for access).	CP080 - Ryburgh	Geoff Lyon	Committee	24/11/2022	Fiona Croxon			
PF/22/1596 & PF/22/1784 (Duplicate)	Land South Of Norwich Road North Walsham Norfolk	Hybrid planning application, comprising the following elements: 1. Full Planning Application for the construction of 343 dwellings (including affordable homes), garages, parking, vehicular access onto Ewing Road and Hornbeam Road, public open spaces, play areas, landscaping, drainage and other associated infrastructure; 2. Outline Planning Application with all matters reserved for a phased development comprising 7 serviced self-build plots and associated infrastructure; and 3. Outline Planning Application with all matters reserved for the construction of an elderly care facility and associated infrastructure, landscaping and open space	CP071 - North Walsham	Phillip Rowson	Committee	Not Yet Determined	Fiona Croxon	21830	Draft s106 Agreement has been received.	Green
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 circulating but the Woodland management plan is yet to be agreed.	Red

OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 20 JULY 2023

APPEALS SECTION

NEW APPEALS

BACTON & EDINGTHORPE – RV/22/1661 - Removal of Condition 2 attached to planning permission granted under application PF/95/0713 to allow for the occupation of the caravan holiday park on a year round basis

Cable Gap Holiday Park, Coast Road, Bacton, Norwich, Norfolk NR12 0EW

For C Crickmore, Cable Gap Holiday Park

WRITTEN REPRESENTATION

BLAKENEY – PF/21/1524 - Change of use and extension to existing storage barn to form new dwelling and enable rare chalk grassland creation system including re-location of existing access.

Storage Barn, Morston Road, Blakeney, Norfolk

For Mr Broch

WRITTEN REPRESENTATION

FAKENHAM – ADV/22/2706 - Installation of 1No. static non-illuminated advertisement

Land Off A148, Clipbush Lane, Fakenham (Just Prior To Morrisons R/Bout) Fakenham NR21 0HB

For Marketing Force Limited

FAST TRACK - COMMERCIAL APPEAL SERVICE

HEMPSTEAD – PO/22/1673 - Hybrid application for change of use of land to car park for village hall (full planning) and demolition of stables and erection of 2no. detached self-build bungalows (Outline Planning with all matters reserved)

Land Rear Of The Knoll, Hempstead, Norfolk

For Ms. Trudi Seaman

WRITTEN REPRESENTATION

WELLS-NEXT-THE-SEA – EF/22/0438 - Certificate of lawful development for proposed siting of a mobile home within the curtilage of the dwelling

Briarwood, Burnt Street, Wells-next-the-sea, Norfolk NR23 1HW

For Lorraine Cracknell

WRITTEN REPRESENTATION – **SUBSEQUENTLY WITHDRAWN**

INQUIRIES AND HEARINGS – IN PROGRESS

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 – Awaiting date for 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 - Awaiting date for 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 - Awaiting date for Inquiry

WRITTEN REPRESENTATIONS APPEALS - IN HAND

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

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

FAKENHAM – ADV/22/2704 - Installation of 1 No. static non-illuminated advertisement

Land Off A148, Fakenham (Just Prior To R/Bout Adjacent To Thorpland Rd),

Fakenham, NR21 0HB

For Mrs Joanne Woodward, Marketing Force Limited

Commercial Appeal Service (CAS)

HOLT – ADV/22/2707 - Installation of 1 No. static non-illuminated advertisement

Land Off A148 Cromer Road, Holt (Prior To Lovell Development), Holt NR25 6GJ

For Mrs Joanne Woodward, Marketing Force Limited

Commercial Appeal Service (CAS)

NORTH WALSHAM – PPTDC/21/2650 - Technical Details Consent following from Permission in

Unit 1, Melbourne House, Bacton Road, North Walsham, Norfolk NR28 0RA

Technical Details Consent following from Permission in Principle (PP/20/0160) for the demolition of the existing buildings on site and the erection of four dwellings with associated parking and gardens.

For Mr David Taylor

WRITTEN REPRESENTATION

RUNTON – PF/21/0694 - Change of use of land to provide for the siting of eight holiday lodges for use as guest accommodation in association with The Links Hotel; provision of infrastructure and pedestrian links to the hotel and parking

The Links Hotel, Sandy Lane, West Runton, Cromer, Norfolk NR27 9QH

For Mr Marc Mackenzie, Mackenzie Hotel Ltd

WRITTEN REPRESENTATION

SCULTHORPE – ADV/22/2705 - Installation of 1No. static non-illuminated advertisement

Land Off A148 Creake Rd, Fakenham (From East Rudham Opp Shell Garage),

Fakenham NR21 9HT

For Mrs Joanne Woodward, Marketing Force Limited

Commercial Appeal Service (CAS)

SHERINGHAM – ENF/18/0286 - Change of use of the land for the storage of building material and the erection of new gates

Land South Of Priory Maze & Gardens, Cromer Road, Beeston Regis

For Mr Tim Perry

WRITTEN REPRESENTATION

SHERINGHAM – PF/22/1377 - Creation of additional second floor to form two one bedroom flats, internal alterations to allow for new staircase access to second floor, change of use of ground floor from A3 to mixed A3 and A5.

44C/44D Station Road, Sheringham, Norfolk NR26 8RG

For Mr & Mrs Moss

WRITTEN REPRESENTATION

SOUTHREPPS – ENF/22/0281 - Stationing of caravan and associated works including installation of septic tank and engineering works.

Land Rear Pit Street, Southrepps, Norwich, Norfolk NR11 8UX

For Charlotte Daniels

WRITTEN REPRESENTATION

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

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

For Mr Shaun Kerr

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

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

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 – APPEAL ALLOWED

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 – APPEAL ALLOWED

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 - APPEAL ALLOWED

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