

Development Committee



Please contact: Lauren Gregory

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

TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 6 September 2023

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 14 September 2023 at 9.30 am.**

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

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

PUBLIC SPEAKING:

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

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

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

Chief Executive: Steve Blatch

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

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

A G E N D A

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

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. MINUTES

(Pages 1 - 16)

To approve as a correct record the Minutes of a meeting of the Committee held on Thursday 20th July 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. EGMERE - RV/23/1241 - VARIATION OF CONDITION 4 (OPERATIONAL LIFE AND DECOMMISSIONING PERIOD) OF PLANNING PERMISSION PF/19/1398 (CONSTRUCTION OF 20 MW SOLAR PHOTOVOLTAIC FARM WITH ASSOCIATED WORKS INCLUDING INVERTER HOUSING) TO ADD AN ADDITIONAL 13 YEARS ON THE CURRENT PLANNING CONSENT, UNTIL 24 OCTOBER 2052, AT SOLAR FARM, BUNKERS HILL, WELLS ROAD, EGMERE, NORFOLK

(Pages 23 - 34)

9. **DILHAM - PF/21/1478 - CONVERSION OF AGRICULTURAL BUILDING WITH ASSOCIATED EXTERNAL ALTERATIONS TO INDOOR SWIMMING POOL FOR PRIVATE HIRE AT AGRICULTURAL BARN, OAK ROAD, DILHAM, NORFOLK, NR28 9PW** (Pages 35 - 48)
10. **WEST BECKHAM - PF/23/1065 - ERECTION OF 5 DWELLINGS (AFFORDABLE HOMES) WITH ASSOCIATED ACCESS, PARKING, AND LANDSCAPING AT LAND TO THE NORTH OF CHURCH ROAD WEST BECKHAM.** (Pages 49 - 62)
11. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 63 - 68)
12. **APPEALS SECTION** (Pages 69 - 74)
- (a) New Appeals
 - (b) Inquiries and Hearings – Progress
 - (c) Written Representations Appeals – In Hand
 - (d) Appeal Decisions
 - (e) Court Cases – Progress and Results
13. **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

This page is intentionally left blank

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 20 July 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 V Holliday	Cllr P Neatherway
Cllr J Toye	Cllr K Toye
Cllr L Vickers	

Substitute Members Present:

Cllr L Withington

Officers in Attendance:

Development Manager (DM)
Principle Lawyer (PL)
Deputy Monitoring Officer
Democratic Services Manager
Senior Planning Officer – JB (SPOJB)
Senior Planning Officer – MB (SPOMB)
Planning Officer (PO)
Trainee Planning Officer (TPO)
Coast Manager (CM)

21 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr M Hankins, Cllr G Mancini-Boyle and Cllr A Varley

22 SUBSTITUTES

Cllr L Withington was present as a substitute for Cllr A Varley.

23 MINUTES

The Minutes of the Development Committee meeting held Thursday 22nd June 2023 were approved as a correct record.

24 DECLARATIONS OF INTEREST

None declared.

25 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

Officers Report

The TPO introduced the Officers report and recommendation for approval. She established the sites location, provided aerial and site photographs, outlined existing elevations and floor plans and proposed site plan, elevations, roof and floor plans. It

was noted that use of the outbuilding would be conditioned for incidental purposes only. The main issues for consideration was whether the proposed development was acceptable in respect of principle, the effect on the character and appearance of the surrounding area, effect on residential amenity and whether the proposed development would have any effect on highway safety.

Public Speakers

Phil Harris – Objecting
Carolyn Wright – Supporting

Members Debate and Question's

- i. The Local Member – Cllr T Adams – drew compassion's to another application in his Ward, PF/20/2569, which had been refused on the basis that the application did not pay respect to the character of the surrounding area and failed to ensure that the scale and massing of the building related sympathetically to the surround area. Cllr T Adams, stated that he was not opposed to the principle of an extension but considered the proposal would not be subservient to the host dwelling through the doubling of the footprint and addition of an outbuilding. He contended that the proposal was out of character for the built form of the area and noted the numerous public objections to the application.
- ii. Cllr J Boyle – Local Member – considered the scale of the proposal was an overdevelopment of the dwelling and would not be in keeping with its immediate setting.
- iii. The Chairman sought confirmation whether a significant portion of the scheme could be achieved under permitted development rights.
- iv. The TPO advised that the outbuilding could be built-out under permitted development.
- v. Cllr J Toye asked, had the application been for the extension to the rear only, whether this could be built under permitted development rights as a single floor extension.
- vi. The DM advised the application presented to Members was not for permitted development, and confirmed that Members needed to consider and assess the proposal against NNDC Core Strategy policies, in particular EN4. He affirmed that Officers were satisfied that the proposal accorded with policies and reflected that nearby properties had also been extended.
- vii. Cllr V Holiday asked about the distance between the extension and the neighbouring property, and whether the proposal would overlook the neighbour.
- viii. The TPO commented that there would be two windows on the ground floor of the Northern Elevation which would serve the bathroom. This was not considered by Officers to have an overlooking effect on neighbours.
- ix. Cllr A Fitch-Tillett did not consider there to be a problem with the proposed extension on planning grounds and further reflected that there had been other developments to the south of a similar nature to the ancillary building.

Cllr A Fitch Tillett proposed acceptance of the Officers recommendation for approval.

- x. Cllr L Withington sought confirmation that the incidental building could not be used as a holiday let and that this would be conditioned.
- xi. The TPO confirmed the condition was for the outbuilding to be incidental and ancillary to the host dwelling. In determining the application the TPO advised that weight could not be attributed to any other potential future use as a holiday let, as this was not what was proposed.
- xii. The DM affirmed that the application pertained to the dwelling, the extension to the dwelling and the building in the garden as a single planning unit. Should the building in the garden be rented out as a separate accommodation this would amount to a material change of use creating a new planning unit which would require planning permission.
- xiii. Cllr P Fisher seconded the Officers proposal.
- xiv. Cllr J Toye stated that whilst he understood the planning reasons behind the Officers recommendation, he struggled with the size of the proposal which would take the dwelling from three bedrooms to six, which had been subject to significant local objection. Cllr J Toye placed weight on the local objections though stated he would likely vote in favour of the Officers recommendation.
- xv. The Chairman reminded Members that decision making must be rooted in planning grounds, this must take priority over other interests.
- xvi. Cllr L Withington asked if consideration had been given to dark skies, noting that the roof windows would emit light pollution.
- xvii. The DM confirmed that there were 4 proposed windows on the roof, but commented that the applicant did not require planning permission to make this change.
- xviii. Cllr A Brown established that access to the rear of the site, and any damage arising from increased use of vehicular traffic was not a planning matter for consideration. Should the application be approved, any issues arising would be for the owner to work with neighbours to address. Cllr A Brown commented that the proposal would not breach planning policy, and whilst he understood concern around the increased massing of the building, he was minded to support the Officers recommendation.
- xix. Cllr V Holliday disagreed with Cllr A Brown and argued that the proposal was contrary to NNDC Core Strategy Policy EN4, and was not in keeping with the local context in which the dwelling was set. She commented that the dwellings along the street scene were historical, dating from 1927, were attractive and symmetrical. In approving the application this dwelling would be markedly different from those surrounding it.
- xx. The PL confirmed that the access to the rear was a private driveway. She commented that there may be an amenity issue in planning terms if there were a lot of vehicles crossing at night, however the status of the backroad was a matter for residents to control.

RESOLVED by 10 votes for and 1 against.

That Planning Application PF/23/0459 be approved in accordance with the Officers recommendation.

26 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

The SPO-JB introduced the Officers Report and recommendation for approval subject to an extensive list of conditions. He established the sites location and context within the wider setting, advising that coastal erosion threatened the access point to the existing car park which would render the current car park unusable. The current carpark was expected to have been eroded within 100 years.

The SPO-JB confirmed the proposed plan for 74 spaces inclusive of 6 disability accessible spaces and 5 motorbikes with a landscaping and ecological buffer zone and enhancements (as detailed in the report) between the car park and neighbouring properties providing amenity screening. Through the consultation concerns had been raised with regards anti-social behaviour, it had subsequently been agreed with the applicant that a gate could be provided and maintained to address this matter, with further limits on opening hours and prohibition of overnight camping and parking conditions.

Aerial images were provided from 2014, 2020 and 2023 for context, establishing the levels of coastal retreat. It was understood that there was only around 15 meters from the existing access point and the cliff edge, with the potential that a turbulent winter storm further risk loss of the access point to the existing car park.

The SPO-JB affirmed that key elements of the proposal was the provision of new access drive to keep the existing car park open, delivery of new spaces (only when the existing car park was deemed unsafe) ecological enhancements and landscaping to the north and west, and grasscrete surface to be used throughout. The proposal was supported by the Council's coastal erosion roll back policies. Additionally, there was ongoing need access to the Deep History Coast, Norfolk Coast Footpath, Happisburgh Lighthouse, and to maintain access for a nationally important geography case study.

It was noted that the Officers report detailed matters of Highway Safety. The SPO-JB set out the proposed access routes with demonstratives.

Public Speakers

David Mole – Happisburgh Parish Council

Paul Sanders – Objecting

Frances Batt – Objecting

Jo Beardshaw – Supporting

Bryony Nierop-Reading – Supporting

Thomas Love – Supporting

Members Debate and Questions

- i. Cllr L Paterson – Local Member – expressed his support for the application and of the balanced view presented by Officers. He considered the amenity offered essential, particularly given the lack of public transport and reliance on private vehicles. He highlighted that the beach nearby and Play Park provided an affordable day out to families, and that access to these facilities may be lost without the car park. Further, the loss of the car park would place increased pressure on street parking.
- ii. At the request of the Chairman, the SPO-JB affirmed the importance of the roll-back policy in Officers considerations. Policy EN12 of the Local Plan established a list of criteria to justify rollback (provided on P.27 of the Agenda).
- iii. Cllr H Blathwayt – Portfolio Holder for Coast – thanked the Parish Council for its far-sighted views on this matter and stressed that roll back was an unfortunate necessity which he urged the Committee to facilitate in accepting the Officer’s recommendation. He noted that coastal erosion and rollback affected communities along the entire coastline and that this was therefore not an isolated matter affecting Happisburgh. Cllr H Blathwayt considered the Highways Objections failed to comprehend the imminent loss of Beach Road access due to coastal erosion, and argued that the traffic problems arising paled in comparison the issue’s arising from the loss of access to the car park.
- iv. The Chairman supported Cllr H Blathwayt’s comments with regards the urgency of the problem, and reflected on his own observations that the rate of erosion to the cliffs was increasing. He relayed his expectation that current access would likely be lost in the next 5 years, if not sooner.
- v. Cllr A Fitch-Tillett affirmed that, in 2011, she had been the portfolio holder for Coastal Management during which time the then Labour government accepted that defending all of the coast would not be possible. The Council were granted money from central government for the ‘Pathfinder’ project to establish ways of managing the coast. She considered that through Pathfinder, life was put back into Happisburgh, commenting that this community had previously been blighted due to coastal erosion. Further, it was noted that the Carpark had been achieved through Pathfinder with the expectation that within 20-30 there may be an issue. Cllr A Fitch-Tillett acknowledged the increasing pressure of sea level rise and more dramatic storms which had contributed to an accelerated erosion in Happisburgh than initially forecasted. She noted that the accessible ramp created through Pathfinder to the beach had been re-profiled at least three times already, including once more in the last 12 months. She stressed the archaeological significance of Happisburgh with respect the Deep Coast History, and affirmed that parking and access must be maintained to ensure access to the beach.

Cllr A Fitch-Tillett expressed her sympathy with those residents on Lighthouse Lane, but reflected that there were countless other locations along the coast where vehicles and pedestrians mixed without issue and in a respectful manor. She felt assured that the Council would do everything possible to minimise danger to pedestrians.

Given her prior role, which she had served for the last 20 years, Cllr A Fitch-Tillett advised she would abstain from voting on the application.

- vi. Cllr K Toye stated that she would find it challenging to justify the scheme to the residents of Lighthouse Lane, who would be adversely affected by the application. She visited the area for the first time 2 weeks prior, and reflected on how lovely it was, sympathising with the objections of residents. Cllr K Toye affirmed that she would like to see the access lane improved, if this were not possible then alternate locations should be investigated.
- vii. The Chairman acknowledged the issues surrounding access to Lighthouse Lane and asked if discussions could take place with Highways to seek improvements.
- viii. The DM advised, should Members be minded to approve the application, that it could be conditioned that the design of the Bell mouth is a matter to be agreed with the Highway Authority and the Local Planning Authority. He confirmed that there were countless examples across the Country where road users were actively encouraged to use certain routes in a specific direction. It was noted the applicants willingness to work with both authorities to achieve the scheme. The DM commented that an appropriate signage strategy would seek to ensure road users followed the most appropriate routes and eliminate conflicts between drivers and pedestrians.
- ix. Cllr R Macdonald noted the repeated Highways Authority objections and sought clarity how much weight should be attributed to their representation. In addition, he asked the viability of a one way system, which he considered to be a reasonable solution.
- x. The DM stated that, at present, a one way system was not a feature of the proposed application. A traffic regulation order (TRO) would need to be secured in order to have a one way system as this would result in a change to the highway network. Such a TRO may be objected to by residents of Lighthouse Lane who may not wish to be restricted in their movements. The DM considered a TRO may go some way to alleviate traffic concerns, and commented it was a matter for the applicant to consider.
- xi. The Applicant advised a one way system had been considered, and acknowledged the access along Lighthouse Lane was not without its issues. He commented that access between Beach Road and Lighthouse Lane could be improved, and contended this would be better than an alternate one way system which would take a significant amount of resource.
- xii. Cllr A Brown stated that the principle of re-siting the car park was supported by the Committee, however questioned the justification for the size of the car park and traffic management (which would be seasonably affected) leading to an intense usage of Lighthouse Lane. He affirmed that the junction from Beach Road to Whimpwell Street was far superior than that from Whimpwell Street to Lighthouse Lane, and expressed his concern with the alternate route proposed. Cllr A Brown asked if consideration could be given to a chicane giving priority to the direction of traffic to the south. He asked whether the land owner may be minded to facilitate passing places along Lighthouse Lane to alleviate issues of vehicles using the entrances of resident's properties as passing places.
- xiii. Cllr J Toye considered the irony of the situation that the area was subject to rapidly increasing coastal erosion, in part, because of cars. Whilst there may

be some community benefit from the income generated from the car park being spent locally, he was uncertain how much of the visitor economy affected the village. Cllr J Toye noted that policy EN12 related to the replacement of Community Facilities, had the application related solely to the relocation of the toilet facilities and the play park he considered this would satisfy this criteria, however he argued this was not relevant to the car park. He stated he was unable to support the continued use of cars in this area which was contributing to coastal erosion.

- xiv. The Chairman advised, should Members have ongoing questions about traffic issues, that the application could be deferred, pending further investigation on this matter.
- xv. Cllr V Holliday agreed with Cllr J Toye and affirmed that the Council should be discouraging car use on the coast and coming up with innovative ways of managing this. She commented that she was really uncomfortable with continuing to provide coastal car parks, and that she was concerned about the local transport network. Cllr V Holliday noted the conflicting public views on the application, and the petition signed by 95 persons against the scheme.
- xvi. Cllr L Withington confirmed this was not an isolated issue and was indicative of challenges being faced along the coast, therefore, the approach set by the Committee would establish a precedent for other application's moving forward. Cllr L Withington noted that access to the beach was vital in ensuring continued coastal management, which she commented was key consideration. Like other Members, she was concerned about the Highways Authority objection and frustrated that solutions had not been provided to alleviate issues. Cllr L Withington proposed deferral of the application to enable further investigation of traffic issues and solutions.
- xvii. Cllr A Brown seconded the recommendation for a deferral.
- xviii. The Chairman asked that Members clearly articulate those aspects which they required further details of before the application be brought back to Committee.
- xix. The DM reflected on Members debate and the concerns expressed about access on to Lighthouse Lane. He commented that conversations could take place to explore options to improve access from Beach Road onto Lighthouse Lane to ensure this was made as safe as possible, but also to explore highway concerns and reasonably possible solutions more broadly to make the development acceptable in planning terms.
- xx. The SPO-JB advised that requesting a restrictive bell mouth which prohibits vehicular movements left, and further highway works to the south of such bell mouth, would be an interesting relationship to explore. Certainly, there was scope to improve the Highway network.
- xxi. Cllr L Withington asked if clarity could be provided by the coastal management team about the impact of the scheme on their work.
- xxii. The CM confirmed that the public access ramp to the beach was intended to support recreational use, however it was also used in the management of the rock armour and debris on the beach. Whilst the beach could be accessed from cart gap to the south east, this was a much longer distance with added complications in transporting essential equipment. Erosion rates vary year on year, with an extreme of 13 metres being lost in one month in Happisburgh.

The CM advised that the loss of the car park would subsequently mean the loss of the adjacent play area. He noted that the Car Park had been placed in situ following community discussions in 2010-2011, where it was understood that there was a need to accommodate visitor services and associated infrastructure near the coast.

- xxiii. Cllr H Blathwayt reminded Members of the 50 year expected erosion forecast and asked Officers to re-display this image for the benefit of the Committee.

RESOLVED by 10 votes for.

That Planning Application PF/22/2510 be deferred.

27 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

The PL left the meeting for this item was replaced by the Deputy Monitoring Officer.

Officer's Report

The DM introduced the Officers report and recommendation for approval subject to conditions. He established the sites location and context with its local setting as referenced in pages 41 and 42 of the report pack. The DM referenced P.35 – p.36 and confirmed that reserve matters for a not entirely dissimilar proposal had been approved with planning conditions discharged and development commenced. Officers were of the opinion that the extant conditions were material planning considerations that should attract significant weight in decision making. Further, the extant permissions also include a legal agreement which included a financial contribution towards off-site affordable housing circa £55,000 as well as other contributions. The proposed S106 contributions were set out in pages 45 and 46 of the report.

Members were provided visuals of the previously approved site plan (PO/16/1725) for context and to help identify the differences between the proposed and approved schemes. The DM advised that the main change was that the block of flats would be replaced with 10 single storey bungalows, further the internal layout of Sandpiper House had been changed with respect of the numbers of flats. The DM detailed the proposed elevations inclusive of CGI images, cross sections of the schemes and the relative levels of the land.

Officers considered that the proposal broadly complied with policy, and in circumstances where there had been a departure, Officers concluded that the existence of the implemented permission was a material consideration in which should be given significant weight. Therefore, the main issues for consideration were that of the effect on Flood Risk and Effect on Ecology.

Since the drafting of the report a response had been received from the Council's Ecology Officer raising no objection to the development on ecological grounds, however recommended the following three conditions; one relating to lighting design, another relating to a construction and environmental management plan, and lastly to secure the ecological enhancements set out in the applicant's ecological appraisal. With the inclusions of such conditions Officers consider the proposal would accord

with NNDC Core Strategy Policy EN9.

With respect of matters of Flood Risk, the applicant's drainage engineers had reviewed the lead local authority's comments and had subsequently provided an updated flood risk assessment and drainage strategy revision P02 (dated 14th July) as well as the LLFA response. A response had not been received by the lead local flood authority, as they were only re-consulted 3 days prior. For context, the DM advised that a similar drainage scheme for the site had been approved by the Flood Authority in July 2020, Officers were therefore confident that matters could be resolved. The recommendation had been slightly amended to request delegated approval to the Assistant Director for Planning subject to satisfactory resolution of surface water matters, securing S106 obligations to the value of £97,265 for the purposes set out in section 8 of the Officer's report, as well as the imposition of conditions including any considered necessary by the Assistant Director. Further, Officers were seeking to condition that Knoll Road be accessible for pedestrian use only, which the applicant was agreeable to. The DM noted that an occupancy restriction had been secured with the original permission, with Officers also seeking to secure an occupancy restriction as part of this decision.

Public Speakers

Alan Presslee – (was not able to attend) Supporting (statement recited on his behalf by Michelle Robinson)
Michelle Robinson –Supporting

Members Debate and Questions

- i. The Local Member – Cllr L Withington – advised that she had referred the application to the committee to due public representations. She asked that the Committee consider the drainage system and whether they were content that it would not continue to a worsening of issues in the Knoll Road or Woodland Rise areas. The Local Member further asked Members to consider the adequacy of the proposed woodland management and the pathway onto North Knoll Road. Cllr L Withington affirmed that she did not consider herself to be pre-determined and that she would be voting on the application.
- ii. Cllr J Toye asked if pond protection orders existed and if this could be conditioned. Regardless, he was satisfied with the application and so proposed acceptance of the Officers Recommendation for approval.
- iii. The DM advised he was not familiar with the existence of pond protection orders, but that that Officers through planning conditions were seeking to ensure the implementation of the management plan which would include maintenance of the pond.
- iv. Cllr A Brown asked if there would be a service charge levied on each property as part of the maintenance of the common parts? The Applicant indicated there would be an annual charge.
- v. Cllr V Holliday enquired whether the S106 contributions had decreased because the affordable payment seemed very low for a development of this size. Separately, she questioned the use of the glazing throughout the Sandpiper development which failed to align with the Councils policies on Light Pollution in the AONB. Cllr V Holliday considered the amenity space provided to the Bungalows to be minimal and below the recommended size,

she expressed some reticence in approving what she considered to be slightly substandard housing.

- vi. The DM advised, with respect of S106 monies, that this figure was reflective of that produced in the applicant's viability report with the original 2016 application. The viability evidence established that it wasn't possible to provide on-site affordable housing, however off site and other provisions were considered. The £97,265 figure was supported by the Councils independent Viability Consultant to be reasonable, based on the evidence submitted. As part of the application, the Council had conditioned that the applicant must build out the scheme in the next 5 years, else be subject to submitting another viability appraisal. This had the potential to increase S106 contributions.

In terms of other matters, the DM advised that the glazing and elevations were similar to that already approved. Officers were comfortable that garden areas, whilst small, accorded with NNDC Policies. He commented that with these properties were being designed for older people, and reflected that this demographic didn't necessarily always want to have big garden areas as this was something which needed to be managed and maintained. The applicant had responded to market conditions through the provision of amenity space.

- vii. Cllr V Holliday clarified it was the floor space, not garden, which was considered somewhat small. She enquired if GIRAM's payments were part of a S106.
- viii. The DM noted P.46 of the Officers report and the tabled contributions including GIRAMs contributions.
- ix. Cllr A Brown expressed his support for the pedestrianised access conditions, but commented that it would have been useful that the full list of proposed conditions be somewhat settled and presented as a footnote. He questioned why drainage matters were outstanding, noting this was a longstanding issue.
- x. The DM advised that changes in Flood Authority personnel had resulted in different legislation interpretations. He considered this was an evolving process which should hopefully be resolved soon.
- xi. Cllr A Brown thanked the DM for his guidance, and thanked the applicant in engaging with Officers and agreeing to an uplift clause. Cllr A Brown seconded the Officers recommendation for approval.

UNANIMOUSLY RESOLVED

That Planning Application PF/22/1928 be approved in accordance with the Officers recommendation.

28 NORTH WALSHAM - PF/23/1029 - VERANDA TO REAR OF DWELLING AND EXTENSION OF FIRST FLOOR BALCONY. CEDAR HOUSE, 21 CROMER ROAD, NORTH WALSHAM, NORFOLK

Officer's Report

The PO – CG introduced the Officers report and recommendation for approval. He established the sites location, existing and proposed elevations, images of the site and relationship with neighbouring properties. The dwelling was neither in a conservation area, nor was listed, though was unique for the area for its use of construction materials. The PO-CW confirmed that when considering the erection of a balcony, one of the principle concerns was impact on the amenity of others.

The relationship between 23B and 23 was considered to be poor, with 23B being heavily overlooked with little privacy. The PO-CG argued that the amenity harm was reduced as the area was already overlooked. The objection had been received from 23A, 30 metres away not 23B. The PO-CG affirmed that if Members concluded that there was no harm to 23B, then it would be difficult to argue there was any harm to 23A. Property 4 Morris Close (to the rear) had a small window facing on to the balcony. The Case Officer reflected that due to the existing balcony and the nature and form of the property that amenity would not be harmed. The proposed balcony was large enough for small group to gather, but not large enough to host larger parties, therefore it was not considered that this may attract unusual or excessive levels of noise for a residential area.

The PO-CG advised that the proposed veranda fell within permitted development, and it was therefore just the balcony requiring planning permission. He considered that the proposed scheme was in keeping with the colonial character and appearance of the host dwelling.

Public Speakers

None

Members Debate and Questions

- i. The DM recited a statement prepared by the Local Member – Cllr R Sims. The Local Member considered the old and unique nature of the building, made of Canadian Wood, which he was surprised was not listed. Due to the internal configuration of the building he considered that whilst the ground floor extension would not interfere with neighbours, the extension of balcony would result in a loss of privacy to neighbouring properties. Cllr R Sims endorsed the Committee attend a site visit.
- ii. Cllr A Brown noted the Officer's representation, that the veranda was consistent with permitted development,, further, the issues surrounding privacy were somewhat diluted given the distance and use of the balcony, and layout of neighbouring properties. He proposed approvals of the Officers recommendation.
- iii. Cllr A Fitch-Tillett took no issue with the proposal and expressed her support for the attempts to match the extension with the host dwelling. Cllr A Fitch-Tillett seconded the Officers recommendation.

RESOLVED by 11 for and 1 against.

That Planning Application PF/23/1029 be approved in accordance with the Officers recommendation.

29 HINDOLVESTON - PF/23/0153 - INSTALLATION OF A GROUND MOUNTED SOLAR PV SYSTEM, AT CHURCH FARM LAND NORTH EAST OF, DAIRY BARN, FULMODESTON ROAD, HINDOLVESTON

Cllr L Vickers declared non-pecuniary interest in the item, however advised she was a Member of Hindleveston Parish Council who had formed a view on the application, as such, she advised she would abstain from speaking or voting on the application.

Officer's Report

The SPO-MB introduced the Officers report and recommendation for approval. The application had been referred to Committee for determination under the Council's scheme of delegation as the site was over half a hectare. The SPO-MB confirmed the site location, aerial view, proposed site plan, and views of the site. The main issues for consideration were; whether the proposal was acceptable in principle, the effect on the character and appearance of the surrounding landscape, effect on biodiversity and effect on residential amenity. The SPO-MB advised the proposal was located in a discrete location, largely screened by hedgerows and trees, and that there would be a negligible impact on biodiversity with enhancements from the wildflower planting.

Public Speakers

None

Members Debate and Questions

- i. Cllr A Fitch-Tillett proposed acceptance of the Officers recommendation.
- ii. Cllr J Toye expressed his support for renewable energy, he noted the comments from the CPRE but reflected that the applicant would be introducing Wildflower Meadows. He asked that information be provided to the applicant with respect of maintaining the pond, given how essential ponds were to biodiversity. Cllr J Toye seconded the Officers recommendation.
- iii. Cllr P Fisher endorsed comments made by Cllr J Toye.
- iv. Cllr A Brown noted the increasing volume of this type of application, and asked that the scheme of delegation be reviewed to increase the threshold for Officer Delegation. As Portfolio Holder he was keen to discuss this matter with Officers.
- v. The Chairman supported a review of the scheme of delegation and in increasing Officer Delegation with respect of solar farms.
- vi. The DM confirmed that it would be the Local Member Protocol which would need to be reviewed, and that he would be agreeable to have discussions outside the meeting.

RESOLVED by 11 votes and 1 abstention.

That Planning Application PF/23/1053 be approved in accordance with the Officers recommendation.

30 SLOLEY - PF/23/0929 - RETENTION OF GARAGE (RETROSPECTIVE) WITH EXTERNAL ALTERATIONS AND ERECTION OF BOUNDARY WALL - THE OLD WORKSHOP, SLOLEY ROAD, SLOLEY

Officer's Report

The PO-CG introduced the Officers report and recommendation for refusal. He confirmed the site location and the relationship of the proposal with adjacent listed and curtilage listed buildings. It was noted that the garage was constructed without planning permission, and the plans circulated with the Committee Agenda had subsequently been revised. The proposed changes were to include a double dual pitch roof (as opposed to the prior pyramidal roof) which was considered to be more in keeping with the general shape of the adjacent barns, the substitution of the roller door for a more in keeping timber door, and removal of the brick wall and replacement with a hedge.

The PO-CG confirmed he had received informal comments from the Council's Conservation Officer, who advised that the applicant had reduced the grounds for objection, hence the level of harm was reduced. It is now far more finely balanced whether refusal could be sustained or not. Had the garage blocked principle views of the main listed buildings, it might be a different matter. There may be a risk of refusing the application with the garage being located in peripheral position. The Conservation Officer considered that there weren't any obvious public benefits, but that there was relatively low levels of residual harm. The PO-CG affirmed guidance from paragraph 202 of the NPPF which sets a test of harms weighed against public benefit, in this instance as the building is in domestic use at present there is no counterweighing public benefit to allowing a harmful additional building.

It was noted that comments were circulated to Members from the agent, received after the publication of the agenda. Members indicated, as these comments were received late, that they would like for the Case Officer to summarise. The PO-CG confirmed he had received 2 emails (both of which are available on the planning portal), the first raised objections to the way in which the Case Officer had summarised neighbours comments, which they considered to be misleading. Further comments received were in support of the amended plans.

Cllr A Fitch-Tillett left the meeting

Public Speakers

Dr Michelle Lyon – Supporting

Members Debate and Questions

- i. Cllr A Brown recognised that this was a finely balanced application, and noted the applicants willingness to work with Officers to introduce amendments to make the scheme more acceptable. He considered the appearance of the site without the garage and whether this may result in unsightly parking instead, noting the representation from the agent that the garage was of public benefit in improving the appearance and attractiveness of the site. Cllr A Brown considered the harm arising to the heritage asset to be less than substantial, particularly given the amendments, and reflected

that should Members refuse the application, and it were go to appeal, that the Planning Inspector would likely support the application.

- ii. The Chairman advised that Members must first consider and vote on the Officer's recommendation before considering any alternative.
- iii. Cllr V Holliday considered the original comments from the Conservation & Design Officer, which she commented had not been entirely negated by the subsequent amended plans, and therefore she contended that there would still be harm would still be harm arising to the arraign setting. Cllr V Holliday proposed acceptance of the Officers recommendation.
- iv. Cllr J Toye noted the retrospective nature of the application and its associated history. Further, the owner had replaced owl slots in the brickwork with modern windows on the main dwelling, a matter he considered should be addressed by Building Control. Cllr J Toye was not confident that the applicant would build something which was sympathetic, he therefore seconded the Officers recommendation for refusal.

RESOLVED by 6 votes for and 5 against

That Planning Application PF/23/0929 be refused in accordance with the Officers Recommendation.

31 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- i. The DM introduced the Officers report, and outlined the quality and speed of decision making for the last month. He spoke highly of both Major and Non-Major Performance over the 24 month period. The DM advised that the Planning Service remained busy with 248 applications received in June.
- ii. The Chairman predicated that the number of householder extensions would likely increase, with residents choosing the build-out existing properties rather than move.
- iii. The PL was pleased to confirm that the S106 agreement for Crisp Maltings, Great Ryburgh, had been completed. The Yard Street, Sustead, was progressing well and was expected to be completed soon.

32 APPEALS SECTION

- i. The DM noted p.93 of the Agenda Pack and the three appeals which had been allowed by the Planning Inspector. With reference to the Ludham decision, the DM advised the Inspector had formed a different interpretation to sustainability than the Council, and were more permissive in assessing whether a site was sustainable. The DM considered this to be an outlier, and not a case to justify development in the countryside. The Council had tried to uphold higher standards of design on the site in Holt, which the Inspector disagreed with.
- ii. Cllr A Brown reflected that it was a rarity that the Council lose 3 appeals in a month, something he hadn't observed in 5 years.
- iii. Cllr J Toye asked with respect of the Ludham application, whether this was

affected by Nutrient Neutrality.

- iv. The DM advised that application site drained to the Ludham treatment works which fall outside of the nutrient zone, the application would therefore not be impacted. Had the application been subject to Nutrient Neutrality, and the habitat regulations were ignored by the Inspector, this would have substantiated reason for challenge by the Council.

33 ITEMS OF URGENT BUSINESS

The Chairman noted that, during the coffee break, questions it had been raised whether a site visit should be organised with respect of the Happisburgh application (PF/22/2510). He advised that he was not convinced this was the best course of action, noting that site visits are expensive, and several members were already familiar with the location. The Chairman sought the views of the Committee whether to proceed with a site visit. No Members indicated a preference to proceed with a site visit.

34 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 12.47 pm.

Chairman

This page is intentionally left blank

Registering interests

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

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

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

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

Non participation in case of disclosable pecuniary interest

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

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

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

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

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

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

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

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

Table 1: Disclosable Pecuniary Interests

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

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

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

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

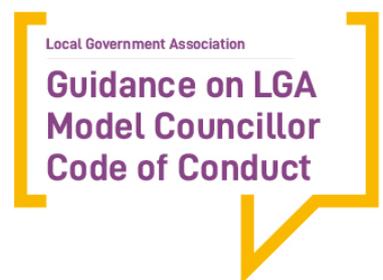
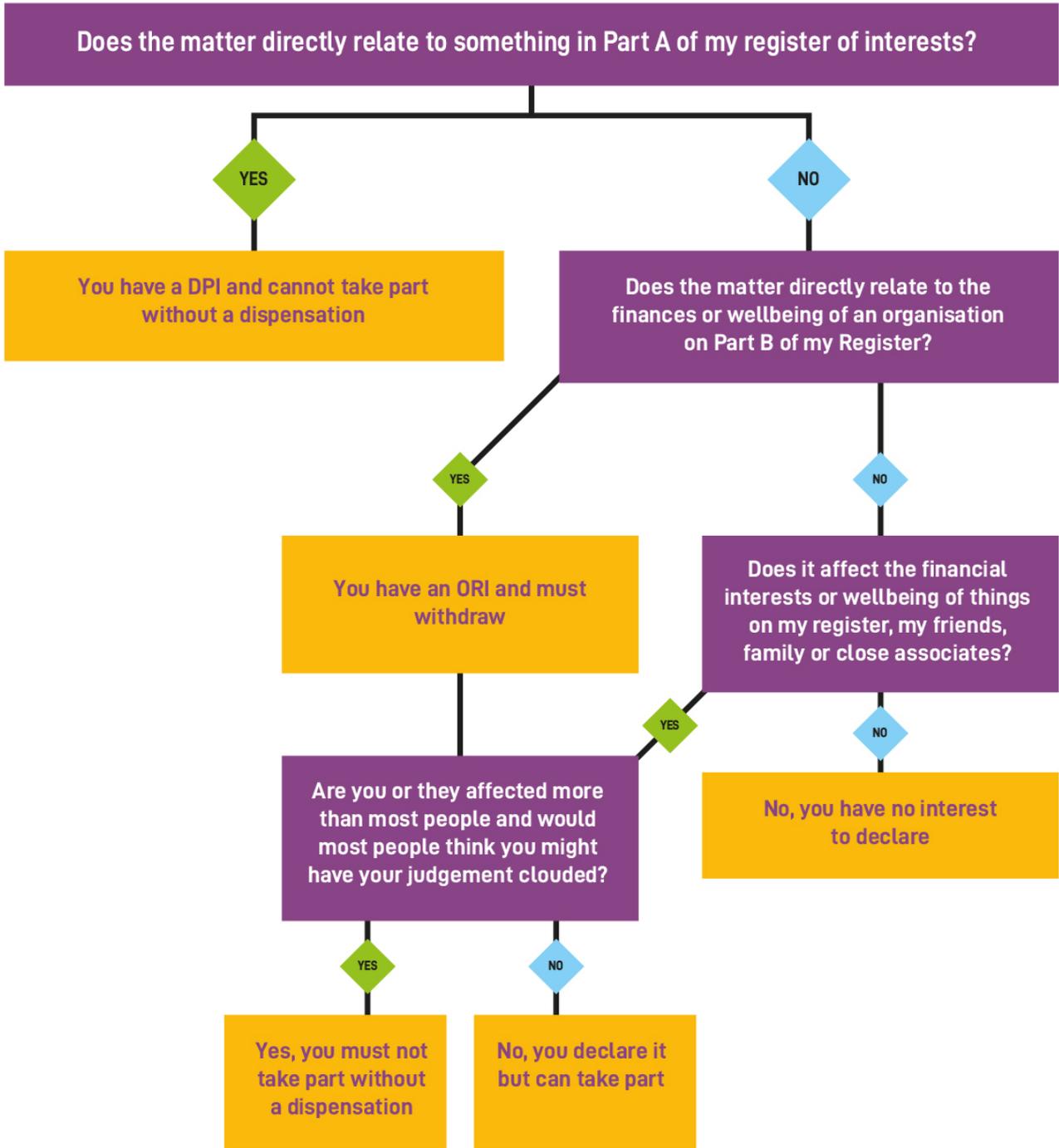
* 'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- 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
 - (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)



Egmere - RV/23/1241 - Variation of condition 4 (operational life and decommissioning period) of planning permission PF/19/1398 (Construction of 20 mw solar photovoltaic farm with associated works including inverter housing) to add an additional 13 years on the current planning consent, until 24 October 2052, at Solar Farm, Bunkers Hill, Wells Road, Egmere, Norfolk

Major Development

Target Date: 19th September 2023

Case Officer: Mr Mark Brands

Variation of condition

RELEVANT SITE CONSTRAINTS:

Within a Countryside Location

Grade 3 Agricultural Land Classification

Contaminated land

Landfill Gas Site

Gas Pipe Buffer Zone

Landscape Character Area- Rolling Open Farmland

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

RELEVANT PLANNING HISTORY:

Reference **PF/19/1398**

Description Variation of condition 2 (plans) of planning permission PF/13/0168 (Construction of 20 mw solar photovoltaic farm with associated works including inverter housing) to allow installation of access tracks & two additional access gates

Outcome Approved 23.12.2019

Reference **PF/13/0168**

Description Construction of 20 mw solar photovoltaic farm with associated works including inverter housing

Outcome Approved 21.03.2013

Reference **NMA1/13/0168**

Description Non-material amendment request for modifications to layout including location of fences and location/design of panels, inverter stations and switchgear structures.

Outcome Approved 03.09.2013

Reference **NMA2/13/0168**

Description Non-material amendment request to vary the plans referred to in Condition 4 of planning permission ref: 13/0168

Outcome Approved 27.09.2013

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:

Walsingham Parish Council – No Comments received

Wighton Parish Council – Support

Landscape Officer – No objection

Norfolk 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
- CPRE advocates use of buildings and brownfield sites for solar development over agricultural land

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 (August 2023)

Government Strategy Documents:

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

PROPOSALS

The proposal seeks to extend the permitted operational life of the solar farm by an additional 13 years. The solar array was originally approved under PF/13/0168 and varied under PF/19/1398, which comprises 82,280 panels on ground mounted frames, and associated infrastructure and paraphernalia. This is in situ, and there are no changes sought to the structures in situ.

Amendments made during the course of the application:

31st August 2023 – description amended.

The original description referred to the condition 5 of the original planning permission PF/13/0168. However, the additional works associated with the approved variation of condition application under PF/19/1398 have been implemented, as such this is the live decision covering the site, with the same operational life condition listed as condition 4 on the varied decision notice. The description was accordingly amended.

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

- 1. Principle of development**
- 2. Landscape**
- 3. Biodiversity and ecology**
- 4. Amenity**
- 5. 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.

Core Strategy 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.

The solar array was originally approved under PF/13/0168. There was a subsequent variation of condition application approved under PF/19/1398 (varying the approved plans to include the installation of access tracks and additional access gates). The works associated with this permission have taken place.

This decision included a number of conditions, including condition 4. This required the solar panels, mounts, substation, inverters and all other associated apparatus and equipment to be removed from the site within 25 years of when electricity is first exported from the solar farm. The solar farm has been in operation since 2014. The current application seeks to vary condition 4 to extend the life of the solar farm by an additional 13 years until 24 October 2052.

As this is a variation of condition application it is necessary to review the other conditions to check the status and reapply or amend the other conditions where relevant. The 2019 conditions are still relevant and were updated reflecting the details associated with discharge of condition applications and changes through non material amendments, so these conditions are for the most part relevant in their amended 2019 form. In addition to the main changes under condition 4, condition 1 with the approved details will be updated to make reference to the Landscape and Visual Assessment, and updated landscape and visual assessment (figure 8), and condition 5 to include the specific plan details for the additional landscaping works to be implemented by the next planting season.

The supporting statement sets out extending the life of the solar farm as requested would result in the generation of 264,992 MWh of additional renewable electricity. The current solar park generates enough electricity annually to power 5,213 households, displacing 7,166 tonnes of CO₂ per annum compared to a grid mix. Extending the period of operation would displace further CO₂, making a positive contribution towards reducing greenhouse gas emissions.

The proposal accords with Local Policies SS 1, SS 2, and EN 7. The PV array is an existing renewable energy project that is one of the exemptions permitted in countryside locations. There are no changes to the infrastructure or equipment on site, the application seeks to extend the permitted duration of the use. The solar park supports local and national objectives to decentralise and decarbonise power networks.

2. 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.

While the broader landscape has an open character with uninterrupted views, as set out in the supporting landscape documents, within the locality of the site there are a number of woodlands, copses, shelterbelts and examples of tall hedging. While a large site area, the built form of the solar equipment is of a low height. The combined effect of local variations in the rolling landform and the vegetation has a significant effect in limiting the visibility of the site and its impacts on the wider landscape. The Landscape and Visual Assessment has found that the proposed development will have a residual beneficial effect on the character of the Airfield sub-area through the planting and restoration of hedges. Mitigation planting to accompany the 2013 scheme was concluded to assist in assimilating the development into the surrounding landscape.

The site covers a large area, around 48 hectares. The siting was originally considered acceptable on landscape grounds in part by virtue of existing landscaping which helps screen this area. A significant proportion is away from public view and barely perceptible from the main B1105 Fakenham to Wells Road. Great Walsingham Footpath 9 runs close to the northern boundary of the site. This follows the line of a shelterbelt, screening views along this section of path other than filtered views in winter and two breaks within the shelterbelt. This minimises the visual impact from this public right of way. An updated Landscape and Visual Impact Assessment has been submitted and concludes the solar farm can continue to operate without significant impact on the overall landscape of the area. The landscape strategy has been mainly implemented and maintained in accordance with the previously approved details, with the planting fulfilling its intended purpose of screening the development.

No objections have been raised by the landscape team to the proposals to extend the life of the operation. Most of the mitigation planting forming part of the original permission has established, apart from areas on the north boundary where a shelter belt has not been planted to its full width, and the south-east boundary which has a missing section of hedge. Planting in the form of mixed native hedgerow and woodland edge mix is proposed in the planting scheme to address this shortfall, which is considered suitable mitigation. The landscape team recommend conditioning this be implemented by the next planting season, with any failures replaced for a 10 year period, in addition to the other landscape conditions being carried over from the original permission.

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. The planted landscaping mostly accords with the approved scheme, which is effective in screening the development from the wider landscape. Subject to the further planting which is to be secured by condition, extending the life would not result in any adverse impacts on landscape grounds.

3. 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}.

Additional landscape planting was provided as part of the original 2013 permission, and as noted in the landscape section above, this has mostly established apart from a couple of areas where further mitigation planting to accompany the 2013 scheme has been recommended. The completion of these proposals would additionally contribute to and promote local ecology. This is in addition to the previous ecological mitigation and enhancements provided with the original application. Subject to the landscape proposals being implemented in full including mitigation planting, the proposal would accord with Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 174 of the NPPF.

4. Amenity

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. The solar park is not sited directly adjacent to residential amenity. Egmere Farm (New Cottages) is located due south, but there are trees in the intervening space between the solar farm and cottages. There are few residential properties at Bunkers Hill to the east, some 150m from the array and separated by a field. As previously addressed in the original report whilst the proposed solar farm may be visible from some properties, there is a significant distance between residential properties and the application site. Additionally, having regard to the height of the panels, it is not considered that the proposal solar farm would in any way result in overbearing impacts of loss of daylight or sunlight. Furthermore, the panels are designed to absorb sunlight and therefore glare from the sun is not likely to be an issue.

Given the spatial distance and intervening landscaping and scale of the development, there would be a negligible impact on neighbouring amenity from the extending the lifespan of the solar farm. Officers consider the proposal to be in accordance with Policy EN 4.

5. 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 River Wensum Special Area of Conservation (SAC) or the Broads SAC and Ramsar site catchment and is therefore not qualifying development in relation to GIRAMS 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.

In respect of loss of agricultural land, the land is designated as a mixture of grade 2 and 3 agricultural land. Whilst the loss of farming land for crop growing is regrettable, this has to be balanced against the potential environmental and biodiversity benefits of reduced nitrogen use on the land for the duration of the solar farm and the potential for biodiversity enhancement. Additionally, the chalk grassland is managed by sheep grazing so aspects of diversified farming is retained on the site. Whilst commercial crop growing would be prevented for the duration of the development and its extended use, the loss is only temporary and would be reversible.

The objections from CPRE are noted, however this relates to an existing solar farm. Extending the operation where this is viable to do so and where there are no wider impacts from its continuation is a rational sustainable approach. The land can be used for grazing purposes and is reversible when the solar farm is decommissioned.

Flood Risk

While the area covered by the development is large the raised panels are supported on a steel frame, with only the support posts driven into the ground. The rest of the land including under the panels remains permeable to allow surface water to drain naturally. The proposal therefore will not increase on-site or off-site flood risk, complying with Policy EN 10.

Planning Balance and Conclusion

This application seeks to extend the lifespan of the existing solar farm. The proposal would enable the operation to continue producing renewable energy, displacing carbon dioxide emissions, and continue making a positive contribution towards reducing greenhouse gas emissions.

There are no adverse impacts arising from the proposal on amenity, landscape or ecology. The existing landscaping effectively mitigates the impact from the solar farm in situ from the wider landscape. The outstanding additional landscaping will be secured via condition. 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, 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):

Suggested Conditions/Reasons:

1. Except as where required by other conditions attached to this permission, the development hereby permitted is granted in accordance with the following plans/details:

The plans and details submitted as part of application RV/23/1241

Landscape and Visual Assessment

Updated Landscape and Visual Assessment (Figure 8)

The plans submitted as part of application PF/19/1398 - drawing numbers:

03337D2301-01 'Site Track Installation Proposal'

9785/EGM/OCV/003 Rev.A 'Fence Detail',

The plans approved as part of application: PF/13/0168 - drawing numbers:

CAPL/262719/001/CF/RW/06.02.13

LCS-EGC-002

34523-01-00 (Issue B)

001 (Issue 01)

002 (Issue 01), and

The plans approved as part of application NMA1/13/0168 - drawing numbers:

1019-0201-01 (Issue: 30)

1019-0201-90 (Issue 01)

1019-0206-02 (Issue: 01)

1019-0207-00 (Issue: 01)

1019-0208-90 (Issue: 02)

1019-0208-70 (Issue 01)

Reason:

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

2. Except in relation to Closed Circuit Television (CCTV) details approved as part of this permission, no CCTV, public address or speaker system shall be operated from the site at any time unless planning permission has first been granted for such items.

Reason:

In the interests of protecting the amenity of surrounding residents in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

3. Closed Circuit Television (CCTV) to be installed on site shall be installed only in strict accordance with the details indicated within the CCTV Details document (ref: CAPL/262719/A6.CF/RevB) and in accordance with details provided on the planning layout plan (Drawing number 1019-0201-01 (Issue 30)), as received by the Local Planning Authority on 14 Aug 2013 under NMA1/13/0168.

HDTV (or equivalent) cameras identified within Appendix 1 of the CCTV Details document shall only be installed in the three locations marked on drawing 1019-0201-01 (Issue 30) as 'Park/Field Entrance with Fixed CCTV' cameras. All other cameras to be installed shall be thermal network cameras (or equivalent) as identified within Appendix 2 of the CCTV Details document. Any pan or tilt functions for the approved thermal network cameras (or equivalent) shall be installed in accordance with the details set out at Appendix 3 of the CCTV Details document.

Reason:

In the interests of protecting the amenity of surrounding residents in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

4. After 24 October 2052 or, if before that date, when the solar farm hereby permitted is no longer reasonably necessary for the purposes of generating electricity from solar energy, the generation of electricity from solar energy shall cease and all solar panels, mounts, substation, inverters and all other associated apparatus/equipment shall be removed from the site within six months of the cessation of operation and the site shall be restored to the condition it was prior to the implementation of the permission, except as may otherwise be approved in writing by the Local Planning Authority.

Reason:

To ensure that the land is returned to its previous condition once the solar equipment is no longer required for electricity generation purposes, in the interest of the visual appearance of the area in accordance with Policy EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

5. Landscape mitigation planting shall be carried out in accordance with the details set out on drawing number 01 Rev.A 'Planting Plan' - prepared by the Landscape Partnership (Job No. N12631)

The additional planting in the form of mixed native hedgerow and woodland edge mix shall be fully implemented in accordance with Figure 8 Planting Scheme, TLP, July 2022, in the next planting season following the date of consent

The approved landscaping scheme shall be retained thereafter.

Reason:

To ensure that the landscape scheme is carried out so as mitigate the visual impacts of the proposal and to accord with the requirements of Policies EN 1 and EN 2 of the adopted North Norfolk Core Strategy.

6. Any new tree or shrub which within a period of ten years from the date of planting dies, is removed or become seriously damaged or diseased, shall be replaced during the next planting season with another of a similar size and species to the Local Planning Authority's satisfaction, unless prior written approval is given to any variation.

Reason:

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

7. For the operational life of the development hereby permitted (or unless an alternative plan is subsequently approved) maintenance of all areas of soft landscape on site shall be carried out in accordance the Landscape Management & Maintenance Plan prepared by the Landscape Partnership dated August 2013.

Reason:

To ensure that the landscape management and maintenance plan is carried out so as to mitigate the visual impacts of the proposal and to accord with the requirements of Policies EN 1 and EN 2 of the adopted North Norfolk Core Strategy.

8. Except in relation to the construction phase of the development hereby permitted, no external lighting whatsoever shall be installed on site unless planning permission has first been granted

Reason:

To protect the dark skies from unnecessary light pollution in accordance with Policies EN 1 and EN 13 of the adopted North Norfolk Core Strategy.

9. No transformer proposed to be installed on the site as part of this permission shall be audible above background noise level beyond the boundaries of the site.

Reason:

To control the noise emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

10. The development hereby approved shall be carried out in strict accordance with the recommendations contained in Section 5 of the Ecological Appraisal carried out by the Landscape Partnership, dated Jan 2013, unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure that the works are carried out in accordance with Policy EN 9 of the adopted North Norfolk Core Strategy.

11. The airfield interpretation boards installed on site, detailing the history of RAF North Creake, as prepared by Archaeological Project Services dated August 2013 shall thereafter be regularly cleaned and maintained to ensure they remain operational for their intended purpose.

Reason:

To ensure that the historical context and history of the site is captured and communicated for the benefit of future generations in accordance with Policy EN 8 of the adopted North Norfolk Core Strategy.

12. The proposed fencing, inverter station buildings, switchgear building and electricity grid connection substation building shall have an external colour of RAL 6005 - Moss Green.

Reason:

To ensure that buildings and structures on site are of an appropriate colour to merge with their surroundings in accordance with Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

Applicant Notes and Informatives:

- 1) Whilst discussion with the applicant or their representative was not required in the determination of this application, the Local Planning Authority considers that it has worked positively and proactively to approve a policy compliant proposal that has been determined in the wider public interest at the earliest reasonable opportunity, in accordance with the requirements of the National Planning Policy Framework (paragraph 38).

DILHAM - PF/21/1478 – Conversion of agricultural building with associated external alterations to indoor swimming pool for private hire at Agricultural Barns, Oak Road, Dilham, Norfolk, NR28 9PW

Minor Development

Target Date: 31.03.2022

Extension of Time: 30.09.23

Case Officer: Russell Stock

Full Planning Permission

REASONS FOR REFERRAL TO COMMITTEE

In accordance with Note 4 (d) of the relevant section of the Council's scheme of delegation, this application is referred to the Development Control Committee as the applicant is a District Councillor. Furthermore, the application is referred to the Development Control Committee at the request of Councillor Nigel Dixon for the following reasons: The scheme results in environmental harm, lies in an unsustainable location and raises concerns in relation to highway safety arising from the increased use of the poor local road network serving the site.

RELEVANT SITE CONSTRAINTS

- Within the Countryside as designated within the North Norfolk Core Strategy
- Within the Low Plains Farmland Landscape Character Area as designated within the North Norfolk Landscape Character Assessment
- Within various defined GIRAMS 'Zones of Influence'
- Within the Nutrient Neutrality Surface Water Catchment area

RELEVANT PLANNING HISTORY

PF/21/1479

Conversion of agricultural building with associated external alterations to form four bedroom holiday accommodation - Pending consideration

PU/21/2825

Change of use of an agricultural building to 5 dwellinghouses (4 "smaller" dwellinghouses and 1 "larger" dwellinghouse), and building operations reasonably necessary for the conversion
Refused 17.12.21

Appeal Allowed 20.02.23. Award of Costs Refused 20.02.23

It is noted that whilst this was allowed on appeal by the Inspectorate, there were two substantive matters to be resolved before the development is carried out. 1. Whether the development is permitted under the General Permitted Development Order (GPDO). 2. Whether the development accords with the requirement at Article 3(1) of the GPDO, in that regulations 75-78 of The Conservation and Habitats and Species Regulations 2017 (as amended) are complied with. The Inspector made it clear in their decision that "it is for the appellant to satisfy themselves that the development conforms to these limitations. If it does not conform to these provisions, the GPDO does not grant it planning permission and the proposed development will be at risk of enforcement action by the Council."

THE APPLICATION

Site description:

The site lies within an area designated as Countryside. The barn is located at Oak Farm and is situated in a cluster of agricultural buildings historically associated with the farm. Oak Farm is located 1.5km northeast of Dilham and is accessed via Oak Road. Oak Road is a public highway as it leaves the village of Dilham heading east but reverts to a private road halfway between the application site and the village. Oak Road provides access to several dwellings, Tonnage Bridge Glamping Site, and equine livery fields. Oak Road is also in regular use by the applicant's farming enterprise, which farms land on both sides of the road and the areas surrounding the application site. The barn is a red brick building with corrugated sheet roof measuring approximately 7.4m wide and 27m long.

Proposal:

This application seeks permission for change of use of the barn together with associated operational development to accommodate a swimming pool. The swimming pool would comprise of a single pool measuring 12m long and 5m wide. The existing lean-to element would house a hot tub, sauna and plant room, and the existing porch on the north facing gable would be converted to provide two changing rooms. The large existing openings in the west-facing elevation would be infilled with glazing, and the external sliding doors would be retained. A new opening would be formed in the south-facing elevation both to provide light into the swimming pool area and views south across the neighbouring fields. The addition of an entrance porch to the north-facing elevation measuring 1.8m by 3m is proposed to provide a transition area from the heated barn to the outside. Externally, the area dedicated to parking has been designed to accommodate 13 car parking spaces and four cycle parking spaces.

CONSULTATION:

Cllr Nigel Dixon: Concerns regarding the development as set out above

Dilham Parish Council: Concerns over the disposal of the swimming pool water

Conservation and Design: No objection subject to conditions

Landscape: No objection subject to conditions

Environmental Health: No objection subject to conditions and informative note

Norfolk County Council Highways: No objection subject to condition

Natural England: Impacts to designated sites caused by foul drainage arrangements, as well as GIRAMS matters to be considered by North Norfolk District Council

Environment Agency: No objection subject to Informative Notes

REPRESENTATIONS

Public consultation of the application took place for a period of 21 days between 20.08.2021 to 10.09.2021. To date, two objections have been received. The key points raised in the **OBJECTION** representations are as follows:

- The use of this facility would increase the amount of traffic

- The proposal would affect the wildlife in Broad Fen Site of Special Scientific Interest (SSSI) and the Broads National Park
- Concerns over the light pollution in such a dark sky remote location

HUMAN RIGHTS IMPLICATIONS

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

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

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

STANDING DUTIES

Due regard has been given to the following duties:

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2017 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998

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

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

RELEVANT POLICIES

North Norfolk Core Strategy (September 2008):

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 2: Development in the Countryside

Policy SS 4: Environment

Policy SS 5: Economy

Policy SS 6: Access and Infrastructure

Policy EN 1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads

Policy EN 2: Protection and Enhancement of Landscape and Settlement Character

Policy EN 4: Design

Policy EN 8: Protecting and Enhancing the Historic Environment

Policy EN 9: Biodiversity & Geology

Policy EN 10: Development and Flood Risk

Policy EN 13: Pollution and Hazard Prevention and Minimisation

Policy EC 1: Farm Diversification

Policy EC 2: The Re-use of Buildings in the Countryside

Policy EC 5: Location of Retail and Commercial Leisure Development

Policy EC 7: The Location of New Tourism Development

Policy CT 5: The Transport Impact of New Development

Policy CT 6: Parking Provision

Material Considerations:

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide (December 2008)

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

National Planning Policy Framework (July 2021)

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 6: Building a strong, competitive economy
Chapter 7: Ensuring the vitality of town centres
Chapter 8: Promoting healthy and safe communities
Chapter 9: Promoting sustainable transport
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding, and coastal change
Chapter 15: Conserving and enhancing the natural environment

OFFICER ASSESSMENT

MAIN ISSUES FOR CONSIDERATION:

- 1. Principle**
- 2. Landscape**
- 3. Design**
- 4. Residential Amenity**
- 5. Biodiversity**
- 6. Pollution and Hazard Prevention and Minimisation**
- 7. Highways**
- 8. Other matters**
- 9. Conclusion**

1. **Principle** (Policies SS 1, SS 2, SS 5, SS 6, EC 1, EC 2, EC 5, and EC 7)

Policy SS 1 sets out that most of the new development in North Norfolk will take place in the towns and larger villages as defined as Principal and Secondary Settlements and a small amount of new development will be focused on several designated Service and Coastal Service Villages. The rest of North Norfolk, including all settlements that do not fall under the above criteria, will be designated as Countryside. Policy SS 2 limits development in areas designated as Countryside to that, which requires a rural location and accord with a list of set criteria. Related to this application in this list it includes the re-use and adaptation of buildings for appropriate purposes and recreation and tourism.

The site is situated in Dilham, which is an area designated as Countryside under Policies SS 1 and SS 2. The proposal involves the change of use of the barn to accommodate a swimming pool, sauna, and additional supporting facilities. Such a use falls under the category of re-use and adaptation of buildings for appropriate purposes and recreation and tourism which are two of the types of development that are acceptable in principle in this location under Policy SS 2 subject to assessment against the relevant 're-use and adaptation' and 'recreation and tourism' policies.

Policy EC 1 sets out that proposals for development in the Countryside for purposes of farm diversification will be permitted provided it can be demonstrated they would make an ongoing contribution to sustaining the agricultural enterprise.

The farming diversification at Oak Farm focus on small-scale tourism accommodation and activities across the farming estate, i.e. camping and glamping accommodation, equine livery fields and canoe hire. Given the proposals location and scale, it is considered appropriate in nature and therefore would complement the existing tourism accommodation and activities within Oak Farm.

Within the Countryside policy area proposals should first re-use existing buildings to protect the countryside from development that could erode the character of the area. Paragraph 84 of the Framework seeks the sustainable growth and expansion of all types of business in rural areas through the conversion of existing buildings, the development and diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments which respect the character of the countryside. On that basis, Policy EC 7 restricts new tourist accommodation in the Countryside subject to compliance with Policy EC 2.

Government policy has focused on encouraging the re-use of rural buildings for either business or community purposes as a means of supporting the diversification of farming enterprises and the general vitality of rural communities without necessitating the development of new buildings. To that effect, Policy EC 2 states that the re-use of buildings in the Countryside for non-residential purposes will be permitted providing the economic use is appropriate in scale and nature to the location. Secondly, it can be demonstrated that the building is soundly built and suitable for the proposed use without substantial rebuilding or extension and the proposed alterations protect or enhance the character of the building and its setting. Finally, that the proposal is in accordance with other policies seeking to protect biodiversity, amenity and character of the area.

The barn is appropriate in scale and nature to the location and can therefore accommodate a swimming pool, sauna, and additional facilities that support other economic uses within the farming estate. Secondly, the structural inspection report prepared by S. F. Johns, dated October 2021 concludes that the barn is structurally sound providing a careful and a thorough repair of the structural fabric is undertaken. To conform to the requirements of Policy EC 2, the proposals should comply with the relevant policies concerning biodiversity, amenity, and character of the area. Consideration of these matters is set out within the sections below.

Policy EC 5 is concerned with ensuring that significant proposals for commercial leisure developments on unallocated sites are focused on North Norfolk's eight town centres (Cromer, Holt, Fakenham, North Walsham, Hoveton, Sheringham, Stalham and Wells-next-the-Sea), thereby helping to maintain and enhance the vitality and viability of the town centres and minimise the need to travel. Under Policy EC 5, Commercial Leisure Proposals with a gross floor area of less than 500sqm should be located within the development boundary on the best sequentially available site.

The scheme has a gross floor area of 203.5sqm, therefore, it would not comply with the above requirements as it is located within the wider Countryside. However, providing for local needs in the wider rural area will be limited to existing buildings in order to support the general restriction on new-build development in the Countryside policy area, and will complement the preferred approach towards Farm Diversification under Policy EC 1 and the Re-use of Buildings in the Countryside under Policy EC 2.

For the reasons given above, it is considered the proposal complies Policies, SS 1, SS 2, SS 5, SS 6, EC 1, EC 2 (subject to consideration of relevant matters below), EC 7 and paragraph 84 of the Framework, and therefore is acceptable in principle.

2. Landscape (Policies EN 1, and EN 2)

The Broads are valuable assets for North Norfolk, in terms of sustainable tourism, quality of life and as wildlife habitats. It has a status equivalent to a National Park and include several European wildlife designations. Policy EN 1 states that the impact of individual proposals, and their cumulative effects on The Broads and its setting, will be carefully assessed. Development will be permitted where it is appropriate to the economic, social, and environmental well-being of the area or is desirable for the understanding and enjoyment of the area and does not detract from the special qualities of The Broads.

Paragraph 176 highlights that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and the Broads which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The application site is situated north of The Broads Special Area of Conservation (SAC). The proposal seeks to bring back to use a dilapidated agricultural store by converting it to a swimming pool and sauna for private hire. The conversion of the barn would provide economic and social benefits and would support the current tourism activities within the area. Moreover, given the proposal comprises of utilising an existing building, the proposed minor alterations would not affect its scale or impact on the setting of The Broads. On that basis, the scheme complies with Policy EN 1 and paragraph 176 of the Framework.

Policy EN 2 sets out that proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment (LCA) (January 2021). Development proposals should demonstrate that their location, scale, design, and materials would protect, conserve, and, where possible, enhance the special qualities and local distinctiveness of the area.

The site lies within the Low Plains Farmland Landscape Character Area as designated within the LCA (January 2021). The Landscape guidelines for the Low Plains Farmland Landscape Character Area requires that the redevelopment of redundant barn complexes outside settlement boundaries, is sensitively undertaken avoiding use of suburban features such as surfaced drives, domestic style gates and fences, ornamental planting, overly large windows, or excessive external lighting.

The proposal involves the addition of one and two large windows on the south and west elevations respectively, with the latter utilising existing apertures within the fabric of the building. Given that these elements sensitively re-adapt existing features of the building and their design is considered recessive, it is considered the proposal results in the protection and conservation of the building and would not significantly impact on the special qualities and distinctiveness of the area. As a result, it is considered the scheme complies with Policy EN 2.

3. Design (Policy EN 4)

Policy EN 4 requires that all development should be designed to a high quality, reinforcing local distinctiveness, be expected to be suitably designed for the context within which they are set, and ensure that the scale and massing of buildings relate sympathetically to the surrounding area. Moreover, paragraph 130 of the Framework sets out that developments should be sympathetic to local character and history, including the surrounding built

environment, while not preventing or discouraging appropriate innovation or change and optimise the potential of the site to accommodate and sustain an appropriate amount of mix development.

The swimming pool would comprise of a single pool measuring 12m long and 5m wide. The existing lean-to element would house a hot tub, sauna and plant room, and the existing porch on the north facing gable would be converted to provide two changing rooms. The large openings in the west-facing elevation would be infilled with glazing, and the external sliding doors retained. A new opening would be formed in the south-facing elevation both to provide light into the pool area and views south across the neighbouring fields. The addition of an entrance porch to the north-facing elevation measuring 1.8m by 3m would be proposed to provide a transition area from the heated barn to the outside. The proposed pallet of materials comprises of corrugated sheets, soft red brick, and dark coloured aluminium fenestration. Externally, the area dedicated to parking has been designed to accommodate 13 parking spaces and four cycling parking spaces.

The Conservation and Design Officer has not objected to the proposal subject to the details of the windows, and glazed screens being secure through condition.

Officers are of the opinion that subject to the above planning condition, the proposal would be sympathetic to the local character and context of the surrounding area and therefore would not give rise to significant design concerns. As such, the scheme complies with Policy EN 4 and paragraph 130 of the Framework.

4. Residential Amenity (Policy EN 4)

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

The barn lies 6.5m east of an agricultural store and 12.5m west of a redundant agricultural storage building which is under assessment under application PF/21/1479 to be converted into a four-bedroom holiday let. The proposed fenestration on the east elevation serves a plant room and spa area and on the west elevation a walkway to the swimming pool. Given the separation distance between the proposal and the redundant agricultural storage building located east, and the public nature of the areas proposed, it is considered the proposal would not give rise to significant amenity concerns. As such, the scheme complies with Policy EN 4.

5. Biodiversity (Policy EN 9)

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

The application has been supported by a Preliminary Ecological Appraisal report prepared by Liz Lord Ecology, dated 10 August 2021 and a subsequent Nocturnal Bats Survey report prepared by Biome Consulting dated 15 September 2021. The reports concluded that the proposal would result in the destruction of the day roost for one common pipistrelle bat and day roosts for three brown long-eared bats and potential disturbance of bats if present during the construction phase resulting in minor negative impact on the local bat populations.

During the consideration of the application, concerns were raised on the grounds that the proposal would affect the wildlife in Broad Fen Site of Special Scientific Interest (SSSI) and the Broads National Park. The Landscape Officer has assessed the information submitted with the application and subject to the provision of appropriate mitigation and compensation measures, the favourable conservation status of the local bat populations affected would be maintained. It is considered that a Natural England European Protected Species Mitigation (EPSM) Licence is likely to be granted due to the relatively low ecological cost of the development against the social and economical benefits. Moreover, to ensure that the development results in a net gain for biodiversity (paragraphs 174 and 180 of the Framework and 25 Year Environment Plan) and to contribute towards the Council's statutory duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006 (NERC Act) conditions should be secured on the permission which aim to secure detailed mitigation and enhancement measures on the development site

Following comments from the Council's Ecologist, the Environment Agency and Natural England, the applicant has supported their submission with details of a scheme for wastewater management. This sets out that a Package Treatment Plant (PTP) would be used for foul water flows from the washbasins, showers and toilets from within the building. The swimming pool and hot tub waste water (backwash) would be treated separately. This would be filtered using standard filter/chemical cleaning processes and backwash water from this would be directed into a dedicated sealed tank. This tank would have a capacity of approximately 9,000 litres and would be emptied on a monthly basis by HFS Agriculture, the farms existing licensed waste handler. HFS Agriculture have confirmed that they have capacity and the appropriate licensing to undertake a monthly emptying of the tank. The wastewater would be taken off-site and processed at the Stalham Sewage Treatment Works.

Given that the proposals are commercial in nature, rather than residential or a scheme directly resulting in the release of increased nutrients, the 'Nutrient Neutrality' requirements are not applicable to this application. The proposed use of a sealed tank for backwash water which would be treated offsite in combination with a PTP to deal with other flows is considered to satisfactorily address the comments received from the Council's Ecologist, the Environment Agency as well as Natural England in respect to these matters.

Details of the exact backwash storage tank can be suitably secured via condition which would ensure that it is of sufficient size to accommodate the proposed loads. Additionally, conditions securing the measures/processes set out within the Wastewater Management Plan in perpetuity can be utilised, alongside a requirement for records of wastewater transfers to be maintained and made available upon request. Subject to these measures, likely significant effects upon the nearby protected sites can be ruled out.

Lastly, concerns have been raised in respect to light pollution in the site's remote location. The Landscape Officer is of the opinion that to ensure that excessive light spill in the countryside is avoided and to protect the Broads National Park and avoid any adverse impacts on protected species populations, a planning condition requiring prior approval of external lighting shall be made to the Local Planning Authority.

For the reasons stated above and subject to a Natural England European Protected Species Mitigation (EPSM) Licence, mitigation and enhancement measures set out in the above protected species reports, the conditions relating to wastewater management and external lighting, Officers consider that the proposal would comply with Policy EN 9 and paragraphs 174 and 180 of the Framework.

6. Pollution and Hazard Prevention and Minimisation (Policy EN 13)

Policy EN 13 sets out the requirements for all development to minimise, and where possible reduce all emissions and other forms of pollution, including light and noise pollution. Proposals will only be permitted where, individually, or cumulatively there are no unacceptable impacts on the natural environment and general amenity, health, and safety of the public and air quality. Paragraph 185 of the Framework requires that local planning authorities ensure that new development is appropriate for its location considering the effects (including cumulative effects) of pollution on health, living conditions, and the natural environment.

The Environmental Protection (EP) Team have reviewed this application and have no objection to the proposal. The location of the plant and equipment associated with the scheme lies approximately 10m west from proposed four-bedroom holiday let accommodation which is being assessed under planning application PF/21/1479. As such, prior to the installation of any plant, machinery, ventilation, air conditioning, heating, extraction equipment, details of the location, acoustic specifications, and specific measures to control noise, dust, odour from the equipment shall be secured through a planning condition. Subject to the above conditions and relevant informative notes, Officers consider the proposal would not give rise to significant environmental health concerns. On that basis, the scheme complies with Policy EN 13 and paragraph 185 of the Framework.

7. Highways (Policies CT 5, and CT 6)

Policy CT 5 sets out proposals should provide for safe and convenient access on foot, cycle, public, and private transport addressing the needs of all without detriment to the amenity or character of the surrounding area or highway safety. Policy CT 6 requires that adequate vehicle/cycle parking should be made in accordance with the Council's parking standards.

Appendix C: Parking Standards of the Core Strategy requires one car parking space per 22sq.m (nine car parking spaces) plus coach drop off point and one cycle parking space per four visitors and one space per four staff. Parking and cycle stand plans have been submitted on 8 November 2021. The plans provide for 13 parking spaces and four cycle parking spaces. As such, the proposal meets the Council's parking standards requirements set out in Appendix C: Parking Standards of the Core Strategy.

The Highways Officer has assessed the information submitted with the application and considers that given the compact size of the swimming pool and its restricted use to appointment only swimming, traffic movements would be limited by these constraints and given the existing access benefits from passing places, no objection has been raised subject to planning condition(s) that ensures the on-site car and cycle parking area shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the plans submitted.

Objections have been received to the proposal on the grounds of highway safety arising from the increased use of the poor local road network serving the site. Paragraph 111 of the Framework sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highways Officer considered that the former farm use would have had a degree of traffic generation, which needs to be compared to the proposed use. In addition, the existing access benefits from passing places and provides for adequate space for vehicles to park and turn around.

In addition to the comments and condition proposed by the Highways Officer, Officers consider that an Operational Management Plan with details for a booking system of the facilities provided at the site and other measures shall need to be submitted to the Local Planning Authority prior to the first use of the development. This is to ensure that the expected nature

and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity, or character of the surrounding area or highway safety.

For the reasons given above and subject to the required conditions, Officers consider that it would be difficult to substantiate a reason for refusal based on the development having a severe impact upon the local road network. Therefore, on balance, subject to conditions, the proposal is considered to comply with Policies CT 5 and CT 6 as well as the guidance set out within Chapter 9 of the NPPF.

8. Other Matters

Pre-commencement Conditions

The recommendation proposes pre-commencement planning conditions therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such a condition. Notice was served on the 15 February 2022 and agreed in writing by the applicant on the 15 February 2022.

9. Conclusion

The development is considered to be in accordance with the requirements of the Development Plan. There are no material considerations that indicate the application should be determined otherwise.

RECOMMENDATION:

It is recommended that the application be APPROVED subject to the conditions listed below and any others considered necessary by the Assistance Director of Planning:

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

Reason:

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

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

- Location Plan, dated 26 May 2021
- Drawing no. 27292EA-02, Measured Building Survey, dated 26 May 2021
- Drawing no. OFS1, Proposed Site Plan, dated 26 May 2021
- Drawing no. PL0002, Proposal Drawing Units 3, dated 26 May 2021
- Drawing no. SK0002, Proposal Drawing Units 3, dated 26 May 2021
- Parking Plan, received on 8 November 2021
- Drawing no. CS-1-A, Cycle Stands, received on 8 November 2021

Reason:

To ensure the satisfactory appearance of the development and for the avoidance of doubt in accordance with Policies SS 1, SS 2, EC 2, EC 7, EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

3. Before their first use on site details of the manufacturer specifications for the windows and glazed screens shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details/samples. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application.

Reason:

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

4. The approved works, which includes any demolition, modification or building work, to the building identified as the Swimming Pool Barn in the Nocturnal Bat Survey report prepared by Biome Consulting dated 15 September 2021, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
 - a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
 - b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason:

The Habitats Directive requires a system of 'strict protection' for certain protected species. It is a criminal offence to consciously harm European protected species without a licence, which would only be issued if the statutory licensing body is satisfied that the derogation criteria are met. However, the risk of criminal prosecution might not prevent harm from taking place. This condition therefore helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardise the protected species, before the species is harmed. This condition can be enforced by a temporary stop notice or by injunction. This condition ensures that the Local Planning Authority is complying with its statutory obligations with respect to the Habitats Regulations, as well as in accordance with Policy EN 9 of the Adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

5. The development hereby approved shall be carried out in strict accordance with the protected species mitigation and enhancement measures outlined in Section 6 of the Preliminary Ecological Appraisal report prepared by Liz Lord Ecology dated 10 August 2021 and Section 5 of the Nocturnal Bat Survey report prepared by Biome Consulting dated 15 September 2021. This shall include the provision of compensatory bat roost facilities. The boxes shall be erected according to the approved details, prior to the first use of the facilities hereby approved and thereafter maintained in a suitable condition to serve the intended purpose.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraphs 174 and 180 of the National Planning Policy Framework, and for the undertaking of the Council's statutory function under the Natural Environment and Rural Communities Act (2006).

6. No external lighting shall be erected without prior approval of the Local Planning Authority.

Reason:

To ensure that excessive light spill in the countryside is avoided, to protect the Broads National Park and to avoid any adverse impacts on protected species populations in accordance with Policies EN 1, EN 2, EN 4, EN 9 and EN 13 of the adopted North Norfolk Core Strategy.

7. Prior to installation, details of the proposed backwash water sealed tank shall be submitted to, and approved in writing by the Local Planning Authority. The approved tank shall thereafter be installed in accordance with the manufacturers specifications and be made fully operational prior to the first use of the swimming pool/hot tub facilities hereby approved. The tank shall be maintained in accordance with manufacturers specifications in perpetuity and shall only be used for the storage of treated swimming pool/hot tub backwash water.

Reason:

In accordance with the requirements of Policies EN 9 and EN 13 of the adopted North Norfolk Core Strategy and paragraphs 174, 176, 180 and 185 of the National Planning Policy Framework, and for the undertaking of the Council's statutory function under the Natural Environment and Rural Communities Act (2006).

8. The development hereby permitted shall be carried out in strict accordance with the processes and procedures for dealing with wastewater resulting from the development as set out within the Oak Farm Swimming Pool - Scheme of Waste Water Management from Pool and Hot Tub Cleaning operations document, Rev 230705.3 dated July 2023 by Principle Planning. Waste transfer records from the appointed operator shall be maintained and made available to North Norfolk District Council upon request. The Scheme of Waste Water Management shall be operated in accordance with the approved document in perpetuity.

Reason:

In accordance with the requirements of Policies EN 9 and EN 13 of the adopted North Norfolk Core Strategy and paragraphs 174, 176, 180 and 185 of the National Planning Policy Framework, and for the undertaking of the Council's statutory function under the Natural Environment and Rural Communities Act (2006).

9. Prior to installation of any plant/machinery/ventilation/air conditioning/heating/extraction equipment including any replacements of such, full details including location, acoustic specifications, and specific measures to control noise/dust/odour from the equipment, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, used, and maintained thereafter in full accordance with the approved details.

Reason:

To control the noise or odour emitted from the site in the interests of residential amenity in accordance with Policies EN 4 and EN 13.

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

Reason:

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

11. Prior to first use of the development hereby permitted a site Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details for a booking system of the facilities provided at the site and other measures to be implemented to manage vehicular traffic movements.

The Operational Management Plan shall be implemented prior to first use of the development hereby permitted and thereafter adhered to and retained as approved for the lifetime of the development.

Reason:

To ensure the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety, in accordance with Policies EN 1, EN 2, EN 4 and CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework (2021).

NOTES AND INFORMATIVES TO APPLICANT

1. The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application, to secure a policy compliant proposal that has been determined in the wider public interest at the earliest reasonable opportunity, in accordance with the requirements of the National Planning Policy Framework (paragraph 38).
2. The applicant is advised that businesses require a Trade Waste contract to dispose of all waste associated with commercial activities as stated in the Environmental Protection Act 1990, Section 34. For further advice regarding this matter can be obtained by contacting the District Council's Environmental Protection Team (telephone 01263 516085).
3. Advisory note for contamination for conversion of Farm buildings and sites. In the event of any contamination becoming evident (from storage of oil/fuel/agrochemicals, disposal pits etc.) the applicant/developer is advised to halt works and seek advice from the District Council's Environmental Protection Team (telephone 01263 516085).

This page is intentionally left blank

WEST BECKHAM – PF/23/1065 – Erection of 5 dwellings (affordable homes) with associated access, parking, and landscaping at Land to the North of Church Road West Beckham.

Minor Development

Target Date: 18th July 2023

Extension of time: 22nd September 2023

Case Officer: Miss Jamie Smith

Full Planning Permission

CONSTRAINTS

Countryside

Agricultural Land Grade 3

Landscape Character Area TF1 (Tributary Farmland)

Mineral Safeguard Area

Nutrient Neutrality Surface Water - Name: River Bure

GIRAMS

RELEVANT PLANNING HISTORY:

No relevant planning history.

THE APPLICATION

Seeks permission to erect 5 affordable dwellings as part of an exception housing scheme. The proposal comprises 1 no. 2-bed dwelling, 3 no. 3-bed dwellings and 1 no. 4-bed dwelling with associated gardens, parking area, landscaping, and bin storage.

The proposal also includes an area of meadow and open green space where a pedestrian access will be provided along the eastern boundary between the proposed open space and the existing play area.

The proposal is accessed via a new entrance onto Church Road serving the proposed dwellings. A total of 11 No. car parking spaces will be provided across the site, to accord with Norfolk Parking Standards. Hardstanding is present within the development to accommodate visitor parking without the need for parking on Church Road.

REASONS FOR REFERRAL TO COMMITTEE:

At the request of Cllr Ringer given the public interest in the proposal.

CONSULTEE COMMENTS

Parish Council. Comment: Comment. Earlier presentations by Broadland Housing stated that the development would have their own sewage system. The plans show connection to the existing sewage system which already has problems with overloading during wet weather. A gate is shown leading to the village playing field. If this is installed the boundary fences will need replacing. The houses should be rental only for tenants with local connections the aim being to re-vitalise the village.

North Norfolk District Council Strategic Housing Officer. Supports application. This site will provide five new high-quality, energy efficient and much needed affordable homes. The Strategic Housing Team supports this development. There are two specific areas for comment:

Housing Need.

This site is a rural exceptions housing site, and the Council will allocate the homes to households with a strong local connection to West Beckham and the adjoining parishes. As at June 1st 2023 there are 45 households on the Council's housing list with a local connection of whom 34 households have the strongest Bands A to C connections. There is therefore plenty of demand for the five proposed homes.

Property Types

Affordable homes are often fully occupied e.g., a three-bedroom house may house two adults and three children. The Broadland three-bedroom houses (x3) are suitable for two parent/three childrens families. The other two properties also have the flexibility we seek. The two-bedroom home has space for four persons e.g., a family with two children of the same sex. The four-bedroom home has space for seven persons and is suitable for a large and/or multigenerational family.

North Norfolk District Council Conservation and Design Officer: No objection (verbal discussion), subject to minor amendments to the design of the dwellings. Some harm identified to the setting of the non-designated heritage asset, the St Helen & All Saints Church asset by way of how the church will be appreciated in the wider landscape by way of views within, to and from. Applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this instance, the provision of affordable housing will need to be weighed in the balance of public benefits which is given great weight.

North Norfolk District Council Landscape Officer (Ecology and Landscape): No objection (verbal discussion), subject to minor amendments to the landscaping plan. Any decision granted will need to secure conditions of ecological mitigation and enhancement measures recommended within the submitted Preliminary Ecological Assessment, Landscaping Scheme, Arboricultural Impact assessment, CEMP and lighting.

Environmental Health. No objection but request further details regarding the Air Source Heat Pumps.

Norfolk County Council Highway Officer: Comments. National Policy sets out the outcomes that should be achieved if sustainability objectives are to be met. These include:

- Sustainable access to areas of new development and regeneration.
- Safe, efficient and sustainable movement between homes and workplaces, education, town centres, health provision and other key destinations.
- Reduce greenhouse gas emissions.

The proposed development site is remote from schooling; town centre shopping; health provision and has restricted employment opportunities with limited scope for improving access by public transport. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport.

It is the view of the Highway Authority that the proposed development is likely to conflict with the aims of sustainable development, it is recognised that the application is for affordable rental properties for a housing provider, which would be permissible under exception housing policy HO3 and could be secured by agreement. Should the Local Planning Authority grant consent, planning conditions are advised.

Norfolk County Council Minerals and Waste Officer: No comments received.

Anglian Water: Standing advice detailing comments are provided on schemes of 10 or industrial or commercial development, 500sqm or greater.

REPRESENTATIONS

4 received with **objections** on the following grounds:

- Sustainability credentials of the site, such as lack of facilities or public amenities (such as shops, medical or social, schools, leisure, post office etc – other than the pub), remoteness which encourages car use, no footpaths or lighting, limited bus service, isolated location.
- Conflict with the aim of sustainable development.
- Essential use of the private car.
- Understood the area is impacted by Nutrient Neutrality.
- Loss of farmland.
- Increased risk to road users, vehicular and pedestrians.
- The site is situated on a dangerous bend and a remote part of the village – danger to road safety.
- The scheme will not bring community or economic benefits.
- Previous public consultation undertaken at the site not reflective of the current application.
- Lack of consultation with the community and unsewered questions from the consultations that took place.
- Mobile phone signal inadequate.
- Lack of regular employment.
- Significant constraints will be placed on local infrastructure.
- The site conflicts with the outcome of the Housing and Economic Land Availability Assessment which discounted the site for residential development on sustainability grounds.
- Loss of hedgerow to the front of the site and therefore wildlife and a natural part of the landscape.
- Impact on ecology, bats, birds and owls.
- Lack of electric charging points on the site.
- Construction Management Plan - review objection.
- No provision for pedestrians, prams scooters, disabled.
- The scheme does not comply with Policy HO 3 of the adopted Core Strategy.

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 2: Development in the Countryside

Policy SS 3: Housing

Policy SS 4: Environment

Policy SS 6: Access and Infrastructure

Policy HO 1: Dwelling mix and type

Policy HO 3: Affordable housing in the Countryside

Policy HO 7: Making the most efficient use of land

Policy EN 2: Protection and enhancement of landscape and settlement character

Policy EN 4: Design

Policy EN 6: Sustainable construction and energy efficiency

Policy EN 8: Protecting and enhancing the historic environment

Policy EN 9: Biodiversity and geology

Policy EN 10: Flood risk

Policy EN 13: Pollution and hazard prevention and minimisation

Policy CT 5: The transport impact on 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 5: Delivering a Sufficient Supply of Homes

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

Other material documents/guidance:

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

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION

- 1. Principle of Development**
- 2. Affordable Housing**
- 3. Highway Safety**
- 4. Housing Mix**
- 5. Design, Layout, Scale and Massing**
- 6. Residential Amenity**
- 7. Impact on Heritage Assets**
- 8. Impact on Landscape Character**
- 9. Impact on Trees**
- 10. Impact on Ecology**
- 11. Drainage**
- 12. Nutrient Neutrality**
- 13. GIRAMS**
- 14. Planning Balance and Conclusion**

1. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a statutory requirement that, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) at paragraphs 2 and 12 restates this requirement.

The development plan for North Norfolk comprises the North Norfolk Core Strategy (adopted 2008)

The site is located in the defined countryside under Core Strategy Policy SS 2 where affordable housing in accordance with the Council's 'rural exception site policy' (Policy HO 3) would be permitted.

Therefore, subject to the proposal being considered in accordance with Policy HO 3 and other relevant Core Strategy policies, the principle of the development would be considered acceptable.

Where conflicts arise between the proposal and the development plan, it is a matter of planning judgment as to the weight to be afforded to any relevant material planning considerations in favour of the proposal when making the planning balance.

2. Affordable Housing

The application is submitted on the basis of being a purely affordable housing proposal. Core Strategy Policy HO 3 sets out the basis on which affordable housing in the countryside will be permitted. Officer assessment is as follows:

- The proposal would help to meet a proven local housing need (as confirmed by the Council's Strategic Housing Team).
- As a scheme of 5 dwellings the site is located adjacent to an existing group of 10 or more dwellings.

- There are no other affordable schemes permitted under Policy HO3 within 1km of the site*.
- The affordable housing provided will be made available to people in local housing need at an affordable cost for the life of the property. This will be secured via S106 Obligation.

*(*The application is running in tandem with another affordable housing scheme in West Beckham, Planning ref No. PF/23/1578 for 5 affordable single storey dwellings along Sheringham). The two sites are being delivered by the same housing association (Broadland Housing) at the same time to meet local housing need. Both sites combined do not exceed 10 units, will meet proven local need, are located adjacent to a group of 10 more dwellings where the housing will be provided in perpetuity).*

In summary, the affordable scheme as presented would help meet a proven local need and allocation would be secured through a S106 Obligation setting out the allocation policy. The proposal accords with the requirements of Core Strategy Policy HO 3 and it is therefore acceptable in this regard.

3. Highway Safety

The site is accessed from Church Road with St Helen & All Saints Church situated immediately to the south of the site. To the east is an existing children's play area separated from the site by a field hedge and both north and west boundaries adjoin the open farmland. Residential dwellings are present immediately east of the play area.

The proposed access road off Church Road is to remain private and to be constructed as a shared surface facility to accommodate pedestrian, cycle and vehicular traffic. A new informal footway link is to be provided through the existing hedge to link the development to the children's play area.

Access to the site would be taken via a new priority T-junction with Church Road to the south. Offsite highway improvements include the widening of Church Road across the site frontage to increase the narrow single lane road to 4.8m to meet required standards. At present, Church Road has no pedestrian footways and no formal footway is presented as part of the application proposal. However, the Highway Officer, although recognising the lack of sustainability credentials to the site, does not raise an objection to the scheme on highway safety concerns.

In terms of vehicular parking there are 10 vehicle parking spaces proposed (two per dwelling) plus 1 parking space within the garage for unit 1. The proposal includes areas of hardstanding to accommodate visitor parking. This complies with Core Strategy Policy requirements.

Turning facilities are provided within the site to enable vehicles such as fire and service vehicles to enter and egress the site in forward gear. Site access for refuse collection vehicles is not proposed and a bin collection point is to be provided instead to allow collection of bins from Church Road.

In respect of the highway sustainability credentials of the site, Officers fully recognise that West Beckham has limited public transport, or safe and convenient walking or cycling opportunities to reach higher order settlements for shops and services. This is the case across much of North Norfolk and points to why limited growth is permissible in this area. The Highway Authority are duty bound to raise concerns about the sustainability of the site. However, it is a matter of planning judgment as to whether the conflict with the aims of sustainable development is outweighed by the benefits of the proposal.

On balance, it must be recognised that the relatively isolated nature of West Beckham means that the majority of trips to higher order settlements to access shops and services will be completed using the private car. Whilst the proposal accords with Core Strategy Policy CT 6, it is not fully in accordance with Core Strategy Policy CT 5 and it is therefore a matter of planning judgment to consider whether there are material planning considerations in favour of the proposal to justify a departure from Development Plan Policy.

4. Housing Mix

Core Strategy Policy HO 1 sets out that 'on schemes of five or more dwellings at least 40% of the total number of dwellings shall comprise of not more than 70sqm internal floor space (now 80sqm) and incorporate two bedrooms or fewer; and on schemes of five or more dwellings at least 20% of dwellings shall be suitable or easily adaptable by the elderly, infirm or disabled.'

The housing mix is designed to meet an identified local housing need. The development of 5 affordable dwellings comprises a mix of:

- 1 x four-bed (six person) dwelling (112.6 sqm)
- 3 x three-bed (five person) dwellings (2 x 84.7 and 1 x 85.3 sqm)
- 1 x two-bed (four person) houses (77 sqm)

For the scheme to fully comply with Policy HO 1, two of the dwellings should be two bedrooms or fewer and under 80 sqm. Whilst Officers note that only one dwelling provides two bedrooms only and under 80 sqm, two of the three-bedroom dwellings are approximately 84.7 and 85.3 sqm, where the scheme has been supported by the Strategic Housing Officer. All the proposed dwellings have ground floor WCs and rooms could be adapted for ground floor living in the future.

The proposal provides a mix of dwelling sizes that would help to meet the identified local need within the District and is considered, on balance, to accord with the requirements of Core Strategy Policy HO1.

5. Design, Layout, Scale and Massing

The development of 5 affordable dwellings comprises a mix of:

- 1 x two-bed (Four person) house
- 3 x three-bed (Five person) houses
- 1 x four-bed (Six person) house

The proposed layout of the site sees the proposed dwellings set back approximately 45m from Church Road. The dwellings have been set back to reflect the existing pattern of development to the east and to retain views to and from the church to the south of the site. Between the proposed housing and Church Road, the applicant proposes a meadow area and green open space provision. The meadow area is situated to the south-west of the site and will contain flower rich grassland. The proposed area of green open space is located to the south-east of the site. Both areas, located at the front of the development along Church Road, will allow views to and from the church to the south of the site to be retained. The green open space links to the existing play area to the east of the site. Private gardens are provided to the rear of the dwellings screened by 1.8 metres timber fencing between properties but with a 1.2m high field fence with timber posts around the outside field boundaries (together with landscaping). A communal bin storage for collection is also proposed.

In terms of appearance, the proposal provides a detached 'farmhouse', a semi-detached 'converted barn' and semi-detached 'cottages' situated around a mews, reflecting the more rural context of the site. Plot 1 also contains a single storey garage which contributes to breaking up the scale of development.

In terms of scale the dwellings, the dwellings would have a height to the eaves of approximately 5 to 5.3m and a height to the ridge of approximately 8m and 8.5m.

In terms of the palette of materials, the scheme proposes a mix of facing brick, flint work and timber cladding including traditional detailing to give character to individual buildings and to assimilate comfortably into this rural setting. Officers support the traditional design and appearance including the general palette of materials given the rural location. Minor amendments to the scheme have been sought regarding the elevational treatment to plots 4 and 5, roofing material and changes to openings on Plot 2 and 3 where revised plans and details are currently being awaited from the agent.

The layout suggests that the dwellings are designed to be accessed primarily by people arriving by car. There is no existing pedestrian access along Church Road, and none proposed as part of the scheme. A new vehicular access is proposed from Church Road to the south. The new access leads onto the mews, which then splits into three drives which lead to each of the dwellings and their associated parking spaces. Each dwelling has sufficient parking facilities within their curtilage with adequate turning areas to allow vehicles to enter and egress the site in a forward gear.

In terms of minimising carbon in the development and to meet the highest standards of sustainability, the scheme includes a range of measures to reduce its environmental impact including the installation of air source heat pumps; potential for the installation of solar photovoltaics (to be confirmed by the agent); and designed to a high standard of thermal efficiency. The proposed dwellings will also achieve a water consumption rate of no more than 105 l/p/day to minimise water resource usage.

In summary, subject to minor amendments to the overall design and materials palette, Officers consider that the design, layout, scale, and massing of the development is acceptable and would accord with Core Strategy Policies EN 4 and EN 6 and section 12 of the NPPF.

6. Residential Amenity

In respect of impact on amenity, the closest existing residential dwelling (No.1) Church Road would be approximately 26 metres from proposed unit 5. This distance includes intervening features of a play area and existing landscaping by way of hedgerows. Officers consider that this would reduce any adverse impacts on the amenity of existing residents to an acceptable level.

The layout, scale and orientation of the proposed dwellings both in relation to each other would not result in any harm to the amenities or privacy between each dwelling (future occupiers) of the development by reasons of overlooking, overbearing or loss of daylight or sunlight.

The proposed dwellings would all have sufficient amenity space commensurate with the size of the property footprint. Additionally, details of boundary treatments are shown on the site plan including 1.8m close boarded fencing between each plot, which is considered appropriate to ensure privacy for and between the private amenity space.

The proposal is considered to have acceptable residential amenity for existing and proposed residential properties and would comply with Core Strategy Policy EN 4 and Section 12 of the NPPF.

7. Impact on Heritage Assets

The site is not located within a designated Conservation Area and whilst there are no statutorily listed buildings on or immediately adjacent to the site, the site is in the vicinity of St Helen & All Saints Church which is considered by the Councils Conservation and Design Officer as a non-designated heritage asset.

Paragraph 203 of the NPPF states that:

‘the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’

The proposal involves the introduction of a residential use into what is currently an agricultural field on the edge of a rural village, located to the north of St Helen & All Saints Church. The immediate surroundings to the north and west of the Church are largely undeveloped where the openness and more undeveloped nature can be considered to contribute positively to the setting of this non designated heritage asset. The scheme, as presented has had regard to the pre-application advice from of the Conservation and Design Officer whereby the number of dwellings have been reduced and set back within the site and includes a green buffer by way of the provision of open space and meadow to the south of the site.

The proposed development would still maintain a separation distance of approximately 45m and the proposed dwellings have been set back within the site and include a green buffer by way of open space and meadow, to provide an increased feeling of openness within the street scene and improve the relationship between the church and new dwellings.

Notwithstanding this, the proposed scheme is considered to result in some harm to the setting of the Church as the new dwellings will affect how the overall church is appreciated in the wider context including views to and from. Where applications directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 203 of the NPPF is now engaged and in determining the application, the Local Planning Authority is obliged to take account of the balance of public benefits acquired from the provision of affordable housing against the harm to the setting of the St Helen & All Saints Church. In this case, the provision of affordable housing serving the local community is given great weight. On that basis, it is considered that the public benefit outweighs the harm identified and is acceptable in terms of Core Strategy Policy EN 8 and Section 16 of the NPPF.

8. Impact on Landscape Character

The proposal would represent a change in the appearance of the land to which the application relates. The site currently forms part of a larger agricultural field, with hedgerows along the eastern and southern boundaries. The proposal will retain the existing landscaping along the eastern boundary of the site and include new landscape planting to the north and west boundaries. This will compensate for loss of the existing hedge from the south boundary and aid in screening the development. A meadow area and open green space area are proposed to the front of the site, which would enhance the site and its contribution within the street scene.

The application has been supported with a detailed landscaping scheme where the site has been discussed with the Landscape Officer at both pre-application stage and post submission.

It is considered, in most part, that the proposed landscaping will aid in assimilating the development into its landscape setting.

Minor amendments to the landscaping are proposed to the frontage where amended plans are being awaited by the agent. These include a timber post and rail to the south, west and east of the meadow area as opposed to estate railings and a further hedgerow to the south of the meadow, adjacent to Plot 1, to frame the dwellings. These revisions would be more appropriate boundary treatments in this setting.

The scheme, subject to minor amendments to the landscape frontage will result in both a layout and landscape solution which is considered compatible with the settlement character of this part of West Beckham.

Lighting has been detailed to be kept to a minimum to avoid unnecessary light pollution and ecological impact. Lighting can be managed by way of a planning condition.

Subject to receipt of amended plans detailing the minor amendments to the landscape frontage as requested, it is considered that the proposal would broadly accord with the requirements of Core Strategy Policy EN 2 and NPPF Section 15 and would have an acceptable impact on the wider landscape character.

9. Impact upon Trees

The application has been supported by an Arboricultural Impact Assessment (AIA) which details the tree and hedgerow constraints on site in relation to the proposed dwellings. The AIA concludes that the cumulative impact of the development on the rooting areas of trees and hedging is minimal. A Tree Protection Plan and Method Statement to protect and avoid damage to trees and hedgerows on and adjacent to the site during and after the development has been provided. It is therefore considered that, subject to conditions securing these works, the proposal is acceptable in terms of impact upon trees and vegetation and complies with Core Strategy Policy EN 4 and Section 12 of the NPPF.

10. Impact on Ecology

The application has been supported with a Preliminary Ecological Assessment (PEA). Discussion with the Council's Landscape Officer raises no objection to the scheme on ecology grounds subject to the imposition of appropriate conditions requiring mitigation and enhancement measures for biodiversity as detailed in the PEA. Mitigation includes installation of bird and bat boxes, planting, under sowing of hedgerows and the creation of wildflower meadows. It is therefore considered that, subject to conditions securing these mitigation and enhancement measures, the proposal is acceptable in terms of ecological impact, and complies with Core Strategy Policy EN 9 and Chapter 15 of the NPPF.

11. Drainage

In respect to the foul and surface water drainage strategy for the site, it is proposed that the site will connect to the existing foul water public sewer in Church Street and use sustainable drainage systems to manage surface water drainage.

In terms of foul water, the Parish Council raised concerns regarding the capacity of the Water Recycling Centre (WRC) and the foul water flows from the additional 5 dwellings in wet weather. Anglian Water were consulted on the application but no specific comments were provided in relation to this issue. However, the Drainage Strategy submitted as part of the planning application states that Anglian Water had confirmed, via pre-application discussions, that there is capacity to accommodate the development. The Drainage Strategy also

recognised the Parish Council concerns in that flooding had been identified locally, where the strategy states that the majority of the concerns had been caused by blockages and some odour complaints to which Anglian Water had responded. Anglian Water has advised, as part of the Drainage Strategy that these are not foul water capacity related issues.

It is therefore considered that the proposal is acceptable in terms of drainage and flooding and complies with Core Strategy Policy EN 10 and meets the foul and surface drainage hierarchy of the NPPF.

12. Nutrient Neutrality

The application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The proposal will result in additional overnight accommodation; and it is located within the surface water catchment for the River Bure.

The Drainage Strategy submitted as part of the planning application confirms that the foul water sewer discharges to the catchment for Cromer Water Recycling Centre (WRC), and then out to sea. Foul water therefore is discharged outside of the nutrient catchments.

On the basis that foul water is discharged outside of the nutrient neutrality catchments, the proposal is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended). For the reasons provided above, it is considered the proposal complies with the requirements of Policy EN 9, and Chapter 15 of the Framework.

13. GIRAMS

The Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) is a strategy agreed between the Norfolk planning authorities and Natural England. The Strategy enables growth in the District by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. It would result in the significant features of the sites being degraded or lost, and these internationally important areas losing significant important areas for birds, plants and wildlife generally and, therefore, their designations. All new net residential and tourism development are required to mitigate the effects of the development.

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

The proposed development would create 5 net new dwellings, and the agent has confirmed the requisite GIRAMS contribution of **£1,054.20** will be made via the S106. The Local Planning Authority as the 'competent authority' has completed an Appropriate Assessment and concluded that subject to securing the GIRAMS financial contribution, the planning application

would not have an adverse effect on the integrity of the European Sites identified above from recreational disturbance, when considered alone and 'in combination' with other development. Consultation with Natural England is not considered to be necessary as the proposed development would be subject to the GIRAMS payment to offset potential impacts of an increase in recreational disturbance to nearby Habitat Sites.

Subject to the payment of the GIRAMS through the S106, the scheme would comply with Policy EN 9 of the adopted Core Strategy and Section 15 of the NPPF.

14. Environmental

The Environmental Health team has assessed the proposal and considered there are no adverse environmental health concerns in relation to this proposal, subject to further details of the Air Source Heat Pumps which can be treated by way of a planning condition. On that basis, it is considered the proposal would comply with Policy EN 13, and Chapter 15 of the Framework.

Other Matters

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.

In respect of loss of agricultural land, the land is designated as grade 3 agricultural land. Whilst the loss of farming land for crop growing is regrettable, this has to be balanced against the provision of affordable housing for local people and in this respect is considered acceptable.

Conclusion and Planning Balance

Officers recognise that the proposal does not fully accord with Development Plan policy with deficiencies identified in relation to matters of sustainability and identified harm to the setting of a non-designated heritage asset. These are matters that collectively weigh against the proposal.

In favour of the proposal, the application is for the provision of 5 affordable dwellings under the exceptions housing policy to be provided in perpetuity by a recognised affordable housing provider (Broadland Housing) to meet a clearly identified local housing need. Officers consider that substantial weight can be afforded to the provision of the affordable housing.

Officers consider that the benefits of the proposed development considerably outweigh the adverse impacts identified in the report such that approval is recommended.

RECOMMENDATION: APPROVAL

SUBJECT TO:

- 1. Receipt of amended plans (relating to design and landscaping);**

2. **Securing of S106 Obligations for affordable housing, management of open space and meadow area, and the payment of £1,054.20 for GIRAMS mitigation; and**
3. **Imposition of conditions including any considered necessary by the Assistant Director - Planning including matters relating to:**
 - **Time Limit for implementation**
 - **In accordance with approved plans**
 - **Securing maintenance of open space and meadow and all other hard and soft landscaping within the site;**
 - **External materials (as submitted within the material schedule);**
 - **final window designs;**
 - **Lighting details;**
 - **Highway access and visibility;**
 - **Ecology and tree requirements;**
 - **Securing a Construction Environmental Management Plan (CEMP);**
 - **Air source heat pump details**

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.

This page is intentionally left blank

DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – SEPTEMBER 2023

1. INTRODUCTION:

- 1.1 This report briefly sets out performance in relation to the determination of planning applications in both Development Management and Majors teams for the month up to **31 July 2023** and for the month up to **31 Aug 2023**.
- 1.2 The tables below set out the figures for the number of cases decided within each month and percentage within time set against the relevant target and summary of 24-month average performance.
- 1.3 The tables also set 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 tables set out the number of cases registered and validated within the specified months.

MONTH UP TO 31 JULY 2023

Performance Measure	Actual Performance	Target	Comments
(Speed) Decisions Made <i>(Month up to 31 July 2023.)</i>	Major 4 decisions issued. <i>100% within time period</i>	60% (80% NNDC)	24 month average to 31 July 2023 is 100.00% 
	Non-Major 68 decisions issued <i>96% within time period (three out of time)</i>	70% (90% NNDC)	24 month average to 31 July 2023 is 93.21.% 
(Quality) % of total number of decisions made that are then subsequently overturned at appeal <i>(Month up to 31 July 2023)</i>	Major	10% (5% NNDC)	24 month average to 31 July 2023 is 0% (Zero)
	Non-Major	10% (5% NNDC)	24 month average to 31 July 2023 is 1.28%
Validation <i>(Month up to 31 July 2023.)</i>	242 applications registered	3 days for Non- Major from date of	Datasets do not currently breakdown validated apps by Major / Minor or those on PS2

	219 applications validated	receipt 5 days for Majors from date of receipt	returns, but performance data retrieval being reviewed.
--	----------------------------	---	---

MONTH UP TO 31 AUGUST 2023

Performance Measure	Actual Performance	Target	Comments
(Speed) Decisions Made <i>(Month up to 31 Aug 2023.)</i>	Major 2 decisions issued. <i>100% within time period</i>	60% <i>(80% NNDC)</i>	24 month average to 31 Aug 2023 is 100.00% 
	Non-Major 95 decisions issued <i>99% within time period (one out of time)</i>	70% <i>(90% NNDC)</i>	24 month average to 31 Aug 2023 is 93.61.% 
(Quality) % of total number of decisions made that are then subsequently overturned at appeal <i>(Month up to 31 Aug 2023)</i>	Major	10% <i>(5% NNDC)</i>	24 month average to 31 Aug 2023 is 0% (Zero)
	Non-Major	10% <i>(5% NNDC)</i>	24 month average to 31 Aug 2023 is 1.28%
Validation <i>(Month up to 31 Aug 2023.)</i>	286 applications registered 233 applications validated	3 days for Non- Major from date of receipt 5 days for Majors from date of receipt	Datasets do not currently breakdown validated apps by Major / Minor or those on PS2 returns, but performance data retrieval being reviewed.

2. S106 OBLIGATIONS

2.1 A copy of the list of latest S106 Obligations is attached. There are currently 6 S106 Obligations being progressed.

3. RECOMMENDATIONS:

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

This page is intentionally left blank

SCHEDULE OF S106 AGREEMENTS

UPDATE FOR DEVELOPMENT COMMITTEE:

14 September 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/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	Russell Williams	Committee	Not Yet Determined	Fiona Croxon	21830	Draft s106 Agreement has been received and is being reviewed.	
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.	

OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 14 SEPTEMBER 2023

APPEALS SECTION

NEW APPEALS

ALBY WITH THWAITE – ENF/20/0066 - Appeal against Enforcement Notice Re: Erection of a building for residential use, garage and landscaping to create a garden

Field View, Alby Hill, Alby, Norwich NR11 7PJ

For Mr Karl Barrett

WRITTEN REPRESENTATION

BLAKENEY – PF/22/1797 - Demolition of existing single storey rear extension and first floor stair access, and construction of a new first floor and single storey extension to form a habitable room on part of the original building footprint. The application also includes for replacing existing windows with energy efficient fittings and insertion of a window to the garage.

The Wells, 3 The Pastures, Blakeney, Holt, Norfolk NR25 7LY

For Jeremy and Gilly Cocks

Householder Appeal Service (HAS – Fast Track)

SHERINGHAM – PF/22/2843 - Extension to existing property to provide a self-contained parent-annexe, directly linked to the main dwelling, as well as construction of two new garage/stores

5 Meadow Way, Sheringham, Norfolk NR26 8NF

For Mr Steve McDermott

Householder Appeal Service (HAS – Fast Track)

WELLS-NEXT-THE-SEA – ENF/23/0124 - Material change of use of the land for the siting of a pizza van

Land West Of 3, The Quay, Wells-next-the-sea, Norfolk

For Mr Roger Lightfoot

WRITTEN REPRESENTATION

INQUIRIES AND HEARINGS – IN PROGRESS

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 **NOW INFORMAL HEARING – 19 SEPTEMBER 2023**

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

Sewage Works, Marshgate, North Walsham NR28 9LG

For Mr Luke Jackson

INFORMAL HEARING – 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

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

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)

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

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 Creak Rd, Fakenham (From East Rudham Opp Shell Garage),
Fakenham NR21 9HT
For Mrs Joanne Woodward, Marketing Force Limited
Commercial Appeal Service (CAS)

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

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

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 – **APPEAL ALLOWED**

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

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

For Mr Shaun Kerr

WRITTEN REPRESENTATION – **APPEAL DISMISSED**

This page is intentionally left blank