

# Development Committee



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

Wednesday, 4 October 2023

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 12 October 2023 at 9.30 am.**

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

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

## **PUBLIC SPEAKING:**

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

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

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## **A G E N D A**

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

**1. CHAIRMAN'S INTRODUCTIONS**

**2. TO RECEIVE APOLOGIES FOR ABSENCE**

**3. SUBSTITUTES**

**4. MINUTES**

(Pages 1 - 22)

To approve as a correct record the Minutes of the Development Committee meetings held on Thursday 14<sup>th</sup> September 2023 and Thursday 28<sup>th</sup> September 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 23 - 28)

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. CROMER PF/23/0941 - REMEDIAL WORKS TO THE EXISTING GROYNES AND SEAWALLS. CONSTRUCTION OF ROCK REVETMENT, SCOUR PROTECTION WORKS ON A SECTION OF CLIFF AND REMEDIAL WORKS ON ACCESS RAMP ON THE WESTERN SECTION. INSTALLATION OF AN APRON ON AN EXISTING SEAWALL ON THE EASTERN SECTION. (CROMER PHASE 2 COASTAL DEFENCE PROJECT)**

(Pages 29 - 48)

9. **MUNDESLEY PF/23/0942 - REMEDIAL WORKS TO THE EXISTING GROYNES, SEAWALLS AND APRONS. CONSTRUCTING A ROCK BERM ON THE WESTERN SECTION IN FRONT OF EXISTING STEEL FRAMED STRUCTURE, ROCK STOCKPILE IN FRONT/BEHIND OF THE TIMBER REVETMENT ON THE WEST. SCOUR PROTECTION WORKS ON A SECTION OF CLIFF PLUS REMEDIAL WORKS ON A SECTION OF PROMENADE ON THE EAST AND EXTENSION OF AN EXISTING APRON/RAMP ON THE EAST TO ALLOW PLANT TO ACCESS MUNDESLEY BEACH (MUNDESLEY COASTAL MANAGEMENT SCHEME)** (Pages 49 - 70)
10. **MUNDESLEY - PF/23/1150 - ERECTION OF 2NO. GAZEBOS (WITH FESTOON AND LED FLOOD LIGHTS) TO PROVIDE COVERED SEATING AREAS AND RELOCATION OF EXISTING FLUE ON FRONT ROOF SLOPE OF ROADSIDE BUILDING TO REAR ROOF SLOPE (PART RETROSPECTIVE)** (Pages 71 - 78)
11. **TRUNCH - PF/23/1531 - ERECTION OF SINGLE-STOREY EXTENSION; RAISING OF ROOF AND INSERTION OF REAR DORMER WINDOW WITH BALCONY TO CREATE HABITABLE ROOF SPACE.** (Pages 79 - 84)
12. **HOLT - PF/23/1672 - REPLACEMENT OF EXISTING TOILET FACILITIES WITH NEW PUBLIC TOILET FACILITIES AT PUBLIC CONVENIENCES, 4A FRANKLYNS YARD, HOLT, NORFOLK, NR25 6LZ** (Pages 85 - 92)
13. **SLOLEY - PF/23/1717 - ERECTION OF GARDEN ROOM AND FENCE (RETROSPECTIVE) - THE OLD WORKSHOP, SLOLEY ROAD, SLOLEY, NORWICH** (Pages 93 - 98)
14. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 99 - 102)
15. **APPEALS SECTION** (Pages 103 - 108)
  - (a) New Appeals
  - (b) Inquiries and Hearings – Progress
  - (c) Written Representations Appeals – In Hand
  - (d) Appeal Decisions
  - (e) Court Cases – Progress and Results
16. **EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution, if necessary:-

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

## **PRIVATE BUSINESS**

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## DEVELOPMENT COMMITTEE

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

**Committee  
Members Present:**

Cllr R Macdonald (Chairman)

Cllr M Batey

Cllr A Brown

Cllr A Fitch-Tillett

Cllr V Holliday

Cllr P Neatherway

Cllr K Toye

Cllr L Vickers

Cllr P Fisher

Cllr M Hankins

Cllr G Mancini-Boyle

Cllr J Toye

Cllr A Varley

**Substitute  
Members:**

Cllr C Ringer

**Officers in  
Attendance:**

Development Manager (DM)

Assistant Director for Planning (ADP)

Principle Lawyer (PL)

Senior Planning Officer (SPO)

Development Management Team Leader (DMTL)

Development Management Team Leader – DW (DMTL-DW)

### **35 TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr P Heinrich.

### **36 SUBSTITUTES**

Cllr C Ringer was present as a substitute for Cllr P Heinrich.

### **37 MINUTES**

The minutes of the Development Committee meeting held Thursday, 20<sup>th</sup> July 2023 were approved as a correct record subject to minor typographical amendments.

### **38 ITEMS OF URGENT BUSINESS**

None.

### **39 DECLARATIONS OF INTEREST**

- i. Cllr G Mancini-Boyle declared a non-pecuniary interest in agenda item 9 (Planning Application PF/21/1478) he is the Local Member and had met with the applicant. He confirmed that he did not consider himself to be pre-determined and would therefore vote on the item.
- ii. Cllr C Ringer declared a non-pecuniary interest in agenda item 10 (Planning Application PF/23/1065) he is the Local Member and had met with objectors and representatives from Broadland Housing. He advised that he had offered no indication of support or otherwise.

**40 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**

Officer's report

The SPO introduced the Officers report and recommendation for approval. He advised that since the publication of the agenda the NPPF had been updated, however the modifications related on onshore wind developments and therefore would not materially alter the Officers assessment.

The SPO affirmed the sites' location and context in its local setting. Officers considered the development to be well screened from the wider land. Further, the scheme would conform with the Local Plan and NPPF in supporting renewable energy developments.

Public speakers

None

Members questions and debate

- i. Cllr J Toye proposed acceptance of the Officers recommendation and reiterated comments from prior meetings that the threshold limit for referral to Development Committee be raised for solar farm applications.
- ii. Cllr A Varley thanked Officers for their report and expressed his full support for the Officers recommendation which aligned with the Council's Net Zero commitments. He seconded the Officers recommendation for approval.
- iii. Cllr V Holliday asked whether the on-site hedgerows were trimmed, why the applicant had requested 13 years specifically, and what was the output of solar farm when compared to wind turbines.
- iv. The SPO commented that the hedgerow would offer less screening in wintertime when the hedge was not in leaf, regardless, there were limited public viewpoints of the site. He was uncertain why the 13 years was requested as reasons for this time-period had not been specified, though he reasoned it may be influenced by the lifespan left in the solar panels. With respect of comparable output to wind farms, he advised he was unable to provide comparable data, though noted that the output of the solar array was substantial.
- v. The DM commented that it was difficult to draw a direct comparison between wind and solar energy on the site as it would depend on wind speed and other material factors. The layout of the site had been considered at the time of the original application, with an improved landscape management plan supplied which was considered an improvement.
- vi. Cllr V Holliday asked if the electricity wires and telegraph poles would go if the solar array were the go.

- vii. The DM advised that the pylons formed part of national infrastructure, already in situ before the original application was agreed, and that this had formed part of the reasoning in why the applicant had selected the site. It would be conditioned that once the solar array had reached the end of its permitted use, that the solar panels and associated infrastructure be removed.
- viii. Cllr A Brown thanked the Case Officer for his report. He reflected that the application was for an extension of time to a previously permitted application, he was therefore surprised at the objection's raised by Rural England given no radical change was proposed. He noted that the usual safeguards would be conditioned, which he was satisfied with, and commended officers in their detailed undertaking by securing condition 11 for the cleaning of signage.

**UNANIMOUSLY RESOLVED** by 14 votes for.

**That application RV/23/1241 be APPROVED in accordance with the Officers recommendation.**

**41 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**

The DMTL introduced the Officers report and recommendation for approval. He noted that the application was referred to Committee by the Local Member, Cllr N Dixon, and that the applicant was a serving Cllr (Cllr L Paterson).

The key issues arising from the application related to matters of Highways concerns. However, the Highways Authority having considered the application determined that they had no objections to the application subject to the imposition of conditions, the contents of which were detailed in the Officers report.

One of the core matters which had taken time to resolve related to how the backwash water would be removed from the swimming pool, and how the hot tub would be managed to ensure the effluence did not drain into protected nearby sites. The DMTL advised that the associated water would be drained to a tank which would be taken off site for treatment.

The DMTL affirmed that updates to the NPPF had no material implications for the application.

Public speakers

Fergus Bootman – Supporting

Members debate and questions.

- i. The DM recited a statement prepared by Local Member, Cllr N Dixon, who was unable to attend the meeting. Cllr N Dixon wrote that whilst he recognised the need for appropriate regeneration of redundant agricultural assets and the potential contribution it makes to the local economy, he was also very aware of the potential harm it can cause to the local environment and infrastructure - in this case the local road network.

His concern reflected that expressed by residents in very rural and remote locations about the incremental use intensification of repurposed agricultural sites and buildings accessed from a local road network never designed for such a degree growth in traffic. Moreover, public confidence that their concerns aren't properly weighed by Planning Authorities often stops residents from formally expressing their concerns. Cllr N Dixon acknowledged that, individually, applications such as this don't cause severe harm; but argued that when taken together, adjacent, or related development collectively can reach a severe level of harm. In this case, Highways judgement is that severe harm would not be caused; however, whether that's true or not won't be known until the development is in place and then it's too late to prevent the harm continuing. He considered that the harm in this case arises in the form of reduced road safety (caused by excess speed and traffic volume) from road narrowness, restricted vision on sharp bends, lack of footways and poor junction alignment on both the access route from the A149 and that via Honing.

- ii. The Local Member – Cllr G Mancini-Boyle, stated he was satisfied with the conditions proposed for the discharge of water, and commended the Highways Authority's suggestion for the implementation of a traffic management plan and booking scheme for the facilities to control the volume of traffic.
- iii. The DMTL confirmed that the booking system had been conditioned (Condition 11).
- iv. Cllr P Fisher advised that he attended an event in an adjacent field the week prior for the Canal Trust, which amassed hundreds of cars and thousands of people. He considered that the local roads were adequate with the availability of passing places to support this level of traffic, and that he would be surprised if the numbers attending the swimming pool were larger than those attending the recent event.
- v. Cllr A Brown noted that there had been little objection to the application, and that whilst the scheme was located in the designated countryside under policies SS1 and SS2, policy EC1 supported the repurposing of farm buildings and diversification provided such schemes supported agricultural enterprise, as was the case with this application. With regards Cllr N Dixon's comments about sustainability, Cllr A Brown noted that policy EC7 would be satisfied. He asked officers about the process of the EPSN license detailed on p.42. Cllr A Brown proposed acceptance of the Officers recommendation for approval.
- vi. The DMTL advised that this was a Natural England License which related to works which could impact protected species. Condition 4 detailed the events should the license not be granted by Natural England. However, the DMTL confirmed officers considered the non-granting of the license to be highly unlikely.
- vii. Cllr V Holliday asked if the glass proposed would be 'smart glass' noting condition 3 that the manufacture specifications would be checked by the Planning Service. She considered that there was a significant amount of glazing proposed when compared to the original building and noted the impact this may have on light pollution. Further, she asked what the



mitigation would be should the tank fail.

- viii. The DMTL advised that the glass proposed was not 'smart glass' the details required were for heritage and design purposes due to the historic architectural interest of the building. Officers had proposed conditions relating to tank failure and what course of action should be taken, these were detailed in condition 8.
- ix. Cllr J Toye thanked Officers for their report and balanced work. He seconded the Officers recommendation for approval.

**RESOLVED** by 13 votes for and 1 against

**That Planning Application PF/21/1478 be APPROVED in accordance with the Officers recommendation.**

*The meeting was adjourned at 10.04am and reconvened at 10.07am*

**42 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.**

The DMTL – DW introduced the Officers report and recommendation for approval. He advised, subsequent to the publication of the agenda, that a representation had been received addressed to all Committee and substitute Members which objected to the proposal on the grounds that it failed to comply with Policy HO3 as there would be two affordable housing sites within 1km of each other.

Further, amended plans had been received incorporating minor amendments relating to design and landscaping suggested by officers. These included:

- burnt red roof tiles across all plots;
- additional segmental arches and string course, added to provide interest;
- A hedge incorporated behind the meadow to provide a soft enclosure whilst retaining the transitional qualities of the meadow.
- A plan had also been provided to show electric vehicle charging points and the location of the ASHP's.

The DMTL-DW outlined the sites' location and relationship with its immediate setting opposite St Helens and All Saints Church and to the west of the village play area and a row of dwellings.

Officers considered that the proposed site plan reflected the existing pattern of development to the north of Church Road. The proposal would result in new access on to Church Road with an area of meadow and green space located at the front of the development along Church Road allowing views to and from the Church to be retained. Private gardens would be provided to the rear of the dwellings screened by 1.8 metres timber fencing between the properties. The Landscape Officer had raised no objections to the scheme, and it was considered that the proposed landscaping would aid in assimilating the development into its landscape setting.

The DMTL-DW detailed the proposed elevations and floorplans for each of the dwellings. He highlighted minor changes to the elevation treatment of Plots 4 and 5,

roofing material and; changes to openings on Plot 2 and 3 were requested by Officers. Amended plans reflecting these amendments had now been received and were considered acceptable.

In terms of materials, the scheme proposed a mix of facing brick, flint work and timber cladding including traditional detailing to give character to the individual dwellings.

The DMTL-DW outlined the main issues for consideration and confirmed that the proposal accorded with Core Strategy policy SS2 and HO3. The proposal would help to meet a proven local housing need (as confirmed by the Council's Strategic Housing Team). The affordable housing provided would assist local housing need at an affordable cost for the life of the property - this will be secured via S106 Obligation.

It was noted that the application was running in tandem with another affordable housing scheme in West Beckham, PF/23/1578 for 5 affordable single storey dwellings along Sheringham Road. The two sites, if granted permission, would be delivered by the same housing association (Broadland Housing) at the same time. Both sites combined would not exceed 10 units, would meet proven local need, are located adjacent to a group of 10 more dwellings where the housing will be provided in perpetuity.

The Conservation and Design Officer had raised no objection to the proposal although it was felt there would be some minor harm to the setting of the church (a non-designated heritage asset). The proposed development would maintain a separation distance of approximately 45m, with the proposed dwellings set back within the site and included a green buffer of open space and meadow, offering an increased feeling of openness within the street scene which was considered to improve the relationship between the church and new dwellings.

The DMTL-DW affirmed that because there was considered to be harm to the heritage asset, albeit minor harm, paragraph 203 of the NPPF should be applied in determining the application and advised that such harm needed to be weighed against the public benefits accruing from the development. In this case, the provision of affordable housing serving the local community is given great weight and it is considered by Officer's that this public benefit outweighed the harm identified, as such the proposal is considered acceptable in accordance with Core Strategy Policy EN 8 and Section 16 of the NPPF.

The DMTL-DW confirmed, with respect of Nutrient Neutrality and GIRAM's that foul water discharges out of the catchment of a designated habitats site, and, with regards to recreational impacts and the GIRAM Strategy the mitigation payment would be secured through the S106.

It was noted that the solar panels detailed on the plan had the potential to be installed/used but that this had not been conditioned. The agent had confirmed that other measures were proposed to reduce the environmental impact such as the installation of ASHPs. The dwellings were designed to a high standard of thermal efficiency with fabric and energy performance meeting the minimum standard of Part L2A (2021) of the Building Regulations with a fabric first approach taken. The plans proposed an EV charging point at each group of parking areas and air source heat pumps.

The DMTL-DW reiterated Officers recommendation to the proposal based on the

revised plans submitted.

### Public Speakers

Ed Mumford-Smith (supporting)

### Members debate and questions.

- i. Local Member – Cllr C Ringer – spoke in support of the application and advised that he had referred the proposal to Committee due to significant public interest in the scheme, though acknowledged that the application for the second site had attracted more interest and that the objections to the application being considered at present, come from its vicinity to the other application rather than neighbours in the direct vicinity.

Cllr C Ringer noted the Parish Council's comment and their hope that the application would help revitalise the village, a sentiment he echoed. Further, he considered the site was ideally located by the playing field, the church, and the Wheatsheaf Public House – an establishment with a strong record of employing local people.

The Local Member reflected that the population of West Beckham had decreased 10% between the 2011 and 2021 census and attributed this to a proliferation of second homes and holiday lets, as well as an aging elderly demographic with a high number of retirees leading to a low occupancy rate. He noted that very few homes in West Beckham sold for under £400,000, a price tag that the vast majority of local people on local wages would find unattainable, particularly given the high interest rates on mortgages. He added that there were several families with ties to West Beckham and the surrounding villages waiting for appropriate housing, these families knew the limitations and potential of West Beckham and who deserved an opportunity to remain in their community.

He expressed support for the proposals high environmental standards including use of air source heat pumps, bird and bat bricks and a meadow, however affirmed that he would like to see Solar Panels installed. The Local Member argued that the garage on Plot 1 would be better utilised as an accessible bedroom or a 'granny-annexe' which would accommodate multi-generational living. He welcomed the access to the playpark and asked whether it may be conditioned that the applicant fund a bench for this site, something the developer had intimated they would be happy to accommodate. Further, he asked whether it may be conditioned that a low fence be erected along the front of the meadow to protect from vehicle encroachment. Whilst the Highways Authority had indicated that residents would likely be reliant on private cars, the Local Member was encouraged that the developer had indicated they would provide covered cycle parking at the shared Bodham and Beckham Village Hall, allowing residents to cycle to the village hall and catch the regular bus service.

Cllr C Ringer expressed some disappointment that the scheme was only for 5 dwellings, particularly given the proposal's ideal location close to the village amenities, and felt the site could accommodate 10,

The Local Member concluded by stating that the application would provide local people the opportunity to remain in and closer to their communities

against a backdrop of high house prices, and in a competitive market with expensive mortgages making the chances of purchasing a home very limited. Even more, it would help to sustain the community of West Beckham, presently struggling to keep its church open; which used to hold a myriad of community events and now does not. Cllr C Ringer stated that the application demonstrated significant potential benefits for the community of West Beckham and surrounding parishes and should be looked upon favourably.

- ii. Cllr M Hankins noted that the application was recommended for approval subject to securing the S106 obligations, which should be completed in 4 months. He asked why the 4-month timeframe had been applied.
- iii. The DMTL-DW advised that the 4-month timeframe was considered to be a reasonable time to secure the S106 obligations. The wording was such to encourage timely completion of the obligation.
- iv. Cllr M Hankins considered, given there was a desperate need for affordable homes in this area and a shortage of available land to develop, that this proposal would present an excellent opportunity to close the gap and that every effort should be made to secure the S106 obligations in a reasonable time frame.
- v. The PL asked what Members may consider a reasonable time frame for the S106 completion and commented that the timeframe could be extended if this was preferred. She confirmed that she was confident that the S106 obligations could be secured within the proposed 4 months.
- vi. The DM affirmed he was also confident that the S106 agreement would be progressed relatively quickly. The condition was included as a backstop and would allow the application to be returned to committee should there be little progress with the S106 agreement. The DM noted that applicant was keen to start building that site, and as the Local Authority had made affordable housing a priority, it was not expected that there would be any issues. If permission was granted, it would ultimately be at the discretion of the ADP to consider progress and decide whether to re-refer the application to committee, this was not an automatic referral back to committee after the 4-months.
- vii. Cllr A Brown considered that the 4-month deadline was the benchmark and not a hard stop if the S106 was not finalised by this date. He considered there to be an existential problem with the application in relation of policy HO3 as phase 2 of the scheme for the other site on Sheringham Road was due for consideration imminently. Cllr A Brown asked if the other application site was within 1km of the proposal.
- viii. The DM advised that whilst the other site (still to be determined) was within 1km, the appliance of this element of the policy was not relevant for the determination of this application as this was the first of the two sites, and therefore there were no other schemes within 1km. Without pre-judging consideration of the second application, the DM commented that it was within the gift of the Committee as decision maker to apportion weight to that component of the policy. Members may choose to depart from policy where they consider there are material considerations that support housing development, in the case of the second application this may be demonstrable need for affordable housing.

- ix. Cllr A Brown considered this argument could be applied to every rural expectation site and reflected that around 30% of housing delivery in North Norfolk was on such sites. He noted the enthusiasm from the Housing Strategy team for the delivery of the cumulative 10 dwellings across in West Beckham. Cllr A Brown expressed his concern that public perception may be that the Council had in some way facilitated avoidance of policy HO3 by separating the two applications. He asked if the applicant may elaborate why they had chosen to develop 10 homes across the two sites, in conflict of policy HO3, and not promoted this as a whole scheme. Further, he echoed comments from the Local Member that the site could accommodate more houses and asked why the applicant had settled on 5, other than to be convenient in relating to the 5 proposed for the other site.
- x. The Chairman invited the applicant to respond to Member's questions. Mr Mumford-Smith stated that it was his understanding that policy HO3 aimed to prevent the accumulation of large amounts of affordable housing in one location in small villages. Therefore, the splitting of the affordable housing into the two sites would improve upon the policy rather than contravene its intention. He commented that the distances between the two sites would vary if measurements were taken as the crow flies or by road. Mr Mumford-Smith advised that policy HO3 came into effect after the developer had already built 26 affordable homes in the village and he felt strongly that the proposed dwellings should not all be placed next to the existing Council housing on the edge of the village, rather, it was more appropriate to split development into two more sympathetically designed schemes.

In response to questions raised by Cllr C Ringer, the applicant advised that a revised plan had been submitted yesterday which changed the garage on Plot 1 into an annexe. Additional parking had been provided as well as a continuation of the hedge around the open space to the east. Following conversations with the Conservation and Design Officer the applicant had amended the scheme to prevent the parking of cars on either side.

- xi. The Chairman noted that the Officers presentation did not include plans for the revised scheme, he proposed adjournment of the meeting to ensure that the final plans were available for the Committee's consideration.

*Meeting adjourned at 10.36am and reconvened at 10.46am*

- xii. The DMTL-DW apologised for the technical issues and advised that the revised plans had been received late the day prior and changes to the presentation had not been made as these had not been highlighted in the covering email. The DMTL-DW proceeded to go through the changes to the Officer presentation highlighting changes to parking, link to the play area, alterations to the ground floor of unit 1, and other minor changes including use of arches.
- xiii. The Local Member expressed his support for the changes and asked if the solar panels contained in the drawings were part of the scheme or were for artistic affect. He sought assurance these would be included as previously it had been detailed that that there was a potential for installation, but not that they would be included a guarantee.
- xiv. The DMTL-DW advised this would need to be conditioned.

- xv. The Chairman acknowledged the applicant indicated they would be supportive this condition.
- xvi. Cllr A Brown reflected on the applicant's comments and stated that whilst he considered that the site could accommodate 10 dwellings, he was minded to support the Officers recommendation for approval. This would strictly be on the understanding that he was not pre-determined or pre-disposed in his consideration for the second scheme.
- xvii. Cllr V Holliday considered there may be a misapplication of policy HO3 and asked what community sentiment was towards the scheme, whether residents would prefer the development of 5 homes across 2 sites or 10 on the proposed site. She considered the application to be well laid out, located near to a heritage asset, though noted the risk of missing out on an additional 5 affordable houses.
- xviii. Cllr C Ringer advised, prior to his appointment to the Council, a public meeting was held in Bodham & Beckham Village Hall on this matter. Some residents had indicated their support for 10 homes on the Church Road site and objected to having the 10 dwellings built across 2 sites. He commented that the Sheringham Road application had not yet been presented to the Committee for consideration, making it more difficult for Members in their determination.
- xix. Cllr J Toye congratulated the applicant for their community engagement and the way in which they had developed designs which assimilated with their location in an award-winning manner. Irrespective of the debate, he was confident that the developer would work with NNDC to achieve the best outcome for Local residents. With regards to the application site, Cllr J Toye was supportive of the proposed layout and expressed concern that 10 dwellings on the site would be far more cramped and less sympathetic to the neighbouring heritage asset.
- xx. Cllr G Mancini-Boyle encouraged the developer towards building more passive housing, particularly given current costs of bills. He understood that this would be more expensive for developers but considered that efforts should be made to look forwards and not simply build out to current building standards.
- xxi. Cllr A Varley echoed Cllr J Toye's comments and agreed that this was a very good application. He thanked the case officer for their report and presentation to the Committee. Cllr A Varley stated that affordable housing was fundamental in ensuring communities can continue to thrive, especially during the housing crisis. He commended the environmental credentials of the application and use of screening mitigations and wild meadow which would enhance biodiversity, use of air source heat pumps, provision of EV charging points, and agreed that the provision and use of the solar panels illustrated should be conditioned.
- xxii. Cllr A Fitch-Tillett stated that within her Ward, Northreeps was benefiting from a similar scheme, which she had attended a site visit for. She assured Cllr Mancini-Boyle that Broadland Housing were operating to the best of their ability in respect of passive housing and had been experimenting in Northreeps on such schemes.

- xxiii. Cllr L Vickers added her support to the application which would add vital affordable housing for local families. She agreed with Cllr M Hankins that she would not wish to see the application fail by consequence of the tight 4-month S106 agreement turnaround. Without anticipating the Sheringham road application, she hoped that common sense would be applied in the application of planning policy.
- xxiv. The ADP advised, with respect to S106 obligations and the wording of the conditions was that the application 'could' be refused if no progress was made within 4 months, but that onus would be placed on the ADP to take a view whether process was likely to be made to reach a successful conclusion relatively shortly thereafter. Assuming that the application was agreed and the S106 agreement not completed in 4 months, but that work was ongoing in the right direction and would be completed within the next week or so, then he would not be minded to refuse the application just because it had gone past the 4 month deadline.
- xxv. Cllr C Ringer noted that earlier iterations of the scheme had the homes located elsewhere on the field which would open the possibility up for more homes. He affirmed that the key thing was ensuring the delivery of the 5 dwellings and in granting planning permission.
- xxvi. Cllr M Hankins thanked the ADP for his clarification and offered his support for the application.
- xxvii. Cllr A Varley seconded the Officers recommendation for approval.

**UNANIMOUSLY RESOLVED** by 14 votes for.

**That Planning application PF/23/1065 be APPROVED in accordance with the Officers recommendation.**

#### **43 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

- i. The DM introduced the Officers report and advised that this report contained two months' worth of reporting due to the lack of a meeting in August. He spoke positively of overall performance with both Major and Non-Major applications considered within time or within an agreed extension of time.
- ii. Cllr A Brown thanked Officers for their continued hard work and suggested that the figures produced by NNDC would be the envy of many other Local Authorities.
- iii. The ADP advised at the recent Overview and Scrutiny Committee, Members were supplied an update on the ongoing progress of the Planning Service Improvement Plan which contained similar data and set it within the context of Authorities across East Anglia in terms of both appeals and determination of applications. He reiterated his comments that the Planning Service were seeking to develop within the Improvement Plan a broader suite of performance indicators which would be brought to Development Committee in due course. He asked that if Members had any suggestions for what they would like to see in the Performance Report in future to let himself, the DM or the Portfolio Holder for Planning know.

- iv. Cllr J Toye echoed his praise for the Planning Service.
- v. The DM thanked the Committee for their comments which he advised he would relay to the team.
- vi. The PL confirmed, with respect to the S106 annexe, that several of those listed should be concluded by the next meeting and removed from the list.
- vii. Cllr A Brown noted that the S106 outstanding for the Hindloveston application had been held up by building regulations issues, he understood this may be resolved by the end of September.
- viii. The PL confirmed, in addition to Cllr A Brown's comments, that the Council were also awaiting approval of the Biodiversity Woodland Management Plan. She stated that from a legal perspective she would like for the fire service to consider the application again in light of communication provided by the fire service to the Council in March.

#### **44 APPEALS SECTION**

- i. The DM introduced the appeals report and advised that an informal hearing was taking place for a single dwelling scheme in Blakeney, next Tuesday.
- ii. With respect of the permitted appeal, the PL advised that the appeal was on the timescale to comply with the notice. The appellant had been allowed a longer timescale to comply with the notice. The appellant would still be bound by the enforcement notice and would have to tidy up the site.
- iii. The DM commented that the Planning Inspector had dismissed application PF/21/3302 due to the adverse impact on the Conservation Area.
- iv. Cllr J Toye asked why the application detailed on P.69 had gone from written representations to an informal hearing.
- v. The DM advised that the appellant had originally asked for an informal hearing to the Planning Inspectorate, who had been persuaded to reconsider their original decision against the Council's wishes.

#### **45 EXCLUSION OF PRESS AND PUBLIC**

None.

The meeting ended at 11.10 am.

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Chairman



## DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 28 September 2023 in the Council Chamber - Council Offices at 9.30 am

<b>Committee</b>	Cllr R Macdonald (Chairman)	Cllr M Batey
<b>Members Present:</b>	Cllr P Fisher Cllr P Neatherway Cllr L Vickers	Cllr M Hankins Cllr K Toye
<b>Substitute</b>	Cllr C Ringer	
<b>Members Present:</b>	Cllr L Paterson Cllr G Bull	
<b>Officers in Attendance:</b>	Development Manager (DM) Principle Lawyer (PL) Planning Officer – AW (PO-AW) Planning Officer AN (PO-AN) Democratic Services Officer	

### 46 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr P Heinrich, Cllr A Brown, Cllr A Fitch-Tillett, Cllr V Holliday, Cllr G Mancini-Boyle, Cllr J Toye and Cllr A Varley.

### 47 SUBSTITUTES

Cllr G Bull, Cllr L Paterson, Cllr C Ringer were present as substitutes for Cllr P Heinrich, Cllr G Mancini-Boyle and Cllr J Toye respectively.

### 48 ITEMS OF URGENT BUSINESS

None.

### 49 DECLARATIONS OF INTEREST

None.

### 50 CROMER - PF/23/1761- DEMOLITION OF FORMER BANDSTAND AND STORAGE BUILDING; REDEVELOPMENT OF FORMER TENNIS COURTS CONSISTING OF ERECTION OF 2NO. PUBLIC TOILET BUILDINGS, COMMUNITY FOOD HUB, COMMUNITY SHED BUILDING, COMMUNITY HORTICULTURAL HUB BUILDING, 2NO. CURVED WALLS WITH CANOPY FOR ENTERTAINMENT SPACE, MULTI-USE SPACE FOR POP-UP MARKET STALLS/LEISURE ACTIVITIES AND ASSOCIATED ON-SITE CAR/CYCLE PARKING, ASSOCIATED FENCING, PLANTING AND VEHICULAR AND PEDESTRIAN ACCESS POINTS AT NORTH LODGE PARK OVERSTRAND ROAD, CROMER.

#### Officers Report

The PO-AW introduced the Officers report and recommendation for approval. It was noted that a similar application had previously been submitted and considered at

Development Committee in June which had been deferred. This application had subsequently been withdrawn and resubmitted as PF/23/1761 with several design alterations.

The PO-AW outlined the context of North Lodge Park, a designated area of public realm and open space in policy terms. The park forms part of the setting of the Grade II listed North Lodge, the former tennis courts and bandstand are considered an accessory to the heritage asset. The site comprised of a 1950's brick-built bandstand and large concreted slab, both have been unused for several years and have fallen into a state of disrepair, although the concreted area remains level and in reasonable condition.

The Case Officer detailed the key aspects of the application including changing places toilets, the entertainment space, horticultural hub containing a greenhouse store and potting area, the community shed, and community food bank. Vehicular access was provided from Carriage Drive along the western boundary of the site.

With respect of design, the PO-AW noted that most of the structures proposed were temporary in nature and would be low impact sitting above the existing hardstanding. Whilst concerns had been raised in public representations with regards to the Open Land designation of the site, it is recognised by officers that whilst the proposal would not enhance the open character of the site, there would be an enhanced recreational benefit to the proposal allowing a currently underutilised area of the park to be brought back into use and offer several recreational uses for the local community.

Some heritage harm had also been identified as a result of the concentration of structures in this area. Whilst the harm identified must be given great weight, officers concluded it to be at the 'less than substantial' end of the spectrum, nonetheless this harm must be weighed against the public benefits accruing from the scheme. It was considered that there were a number of public benefits associated with the proposal including:

- the revitalisation and improvements to a currently unused area of the park in order to promote and facilitate new recreational uses as well as provide new public toilets; and
- a number of flexible community uses, some of which would support the local economy, all of which would help ensure the future viability of the park.

Having regard to these benefits and affording the heritage harm identified great weight; it is considered that the public benefits associated with the proposals would outweigh the identified harm to the heritage assets. Consequently, the proposals would be compliant with paragraph 202 of the NPPF, which deals with less than substantial harm to heritage assets.

Highways concerns had also been raised due to the vehicular access on site. Officers had worked proactively with the agent to reduce the number of vehicle movements on site, the frequency of any pop-up market would be limited, and a traffic management plan has been submitted to manage these movements.

#### Public Speakers

Pat West – Cromer Town Council  
Harry Foulkes – Objecting  
Richard Wall – Supporting  
Martyn Coe – Supporting

#### Members Questions and Debate

- i. The Local Member – Cllr E Spagnola – spoke in her capacity as Ward Member, Mayor of Cromer and Project Manager for the application. She expressed her support for the scheme which would restore a run-down plot which had been a blight on the landscape of Cromer for the last 20 years, into use. She argued that ‘Community’ was at the heart of the scheme and had been considered in all elements of the proposal.

Cllr E Spagnola advised that there were no toilets above beach level at the eastern side of Cromer, and certainly no changing places. It was noted that whilst there had been a new playpark situated on North Lodge Park, there were no toilets available nearby for users. Further, if visitors wished to shop on the eastern side of town, they would have to walk some distance to the nearest convenience, this was not practical for those with disabilities.

During the COVID-19 pandemic it became apparent the number of families living on Cromer in poverty, as a Member of Cromer Cares, the Local Member stated she understood the need for a Community Food Hub. This would offer dignity back to service users who may otherwise have to face the stigma of going to a food bank.

Cllr E Spagnola noted the positive comments from supporting speakers and stated that the Community Shed was important in helping integrate people within their community whilst also aiding in Mental Health. Further, the Potting Shed would be instrumental to the Friends of North Lodge Park in tending to North Lodge Park by sustainably growing plants for use both within the park and for sale.

With respect of the entertainment space, the Local Member noted that theatre productions had been held in the park for several years, and having this dedicated space would be of benefit for travelling productions and budding musicians. In addition, the pop-up stalls would help local people transform their hobbies and passions into small local businesses.

She advised that the Town Council would contribute financially to the scheme and the operation of the site alongside charities. Cromer Town Council would host regular meetings to ensure effective collaboration between groups.

The Local Member affirmed that the benefits of the proposal far outweighed any negatives, and implored Members to approve the application.

- ii. Cllr J Boyle, Member for the neighbouring Cromer Town Ward, spoke in support of the application. The area at present had been subject to anti-social behaviour with evidence of substance misuse left discarded. Cllr J Boyle advised of conversations she had held with residents whose properties overlooked the park and who no longer felt safe to walk through the park in the evening. This resident had expressed their support for the proposal which they considered would bring people back into the park.

Cllr J Boyle noted that several other schemes and businesses had operated from the site with limited success. The proposed scheme would offer flexibility to accommodate ever changing needs, whilst attracting visitors to the area.

She reflected that there were many benefits to the proposal, the proposed entertainment space would promote live music and live theatre in the park, which historically it was well known for, the Community Shed would bring Mental Health Benefits, The Community Food Hub would aid in addressing food poverty and the Potting Shed would work to enhance the Park.

She advised of conversions she had with users of her guest house, who remarked how saddened they were by the disarray of the Park, with one couple refusing to return to Cromer due to their upset. Cllr J Boyle considered that the proposal would capture the essence of the original park and integrate it with today's modern world.

- iii. Cllr T Adams, Member for the neighbouring Cromer Town Ward, spoke in support of the application. With respect of Heritage considerations, he noted that the Conservation and Design Officer had concluded that the application would result in 'less than substantial harm' with the Officer also recognising the improvement upon the previous planning application. Cllr T Adams asked that Members consider the situation in reverse with the proposal already being in situ, and a planning application was received for a bare, overgrown concrete pad, with a dilapidated structure – this clearly would not contribute towards the setting of the Grade II listed North Lodge. He noted that the applicant was the owner of North Lodge and that the Town Council had invested time and money into restoring and maintaining this asset.

Cllr T Adams stated that the Committee must weigh the positive impact of the use of the park. Some years prior a new footbridge had been installed of modern design replacing a more traditional structure. Through the new footbridge use and connectivity to the park had been restored.

The scheme would allow for flexible use, particularly with the partnership of community groups and include the possibility of music and live events, community and economic activities, and potential for youth activities.

He agreed with other representations that the park had been subject to anti-social behaviour which had grown as various assets had closed, and considered the scheme would form part of the regeneration of the park. Referencing broader regeneration of the park, Cllr T Adams noted that NNDC in recent months had leased the former Collector's Cabin which had been transformed into an ice-cream outlet, the proposal at Seaview, and the replacement footbridge. He considered that there was more to come with the possibility of outside funding.

With respect of traffic management, Cllr T Adams argued that the plans proposed exceeded that of other businesses on the site given the proposed gate system and traffic management plan. Further, traffic on site would be tempered by the placement of speedbumps along the Carriageway. The Town Council alongside Friends of North Lodge Park had raised concerns over vehicle access; therefore, Cllr T Adams considered these groups would be good custodians.

The Cromer Town Member acknowledged that this item had been referred to Committee due to NNDC policy that applications on NNDC owned land must be referred to Development Committee. The application had been supported by Officers, the Local Ward Member, and there had not been a significant groundswell of objection. Cllr T Adams asked that the Committee consider approving the application.

- iv. Cllr L Paterson welcomed the new, revised application, and affirmed his support for the provision of the public convenience. He sought clarity over the use of cladding and whether it would be the same material used across all structures.
- v. The PO-AW confirmed that it was proposed that all structures would be clad in matching vertical timber and commented that this could be conditioned if desired.
- vi. Cllr P Fisher thanked public speakers for their representations and to the Case Officer in presenting a good and balanced report. He acknowledged the well-being benefits the scheme would bring as well as the need for toilets on the eastern side of Cromer following the closure of other facilities. Cllr P Fisher concluded that the good brought via the proposal would outweigh possible harm to the area and so proposed acceptance of the officer's recommendation for approval.
- vii. Cllr M Hankins stated that, whilst he was unfamiliar with the site, he was familiar with the 'men's shed' movement and of the site in North Walsham which had enabled many lonely people to regain respect through their hobbies. He commended the applicant's pragmatic solution to a derelict site, particularly during challenging economic circumstances, and considered the scheme to be a pragmatic solution to a difficult problem.
- viii. Cllr L Vickers expressed her support for the application which she considered to be an improvement on the site at present and praised both the Cromer and the broader Men's Shed movement for their outstanding work. She asked for clarification on how the scheme would be funded, whether this would be through Cromer Town Council and charitable means or if funding requests would be sent to NNDC.
- ix. The DM advised that the funding of the scheme was not a directly related planning matter and should not influence the Committee in reaching its determination. Members were asked to consider whether the principle of development was acceptable in planning terms.
- x. Cllr L Vickers thanked the DM for his advice. She affirmed that she would like to see the scheme funded in the way in which it had been suggested.
- xi. Cllr K Toye thanked members of the public for their comments which were beneficial to the Committee in forming its determination. She considered that the site had been neglected and uncared for, for many years, and recalled the former use of the site was a destination location and one which people used to actively want to walk through and enjoy. She stated her firm support for the application and so seconded the Officer's recommendation.
- xii. Cllr G Bull thanked speakers for their valued opinions. He was supportive of

the pop-up market, which had been successfully utilised at other locations, however asked what types of stalls would be envisaged, their dimensions and frequency of use.

- xiii. The PO-AW advised that the design and access statement offered greater detail into the market. The pop-up market was intended to be small scale with parking provision for only 7 vehicles on the site. The dates of the other market in the Town had been noted and it was expected that there wouldn't be a clash of timings.
- xiv. Cllr C Ringer thanked attending speakers for their input. He that the proposal would bring much value to the local community. With respect of the entertainment space, having had some experience in organising small music events elsewhere in the district, he affirmed that the proposed space had the potential to be used for a variety of events which would positively contribute to the area. He argued that the Council could not protect the piece of land as existing, which was an eyesore, and affirmed that the proposal would undoubtedly improve the site.

**UNANIMOUSLY RESOLVED** by 10 votes for.

**That Planning application PF/23/1761 be APPROVED in accordance with the Officers recommendation.**

**51 WEST RAYNHAM - PF/23/1004 - DEMOLITION OF EXISTING WORKSHOP AND CONSTRUCTION OF NEW DWELLING AT WEST RAYNHAM AUTO CLINIC, MASSINGHAM ROAD, WEST RAYNHAM, FAKENHAM, NORFOLK, NR21 7AJ**

The PO-AN introduced the Officers report and recommendation for refusal. She affirmed the site's location and relationship in its local setting. West Raynham was not identified as a service village and therefore, for policy purposes, it is designated as Countryside. The garage is located in close proximity to both the former RAF West Raynham and a bustling business park hosting 13 businesses. In conjunction with the neighbouring enterprise park, the garage is located near the former RAF West Raynham where 13 buildings hold a Grade II listed building classification. The Conservation and Design Officer considered that the proposed development would have no adverse impact on the environment surrounding the Grade II listed buildings to the south.

The Committee were provided with images of the site, existing and proposed floor plans, and elevations.

The PO-AN advised that the main reasons issues for consideration were:

- The principal of development
- Design, layout, scale and massing
- GIRAMS
- Nutrient Neutrality

As the proposed dwelling was located within the designated Countryside, there is a general presumption against residential development. As future occupiers would be dependent on the car in order to access services, the proposal was not considered to be a sustainable development. Further, a single dwelling in this location was unlikely to significantly enhance the local rural community's vitality. The modest

contribution in terms of economic and social benefits would outweigh the strategic policy conflict. Officers consider that there is no justification to this dwelling in the Countryside which would be contrary to policies SS 1 and SS 2 of the North Norfolk Core Strategy.

The proposed development, by virtue of the building's overall size and scale and location would result in an unsympathetic form of development, appearing to be out of place and excessive for the available plot, particularly concerning its proximity to the neighbouring property on the left, with a mere 2-meter separation between them. The constraint of the width of the proposed plot would result in the new dwelling being in close proximity to the existing neighbouring dwelling to the left, which would constitute an overdevelopment of the site, providing a cramped form of development.

The proposed dwelling was not considered suitably designed for the context in which it is set. Accordingly, it is considered that the proposed development would be contrary to policy EN 4 of the North Norfolk Core Strategy.

The PO-AN acknowledged that the site lies within the Zone of Influence of several European sites. The proposed net gain of one dwelling would trigger the requirement for a financial contribution towards the strategic mitigation package in accordance with the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS).

The applicant had failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance. In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, Officers had concluded that the proposal would be contrary to the requirements of policies SS 4 and EN 9 of the North Norfolk Core Strategy.

Additionally, as the proposed development comprised of overnight accommodation that falls within the catchment of the Broads Special Area of Conservation and Ramsar site [and the River Wensum Special Area of Conservation] and is likely to have an adverse impact on European Designations requiring mitigation in relation to nutrient enrichment. Based on the net gain of one dwelling, the development proposed is considered to be a qualifying development and subject to Nutrient Neutrality requirements. The Case Officer advised that the applicant had failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination, on the integrity of European Sites arising as a result of the development including in relation to nutrient enrichment. In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposed development was considered contrary to Policies EN 9 and EN 13 of the adopted North Norfolk Core Strategy, and approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

The PO-AN advised, having considered the benefits and the harm associated with the proposal, together with the policy conflicts that are outweighed by the benefits, officers recommended refusal of the application.

#### Public Speakers

None

### Members questions and debate

- i. Cllr L Paterson endorsed the Officers report and so proposed acceptance of the Officers recommendation for refusal.
- ii. Cllr L Vickers asked Officers to clarify policy surrounding sustainable development. She reflected that North Norfolk was a largely rural district with many residents living in villages and who were reliant on their car. In an ideal world residents would be able to cycle or make use of public transport, however this wasn't practically possible at present. With respect of the design, she considered the scheme would be better a visual replacement than the run-down garage and was concerned that if left unattended the site would become an eyesore. Cllr L Vickers sought confirmation who was responsible for GIRAMS payments.
- iii. The PO-AN advised it the applicant was responsible for GIRAMS payments.
- iv. The DM accepted Cllr L Vickers comments about the rural nature of the district and the reliance on private vehicles to access day to day services. As a Local Planning Authority the Council sought to encourage development in more sustainable locations through the Local Plan and the emerging Local Plan.
- v. Cllr L Vickers stated, that whilst she was 100% behind the ideal and the intention of sustainable development, the consequence of not building in villages would result in the dying off of those villages.
- vi. Cllr G Bull noted that the application site was currently a functioning garage, therefore any car use by occupiers of the proposed residential development would be offset by current usage, given there would be significantly more car movements to a garage than a single dwelling. With respect of the design of the scheme, he did not consider the proposal was in keeping with the neighbouring property or sympathetic with other properties in the village.
- vii. Cllr P Fisher noted that Officers advise that the application was in contravention of many of the Councils own policies. He seconded the recommendation for refusal.
- viii. Cllr M Hankins reflected on the Councils' policy to convert disused properties into residential developments. He thanked the Officer for their report, and expressed his concern that the application was not well prepared as it failed to address several policies. He enquired if the application would have been considered more favourably if it were more professional.
- ix. The DM advised that the applicant sought to demolish the building and rebuild. Had the application been for conversion of the existing building this would have been a different consideration as such a planning application would have been permissible in policy terms under NNDC Core Strategy Policy SS2 (provided certain criteria were met). He affirmed that the 'red line' in policy terms was the objection on Nutrient Neutrality and GIRAMS which rendered the scheme non-negotiable else it be unlawful. If it were matters of principle and design the application may have been considered in a different manner. The DM advised that, should the Committee be minded to refuse the application, that the applicant may decide to appeal the decision, and/or



resubmit a revised application.

- x. Cllr C Ringer considered the application was limited in detail. Setting aside critical policy conflicts, and stated that he was not opposed to the siting of a dwelling in this location provided one could be better assimilated within the local setting. He asked, with respect of Nutrient Neutrality, whether the emptying of the septic tank into the main sewage conflicted with Nutrient Neutrality guidance.
- xi. The DM advised that either way sewage was disposed would affect Nutrient Neutrality. The additional Nutrient load would need to be addressed, and the applicant had failed to demonstrate how they would do so through the application.
- xii. Cllr C Ringer confirmed whether there were options available to the applicant to mitigate Nutrient Neutrality.
- xiii. The DM advised that should the waste be taken to a package treatment plant that there would still be some outflow from the plant, which whilst cleaner, would not be totally clean. Manufacturers of package treatment plants were working to address issues of Nutrient Neutrality and were putting forward measures to combat such problems. With respect of the proposed application, the applicant had proposed discharge via the foul network.

**RESOLVED** by 8 votes for and 2 abstentions.

**That Planning Application PF/23/1004 be REFUSED in accordance with the Officers recommendation.**

## **52 EXCLUSION OF PRESS AND PUBLIC**

None.

The meeting ended at 10.47 am.

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Chairman

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## Registering interests

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

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

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

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

## Non participation in case of disclosable pecuniary interest

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

## Disclosure of Other Registerable Interests

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

## Disclosure of Non-Registerable Interests

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

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

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

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

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

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

**Table 1: Disclosable Pecuniary Interests**

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

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

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

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

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

## **Table 2: Other Registrable Interests**

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)





**Cromer PF/23/0941 – Remedial works to the existing groynes and seawalls. Construction of rock revetment, scour protection works on a section of cliff and remedial works on access ramp on the western section. Installation of an apron on an existing seawall on the eastern section. (Cromer Phase 2 coastal defence project)**

## **Major Development**

**Target Date:** 7<sup>th</sup> September 2023

**Case Officer:** Mr Mark Brands

**Full Planning Permission**

## **REASONS FOR REFERRAL TO COMMITTEE**

This application is referred to the Development Committee in line with the Council's constitution as the development is a Major Application and the District Council are the applicants and representations have been received.

## **RELEVANT SITE CONSTRAINTS**

Within The Norfolk Coast Area Of Outstanding Natural Beauty

Within Floodzones 2 and 3

Within the Undeveloped Coast

Within and adjacent to Candidate County Geodiversity Site - Cromer Cliffs, Overstrand Cliffs Sites of Special Scientific Interest (SSSI)

Within the defined Coastal Erosion Risk Area

Within Cromer Conservation Area

The site may contain Contaminated Land

The site contains areas of the England Coast Path Coastal Margin

Landscape Character Area - Coastal Shelf

The site lies both within the Countryside and within the Cromer Settlement Boundary

The site lies within areas designated as Open Land Area, Public Realm, Principal Routes, and Town Centre

The site lies within a Mineral Safeguarding Area

The site lies within a Specific Area of Conservation, Special Protection Area, Site of Special Scientific Interest and County Wildlife Site - Cromer Sea Front

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

## **RELEVANT PLANNING HISTORY**

None.

## **THE APPLICATION**

### **Proposal**

The proposal is for remedial repair works to the existing groynes, navigation beacons and seawalls, construction of rock revetment, scour protection works on a section of cliff and remedial works on access ramp on the western section. Installation of an apron on an existing seawall on the eastern section. The application site covers 35.6 hectares and scope of works,

repairs and maintenance covers the full Cromer frontage, around 1.6km. The most significant works are taking place to the West of the pier, including the rock revetment (inc stepped access point), slope protection to a section of cliff to the southwest of the pier, rock transition structure, new ramp and apron encasement to the west side of the application site. To the east of the pier, beyond the maintenance and repairs of the existing defences the proposal is for a concrete apron to a flint wall.

## **CONSULTATIONS:**

### **Cromer Town Council - support**

### **Environment Agency – no objections**

**Historic England – No comments** (views from the council's conservation team should be sought)

### **Marine Management Organisation – Intent to defer – The marine works (Environmental Impact Assessment) Regulations 2007**

The MMO confirms its intent to defer an EIA consent decision under the Regulations, by virtue of article 10(1)(b)(i and ii) of the Regulations, on the basis that assessment of the effects of the project has been/will be carried out by the appropriate authority for this case, North Norfolk County Council under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **Conservation and Design (NNDC) – No objections**

Concur with the findings in the submitted heritage statement that the works would cause less than substantial harm to the significance of designated assets.

- The proposed rock revetment would alter the recreational character of the area between the pier and Melbourne slope and affect the way the promenade is viewed from and interacts with the beach.
- The slope protection work would see a shift in emphasis from the existing predominantly grass coverage to a more functional and engineered appearance in which the planting would be secondary
- The pedestrian gantry across the revetment, by virtue of its solid appearance and significant projection, would extend out from the line of the sea wall and could thus become an unwanted distraction from the primacy of the pier
- However a recommendation for refusal is not put forward for the following reasons;
- Much of the beach frontage already has an unforgiving/protective quality as a result of the existing expanse of concrete,
- The proposals would not fundamentally undermine our collective understanding and appreciation of the pier which would remain the principal focal point on this part of the coast.
- The works would not profoundly affect the intrinsic connection/relationship between the built form and the sea front,
- They would, however, provide a much needed defence for the town and its heritage assets from the maritime elements,
- The public benefits therefore accruing from the proposals would far outweigh the relatively modest levels of harm identified in the heritage statement – the scheme can therefore be

considered compliant under para 202 of the NPPF.

### **Environmental Health – No objections subject to conditions**

#### **NCC - Minerals And Waste – Comments**

Application would be exempt from the requirements of Policy CS16-safeguarding of the adopted Norfolk Minerals and Waste Core Strategy. A full list of exemptions is contained in Appendix C of the adopted Core Strategy

#### **NCC Public Rights Of Way & Green Infrastructure – no objections**

We have no objections on Public Rights of Way grounds as although Cromer Footpath 1a and the Norfolk Coast Path are in the vicinity they do not appear to be affected by the proposals.

#### **Norfolk Local Access Forum – Comments**

It appears that no significant account has been taken of the tourist implications for Cromer and how any effects might be moderated. It also seems clear that the England Coast Path (ECP) runs through parts of the work site and the Norfolk Local Access Forum therefore strongly requests that the planned work be reviewed to ensure that the ECP is safeguarded and safely accessible throughout any works. Should it need to be closed, the closure should be for the shortest possible period and there should be a convenient diversion established and clearly signposted.

#### **Natural England - No objection, subject to conditions**

As originally submitted, the application could have potential significant effects on:

- Greater Wash Special Protection Area (SPA), Southern North Sea Special Area of Conservation (SAC), Overstrand Cliff SAC Paston Great Barn SAC, Sidestrand and Trimmingham Cliff Site of Special Scientific Interest (SSSI), Mundesley Cliff SSSI Overstrand Cliff SSSI, East Runton Cliff SSSI, West Runton Cliff SSSI, Winterton-Horsey Dunes SSSI

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information was required:

- An assessment of changes to geomorphological processes that may impact the erosion patterns of any of the designated cliff sites that increase the vulnerability of the Winterton-Horsey Dunes SAC, SSSI to a lack of sediment input.
- A SSSI Impact assessment to rule out adverse impact on SSSI's as a result of the project
- Without this information, Natural England may need to object to the proposal.

Additional comments from Natural England, extract as per the below;

On further review Natural England are satisfied that if the mitigation and best practice proposal outlined in the environmental assessments submitted are sufficiently detailed within the Construction Management Plan and Construction Environmental Management Plan (to include details of any mitigation and enhancement proposals for the soft eroding cliffs) and that these plans are a condition of any granted permission, that, subject to further review and agreement by Natural England as part of the Discharge of Condition process, we can withdraw our objection/requirement for further information – although all other aspects of our response

will stand. We, therefore, have no objection subject to suitably worded conditions being applied to any granted permission for the Cromer Phase 2 Coastal Defence Project.

**Ramblers Association – comments received**

- Not clear what diversions are taking place and when and how existing paths are being diverted during works
- Seaward of the England Coast Path is accessible to everyone on foot. Thus, while the Coast Path can be diverted by application to Natural England and the County Council, an application for a restriction on the spreading room to seaward would have to be made to Natural England

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

The Seawalls and Groynes which do not adjoin the public highway, as such I have no issues in principle, however, the management of the works Traffic is an essential element of the proposals given the beach access points (Gangway and Adj No.1), the stature of the approach roads, which are strategic routes subject to seasonal embargos and some concerns I have with the proposed routing (no entry into gangway as proposed - will need to route through town/manoeuvring taking place adj no.1.- conflicts with pedestrians in this area

it will be necessary to liaise with our Streetworks Team and ensure that a CTMP is prepared in accordance with their advice. upon the agreement of acceptable routing, I would be able to formally respond

Further comments received 20 September 2023

The Streetworks team have had discussions with Balfour Beatty, the highways officer has voiced concerns regarding the turning manouvres into New Street and The Gangway, but subject to the CTMP being adhered, including management of abnormal 'wear and tear' together with the necessary permitting/noticing in place, there would not be reasons to resist the proposals, with the comments being the same as the Mundesley application (including the conditions under PF/23/0942).

**REPRESENTATIONS:**

No third party representations received, consultation period has expired.

**HUMAN RIGHTS IMPLICATIONS**

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

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

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

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

**CRIME AND DISORDER ACT 1998 - SECTION 17**

The application raises no significant crime and disorder issues.

**LOCAL FINANCE CONSIDERATIONS**

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

## **RELEVANT POLICIES**

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

Policy SS 1 - Spatial Strategy for North Norfolk  
Policy SS 4 - Environment  
Policy SS 6 - Access and Infrastructure  
Policy SS 7- Cromer  
Policy EN 1 - Norfolk Coast Area of Outstanding Natural Beauty  
Policy EN 2 - Protection and Enhancement of Landscape and Settlement Character  
Policy EN 3 - Undeveloped Coast  
Policy EN 4 - Design  
Policy EN 5 - Public Realm  
Policy EN 8 - Protecting and Enhancing the Historic Environment  
Policy EN 9 - Biodiversity and Geology  
Policy EN 10 - Development and Flood Risk  
Policy EN 11 - Coastal Erosion  
Policy EN 12 - Relocation and Replacement of Development Affected by Coastal Erosion Risk  
Policy EN 13 - Pollution and hazard prevention and minimisation  
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).  
Coastal Adaptation Supplementary Planning Document (September 2023)

### **National Planning Policy Framework (September 2023):**

Chapter 2 - Achieving sustainable development  
Chapter 4 - Decision-making  
Chapter 6 - Building a strong, competitive economy  
Chapter 8 - Promoting healthy and safe communities  
Chapter 9 - Promoting sustainable transport  
Chapter 12 - Achieving well-designed places  
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 - Conserving and enhancing the natural environment  
Chapter 16 - Conserving and enhancing the historic environment  
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)  
Kelling to Lowestoft Ness – Shoreline Management Plan (August 2012)  
Norfolk Coast AONB Management Plan 2019 - 2024

## **OFFICER ASSESSMENT**

### **MAIN ISSUES FOR CONSIDERATION:**

- 1. Principle of development**
- 2. Environmental Assessment**
- 3. Scope of works**
- 4. Impact upon the landscape character of the area and design**
- 5. Impact on heritage assets**
- 6. Transport**
- 7. Residential amenity impact**
- 8. Flood risk**
- 9. Habitats Regulations Assessment**
- 10. Planning balance/conclusion**

#### **1. Principle of development**

Paragraph 153 of the NPPF states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

Paragraphs 170-173 are also relevant, and make it clear that Local Plans should identify Coastal Management Areas and areas likely to be affected by physical changes to the coast and makes it clear that development in such areas would only be deemed acceptable where it can be demonstrated that:

- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
- b) the character of the coast including designations is not compromised;
- c) the development provides wider sustainability benefits; and
- d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast

Core Strategy Policy EN 3 sets out that in the Undeveloped Coast, only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted.

Core Strategy EN 11 sets out new development will not be permitted in Coastal Erosion Constraint Areas, unless it can be demonstrated that it will result in no increased risk to life or significant increase in risk to property.

Core Strategy Policy SS 4 sets out that all development proposals will contribute to the delivery of sustainable development, ensure protection and enhancement of natural and built environmental assets and geodiversity and be located and designed so as to reduce carbon emissions and mitigate and adapt to future climate change.

The Council will minimise exposure of people and property to the risks of coastal erosion and flooding and will plan for a sustainable shoreline in the long-term, that balances the natural coastal processes with the environmental, social and economic needs of the area.

The works relate to a section of coast subject to a Shoreline Management Plan (Policy Unit reference 6.04). The long-term plan for Cromer is to continue to protect assets within the town through defending the present position. This is technically sustainable due to relatively low sediment transport rates and therefore limited impact upon adjacent shorelines. The town is a key service centre of the district providing a range of facilities that support surrounding communities. This is recognised in the settlement hierarchy under Policy SS 1, where Cromer is identified as a principal settlement, where such settlements accommodate the majority of new development in the district. Given the significant size of the settlement and amongst the most sustainable parts of the district, ensuring the long-term protection of the town from coastal erosion is required. This is done through a hold the line policy, maintaining and, if necessary, replacing, and in the medium to longer term replacing and upgrading seawall structures. The scope of works fall within the objectives of the Shoreline Management Plan.

The Cromer frontage is at risk from coastal erosion should failure of the existing defences occur, despite maintenance of them, as set out in the supporting documentation there has been a gradual degradation of the defences, including the newer parts of the sea wall from abrasion. The scheme is the second part of a two phased Cromer Coastal Management Scheme. Phase 1 was completed in 2015 which consisted of refurbishment of sections of the seawalls and repairs to the timber groynes to preserve their integrity, as well as repair works from the 2013 storm. The works entailed in the application seek to address risks to the existing defences, and provide essential improvement and maintenance works to the existing coastal defences. The proposed works would be supportive in addressing coastal erosion processes and risks within this area.

The works relate to repair, maintenance and new sea defence works within an area where the policy is to hold the line and protect existing properties in Cromer, the principle of development on the Cromer frontage is therefore acceptable, subject to adherence to the rest of the Development Plan, the provisions contained within the NPPF and any other material considerations.

## **2. Environmental Assessments**

The proposed development comprises EIA development and an Environment Statement (ES) has been submitted with the application (following earlier screening and scoping stages). Appendix A-H of the ES provides comprehensive information, identifying potential significant environmental impacts of the scheme. Adverse significant environmental effects can be reduced and mitigated where identified, with the Environmental Statement setting out the outcome of this assessment, including direct and cumulative impacts on the natural, built and human environments.

Through implementation of the mitigation measures indicated in the technical assessments above and detailed in the Environment Statement (Volume 2) and Outline Environmental Management Plan (OEMP) (volume 3, Appendix H), no significant adverse effects are expected for Air Quality, Biodiversity, Fish and Shellfish, Commercial Fisheries, Climate Resilience, and Major Accidents and Disasters.

Not all significant adverse effects are likely to be avoided through implementation of the identified mitigation measures. There remains potential for significant adverse effects to occur for:

- Carbon during construction as construction of the Scheme would result in Green House Gas emissions through the embodied carbon of the materials, use of construction plant, transport of materials to site, maintenance and repair of assets and end-of-life emissions.
- Landscape and visual during construction - visibility of construction plant and equipment, storage of rocks and movement of vehicles, and the construction works themselves on some visual receptors.
- Materials and waste during construction as the rocks used during construction will be sourced nationally, or internationally.
- Noise and vibration during construction from the construction activities and from vibration during groyne piling activities on some receptors including some bird species in the Greater Wash SPA, however they can become habituated to the effects in the longer term.
- Population and Health during construction on some businesses within 500m, from construction activity and road works at interventions. Some adverse effects are also expected on walkers and cyclists due to potential temporary reduction in use and enjoyment for users of Public Rights of Way (PRoWs), Pier and beach.

In addition, significant benefits are expected for Coastal processes during operation, relating to the Scheme's improvements to the coastal defences.

Officers consider that the potential significant effects raised which cannot be fully mitigated against are more time limited during the construction phase (expected to last for 12 months) and are a mostly unavoidable part of the scheme. The improved defences should be more robust and require less maintenance than the existing defences, particularly the impacts to the sea wall through the revetment dissipating the wave energy to protect the existing seawall.

The Local Planning Authority is satisfied with the assessment and mitigation. The preferred Option was shortlisted from 5 options. Option 4 was selected as the preferred option for the scheme as this approach includes: groyne and seawall refurbishments with modification for sea level rise recognising that the most efficient long-term coastal protection is through a balanced approach between seawall and beach management. The other options were discounted on an assessment of whole life technical, economic and environmental grounds. Sufficient mitigation for other areas covered in the assessment can be achieved through the submission of a comprehensive CEMP during the construction phase.

### **3. Scope of works**

The full extent of works is set out in the planning statement, the repair works would not require planning permission but the seawall, rock revetment and slope protection measures would require planning permission (see Table 4.1 below).



**Table 4.1: Planning Permission Requirements**

<b>Proposed Works</b>	<b>Requirement for Planning Permission</b>
Groyne Repairs	Involves maintenance and like-for-like repairs. Would likely not constitute development or would fall within GPDO.
Seawall Repairs	Comprises seawall repairs. Would likely not constitute development or would fall within GPDO
Seawall Apron	Sheet steel pile driven into the beach to depth (approx. 7.5m below apron level), with a concrete apron then infilling between the sheet pile and the flint wall. Planning permission required.
Rock Revetment	Introduction of rock revetment. Planning permission required.
Slope Protection	Introduction of concrete mattress. Planning permission required.
Access	Repair works would likely not constitute development or would fall within GPDO. Planning permission required for new structures.

### Groyne repairs

The eight timber groynes along the frontage require ongoing maintenance to ensure their continued performance in holding the beach.

The repairs to the groynes are mostly like-for-like repairs to maintain the performance of the groynes in retaining beach material. The repairs would use sustainably sourced timber consisting of either European Oak or tropical hardwoods. The height of timber groynes is only likely to be changed if sediment transport conditions and wider consultation indicates that this is appropriate or beneficial. If there is a change it would be a reduction in height to remove upper planking where the beach level is much lower than the existing beach level. Therefore any change would still be in line with the rights afforded by the General Permitted Development Order (GPDO). There are no proposed changes to the layouts of the groynes, with the exception of including plant bays. The plant bays would be located within Groynes 4,5 and 6.

It is not expected that any of these repairs would significantly alter the visual aspect of the existing groynes; where planking is removed from groynes this would improve visibility along the frontage and reduce future risk of damage to the groynes in storms. There are to be some enhancements to the materials used; steel sheeters would replace timber where required but these are generally at or below current beach levels. Therefore, it is considered the works that would materially alter the appearance of the groynes would benefit from permitted development rights. Works that would not impact the appearance would not constitute development.

Existing beacons located at the end of the groynes would be replaced with a steel monopile and top mark to maintain marine navigation safety.

Locations of the repairs would be finalised during construction so that any damage over upcoming winter periods is captured, and so that additional defects to groyne elements uncovered during removal of marine growth that require addressing during construction can be addressed. However, the design package covers all types of anticipated repairs and these can be implemented across the groyne system as required. Plant access bays are included within the scheme to facilitate future maintenance. These bays allow a length of planks to be easily lifted out temporarily to allow plant access through groynes, before being reinstated within the groyne.

### Seawall repairs

A range of seawall repairs are required where defects in the existing concrete and (flint) masonry walls are apparent. These repairs would typically require the breaking out of a patch of defective concrete or masonry and replacement with a repair mortar formed to the original geometry as well as joint sealing. Such patch repairs would be observable where the fresh mortar is located within older concrete but once weathered would become less noticeable. Taking this into account, the proposed repairs that would materially affect the appearance of the seawall would benefit from permitted development rights. Works that would not impact the appearance would not constitute development.

### Seawall apron

The flint wall to the east of the site is a historic seawall which lines the toe of the steep cliffs behind. This section of seawall currently has a shallow foundation. If beach levels were to drop significantly, this would risk the structural integrity of the wall. A proactive preventative measure is being installed which is formed of a steel sheet pile driven wall into the beach, with a concrete apron then infilling between the sheet pile and the flint wall. The apron will initially be below the beach level until ongoing beach material loss exposes the apron in the future.

### Rock revetment

The introduction of a rock revetment to the west of Pier is the most significant change along the Cromer frontage. A revetment consisting of layers of rock is an effective structure at dispersing wave forces; for the Cromer frontage, this will perform three functions:

- Protecting the existing seawall from the flint cobbles that exist on the beach and currently cause severe abrasion of the seawall;
- Reducing the volume of overtopping during high tides with swell waves and storm events via the effectiveness of the rock revetment in absorbing most of the wave energy; and
- Reducing wave energy reflected from the seawall which may encourage the retention of beach material helping to maintain current beach levels.

A shore parallel revetment along the toe of the existing concrete seawall is to be constructed from the pier heading west to the Melbourne Slope. The structure will be constructed from layers of rock armour (suitable rock for the marine environment) placed on the top of the concrete apron and extending beyond the seaward edge of the apron with some embedment below the level of the existing beach. Major defects in the concrete apron would be repaired prior to rock placement.

A concrete walkway access from the existing ramp across the new rock revetment would be constructed to maintain access (see section 4.8 Access). The concrete steps would have replaceable steel/timber risings owing to anticipated abrasion.

A short transition revetment is proposed at the western extent of the Scheme to manage future outflanking of the seawall at the transition between the Hold the Line and No Active Intervention policies.

### Slope protection

Behind the promenade the steep cliffs are to be provided with slope protection in the form of a cellular concrete mattress, between the Pier and the Melbourne Slope (identified in accompanying drawings). The mattresses would extend to a level approximately 5m above the top of the wall at the back of the promenade. At end of the slope aligned with the Pier, where the mattresses interacts with the access ramp, the level of the top of the mattress would remain constant and the bottom of the mattresses would be locally adjusted to suit the slope of the ramp.

The provision of this slope protection is a direct response to the erosion that occurred during the December 2013 storms which saw significant wash out and failure of the cliff. Considering the proximity of the Victorian buildings along the cliff top, failure of the slope could have significant repercussions and therefore a robust solution is required.

The concrete mattress consists of individual concrete blocks connected by steel wires to form mattresses approximately 2m by 6m. Wires are secured within a concrete beam at the top and toe of the mattress. This would leave a horizontal concrete feature along the toe and midway up the slope over the extent of the mattress. The design has minimised the surface preparation requirement to avoid destabilising the cliff. The mattresses are to be pinned with steel stakes to keep them tight against the cliff face. Each concrete block has a cut-out at the centre which enables it to retain soil and be seeded so that the slope can re-vegetate. Seeding is proposed to be a local native wildflower mix that does not require maintenance owing to the steep slopes. A similar system has been installed nearby at Sheringham

The slope protection would minimise the potential for wash out of the cliff face during significant overtopping events. Combined with the reduced overtopping that is anticipated from the provision of the rock revetment in front of the seawall, this should improve the stability of the cliffs during storms.

#### Temporary site compound

The site compound area would be in existence for the duration of the construction period. Temporary buildings and structures are permissible under Schedule 2, Part 4, Class A of the General Permitted Development Order (GPDO) subject to limitations and conditions set out in Part A.1 and A.2. Construction works is expected to last around 12 months The main compound would be located at the Runton Road Car Park and there would be multiple storage locations on the Promenade.

Officers consider that the temporary buildings and structures have been adequately assessed as part of the submitted Environmental Statement and proposed conditions would secure a Construction Traffic Management Plan.

#### **4. Impact upon the landscape character of the area and design**

Policy EN 1 seeks to protect the special qualities of Norfolk Coast Areas of Outstanding Natural Beauty (AONB), with development only being permitted where it is appropriate for the area, does not detract from the special qualities of the Norfolk Coast AONB, and facilitating the delivery of AONB management plan objectives.

Only a small section of the affected frontage would be in the AONB, which is to the east. The works within this area would be limited to repairs to the existing groyne, the concrete apron to the flint wall is further west from this designation, with the most significant developments taking

place to the west of the pier, as such the impact to this designation would be negligible (including views towards and from the designated area).

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, distinctive settlement character and the setting of, and views from, Conservation Areas. Core Strategy Policy EN 4 states that all development will be of a high quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The proposal would entail visual changes in the area, notably the rock revetment and slope protection works. This would impact the character and introduce a more engineered appearance looking towards the town from the beach. It is recognised the revetment would be placed forward of the existing sea wall defences, and as noted in the supporting documentation, is not dissimilar to similar defence works undertaken at Sheringham. There are other examples of rock defences within North Norfolk including the Runtons, Overstrand and Happisburgh.

The cellular concrete mattress proposed to be installed would extend to a level of 5m above the level of the top of the wall at the back of the promenade between the pier and Melbourne Slope. The concrete blocks have cut-outs at the centre, with a native wildflower seed mix planted, enabling them to retain soil so the slope can re-vegetate. This should provide some mitigation against the more engineered appearance of the slope during the summer months, but during the winter months the vegetation coverage would die back resulting in some exposure of the concrete blocks. The nature of the slope would be significantly altered from the slope protection works, it is recognised such works are required to protect the slope and clifftop properties (restaurants, hotels and homes). The design ensures that when revegetated, there would be sufficient coverage to mitigate against this engineering.

## **5. Impact on heritage assets**

Policy EN 8 of the Core Strategy states that development proposals should preserve or enhance the character and appearance of designated assets, historic buildings/structures, monuments, landscapes and their settings through high quality, sensitive design. This policy also seeks to ensure that the character and appearance of Conservation Areas is preserved, and where possible enhanced, encouraging the highest quality building design, townscape creation and landscaping in keeping with these defined areas.

It should be noted that the strict 'no harm permissible' clause in Policy EN 8 is not in full conformity with the guidance contained in the latest version of the National Planning Policy Framework (September 2023). As a result, in considering the proposal for this site, the Local Planning Authority will need to take into consideration the guidance contained within Chapter 16 of the NPPF as a material consideration. A number of these requirements are alluded to below, including the requirement to balance any less than substantial harm to a designated heritage asset against the public benefits of the development.

Paragraph 194 of the NPPF state that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected,

including any contribution made by their setting. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 203 states that effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application

As set out in the conservation officer comments, the proposed works would result in less than substantial harm (low level) to the significance of designated heritage assets, these include; Cromer Pier; Sea Wall Defences Including Promenade And Cliff Retaining Walls From Opposite The Bottom Of Melbourne Slope To The Gangway; Western House, Kandahar Flats and Regency Hotel; Jetty Cliff and Bastion including Sloping Pedestrian Pathways; Hotel de Paris (MM035), Victoria House; and the Cromer Conservation Area

The heritage statement acknowledges the proposed scheme would alter the setting of assets situated to the west of Cromer Pier, where the proposed rock revetment is to be located. Assets situated close to the proposed slope protection may also experience minor impacts to their setting. It is considered that the repair works to the sea wall and groynes would not result in any permanent impacts to the significance of any heritage assets. The proposed sea defences are in the context of the existing structures and would not alter any important historic views to the extent that the heritage interest of the Cromer Conservation Area is significantly diminished. The proposed scheme would provide some positive impacts on designated and non-designated heritage assets as the coastal erosion protection provided would minimise potential damage to these assets caused by coastal erosion.

Officers concur with the findings of the heritage statement, and comments from the conservation team. The recreational character of the locality would be impacted from the proposed developments, particularly the additional significant engineering development proposed. The harm from the proposed works are in part mitigated given the existing context of defences on the Cromer frontage, and the works would not fundamentally undermine the understanding and appreciation of the pier as the principal focal point, nor significantly affect the relationship between the built form and the sea front.

Even if it were considered that the proposed works result in harm to designated heritage assets, such harm would be at the lower end of "less than substantial" and only modest public benefit would be required to outweigh this harm.

Officers consider that the proposals would accord with the aims of Core Strategy policy EN 8 and the provisions within Chapter 16 of the NPPF.

## **6. Transport**

The submitted transport assessment concludes that the proposals would not have a severe impact on the local highway network. There would be two access routes to the scheme to be used by construction vehicles for the scheme. The Transport Assessment considered a worst-case scenario, based on Central Rhyl coastal defences scheme for traffic flow estimates (which were comparable in terms of the nature of works). From the trip generation in the case

of Rhyl (which would be a worst case scenario on the trip generation expected for Cromer), this could require 32 two-way HGV vehicles to access the site and typically 45 contractor staff vehicles each day.

It was observed that there was not excessive queueing or flows along the highway network during the AM or PM peak periods. The additional traffic flows generated by the development proposals are not considered to severely increase flows on the local highway network, nor result in a severe worsening in the operation of the local highway network during the schemes construction.

NCC Highways have responded with no issues in principle, however, the management of the works traffic is an essential element of the proposals given the beach access points (Gangway and Adj No.1 (the Melbourne Slope)), the stature of the approach roads, which are strategic routes subject to seasonal embargos and some concerns have been raised with the proposed routing and potential conflict with pedestrians. There have been discussions with the Streetworks Team and subject to the submission of a Construction Traffic Management Plan and adherence to this via condition (same as per the highway comments for the Mundesley application), the highways officer confirmed they have no objections to the proposals.

It should also be noted, as set out in the supporting documentation, aspects of the works would be subject to sea transport, with the rocks being delivered to Cromer on barges for the proposed revetment works. Full details of this would be outlined in a Construction Environmental Management Plan (CEMP).

Concerns have been raised over access to coastal paths and routes between the town and frontage, whereby separate permissions would be required for closures and diversions. In this case, no permanent path closures or diversions are envisaged during construction works.

Subject to the imposition of conditions, the proposal would accord with the aims of Core Strategy policies CT 5 and CT 6.

## **7. Residential amenity impact**

Policy EN 4 of the Core Strategy states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 130 of the NPPF states that developments should create places with a high standard of amenity for existing and future users

The proposed works have the potential to impact nearby residential receptors during the construction phase. Particularly through increased road traffic, excavation works and presence of construction vehicles and equipment. This would result in effects including dust, noise, vibration and visual issues. These effects are noted in the Environment Statement and as set out the works would be subject to compliance with a finalised CEMP which would be conditioned to mitigate, and as far as reasonably practical, reduce some of these impacts and disturbance to nearby receptors. As noted in the Environmental Health comments there is some discrepancy in the proposed working hours and these would need to be set out in a finalised CEMP.

Whilst there will inevitably be some short-term impacts during construction, it should also be recognised that nearby receptors to the defence works stand to benefit the most from the

proposed works by protecting properties on the Cromer frontage.

Subject to the imposition of conditions, the proposal would accord with the aims of Core Strategy policy EN 4

## **8. Flood Risk**

The development site lies within Flood Zones 2 and 3 as defined by the Environment Agency. Such development should be supported by a Site Specific Flood Risk Assessment (FRA) in line with the requirements set out within Core Strategy Policy EN 10 and Chapter 14 of the NPPF. No FRA has been submitted with this application which conflicts with the above requirements. However, the development relates to coastal sea defences, reinforcing and enhancing the existing defences which is in line with the policies in the Shoreline Management Plan to support holding the line. The defences would protect business and properties in the town from coastal erosion, and this is considered a sustainable option in the current SMP. Therefore, whilst the appropriate supporting documents have not been provided as part of this application, in this instance, for the reasons set out above, the impacts have been assessed across the wider coastal area covered by the Shoreline Management Plan and its adoption. Furthermore, the Environment Agency have considered the proposed development have raised no objection.

On balance, Officers consider that the proposal would not give rise to significant adverse impacts from flooding and, subject to the imposition of conditions, would accord with the aims of Core Strategy policy EN 10.

## **9. Habitats Regulations Assessment**

The applicant has undertaken appropriate assessments of the proposals (December 2022, Mott MacDonald), in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).

The HRA has considered that the proposed works would not have any adverse effects on the overall integrity of the designated sites and their features either alone, or in-combination. This is due to the nature of the works themselves and also the mitigation measures outlined in the report, and subject to the submission of a CEMP to minimise the impacts from the proposed works.

Natural England provided a combined response for both Mundesley and Cromer defence works and initially raised a holding objection on the works based on insufficient information, citing this could have potentially significant effects on protected designated sites. However, these comments are directed to the defence works proposed to take place at Mundesley (this was confirmed in subsequent discussions with Natural England, and email correspondence received 22 September 2023). Upon further review, Natural England are satisfied with the mitigation and best practice proposals outlined in the environmental assessments submitted, and subject to conditions being included, the objection has been withdrawn.

Subject to conditions, officers are satisfied with the scope and measures outlined in the habitats regulations assessment. The proposal would accord with Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 174 of the NPPF.

## 10. Planning balance/conclusion

The principle for sea defence works along this section of coastline is supported by the Development Plan, Shoreline Management Plan and provisions within the NPPF, as the works would protect existing properties in Cromer, a significant settlement in the settlement hierarchy.

Officers recognise that aspects of the proposed works would have a notable visual impact on the character of the frontage, and would result in a more engineered appearance.

However, the proposal, as a whole, would accord with the aims of Development Plan policies. Where conflicts with Development Plan policies arise, those conflicts are considered to be outweighed by the public benefits associated with the proposal including the longer-term protection of Cromer from coastal erosion impacts

### 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 following approved plans and documents, except as may be required by specific condition(s):

Documents

Planning Statement, received 25 April 2023

Design and Access Statement, received 25 April 2023

Buildability Statement, received 25 April 2023

Volume 1: Non-Technical Summary, December 2022, received 25 April 2023

Volume 2: Environment Statement, January 2023, received 25 April 2023

Volume 3: Appendix A - Dust Risk Assessment, December 2022, received 25 April 2023

Volume 3: Appendix B - Heritage Statement, December 2022, received 25 April 2023

Volume 3: Appendix C - Water Framework Directive (wfd) Assessment, December 2022, received 25 April 2023

Volume 3: Appendix D - Habitats Regulations Assessment, December 2022, received 25 April 2023

Volume 3: Appendix E - Marine Conservation Zone (MCZ) Assessment, December 2022, received 25 April 2023

Volume 3: Appendix F - Transport Assessment, December 2022, and associated appendices A (MCC data) and B (traffic flow diagram) received 25 April 2023

Volume 3: Appendix G - Terrestrial Habitat and Botanical Walkover Survey Report, December 2022, received 25 April 2023

Volume 3: Appendix H - Outline Environmental Management Plan, December 2022, received 25 April 2023



Appendix C: Vehicle Swept Paths, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1010 P01, received 25 April 2023

Appendix D: Visibility Splays, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1015 P01, received 25 April 2023

## Plans

Cromer Access Ramp, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1120 C02, received 17 May 2023

General Arrangement Plan, Sheet 01 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1020 C01, received 17 May 2023

General Arrangement Plan, Sheet 02 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1021 C02, received 17 May 2023

General Arrangement Plan, Sheet 03 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1022 C03, received 17 May 2023

General Arrangement Plan, Sheet 04 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1023 C02, received 17 May 2023

Groyne Repairs, Sheet 01 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1200 C02, received 17 May 2023

Groyne Repairs, Sheet 02 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1201 C01, received 17 May 2023

Groyne Repairs, Sheet 03 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1202 C01, received 17 May 2023

Groyne Repairs, Sheet 04 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1203 C02, received 17 May 2023

Navigation Beacon, drawing no. 102438-MMD-CR-XX-DR-C-1205 C01, received , received 17 May 2023

Reinforced Concrete Apron, Sheet 01 of 02, drawing no. 102438-MMD-CR-XX-DR-C-1130 C02, received 17 May 2023

Reinforced Concrete Apron, Sheet 02 of 02, drawing no. 102438-MMD-CR-XX-DR-C-1131 C02, received 17 May 2023

Rock Armour, Sheet 01 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1300 C02, received 17 May 2023

Rock Armour, Sheet 02 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1301 C02, received 17 May 2023

Rock Armour, Sheet 03 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1302 C02, received 17 May 2023

Rock Armour, Sheet 04 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1303 C02, received 17 May 2023

Site Clearance, Utilities and Access Compounds, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1002 C02, received 17 May 2023

Site Location Plan, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-T-1001 P02, received 17 May 2023

Site Plan Proposed, Sheet 01 of 03, drawing no. 102438-MMD-CR-XX-DR-T-1051 P01, received 25 April 2023

Site Plan Proposed, Sheet 02 of 03, drawing no. 102438-MMD-CR-XX-DR-T-1052 P01, received 25 April 2023

Site Plan Proposed, Sheet 03 of 03, drawing no. 102438-MMD-CR-XX-DR-T-1053 P01, received 25 April 2023

Slope Protection, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1150 C02, received 17 May 2023

Steps Plan, Sheet 01 of 01, drawing no. 102438-MMD-CR-DR-C-1600 C01, received 17 May 2023

Steps Sections, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1601 C02, received 17 May 2023

Steps Details, drawing no. 102438-MMD-CR-XX-DR-C-1602 C02, received 17 May 2023

Toe Beam, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1500 C02 received 17 May 2023

Typical Examples of Seawall Repairs, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1110 C02, received 17 May 2023

Reason:

For the avoidance of doubt

3. Prior to the commencement of works a Biosecurity Risk Assessment shall be produced and enacted for the project, setting out preventative and avoidance measures for the spread and introduction of Invasive and Non-Native Species (INNS). Any mitigation measures outlined in the Biosecurity Risk Assessment shall be incorporated into the Construction Environmental Management Plan required by Condition 4.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006)

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when special ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason:

In accordance with the requirements of Policies EN 4 and EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

5. Throughout the development, where noise limits have the potential to be exceeded or construction works are to take place outside of the agreed hours specified with the Construction Environmental Management Plan, alternative methods will be considered and specific mitigations agreed in conjunction with North Norfolk District Council. This may include application under Section 61 of the Control of Pollution Act 1974.

Reason:

In accordance with the requirements of Policy EN 4 of the National Planning Policy Framework and paragraph 130 of the National Planning Policy Framework in the interests of protecting nearby residential amenity.

6. The works shall be undertaken in strict accordance with the mitigation measures outlined in the Habitats Risk Assessment (Volume 3: Appendix D - Habitats Regulations Assessment, Mott Macdonald dated December 2022) and The Environmental Statement (Volume 2: Environment Statement, January 2023, received 25 April 2023)

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006)

7. Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the construction period.

Reason:

To ensure adequate off-street parking during construction in the interests of highway safety, in accordance with the requirements of Policy CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework. This needs to be a pre-commencement condition as it deals with the construction period of the development.

8. Prior to the commencement of any works a Construction Traffic Management Plan (and Access Route) which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority (together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic).

For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads.

Reason:

In the interests of maintaining highway efficiency and safety, in accordance with the requirements of Policy CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

#### **Applicant Notes and Informatives:**

- 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).

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

**Mundesley PF/23/0942 – Remedial works to the existing groynes, seawalls and aprons. Constructing a rock berm on the western section in front of existing steel framed structure, rock stockpile in front/behind of the timber revetment on the west. Scour protection works on a section of cliff plus remedial works on a section of promenade on the east and extension of an existing apron/ramp on the east to allow plant to access Mundesley Beach (Mundesley Coastal Management Scheme)**

## **Major Development**

**Target Date:** 7<sup>th</sup> September 2023

**Case Officer:** Mr Mark Brands

**Full Planning Permission**

## **REASONS FOR REFERRAL TO COMMITTEE**

This application is referred to the Development Committee in line with the Council's constitution as the development is a Major Application and the District Council are the applicants and representations have been received.

## **RELEVANT SITE CONSTRAINTS**

The site lies within the Undeveloped Coast, a Candidate County Geodiversity Site, the Mundesley Cliffs Site of Special Scientific Interest (SSSI), the Sidestrand and Trimmingham Cliffs SSSI, Mundesley Cliffs County Wildlife Site, a Specific Area of Conservation (SAC) and a Special Protection Area (SPA)

Within the Coastal Erosion Risk Area

Within Mundesley Conservation Area

The site may contain Contaminated Land

The site falls within the England Coast Path Coastal Margin

Landscape Character Assessment - River Valleys and Coastal Shelf

The site lies both within the Countryside and the Mundesley Settlement Boundary

The site contains areas designated as Open Land Area and Flood Zone 3

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

## **RELEVANT PLANNING HISTORY**

None.

## **THE APPLICATION**

### **Proposal**

The proposal is for remedial works to the existing groynes and navigation beacons, seawalls and aprons. Constructing a rock berm on the western section in front of existing steel framed structure, rock stockpile in front/behind of the timber revetment on the west. Scour protection works on a section of cliff plus remedial works on a section of promenade on the east and extension of an existing apron/ramp on the east to allow plant to access Mundesley Beach. The application site covers 24.6 hectares, and scope of works, repairs and maintenance covers 1.7km of the Mundesley frontage.

#### Amendments / further information received

The details originally submitted showed the main site compound at Gold Park, but this was an error. The proposed compound is to be to the front of the NNDC (Beach Road) car park. The compound drawing was amended and the supporting documentation and reports were updated accordingly to reflect this revision.

Amended plan was received on 05 June 2023:

- Site Clearance, Utilities and Access Compounds, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1002 C03, received 5 June 2023

Amended documents and reports received 6 June 2023:

- Volume 2: Environment Statement
- Volume 3: Appendix F - Transport Assessment, and appendices A (MCC data) and B (traffic flow diagram)
- Volume 3: Appendix H - Outline Environmental Management Plan
- Appendix C: Vehicle Swept Paths, drawing no. 102438-MMD-MN-XX-DR-C-1010 P01
- Appendix D: Visibility Splays, drawing no. 102438-MMD-MN-XX-DR-C-1015 P01

#### **CONSULTATIONS:**

**Mundesley Parish Council – Support**

**Norfolk County Council (Highways) – No objections subject to conditions**

**NCC Flood & Water Mgmt (LLFA) – No comments**

**NCC Planning Obligations – No comments**

**Environment Agency – No objections subject to condition**

**Historic England - No comments (views from the council's conservation team should be sought)**

**Marine Management Organisation – comments received**

Works within the Marine area require a licence from the Marine Management Organisation.

**Natural England - Further information required to determine impacts on designated sites**

As submitted, the application could have potential significant effects on:

- Greater Wash Special Protection Area (SPA), Southern North Sea Special Area of Conservation (SAC), Overstrand Cliff SAC Paston Great Barn SAC, Sidestrand and Trimmingham Cliff Site of Special Scientific Interest (SSSI), Mundesley Cliff SSSI Overstrand Cliff SSSI, East Runton Cliff SSSI, West Runton Cliff SSSI, Winterton-Horsey Dunes SSSI

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- An assessment of changes to geomorphological processes that may impact the erosion patterns of any of the designated cliff sites that increase the vulnerability of the Winterton-Horsey Dunes SAC, SSSI to a lack of sediment input.
- A SSSI Impact assessment to rule out adverse impact on SSSI's as a result of the project

Without this information, Natural England may need to object to the proposal.

### **Conservation and Design (NNDC) – No objection**

Concur with the findings in the submitted heritage statement that the works would cause no lasting harm to the overall significance of the heritage assets, consisting of the conservation area and 4 Grade II listed buildings for the following reasons;

1. Much of the beach frontage already has a functional/protective quality,
2. The works would not fundamentally affect the intrinsic connection between the built form and the sea front,
3. They would, however, provide a much needed defence for the town against the maritime elements, and
4. The listed buildings all sit outside of the red line boundary of the application,

Even if one were to generously conclude that the blockwork mattresses and the new concreted areas would result in some harm being caused to the designated area, it would be of a relatively low level and would be heavily outweighed by the preservation objectives which underpin the scheme.

### **Environmental Health – No objections subject to conditions**

#### **NCC - Minerals And Waste – Comments received**

Application would be exempt from the requirements of Policy CS16-safeguarding of the adopted Norfolk Minerals and Waste Core Strategy

#### **NCC Public Rights Of Way & Green Infrastructure – No objections**

The Norfolk Coast Path is aligned along the slipway with the 'proposed rock transition structure' at the Eastern end of the project. We would request that any disturbance to the route be kept to a minimum and a suitable alternative walking route be provided for the duration of the works

#### **Norfolk Local Access Forum - Comments**

It appears that no significant account has been taken of the tourist implications for Mundesley and how any effects might be moderated. It also seems clear that the England Coast Path (ECP) runs through parts of the work site and the Norfolk Local Access Forum therefore endorses the Norfolk County Council public rights of way response and strongly requests that the planned work be reviewed to ensure that the ECP is safeguarded and safely accessible throughout any works. Should it need to be closed, the closure should be for the shortest possible period and there should be a convenient diversion established and clearly signposted

#### **Ramblers Association**

- Not clear what diversions are taking place and when and how existing paths are being diverted during works
- Seaward of the England Coast Path is accessible to everyone on foot. Thus, while the Coast Path can be diverted by application to Natural England and the County Council, an

application for a restriction on the spreading room to seaward would have to be made to Natural England

## **REPRESENTATIONS:**

**One** (1) public comment received, neutral, neither objecting or supporting, summarised below:

- The Transport Statement produced by Mott MacDonald contains several obvious errors and should be returned for re-work. These errors detract from the veracity of the report

Full comments available on the public website (including some examples of the errors)

## **HUMAN RIGHTS IMPLICATIONS**

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

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

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

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

## **CRIME AND DISORDER ACT 1998 - SECTION 17**

The application raises no significant crime and disorder issues.

## **LOCAL FINANCE CONSIDERATIONS**

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

## **RELEVANT POLICIES**

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

Policy SS 1 - Spatial Strategy for North Norfolk

Policy SS 4 - Environment

Policy SS 6 - Access and Infrastructure

Policy SS 7- Cromer

Policy EN 1 - Norfolk Coast Area of Outstanding Natural Beauty

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

Policy EN 3 - Undeveloped Coast

Policy EN 4 - Design

Policy EN 5 - Public Realm

Policy EN 8 - Protecting and Enhancing the Historic Environment

Policy EN 9 - Biodiversity and Geology

Policy EN 10 - Development and Flood Risk

Policy EN 11 - Coastal Erosion



Policy EN 12 - Relocation and Replacement of Development Affected by Coastal Erosion Risk  
Policy EN 13 - Pollution and hazard prevention and minimisation  
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).  
Coastal Adaptation Supplementary Planning Document (September 2023)

**National Planning Policy Framework (September 2023):**

Chapter 2 - Achieving sustainable development  
Chapter 4 - Decision-making  
Chapter 6 - Building a strong, competitive economy  
Chapter 8 - Promoting healthy and safe communities  
Chapter 9 - Promoting sustainable transport  
Chapter 12 - Achieving well-designed places  
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 - Conserving and enhancing the natural environment  
Chapter 16 - Conserving and enhancing the historic environment  
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)  
Kelling to Lowestoft Ness – Shoreline Management Plan (August 2012)  
Norfolk Coast AONB Management Plan 2019 - 2024

**OFFICER ASSESSMENT:**

**MAIN ISSUES FOR CONSIDERATION:**

1. Principle of development
2. Environmental Assessment
3. Scope of works
4. Impact upon the landscape character of the area and design
5. Impact on heritage assets
6. Transport
7. Residential amenity impact
8. Flood risk
9. Habitats Regulations Assessment
10. Planning balance/conclusion

**1. Principle of development**

Paragraph 153 of the NPPF states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk,

coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

Paragraphs 170-173 are also relevant, and make it clear that Local Plans should identify Coastal Management Areas and areas likely to be affected by physical changes to the coast and makes it clear that development in such areas would only be deemed acceptable where it can be demonstrated that;

- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
- b) the character of the coast including designations is not compromised;
- c) the development provides wider sustainability benefits; and
- d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast

Core Strategy Policy EN 3 sets out that in the Undeveloped Coast, only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted.

Core Strategy Policy EN 11 sets out new development will not be permitted in Coastal Erosion Constraint Areas, unless it can be demonstrated that it will result in no increased risk to life or significant increase in risk to property.

Core Strategy Policy SS 4 sets out that all development proposals will contribute to the delivery of sustainable development, ensure protection and enhancement of natural and built environmental assets and geodiversity and be located and designed so as to reduce carbon emissions and mitigate and adapt to future climate change.

The Council will minimise exposure of people and property to the risks of coastal erosion and flooding and will plan for a sustainable shoreline in the long-term, that balances the natural coastal processes with the environmental, social and economic needs of the area.

The proposed works relate to a section of coast subject to a Shoreline Management Plan (Policy Unit reference 6.08). The frontage is subject to a “hold the line” policy, either end (6.07 and 6.09) are subject to a no active intervention policy. The hold the line frontage is the present day policy option, and maintaining defences in the medium period. The transition of the longer term however envisages managed realignment subject to adequate mitigating social measures having been identified to limit the impact. The position of the town on the coast means a significant proportion of sediment supply for the entire shoreline management plan area could be blocked, which could accelerate erosion elsewhere, leading to more rapid loss of property and destruction of natural habitats (with particular regard to potential adverse impacts on the Winterton to horsey Dunes SAC and Great Yarmouth North Denes SPA).

It is anticipated that it is still some years before this area creates this major interruption to sediment supply, therefore maintaining the existing defences for as long as is technically acceptable and economically sustainable is appropriate while further investigations are undertaken. In the longer term, given the likely impacts to the rest of the shoreline management plan area, there may need to be a realignment and allow the cliffs to retreat in line with the shoreline either side. This would need to be considered in association with the

shoreline at Bacton Gas Terminal section and further survey work.

The main frontage is subject to a Hold the Line policy until 2055 with works required to provide repairs and proactive maintenance to sustain the performance of the coastal defences. This is sustainable in the short to medium term, to protect the assets within the settlement. Mundesley is identified as a coastal service village in the settlement hierarchy under Policy SS 1, benefitting from a range of services and facilities. The scope of the works fall broadly within the objectives of the shoreline management plan. The rock stockpile aspect to the western section has prompted concerns from Natural England on compatibility with the shoreline management plan and how these works would impact protected sites. There are ongoing discussions with Natural England over this aspect. Further options on these aspects could be explored and if required the plans amended accordingly regarding the stockpiling aspect including reducing the extent so it does not sit within the SSSI area and more details on the temporary nature of the stockpile etc.

The Mundesley frontage is very much at risk from coastal erosion should failure of the existing defences occur. Despite maintenance of them, there has been a gradual degradation of the defences from abrasion and corrosion. The works entailed in the application seek to address risks to the existing defences, and provide essential improvement and maintenance works to the existing coastal defences. The proposed works would be supportive in addressing coastal erosion processes and risks within this area and improve the protection of the cliffs during significant storms.

The works relate to repair, maintenance and new sea defence works within an area where the policy is to hold the line and protect existing properties in Mundesley, the principle of development on the Mundesley frontage is therefore acceptable, subject to adherence to the rest of the Development Plan, the provisions contained within the NPPF and any other material considerations.

## **2. Environmental Assessments**

The proposed development comprises EIA development and an Environment Statement (ES) has been submitted with the application (following earlier screening and scoping stages). Appendix A-H of the ES provides comprehensive information, identifying potential significant environmental impacts of the scheme. Adverse significant environmental effects can be reduced and mitigated where identified, with the Environment Statement setting out the outcome of this assessment, including direct and cumulative impacts on the natural, built and human environments.

Through implementation of the mitigation measures indicated in the technical assessments above and detailed in the Environment Statement (Volume 2) and Outline Environmental Management Plan (OEMP) (volume 3, Appendix H), no significant adverse effects are expected for Air Quality, Biodiversity, Fish and Shellfish, Commercial Fisheries, Climate Resilience, and Major Accidents and Disasters.

Not all significant adverse effects are likely to be avoided through implementation of the identified mitigation measures. There remains potential for significant adverse effects to occur for:

- Carbon during construction as construction of the Scheme would result in GHG

emissions through the embodied carbon of the materials, use of construction plant, transport of materials to site, maintenance and repair of assets and end-of-life emissions.

- Landscape and visual during construction from visibility of construction plant and equipment, storage of rocks and movement of vehicles, as well as the construction works themselves on some visual receptors.
- Materials and waste during construction as the rocks used during construction would be sourced internationally (from a Scandinavian quarry).
- Noise and vibration during Scheme from the works and from construction vibration during groyne piling activities on some receptors including some bird species in the Greater Wash SPA, however they can become habituated to the effects in the longer term.
- Population and Health during construction on some walkers and cyclists as there may be a potential temporary reduction in use and enjoyment for users of PROWs and beach.

In addition, significant beneficial effects are expected for Coastal processes during operation, relating to the Scheme's improvements to the coastal defences.

Officers consider that the potential significant effects raised in the ES that cannot be fully mitigated against are more time limited during the construction phase (expected to last for 12 months) and mostly an unavoidable part of the construction process. The improved defences should be more robust and require less maintenance than the existing defences, including dissipating the wave energy to protect the existing defences.

The Local Planning Authority is satisfied with the assessment and mitigation. The preferred Option was shortlisted from 9 options. Option 9 was selected as the preferred option for the scheme as this approach included seawall, apron and groyne refurbishments including protecting vulnerable sections with rock armour and scour protection and the placement of rock armour along areas of the frontage. This option recognises that the most efficient long-term coastal protection is through a balanced approach between seawall and beach management. The other options were rejected on an assessment of whole-life technical, economic and environmental grounds. Sufficient mitigation for other areas covered in the assessment can be achieved through the submission of a comprehensive CEMP during the construction phase.

### **3. Scope of works**

The full extent of works is set out in the planning statement, the repair works would not require planning permission but the seawall apron, rock berm and slope protection measures would require planning permission (see Table 4.1 below).

**Table 4.1: Planning Permission Requirements**

<b>Proposed Works</b>	<b>Requirement for Planning Permission</b>
Groyne Repairs	Involves maintenance and like-for-like repairs. Works would likely not constitute development or would fall within GPDO.
Seawall Repairs	Comprises seawall repairs. Works would likely not constitute development or would fall within GPDO.
Seawall Apron	Encasement of existing apron along the horizontal surface, over the sheet pile interface and down the sheet pile to a depth below the current beach level. Planning permission required.
Rock Revetment	Introduction of rock revetment. Planning permission required.
Slope Protection	Introduction of concrete mattress. Planning permission required.
Access	Repair works would likely not constitute development or would fall within GPDO. Planning permission required for new structures.

### Groyne repairs

The eleven groynes along the frontage require ongoing maintenance to ensure their continued performance in holding the beach. The groynes consist of two types of groynes; the majority are Erpingham groynes which have supporting wings along their length with the two groynes at the frontage centre (Groyne 4 and Groyne 6) resembling more traditional straight timber groynes (potentially having been previously adapted from Erpingham groynes). The proposed repairs include the following elements:

- Replacement of abraded piles which support the walers and planks;
- Replacement of defective walers and planks (abraded, cracked, loose);
- Provision of (or replacement of existing worn) sacrificial planks on piles that are in good condition but require protection from abrasion;
- On traditional groynes, replacement of sheeter planks (vertical planks at the base of the groyne) or existing corroded steel sheet pile sheeters, with steel sheet piles where required; and
- Existing beacons for the aid of navigation at the end of groynes are also to be replaced with a monopile structure to retain the functionality in marking the ends of groynes.

The repairs to the groynes are mostly like-for-like repairs to maintain the performance of the groynes in retaining beach material. There are no proposed changes to the layouts or types of groynes (i.e. existing groynes would be retained in their Erpingham or traditional forms).

It is not expected that these repairs would significantly alter the aesthetic of the existing groynes. There are to be some enhancements to the materials used; steel sheeters would replace timber where required but these are generally at or below current beach levels. Therefore, it is considered the works that would materially change the appearance of the groynes would benefit from permitted development rights. Works that would not impact the appearance would not constitute development.

### Seawall repairs

A range of seawall repairs are required where defects in the existing concrete walls are apparent. These repairs would typically require the breaking out of a patch of defective concrete and replacement with a repair mortar formed to the original geometry. Such patch repairs would be observable where the fresh mortar is located within older concrete but once weathered would become less noticeable. The proposed repairs that would materially affect the appearance of the seawalls would benefit from permitted development rights. Works that would not impact the appearance would not constitute development.

### Seawall apron encasement

The seawall has an apron along its full length; this was originally constructed by installing sheet piles offset 2-3m from the seawall and backfilling with concrete. As beach levels have dropped, the apron has become increasingly exposed. Defects in the upper surface of the apron are increasingly common and exposure of the sheet piles is increasing the corrosion rate ultimately leading to damage to the sheet piles and the concrete apron.

To increase the durability of the apron, a proactive approach is being taken to encase the existing apron along the horizontal surface, over the sheet pile interface and down the sheet pile to a depth below the current beach level to protect the sheet piles from abrasion and corrosion. The upper surface of the concrete would be given a brushed finish to provide a non-slip surface; when cast it would be free from deformations.

Frontage section 2A of the seawall would include encasement of the wall and the bullnose at the crest as well as encasement of the apron. This is to match the adjacent section of wall that has previously been encased due to damage. These works require planning permission and form part of this planning application.

### Rock Berm

The Mundesley frontage already has sections of rock revetment in the east, mainly around the slipways and access slopes below the Fishermen's hardstanding and Mundesley Volunteer Inshore Lifeboat station.

Rock berm is proposed in a number of sections along the frontage, including:

- Removal of the existing rock armour and replacement with a revetment that covers the entire section of seawall between Groynes 6 (River Munn Outfall) and Groyne 7. This is to prevent the undermining of this section which has been occurring recently and also to reduce some of the over-wash that can occur in high tides resulting in flows down beach slipway increasing the beach scour.
- Rock berm in front of the steel and concrete breastwork.  
This is to stabilise the existing structure so that continued corrosion of the steelwork does not lead to a failure and exposure of the cliff toe. Additionally, the berm would restrict public access to the steelwork which in its current condition constitutes a health and safety risk to the public should it fail. The new berm also improves protection to the cliffs behind during significant storms, an effect likely to worsen owing to future sea level rise.
- Stockpile of rock along sections behind the existing timber revetment.

This is to fulfil two roles, to provide protection to vulnerable cliffs during storms when the existing timber revetment is over-washed and to provide a stockpile so that in the event of

failures in the timber revetment gaps can be filled using the rock armour available in the stockpiles. The berm structure would be formed with a flat crest (approximately 3 rocks wide) the structure would then slope down with a 1:2 slope into the beach and be embedded to allow for future beach level reduction during storms. The stockpile rock would not be embedded nor laid on a geotextile as it is required to be moved in the future. These works require planning permission and form part of this planning application.

It should be noted this stockpile may not be continuous and extent would depend on availability and quantity of rock. The extent shown on the plans is the maximum extent that would be sought but it is unlikely the stockpile would extend to the area shown on the plans but the assumption is made to ensure the impacts have been fully assessed. This extent also may not be continuous, with the rock stockpile to be constructed in the areas most vulnerable to minimise cliff loss, and is temporary. Discussions are ongoing with Natural England on these areas, so the application may be subject to some revisions to allay the concerns raised in their comments. Reducing the extent of the rockpile may also negate the need for the further details requested (SSSI Impact Assessment and assessment of changes to geomorphological processes).

### Slope protection

Behind the promenade from west of the beach café until the end of the concrete seawall, the steep cliffs are to be provided with slope protection in the form of a cellular concrete mattress. The mattresses would extend to a level approximately 5m above the level of the promenade. Where the mattress interacts with the two access ramps, the mattresses would be locally adjusted to suit the slope of the ramp.

The concrete mattress consists of concrete blocks connected by stainless steel wires to form mattresses approximately 2m by 6m. Wires are secured within a concrete beam at the top and toe of the mattress. This would leave a horizontal concrete feature along the toe and midway up the slope over the extent of the mattress. The design has minimised the surface preparation requirement to avoid destabilising the cliff. The mattresses are to be pinned with stainless steel stakes to keep them tight against the cliff face. Each concrete block has a cut-out at its centre which enables it to retain soil and be seeded so that the slope can re-vegetate. Seeding is proposed to be a local native wildflower mix that does not require maintenance owing to the steep slopes.

The slope protection would minimise the potential for wash out of the cliff face during significant storm events. These works require planning permission and form part of this planning application.

### Access

There would be no changes to access on to the promenade from Mundesley town centre, either by road or foot.

Access along the promenade would be improved at the steps below the Ship Inn. Here the lower steps have subsided and as part of the Scheme would be reset. Additional defects along the promenade surface owing to settlement or voiding would also be addressed.

The most significant change would be the area below the Ship Inn steps, which has a significant number of steps, level changes and small viewing areas. The proposal here is to infill some of the level changes to remove steps by replacing them with ramps to facilitate step free access. The steps on to the beach in this area would be extended to the new platform level to retain access.

Along the promenade to the east between the Ship Inn steps and the access slope there are a couple of existing large steps that do not comply with current standards. These steps are to be recast to provide steps that conform to the latest accessibility standards in terms of their tread and rise. Additionally, a set of steel access steps would be provided in this area. This is to provide improved and alternative access from the beach onto the promenade as this area forms part of the Norfolk Coastal Path.

To the east of the River Mun Outfall, the promenade is of a split level – a high section goes up and over a historic Anglian Water Outfall feature, though the width of the promenade is not currently suitable for an excavator. The proposed works would widen the promenade so that the promenade can be used to transit from the slipway west of the River Mun outfall to the east; this would assist future maintenance operations allowing plant to pass even during high tides.

The access works require planning permission and form part of this planning application.

#### Temporary site compound

Temporary buildings and structures are permissible under Schedule 2, Part 4, Class A of the General Permitted Development Order (GPDO) subject to limitations and conditions set out in Part A.1 and A.2. Construction works is expected to last around 12 months. The main site compound and welfare for the Mundesley Scheme will be situated in the front section of the NNDC Beach Road car park. There will also be temporary compounds and storage areas along the frontage of Mundesley.

Officers consider that the temporary buildings and structures have been adequately assessed as part of the submitted Environmental Statement and proposed conditions would secure a Construction Traffic Management Plan.

#### **4. Impact upon the landscape character of the area and design**

Policy EN 1 seeks to protect the special qualities of Areas of Outstanding Natural Beauty, with development only being permitted where it is appropriate for the area, does not detract from the special qualities of the Norfolk Coast AONB, and facilitating the delivery of AONB management plan objectives.

Mundesley and the area of the proposed works would be outside of the AONB designation that surrounds the settlement. The works entail mostly repairs with the most significant works being the rock armour along existing defences. As such the impact to this designation would be negligible (including views towards and from the designated area) and would not affect the special qualities of the AONB.

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, distinctive settlement character and the setting of, and views from, Conservation Areas. Core Strategy Policy EN 4 states that all development will be of a high quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The proposal would entail visual changes in the area, notably the revetment and slope protection works. This would impact the character and introduce a more engineered appearance looking towards the town and cliffs from the beach. It is recognised the revetment would be placed alongside the existing defences as noted in the supporting documentation.

The Mundesley frontage already has sections of rock revetment in the east, mainly around the slipways and access slopes below the Fishermen's hardstanding and Mundesley Volunteer Inshore Lifeboat station. A new rock revetment is proposed between groynes 6 and 7. A rock toe berm is to be formed to support and prevent undermining of the existing steel frame and concrete block defence to the northwest of the Mundesley seawall and promenade. The proposed rock stockpile would be further west and this would sit alongside the timber revetment. The defences are not dissimilar to some of the defences in the town already, but on a larger scale, with similar defence schemes along the coast including at Sheringham and proposed at Cromer. It is noted the beach is currently at a higher level than usual, so some of the existing defence structures are currently covered by beach material obscuring their view. This would erode naturally and the beach level would drop over the winter, should this remain at an elevated level when works start, additional excavation may be required to place these by the base of the existing structures.

The cellular concrete mattress proposed to be installed would extend to a level of 5m above the level of the top of the wall at the back of the promenade. The concrete blocks have cut-outs at the centre, enabling them to retain soil so the slope can re-vegetate. This should provide some mitigation against the more engineered appearance of the slope during the summer months, but during the winter months the vegetation coverage would die back resulting in some exposure of the concrete blocks. The nature of the slope would be significantly altered from the slope protection works, it is recognised such works are required to protect the slope and amenity land and properties. The design ensures that when revegetated, there would be sufficient coverage to mitigate against this engineering.

Subject to the imposition of conditions, the proposal would accord with the aims of Core Strategy policies EN 1, EN 2 and EN 4

## **5. Impact on heritage assets**

Policy EN 8 of the Core Strategy states that development proposals should preserve or enhance the character and appearance of designated assets, historic buildings/structures, monuments, landscapes and their settings through high quality, sensitive design. This policy also seeks to ensure that the character and appearance of Conservation Areas is preserved, and where possible enhanced, encouraging the highest quality building design, townscape creation and landscaping in keeping with these defined areas.

It should be noted that the strict 'no harm permissible' clause in Policy EN 8 is not in full

conformity with the guidance contained in the latest version of the National Planning Policy Framework (September 2023). As a result, in considering the proposal for this site, the Local Planning Authority will need to take into consideration the guidance contained within Chapter 16 of the NPPF as a material consideration. A number of these requirements are alluded to below, including the requirement to balance any less than substantial harm to a designated heritage asset against the public benefits of the development.

Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 203 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.

As set out in the conservation officer comments the proposed works would not result in lasting harm to the overall significance of designated heritage assets, these include the Mundesley Conservation Area and four Grade II listed buildings comprising The Dell, Brick Kiln, Church of All Saints, and Cowper House.

The heritage statement acknowledges that the proposed scheme has the potential to temporarily alter the setting of heritage assets but that it would cause no lasting impact to it. The proposed sea defences are in the context of the existing structures and would not alter any important historic views to the extent that the heritage interest of Mundesley Conservation Area is diminished. The listed buildings would not be directly impacted from the proposals. The proposed scheme would also provide some positive impacts on designated and non-designated heritage assets as the coastal erosion protection provided would minimise potential damage to these assets caused by coastal erosion. The conservation team concurs there would be no lasting harm to designated assets.

Officers concur with the findings of the heritage statement, and comments from the conservation team. Much of the beach frontage has a functional and protective quality. Even if it were considered that the proposed works result in harm to designated heritage assets, such harm would be at the lower end of "less than substantial" and only modest public benefit would be required to outweigh this harm.

Officers consider that the proposals would accord with the aims of Core Strategy policy EN 8 and the provisions within Chapter 16 of the NPPF.

## **6. Transport**

The submitted transport assessment concludes that the proposals would not have a severe impact on the local highway network. There would be two access routes to be used by construction vehicles for the scheme. The Transport Assessment considered a worst-case

scenario, based on Central Rhyl coastal defences scheme for traffic flow estimates (which were compatible nature of works). From the trip generation in the case of Rhyl (which would be a worst-case scenario on the trip generation expected for Cromer), this could require 32 two-way HGV vehicles to access the site and typically 45 contractor staff vehicles each day.

It was observed that there was not excessive queueing or flows along the highway network during the AM or PM peak periods. The additional traffic flows generated by the development proposals are not considered to severely increase flows on the local highway network, nor result in a severe worsening in the operation of the local highway network during the schemes construction.

The comments raised by a member of the public are noted regarding inaccuracies in the transport assessment, most notable around the speed limits for the roads as some are incorrect. However, NCC Highways have raised no objection to the proposed works, noting that, although these essential works would significantly increase local HGV traffic movements, these would be of a temporary nature. No concerns were raised by NCC Highways regarding capacity issues on the local highway network or any highways safety impacts resulting from the additional traffic movements during the construction phase. Conditions are recommended should permission be granted..

It should also be noted, as set out in the supporting documentation, aspects of the works would be subject to sea transport, with the rocks being delivered to Mundesley on barges for the proposed revetment works. Full details of this would be outlined in a Construction Environmental Management Plan (CEMP).

Concerns have been raised over access to coastal paths and routes between the town and frontage, whereby separate permissions would be required for closures and diversions. In this case, no permanent path closures are envisaged during construction works. It should also be noted that the proposed works would improve the accessibility along the promenade, with infilling of some of the level changes, and removing steps with ramps, and recasting steps.

Subject to the imposition of conditions, the proposal would accord with the aims of Core Strategy policies CT 5 and CT 6.

## **7. Residential amenity impact**

Policy EN 4 of the Core Strategy states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 130 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

The proposed works have the potential to impact nearby residential receptors during the construction phase. Particularly through increased road traffic, excavation works and presence of construction vehicles and equipment. This would result in effects including dust, noise, vibration and visual issues. These effects are noted in the environment statement and, as set out, the works would be subject to compliance with a finalised CEMP which would be conditioned to mitigate and, as far as reasonably practical, reduce some of these impacts and disturbance to nearby receptors. As noted in the Environmental Health comments, there is some discrepancy in the proposed working hours and these would need to be set out in a finalised CEMP.

Whilst there will inevitably be some short-term impacts during construction, it should also be recognised that nearby receptors to the defence works stand to benefit the most from the proposed works by protecting properties on the Mundesley frontage.

Subject to the imposition of conditions, the proposal would accord with the aims of Core Strategy policy EN 4

## **8. Flood Risk**

The development site lies within Flood Zones 2 and 3 as defined by the Environment Agency. Such development should be supported by a Site Specific Flood Risk Assessment (FRA) in line with the requirements set out within Core Strategy Policy EN 10 and Chapter 14 of the NPPF.

No FRA has been submitted with this application which conflicts with the above requirements. However, the development relates to coastal sea defences, reinforcing and enhancing the existing defences which is in line with the policies in the Shoreline Management Plan to support holding the line. The defences would protect business and properties in the town from coastal erosion, and this is considered a sustainable option in the current SMP. Therefore, whilst the appropriate supporting documents have not been provided as part of this application, in this instance, for the reasons set out above, the impacts have been assessed across the wider coastal area covered by the SMP and its adoption.

### Works affecting the River Mun

The Environmental Statement (ES) (volume 2) – “Works on timber groynes may increase risk of damage to the Main River Mun outfall located alongside an existing groyne. This may lead to increased fluvial flood risk if the outfall is damaged or blocked”.

The ES (VOL. 2) states this would be mitigated as construction and maintenance activities should take extreme care when undertaking works to the timber groynes and avoid any interaction with outfalls. Therefore, eel passage into the River Mun should not be impacted as there would be no change to the outfall.

The ES (VOL. 2) also states “works will be restricted to when tidal waters start to recede to minimise interaction with fish and limits the chance of sediments causing significant turbidity and introduction of noise energy likely to impact fish movement or spawning”.

The Environment Agency is satisfied these mitigation measure are appropriate and effectively reduces the risks to the River Mun.

On balance, Officers consider that the proposal would not give rise to significant adverse impacts from flooding and, subject to the imposition of conditions, would accord with the aims of Core Strategy policy EN 10.

## **9. Habitats Regulations Assessment**

The applicant has undertaken an appropriate assessments of the proposals (December 2022,

Mott MacDonald), in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).

The HRA has considered that the proposed works would not have any adverse effects on the overall integrity of the designated sites and their features either alone, or in-combination. This is due to the nature of the works themselves and also the mitigation measures outlined in the report, and subject to the submission of a CEMP to minimise the impacts from the proposed works.

Natural England (NE) have provided a combined response for both Mundesley and Cromer defence works and has a holding objection on the works based on insufficient information citing this could have potentially significant effects on protected designated sites. NE broadly concurs with the submitted details and mitigations in the submitted HRA but concerns have been raised.

NE has expressed a view that no rock armour should be placed within the Overstrand Cliff SAC boundary, with further assessments required on how the project would impact the geomorphological processes and how this would impact features of the designated sites. The design shows the stockpile extending 169m into the boundary around 2.6% of the SSSI frontage. This also crosses the transition between Hold the Line and No Active Intervention. Replacing the defence behind the breakwater could conflict with the long-term Shoreline Management Plan (SMP) policy to allow the cliffs to retreat.

NE have indicated that the existing Mundesley defences are already deemed to be having a likely significant effect on the Winterton-Horsey Dunes SAC and have suggested that further restriction in sediment supply could increase that impact.

Ongoing monitoring and assessment would also be required to review the response of coastal processes to the defences, and associated impacts on designated sites downdrift.

Additionally, concerns have been raised over the proposed use of wildflower mix with the preference from NE for such area to be left to colonise naturally. This is noted but further details of this mix and protections against Invasive and Non-Native Species (INNS) can be secured through the Biosecurity Risk Assessment to mitigate against this risk. Furthermore such mixes have been used on previous schemes and the wildflower seeds used are local mixes suitable for cliffs.

As noted, discussions are ongoing with Natural England with particular regard to the stockpile and may be subject to revisions or further details to submit to the statutory consultee over this issue. Following overcoming this issue and no objection from Natural England, any decision would be subject to conditions including biosecurity risk assessment, construction management plan and adherence to measures outlined in the habitats regulations assessment.

## **10. Planning balance/conclusion**

The principle for sea defence works along this section of coastline is supported by the Local Plan, Shoreline Management Plan and provisions within the NPPF, as the works would protect existing properties in Mundesley.

Officers recognise that aspects of the proposed works would have a notable visual impact on the character of the frontage and would result in a more engineered appearance.

Subject to resolving the outstanding matters raised by Natural England, the proposal, as a whole, would accord with the aims of Development Plan policies. Where conflicts with Development Plan policies arise, those conflicts are considered to be outweighed by the public benefits associated with the proposal including the longer term protection of Mundesley from coastal erosion impacts.

## **RECOMMENDATION:**

### **DELEGATE APPROVAL TO THE ASSISTANT DIRECTOR - PLANNING SUBJECT TO:**

- 1. Satisfactory resolution of the outstanding concerns regarding proposed rock stockpiling raised by Natural England; and**
- 2. The imposition of conditions listed below and any others considered necessary by the Assistant Director of Planning:**

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

Reason:

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

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

Documents

Planning Statement, received 25 April 2023

Design and Access Statement, received 25 April 2023

Buildability Statement, received 25 April 2023

Volume 1: Non-Technical Summary, December 2022, received 25 April 2023

Volume 2: Environment Statement, June 2023, received 6 June 2023

Volume 3: Appendix A - Dust Risk Assessment, December 2022, received 25 April 2023

Volume 3: Appendix B - Heritage Statement, December 2022, received 25 April 2023

Volume 3: Appendix C - Water Framework Directive (WFD) Assessment, December 2022, received 25 April 2023

Volume 3: Appendix D - Habitats Regulations Assessment, December 2022, received 25 April 2023

Volume 3: Appendix E - Marine Conservation Zone (MCZ) Assessment, December 2022, received 25 April 2023

Volume 3: Appendix F - Transport Assessment, December 2022, and associated appendices A (MCC data) and B (traffic flow diagram) received 6 June 2023

Volume 3: Appendix G - Terrestrial Habitat and Botanical Walkover Survey Report, December 2022, received 25 April 2023

Volume 3: Appendix H - Outline Environmental Management Plan, June 2023, received 6 June 2023

Appendix C: Vehicle Swept Paths, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1010 P01, received 6 June 2023

Appendix D: Visibility Splays, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1015 P01, received 6 June 2023

## Plans

General Arrangement Plan, Sheet 01 of 04, drawing no. 102438-MMD-MN-XX-DR-C-1020 C01, received 17 May 2023

General Arrangement Plan, Sheet 02 of 04, drawing no. 102438-MMD-MN-XX-DR-C-1021 C01, received 17 May 2023

General Arrangement Plan, Sheet 03 of 04, drawing no. 102438-MMD-MN-XX-DR-C-1022 C01, received 17 May 2023

General Arrangement Plan, Sheet 04 of 04, drawing no. 102438-MMD-MN-XX-DR-C-1023 C02, received 17 May 2023

Groyne Repairs, Sheet 01 of 05, drawing no. 102438-MMD-MN-XX-DR-C-1200 C02, received 17 May 2023

Groyne Repairs, Sheet 02 of 05, drawing no. 102438-MMD-MN-XX-DR-C-1201 C01, received 17 May 2023

Groyne Repairs, Sheet 04 of 05, drawing no. 102438-MMD-MN-XX-DR-C-1203 C02, received 17 May 2023

Groyne Repairs, Sheet 05 of 05, drawing no. 102438-MMD-MN-XX-DR-C-1204 C02, received 17 May 2023

Mundesley Ramp Widening, Sheet 01 of 02, drawing no. 102438-MMD-MN-XX-DR-C-1120 C02, received 17 May 2023

Mundesley Ramp Widening, Sheet 02 of 02, drawing no. 102438-MMD-MN-XX-DR-C-1121 C02, received 17 May 2023

Navigation Beacon, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1205 C01, received , received 17 May 2023

Rock Armour Sections, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1300 C01, received 17 May 2023

Rock Armour Sections, Sheet 02 of 02, drawing no. 102438-MMD-MN-DR-C-1301 C02, received 17 May 2023

Seawall Encasement Details, Sheet 01 of 03, drawing no. 102438-MMD-MN-XX-DR-C-1100 C02, received 17 May 2023

Seawall Encasement Details, Sheet 02 of 03, drawing no. 102438-MMD-MN-XX-DR-C-1101 C01, received 17 May 2023

Seawall Encasement Details, Sheet 03 of 03, drawing no. 102438-MMD-MN-XX-DR-C-1102 C01, received 17 May 2023

Site Clearance, Utilities and Access Compounds, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1002 C03, received 5 June 2023

Site Location Plan, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-T-1001 P03, received 17 May 2023

Site Plan Proposed, Sheet 01 of 07, drawing no. 102438-MMD-MN-XX-DR-T-1051 P02, received 17 May 2023

Site Plan Proposed, Sheet 02 of 07, drawing no. 102438-MMD-MN-XX-DR-T-1052 P02, received 17 May 2023

Site Plan Proposed, Sheet 03 of 07, drawing no. 102438-MMD-MN-XX-DR-T-1053 P03, received 17 May 2023

Site Plan Proposed, Sheet 04 of 07, drawing no. 102438-MMD-MN-XX-DR-T-1054 P01, received 17 May 2023

Site Plan Proposed, Sheet 05 of 07, drawing no. 102438-MMD-MN-XX-DR-T-1055 P01, received 17 May 2023

Site Plan Proposed, Sheet 06 of 07, drawing no. 102438-MMD-MN-XX-DR-T-1056 P01, received 17 May 2023

Site Plan Proposed, Sheet 07 of 07, drawing no. 102438-MMD-MN-XX-DR-T-1057 P01, received 17 May 2023

Slope Protection, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1150 C02, received 17 May 2023

Steel Access Steps, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1032 C01, received 17 May 2023

Typical Examples of Seawall Repairs, Sheet 01 of 01, drawing no. 102438-MMD-MN-XX-DR-C-1110 C02, received 17 May 2023

Reason:

For the avoidance of doubt

3. Prior to the commencement of works a Biosecurity Risk Assessment shall be produced and enacted for the project, setting out preventative and avoidance measures for the spread and introduction of Invasive and Non-Native Species (INNS). Any mitigation measures outlined in the Biosecurity Risk Assessment shall be incorporated into the Construction Environmental Management Plan required by Condition 4.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006)

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when special ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason:

In accordance with the requirements of Policies EN 4 and EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

5. Throughout the development, where noise limits have the potential to be exceeded or construction works are to take place outside of the agreed hours specified with the Construction Environmental Management Plan, alternative methods will be considered and specific mitigations agreed in conjunction with North Norfolk District Council. This may include application under Section 61 of the Control of Pollution Act 1974.

Reason:



In accordance with the requirements of Policy EN 4 of the National Planning Policy Framework and paragraph 130 of the National Planning Policy Framework in the interests of protecting nearby residential amenity.

6. The works shall be undertaken in strict accordance with the mitigation measures outlined in the Habitats Risk Assessment (Volume 3: Appendix D - Habitats Regulations Assessment, Mott Macdonald dated December 2022) and the Habitats Regulations Assessment (Volume 2: Environment Statement, June 2023, received 9 June 2023)

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006)

7. Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the construction period.

Reason:

To ensure adequate off-street parking during construction in the interests of highway safety, in accordance with the requirements of Policy CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework. This needs to be a pre-commencement condition as it deals with the construction period of the development.

8. Prior to the commencement of any works a Construction Traffic Management Plan (and Access Route) which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority (together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic).

For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads.

Reason:

In the interests of maintaining highway efficiency and safety, in accordance with the requirements of Policy CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

9. The concrete outfall structure (known as the Mun Outfall) will not be damaged or at any point obstructed from outflowing water from either the screen at the tidal end TG 31669 36619 or the flapped outfalls in the seawall TG 31657 36601.

Reason for Condition

To prevent damage to the River Mun Outfall in accordance with Policies EN 9 and EN 10 of the adopted North Norfolk Core Strategy.

**Applicant Notes and Informatives:**

- 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).

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

**MUNDESLEY – PF/23/1150 - Erection of 2no. gazebos (with festoon and LED flood lights) to provide covered seating areas and relocation of existing flue on front roof slope of roadside building to rear roof slope (part retrospective)**

**Minor Development**

**Target Date:** 22<sup>nd</sup> August 2023

**Extension of time:** 14<sup>th</sup> October 2023

**Case Officer:** Mr H. Gray

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS**

The application site is located within:

- The settlement boundary of Mundesley in areas designated as Residential, and Open Land, in policy terms;
- Mundesley Conservation Area.
- Within the Coastal Erosion Constraint Area.
- Partially located within the Undeveloped Coast designated area.
- Within an area susceptible to Surface Water Flooding.

**RELEVANT PLANNING HISTORY**

Reference **PF/21/2181**

Description Demolition of unstable wall adjacent to southwest corner of barn/outbuilding to form a new entrance separating vehicular traffic and pedestrian traffic and moving vehicular traffic away from the main pedestrian access to the beach; erection of new wall from the North East enclosure of the car park (part retrospective)

Outcome Approved – 22.10.2021

**THE APPLICATION**

Seeks part-retrospective permission to retain two gazebos, with festoon and LED flood lights, to provide covered seating areas – one within the existing beer garden and one at the cliff top within the car park, and to relocate the flue on the front roof slope of the roadside building to the rear roof slope.

**REASONS FOR REFERRAL TO COMMITTEE**

This application has been referred to the Development Committee as requested by the Director for Place and Climate Change.

**REPRESENTATIONS**

One neutral comment:

- Supports the erection of the gazebos and the festoon lighting
- Objects to the flood lighting
- Supports the relocation of the flue subject to controls imposed upon the extractor unit

**CONSULTATIONS:**

**Mundesley Parish Council - No comment**, but wish to flag the potential impact upon dark skies as a material planning consideration.

## **Economic and Tourism Development Manager - Support Application**

**Environmental Health - No Objection** subject to Conditions

**Coastal Management - Advice**

**Conservation and Design** - No Objection (Informal consultation)

## **RELEVANT POLICIES**

### **North Norfolk Core Strategy (Adopted September 2008):**

Policy SS 1 (Spatial Strategy for North Norfolk)  
Policy SS 5 (Economy)  
Policy EN 2 (Protection and Enhancement of Landscape and Settlement Character)  
Policy EN 3 (Undeveloped Coast)  
Policy EN 4 (Design)  
Policy EN 8 (Protecting and enhancing the historic environment)  
Policy EN 11 (Coastal Erosion)  
Policy EN 13 (Pollution and hazard prevention and minimisation)  
Policy CT 1 (Open Space Designations)  
Policy CT 3 (Provision and Retention of Local Facilities and Services)  
Policy CT 5 (The Transport Impact of New Development)  
Policy CT 6 (Parking Provision)

### **National Planning Policy Framework (NPPF) (September 2023):**

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

## **Supplementary Planning Documents**

Design Guide Supplementary Planning Document (December 2008)  
North Norfolk Landscape Character Assessment Supplementary Planning Document (2021)  
Coastal Adaptation Supplementary Planning Document (September 2023)

## **OFFICER ASSESSMENT**

### **Main issues for consideration:**

- 1. Principle of development**
- 2. The effect on the character and appearance of the area/heritage**
- 3. The effect on residential amenity**
- 4. Coastal erosion**
- 5. Highway safety**
- 6. Open space**

## **1. Principle**

Policy SS 1 states that the majority of new development in North Norfolk will take place in the towns and larger villages whilst a smaller amount of development will be focused on designated Service and Coastal Service Villages to support rural sustainability. Mundesley, within which the application site is located, is listed within this policy as a Coastal Service Village. The site falls within the Settlement Policy Boundary of Mundesley whereby development to existing businesses are acceptable in principle subject to compliance with all relevant Local Plan Policies.

## **2. The effect on the character and appearance of the area/heritage**

This application seeks part-retrospective planning permission to retain to two gazebos and to relocate an extraction flue.

One gazebo is located within the existing beer garden, perpendicular to the cliff top and adjacent to the boundary line with No. 25 Beach Road, whilst the other is located within the existing car park near to the cliff edge. Both gazebos measure 28.8m wide, 3.5m deep, and 2.3m high. They have festoon lighting to light the seating area and LED flood lights lighting the beer garden and car park respectively. The flue would stand approximately 1.5m high above the roof when measured from the lowest visible external section to the top of the cowling.

The car park has historically been an open area with good visual sightlines to the sea. The gazebo that has been erected upon the cliff top disrupts these views and somewhat acts like a visual barrier, at certain angles. Although this could be seen to impact upon the character of the landscape, the relatively open design of the gazebos still allows for primarily uninterrupted views and would therefore not provide sufficient grounds for objection. On balance, the gazebos would be considered to at least preserve the landscape and settlement character.

With the addition of the gazebo lighting, more specifically the floodlight, it can be seen the site does create a large amount of light spill into the surrounding area. This impact is lessened by the presence of streetlamps on the adjoining and adjacent streets which creates an ambient level of light throughout the night and as such helps, in some way, to mitigate the sites overall impact. Furthermore, a condition is recommended to be imposed to secure the installation of cowling for these floodlights to ensure that light spill does not go above the horizontal plane. As the site is set lower than the surrounding streets with a 1.8m high boundary wall, it is concluded that these measures would be sufficient in preventing an increased impact upon the landscape and settlement character. The low-level illumination of the festoon lighting does not give rise to any material concerns.

Through informal consultation with the Conservation and Design Officer it was concluded that, due to the location and height of the boundary wall, only glimpsed views of the two gazebos are offered. This, coupled with open nature of their design that allow sightlines through the structure and out to sea, prevent a sustainable objection. Officers consider that the proposed relocation of the flue from the front roof slope to the rear roof slope would have less of an impact as its current unpermitted location creates visual harm. As a whole, Officers consider that the proposal would not harm the significance of the Mundesley Conservation Area.

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

### **3. The effect on residential amenity**

#### Lighting

Concerns were raised over the use of LED floodlights within the application site and their potential impact upon residential amenities. A number of LED floodlights were noted around the site, notably on the gazebos and poles overlooking the car park. Although the cumulative impact of these lights is a concern, for this application only the LED floodlights on the gazebo structures are the subject for discussion.

Due to their positioning, light pollution spills out above the horizontal plane and has the potential to negatively impact upon the residential amenities of nearby occupiers. Through consultation with Environmental Health Officers it was deemed that the potential impact is too great to leave in its current state and that shading and lighting direction should be explored, and that times of operation should be controlled to eliminate potential disturbances. Through the imposition of appropriate conditions, Officers consider that the operation of these lights could be restricted so that they may only operate between the hours of 7:00 and 23:00, resulting in them being switched off overnight. Officers would also recommend that, within 28 days of the grant of any permission, exact specifications for the lighting be supplied and that appropriate cowling be installed to ensure that the light only illuminates the site directly.

Subject to these conditions, the development would have an acceptable impact upon residential amenities in respect of lighting, complying with Policies EN 4 and EN 13.

#### Odour

Concerns relating to odour from the extractor/flue were raised through consultation with Environmental Health Officers. The particular concern was relating to the termination point of the flue with the discharge point being potentially insufficient. An accelerator cowl flue is proposed by the applicant which Officers consider should help to alleviate odour concerns. However, insufficient information was submitted within this application to confirm the performance of the flue and, following discussions with Environmental Health Officers, it is recommended that any approval includes a condition requiring submission of detailed specifications of the extractor system to confirm the odour reduction capabilities and to confirm its acceptability with regard to residential amenity and pollution.

In conclusion, it is considered that subject to the acceptable discharge of these conditions, the proposal would not lead to an adverse impact in relation to odour and would comply with Policies EN 4 and EN 13.

#### Noise

Concerns were equally raised by the Environmental Health Officer in relation to the potential noise pollution created by the extractor/flue. This too will be subject to the submission of the required outstanding information via conditions to ensure that the development would not have an adverse impact upon residential amenities in relation to noise.

In conclusion, it is considered that subject to conditions, the proposal would not lead to an adverse impact in relation to noise and would comply with Policies EN 4 and EN 13.

### **4. Coastal erosion**

The Coastal Management Team have expressed concerns over the water run-off from the gazebo and potential impact it could have upon erosion and possible cliff slides.

The applicant has confirmed, through the submission of additional information, that water from the roof of the Gazebos would channel into downpipes that are contained within the legs and

that this water then goes into a soakaway. The application has confirmed that the surface area of the beer garden gazebo roof is 77.8sqm and the car parking gazebo roof is 103.7sqm. This roof areas would require soakaways of 1.30m<sup>3</sup> and 1.78m<sup>3</sup> respectively to meet requirements. The applicant has agreed to install two 1.00m<sup>3</sup> soakaways per gazebo (four in total) which would provide ample volume to meet requirements.

This system would prevent an increase to surface water run-off and would therefore not create an increased risk of erosion and cliff slips. This system would alleviate the concerns raised within comments received from Coastal Management. It should be noted that the applicant has indicated that the roof of the gazebos have louvres which, when not in use, are opened and rainwater would discharge to ground.

Subject to the imposition of conditions, the proposed development would comply with Policy EN 11.

## **5. Highways safety**

Norfolk County Council, as the relevant Highway Authority, were informally consulted as to whether they had any concerns relating to the installation of the gazebo flood lights. After reviewing the proposal the Highway Authority have concluded that the distance of the lights from Beach Road and their perpendicular orientation would not give grounds for sustainable highway safety objection. The Highway Authority have requested a condition be imposed to ensure that no part of the source of the illumination be directly visible to users of the adjacent public highway.

Subject to the imposition of conditions, the proposed development would comply with Policies CT 5 and CT 6.

## **6. Open Space**

Policy CT 1 Open Space Designations states that 'development will not be permitted on Open Land Areas except where it enhances the open character or recreational use of the land'. Officers consider that whilst the proposal would not enhance the open character of the car park as a result of the built form proposed, it would facilitate an intensified recreational use of the site for patrons of the public house as a result on the seating facilities provided. Taking into account the historic use of the parcel of land as a car park, it is considered, on balance that by enhancing the usability of this part of the site, the proposals would comply with this policy requirement.

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

Subject to the imposition of conditions, the proposal is considered, on balance to be acceptable and would accord with the aims of Development Plan policies.

## **RECOMMENDATION:**

### **APPROVAL subject to conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as may be required by specific condition(s):
  - Flue Location Plans & Elevations; received 29<sup>th</sup> May 2023
  - Gazebo Elevations; received 29<sup>th</sup> May 2023

- Gazebo Section; received 29<sup>th</sup> May 2023
- Location Plan; received 29<sup>th</sup> May 2023

Reason for Condition: To ensure the development is carried out in accordance with the expressed intentions of the application and to ensure the satisfactory development of the site, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

2. Within 28 days of the grant of permission for the development hereby approved details shall be submitted to the Local Planning Authority of the LED floodlights for the gazebos. Such details shall include specifications for the lighting, its location and position within the site, height and levels of illumination proposed. The details shall also specify that all external lighting on the gazebos include cowling, or other similar device, along with details of such cowling, to ensure that the lighting only illuminates the site directly. The submission shall also detail how no part of the source of illumination shall at any time be directly visible to the users of the adjacent public highway.

The development shall be carried out in accordance with the details approved in writing by the Local Planning Authority within one month from the date of approval of such details or a timeframe otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained as approved thereafter.

Reason for Condition: To ensure that the development minimises light pollution and the impact this would cause on residential amenities, visual amenities and highway safety in accordance with Chapters 9, 12 and 15 of the National Planning Policy Framework and Policies EN 2, EN 4, EN 13, and CT 5 of the adopted North Norfolk Core Strategy.

3. The external lighting hereby approved shall not be lit (turned on) between the hours of 23:00 and 07:00 on any day.

Reason for Condition: To ensure that the development minimises light pollution and the impact this would cause on residential amenities, visual amenities and highway safety in accordance with Chapters 9, 12 and 15 of the National Planning Policy Framework and Policies EN 2, EN 4, EN 13, and CT 5 of the adopted North Norfolk Core Strategy.

4. Within 28 days of the grant of permission for the development hereby approved details of a scheme for a kitchen extractor system shall be submitted to the Local Planning Authority. The scheme shall include measures to control noise and odour from the extractor system. The development shall be carried out in accordance with the details approved in writing by the Local Planning Authority. The scheme as approved shall be installed, used and maintained in accordance with the manufacturer's specification/instructions prior to the commencement of the use of the kitchen extract system and maintained thereafter for so long as the uses continues.

Reason for Condition: To protect the residential amenities of nearby occupiers and to prevent an unacceptable level of noise and odour pollution in accordance with Policies EN 4 and EN 13 of the adopted North Norfolk Core Strategy.

5. Within three (3) months of the grant of permission for the development hereby approved the soakaway system shall be fully installed in accordance with the following details submitted as part of this application:

- Soakaway Hydrocell Data Sheet; received 21<sup>st</sup> September 2023
- Soakaway Details Email Chain; received 22<sup>nd</sup> September 2023
- Soakaway Drainage Plan; received 26<sup>th</sup> September 2023



Such measures shall thereafter be retained as approved for the lifetime of the development and managed in accordance with manufactures specifications.

Reason for Condition: To ensure that water runoff from the gazebos is collected and disposed of appropriately to prevent an increased risk to erosion of the cliff face, in accordance with Policy EN 11 of the adopted North Norfolk Core Strategy.

## **INFORMATIVES**

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 the lighting details should comply with the Institution of Lighting Professionals Guidance Note Guidance Note 1 for the reduction of obtrusive light.
3. This development involves lighting that may affect the public highway. The Applicant should note that the Norfolk County Council, as Highway Authority, reserves the right under general provisions of Common Law and Section 152 of the Highways Act 1980 to seek the removal of any lighting causing an obstruction or nuisance, or which obscures or hinders the ready interpretation of a road traffic sign.

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

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**TRUNCH – PF/23/1531** - Erection of single-storey extension; raising of roof and insertion of rear dormer window with balcony to create habitable roof space.

## **Minor Development**

**Target Date:** 12<sup>th</sup> September 2023

**Extension of Time:** 21<sup>st</sup> October 2023

**Case Officer:** Mr H Gray

**Householder Planning Permission**

## **RELEVANT SITE CONSTRAINTS**

The application site is within the Countryside in policy terms

The application site is within the Norfolk Coast Area of Outstanding Natural Beauty

## **RELEVANT PLANNING HISTORY**

### **PF/23/0318**

Erection of single-storey extension; raising of roof and insertion of rear dormer window with associated Juliette balcony to create habitable roof space.

Approved – 14.06.2023

### **HR/81/1760**

Proposed dwelling and garage

Approved – 26.11.1981

## **THE APPLICATION**

This application seeks permission to erect a single-storey rear extension, raise the existing roof and insert a dormer window to create habitable roof space with associated balcony.

## **REASONS FOR REFERRAL TO COMMITTEE**

This application has been referred to the Development Committee at the request of Councillor Heinrich in light of concerns about the impact of the proposal on residential amenity.

## **REPRESENTATIONS**

Four letters of **objection** (from two separate households) received as summarised below:

- Impact upon residential amenities regarding loss of privacy, overbearing effects, and overlooking effects
- Adverse visual impacts
- Previous applications for balconies within the area have not been supported

## **CONSULTATIONS**

**Trunch Parish Council:** Objection

**Mundesley Parish Council:** Objection

**Landscape:** Comments from PF/23/0318 remain relevant and as such have been re-used for this application. These state no objection subject to the imposition of ecological mitigation measures.

## **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, the recommendation to approve this application is considered to be justified, proportionate and in accordance with planning law

## **CRIME AND DISORDER ACT 1998 - CHAPTER 17**

The application raises no significant crime and disorder issues.

## **LOCAL FINANCE CONSIDERATIONS**

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

## **STANDING DUTIES**

Due regard has been given to the following duties: Environment Act 2021 Equality Act 2010 Crime and Disorder Act, 1998 (S17) Natural Environment & Rural Communities Act 2006 (S40) The Conservation of Habitats and Species Regulations 2017 (R9) Planning Act 2008 (S183) Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law - Article 8 – Right to Respect for Private and Family Life Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

## **RELEVANT POLICIES**

### **North Norfolk Core Strategy (Adopted September 2008):**

Policy SS 1 (Spatial Strategy for North Norfolk)  
Policy SS 2 (Development in the Countryside)  
Policy HO 8 (House Extensions and Replacement Dwellings in the Countryside)  
Policy EN 1 (Norfolk Coast Area of Outstanding Natural Beauty and The Broads)  
Policy EN 4 (Design)  
Policy EN 9 (Biodiversity & Geology)  
Policy CT 5 (The Transport Impact of New Development)  
Policy CT 6 (Parking Provision)

### **National Planning Policy Framework (September 2023):**

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

**Supplementary Planning Documents and Guidance:**

Design Guide Supplementary Planning Document (December 2008)

Landscape Character Assessment (SF1 Settled Farmland) (January 2021)

Norfolk Coast Area of Outstanding Natural Beauty Management Plan Strategy (2014-19)

**OFFICER ASSESSMENT:**

**Main issues for consideration**

- 1. Principle of development**
- 2. Impact on character of the area and design**
- 3. Residential amenity**
- 4. Highways and parking**
- 5. Impact on protected species**

**1. Principle**

The principle of extending the existing dwelling has been set out within the Officer Report relating to application PF/23/0318 which was approved under delegated powers on 14 June 2023 with four conditions. The earlier approved decision is a material consideration that carries substantial weight in the determination of this application. Given that the principle of the extension has been approved very recently, the focus of this report shall be on the rooftop balcony as this is the only alteration to the scheme previously approved.

Extensions to existing dwellings (including balconies) in the countryside policy area are permitted under Core Strategy Policy SS 2. Subject to the extension complying with the requirements of Policies HO 8 and EN 4, the principle of the additional balcony as part of the extensions and alteration to the existing dwelling would be acceptable in principle.

**2. Impact on the character of the area and design**

The application site is located within a residential section of Trunch Road and sited close to the boundary of the Norfolk Coast Area of Outstanding Natural Beauty (AONB).

The flat roof rear extension and raising of the roof was previously assessed as part of application PF/23/0318. The assessment made as part of that application remains valid.

The proposed roof top balcony would project from the rear dormer window by 3.00m and would have a width of 3.40m. A 1.80m high obscure-glazed glass balustrade would be installed on each side of the balcony with a 0.90m high clear glass balustrade along the rear, garden facing aspect.

Although this balcony would be the first permitted within the immediate area, the relatively modest scale of balcony would not give rise to any significant character or design concerns. Whilst the balustrade is somewhat contrived in form, when viewed from the side it would sit lower than the proposed dormer which, in turn, would sit lower than the proposed ridge height. Visually this would create a gradual step down from each of these aforementioned elements, preventing the balcony from appearing as an overly large incongruous element.

Only glimpsed views of the balcony would be reasonably afforded from the streetscene and so any potential impact upon the character and appearance of the surrounding area would be very limited. Given the local context, coupled with the scale and siting of the proposed development, it can be reasonably concluded that the special characteristics and qualities of the AONB would not be adversely affected.

This application would therefore be considered, on balance, to comply with Policies EN 1 and EN 4 of the Adopted North Norfolk Core Strategy.

### **3. Residential amenity**

The proposed balcony would give additional access onto the roof top of the proposed flat roof extension to allow for additional external amenity space for a first floor bedroom. The balcony would be 3.50m from the boundary line and 7.50m from the side elevation of St. Winifreds to the west.

The previously approved scheme included a dormer window with a Juliette balcony. The nature of the sightlines afforded by the proposed balcony would be very similar to that of the previously approved scheme but the 1.80m high, obscure-glazed balustrades would act as a further visual screen that would reduce direct views towards the amenity space of the immediately adjacent neighbouring properties. With this glazing in place, it can be concluded that a significantly detrimental impact resulting from overlooking would not occur. A planning condition securing the obscure glazing is required to ensure that adverse impacts are avoided.

The obscure-glazed glass for the balcony would add an increased sense of verticality to the rear extension which, in turn, would lead to an increase in overbearing and overshadowing effects. However, due to the location of the balcony within the site and its distance from neighbouring properties, Officers consider that this would not create a significantly detrimental increase in these effects.

Due to the elevated position of the balcony it is likely that sound created by its use would carry further than that of those created at ground level. However, due to the size of the balcony proposed it is considered unlikely that the sound generated would be significantly different than the sound generated by the use of a garden patio. Any increase in noise and disturbance created would be seen as a marginal increase over the potential current levels and would therefore not be considered to constitute a significantly detrimental increase in this regard.

The development would therefore, on balance, be compliant with the aims of Policy EN 4 of the Adopted North Norfolk Core Strategy as well as Chapters 12 and 15 of the NPPF in respect of protecting residential amenity.

### **4. Highways and parking**

The proposal would not increase the number of required vehicle parking spaces as detailed within the Parking Standards and would not give rise to any highways or parking concerns. As such, the development is considered to be in accordance with Policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

### **5. Impact upon protected species**

The details and requirements set out within the previous permission, PF/23/0318, would still be relevant and would still need to be complied with. It is deemed that the proposal would not lead to an increased impact upon protected species over the previously approved scheme. Subject to conditions, the proposal would comply with Policy EN 9.

## **Conclusion**

Whilst the concerns from adjacent residents in relation to overlooking are acknowledged, Officers consider that the proposal would, on balance, be broadly consistent with the aims of Policies SS 2, HO 8 and EN 4.

Subject to the conditions noted above and listed below, the proposal 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:**

### **APPROVAL subject to conditions**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as may be required by specific condition(s):
  - Existing Drawing; Drwg. No. EX01; dated 23<sup>rd</sup> November 2022; received 17<sup>th</sup> July 2023
  - Planning Drawing; Drwg. No. PL01 Rev F; dated 14<sup>th</sup> September 2023; received 14<sup>th</sup> September 2023

Reason for Condition: To ensure the development is carried out in accordance with the expressed intentions of the application and to ensure the satisfactory development of the site, in accordance with Policies EN 4 of the adopted North Norfolk Core Strategy.

3. The materials to be used on the external surfaces of the development hereby permitted shall be constructed in accordance with the details submitted in the application and listed on the application form.

Reason for Condition: For the avoidance of doubt and to accord with the expressed intentions of the applicant, in the interests of the visual amenities of the area to ensure the acceptable appearance of the extended building in accordance with Policies EN 4 of the adopted North Norfolk Core Strategy and Chapter 10 of the North Norfolk Design Guide.

4. The development hereby approved shall be carried out in strict accordance with the mitigation and enhancement measures outlined in the Biodiversity Gain section of the Preliminary Bat Roost Assessment, produced by Icen Ecology Ltd, dated March 2023, and the approved plans. The mitigation and enhancement measures shall include the provision of:

- a) at least 1 internal bat box,

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

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

5. The balustrades on the east and west side elevations of the development hereby permitted shall be 1.8m in height (as measured from finished balcony level) and shall be installed with obscured glazing with a degree of obscurity equivalent to Pilkington level 4. The glazing shall be installed prior to first use of the balcony and thereafter be retained in accordance with these approved details.

Reason for Condition: To prevent undue loss of privacy to the adjacent properties, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

**INFORMATIVE(S):**

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).

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



**HOLT – PF/23/1672 – Replacement of existing toilet facilities with new public toilet facilities at Public Conveniences, 4A Franklyns Yard, Holt, Norfolk, NR25 6LZ**

**Minor Development**

**Target Date:** 12.10.2023

**Case Officer:** Bruno Fraga da Costa

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS**

- Within Holt Settlement Boundary as designated in the North Norfolk Core Strategy
- Within Holt Town Centre as designated in the North Norfolk Core Strategy
- Within a Primary Shopping Area as designated in the North Norfolk Core Strategy
- Within a Public Car Park Provision as designated in the North Norfolk Core Strategy
- Within the Wooded Glacial Ridge Landscape Character Area as designated in the North Norfolk Landscape Character Assessment
- Within Holt and Glaven Valley Conservation Areas as designated within the North Norfolk Core Strategy
- Within Holt Neighbourhood Plan as designated in the North Norfolk Core Strategy
- Located in close proximity to a number of Listed Buildings
- Within the Mineral Safeguard Area as designated within the Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026
- The site falls within various Zones of Influence of protected site as defined by the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS)

**RELEVANT PLANNING HISTORY**

**PF/07/1748**

Erection of Extension

Approved 03.01.2008

**THE APPLICATION**

Site Description:

The proposed development is situated within Holt and Glaven Valley Conservation Areas and surrounded by Grade II Listed Buildings. To the north lies North Norfolk District Council Albert Street Public Car Park and the surrounding area comprises of a mix of businesses and residential properties.

Proposal:

The proposal comprises of the replacement of existing toilet facilities with new public toilet facilities.

**REASONS FOR REFERRAL TO COMMITTEE**

The application has been referred to the Development Committee as the Council's Constitution states that:

Applications submitted by or on behalf of the District Council where representations have been received shall be determined by Development Committee. This application has been submitted by the District Council and a representation has been received.

## **CONSULTATIONS:**

**Holt Town Council - does not wish to comment**

**Conservation and Design - supports the application**

The proposal would be a significant improvement on the existing structure, and thus would enhance the appearance and character of the Holt Conservation Area, and not harm the significance of the adjacent grade II listed buildings.

## **REPRESENTATIONS:**

Public consultation of the application took place for a period of 21 days between 16.08.2023 and 06.09.2023. One letter of NEUTRAL position have been received as summarised below:

- Concerns over blockages to access from the car park to Franklyns Yard, and disruptions inconvenience and disruption to businesses.

## **HUMAN RIGHTS IMPLICATIONS**

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

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

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

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

## **LOCAL FINANCE CONSIDERATIONS**

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

## **STANDING DUTIES**

Due regard has been given to the following duties:

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2017 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998

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

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

## **RELEVANT POLICIES**

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

Policy SS 1: Spatial Strategy for North Norfolk  
Policy SS 5: Economy  
Policy EN 4: Design  
Policy EN 8: Protecting and Enhancing the Historic Environment  
Policy EC 6: Public Car Parking Provision

### **Holt Neighbourhood Plan 2016 – 2036 (August 2023):**

Policy HOLT 1: Design Guidance

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

Policy CS 16: Supplementary Planning Documents and Guidance

#### Material Considerations:

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

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

### **National Planning Policy Framework (September 2023)**

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

## **OFFICER ASSESSMENT:**

### **MAIN ISSUES FOR CONSIDERATION:**

- 1. Principle of Development**
- 2. Design**
- 3. Amenity**
- 4. Protecting and Enhancing the Historic Environment**
- 5. Other matters**
- 6. Planning Balance/Conclusion**

#### **1. Principle of Development (Policies SS 1, and SS 5)**

The site lies in Holt, which is defined as a Principal Settlement, Small-Town Centre and Primary Shopping Area under Core Strategy Policies SS 1 and SS 5 of the adopted North Norfolk Core Strategy. Policy SS 1 sets out that the majority of new development will take

place in Principal Settlements and the role of Town Centres and Primary Shopping Areas as a focus for a broad range of shopping, commercial, cultural, and other uses is supported under Policy SS 5.

The proposed development involves the replacement of the existing toilet facilities with new public toilet facilities. This type of development is acceptable in principle in this location subject to compliance with other relevant policies of the adopted North Norfolk Core Strategy and the Holt Neighbourhood Plan.

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

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

Policy HOLT1 – Design Guidance of the Holt Neighbourhood Plan (HNP) requires that the design of development proposals should be in conformity with the North Norfolk Design Guide and relevant Conservation Area Appraisals.

North Norfolk Design Guide (December 2008) and Holt Conservation Area Character Appraisal and Management Plan (August 2021) requires that new non-residential developments be compatible with their surroundings and provide, where applicable, innovative design, which is locally distinctive, and integrate new non-residential buildings successfully into existing settlements without harming any heritage.

The proposed development seeks the retention of part of the wall that defines the courtyard area of 6 Albert Street, and the demolition of the remaining part of the building and replacement with new toilet facilities, and that includes providing new toilet facilities to 6 Albert Street. The replacement toilet facilities would provide a more updated form of design with a varied pallet of materials comprising of flintwork, Norfolk Brick Brancaster Blend, and Western Red Cedar Vertical Cladding walls, grey doors and windows, Wienerberger Old English Flanders Pantile roof and Alumasc skyline capping.

It is considered that due to the traditional form and type of design, and similar scale and footprint to the former building it replaces, the proposed development is considered to be in keeping with the character and appearance of its context. As such, given the proposal would not give rise to any significant design concerns it complies with Policy EN 4 of the Core Strategy and Policy HOLT 1 of the Holt Neighbourhood Plan.

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

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

Whilst the proposal would result in alterations to the existing flint wall that forms part of the courtyard area of 6 Albert Street to reposition the owner's former toilet facilities further to the east, this would result in an enhancement to the existing current toilet facilities in situ.

Given the proposed development would result in a replacement building of similar height and footprint to that existing, and the physical relationship of the proposal with the surrounding buildings would not significantly change, it is considered the scheme would not give rise to significant amenity concerns.

For the reasons provided above, the proposed development complies with Policy EN 4.

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

Policy EN 8 of the Core Strategy requires that development proposals should preserve or enhance the character and appearance of Conservation Areas, and their settings through high quality, sensitive design.

It should be noted that the strict 'no harm permissible' clause in Policy EN 8 is not in full conformity with the guidance contained in the latest version of the Framework (September 2023). As a result, in considering the proposal for this site, the Local Planning Authority will need to take into consideration the guidance contained within Chapter 16 of the Framework as a material consideration.

Paragraph 206 of the Framework sets out that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The site is situated within the designated Holt and Glaven Valley Conservation Areas as of April 2022 and December 2012 respectively, which are areas of special architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance as defined by the Planning (Listed Buildings and Conservation Areas) Act 1990.

Moreover, the proposed development lies to the north of Grade II Listed 2 Chapel Yard, 6 Albert Street, and 4 Albert Street and affects the setting of Grade II Listed 18A Chapel Yard, and 6 Chapel Yard located to the west and Grade II Listed The Old Paul Pry, located to the east.

The Conservation and Design Team have supported the proposal for the reasons that it would be considered a significant improvement on the existing structure, would enhance the appearance and character of the Holt Conservation Area and would not harm the significance of the adjacent Grade II Listed Buildings.

For the reasons provided above, it is considered the proposed development complies with Policy EN 8 of the Core Strategy and paragraph 206 of the Framework.

#### **5. Other matters**

##### *Minerals & Waste*

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

##### *Construction traffic*

Concerns have been raised over blockages to access from the car park to Franklyns Yard, and inconvenience and disruption to businesses as a result of the proposed development. Given the scale of development proposed, it is not considered that the works would likely result in any highway safety concerns. Control of construction practices falls outside of the planning remit, however the applicant would be expected to ensure that they comply with all relevant requirements in relation to highway safety.

## **6. Planning Balance/Conclusion**

The principle of the proposal is acceptable and no further significant matters of concerns have been raised in the assessment of the application. On that basis, the proposal complies with the relevant policy considerations stated above, and therefore approval of the application is recommended subject to conditions and informative notes.

### **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:

- Application Form, dated 1 August 2023
- Design, Access, and Heritage Statement, dated 1 August 2023
- Drawing no. EX01, Rev A, Existing Plans & Elevations, dated 1 August 2023
- Drawing no. PL01, Rev B, Proposed Plans & Elevations, dated 1 August 2023

#### **Reason**

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

3. The materials to be used on the external surfaces of the development hereby permitted shall be constructed in accordance with the details submitted in the application.

#### **Reason**

To ensure the satisfactory appearance of the development in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy and Policy HOLT1 of the Holt Neighbourhood Plan.

4. The new flintwork panels shall be faced in cobbles with a diameter of less than 150mm when measured in any direction and a mortar which contains no Ordinary Grey Portland Cement, all laid to match the image supplied on approved drawing PL01, Rev B.

#### **Reason**

To ensure the satisfactory appearance of the development in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy and Policy HOLT1 of the Holt Neighbourhood Plan.

#### **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).

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

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**Sloley - PF/23/1717 - Erection of garden room and fence (retrospective) - The Old Workshop, Sloley Road, Sloley, Norwich for Mr and Mrs Harper-Gray**

**Minor Development**

**Target Date: 9<sup>th</sup> October 2023**

**Extension of time: 20<sup>th</sup> October 2023**

**Case Officer: Matthew Attewell**

**Householder planning application**

## **RELEVANT SITE CONSTRAINTS**

Contaminated Land

Landscape Character Area - within Low Plains Farmland Landscape Type

Within the curtilage of a listed building

Countryside LDF

## **RELEVANT PLANNING HISTORY**

PF/23/0929 Retention of garage (retrospective) with external alterations – refused 28<sup>th</sup> July 2023

PF/22/1909 Conversion of barn to dwelling (retrospective) – approved 27<sup>th</sup> January 2023

LA/22/1910 Retention of internal and external alterations to facilitate conversion of barn to dwelling - approved 27<sup>th</sup> January 2023

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

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

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

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

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

PF/17/0495: Conversion of barns to 5 dwellings – Approved

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

## **THE APPLICATION**

This is a retrospective application for the retention of a garden room, constructed within the curtilage of the dwelling, along with the retention of a fence to the north-western elevation of this structure.

The dwelling (The Old Workshop) is part of a group of former agricultural buildings which are listed as being of special architectural or historic interest (grade II)

As the garden room is not attached to other buildings in the group listed building consent is not required.

## **REASONS FOR REFERRAL TO COMMITTEE**

The Agent in this matter is a close relative of an officer of North Norfolk District Council.

## **PARISH/TOWN COUNCIL**

Sloley Parish Council: No comments received.

## **CONSULTATIONS:**

Conservation and Design (NNDC): - Objection. It is considered that:

- The proposal introduces unwanted domesticity into the agrarian setting
- It masks the junction between the principal two-storey thatched barn and its subservient single-storey wing. With it therefore detracting from the primacy of the historic complex on its eastern side, harm to the overall setting and significance of the existing heritage asset is identified
- The fence springing off the back of the garden room introduces unwelcome solidity and discordant domesticity and bears no relation to the post and rail fence previously approved

## **REPRESENTATIONS:**

One received, which considers the building is out keeping within the curtilage of buildings of special architectural and historic interest"

## **HUMAN RIGHTS IMPLICATIONS:**

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

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

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

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

## **LOCAL FINANCE CONSIDERATIONS:**

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

## **STANDING DUTIES:**

Due regard has been given to the following duties:

Environment Act 2021 Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2017 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law - Article 8 – Right to Respect for Private and Family Life

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

## **RELEVANT POLICIES**

### **North Norfolk Core Strategy (September 2008):**

SS 1 – Spatial Strategy for North Norfolk

SS 2 – Development in the Countryside

HO 8 – House extensions and replacement dwellings in the Countryside

EN 2 – Protection and enhancement of landscape and settlement character

EN 4 – Design

EN 8 – Protecting and enhancing the historic environment.

### **National Planning Policy Framework (September 2023):**

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 12 – Achieving well-designed places

Chapter 16 – Conserving and enhancing the historic environment.

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

North Norfolk Design Guide Supplementary Planning Document (December 2008)

Landscape Character Assessment Supplementary Planning Document (January 2021)

## **OFFICER ASSESSMENT**

### **MAIN ISSUES FOR CONSIDERATION**

1. Whether the proposed development is acceptable in principle.
2. The effect on the setting of the listed building which is a designated heritage asset.
3. The effect of the proposed development on the wider landscape.

This proposal garden room and fence which have been erected without planning permission. Both would remain unchanged from their as built form. The garden room has a pantile roof and weatherboard cladding. The fence is a contemporary design with slatted fence panels between concrete posts and screens the view of a 1000 litre rainwater storage tank.

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

The garden room and fence are within the curtilage of a dwelling which is within the area designated as 'Countryside' for the purposes of Policy SS 1 of the Core Strategy. Policies SS 2 and HO 8 are permissive in principle of extensions to dwellings including the erection of outbuildings within this area. To be acceptable overall however, a proposal must comply with all other relevant development plan policies unless material considerations indicate otherwise.

The original application (PF/17/0495) for the conversion of the group of barns was considered against Core Strategy policy HO 9, amongst others. Criteria within this policy require that barns should be capable of conversion without substantial new build elements and such elements should protect or enhance the character of the building and its setting. As a result, a garage was removed from that application to preserve the agrarian setting of the group and thereby ensure its compliance with policy HO 9.

## **2. Effect on heritage asset (Policies EN 4 and EN 8)**

The dwelling was granted retrospective planning permission under PF/22/1909 on 27<sup>th</sup> January 2023. A condition was attached to this permission removing the permitted development rights for the erection of buildings, structures or other means of enclosures within the curtilage of the dwelling. The purpose of this was 'to ensure a satisfactory relationship with neighbouring buildings and to safeguard the architectural character and setting of the building(s) in accordance with the Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy'.

Policy EN 8 aims to protect and enhance the historic environment. It requires that *development proposals, including alterations and extensions, should preserve or enhance the character and appearance of designated assets* and states that *"development that would have an adverse impact on their special historic or architectural interest will not be permitted."*

Paragraph 5.4.1 of the North Norfolk Design Guide states that *new buildings or structures that would block important views of listed buildings, or would have a harmful affect upon their setting, are unlikely to be acceptable."*

The dwelling is identified within the listing as an addition with no special interest, but is included for its group value. The garden room blocks the view of the brick dressing and flintwork of the barn known as "The Hayloft", which is identified as a feature within its listing. Furthermore, as identified in the Conservation & Design officer's comments, the outbuilding butts up hard against the listed building and has an extra-curricular presence on site which masks the junction between the principal two-storey thatched barn and its subservient single-storey wing. It is considered that the ensuing effect results in the development detracting from the primacy of the historic complex on its eastern side and harm to the overall setting and significance of the designated heritage asset.

The slatted fence compounds this identified harm. It has a contemporary appearance, which is not considered to be in keeping with both the character and appearance of the listed building or the wider area. The fence bears no resemblance to the traditional post and rail fence, which was approved previously, being a more appropriate boundary treatment found within this type of setting.

For the reasons stated, it is considered that the development is harmful to the setting of the designated heritage asset. Whilst this harm is less than substantial, in the absence of any public benefits that outweigh it the proposal is contrary to Core Strategy Policies EN 4 and EN 8, Paragraph 202 of the NPPF and the statutory duties as set out within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **3. Effect on the Landscape (Policy EN 2)**

Policy EN 2 of the Core Strategy aims to ensure that development is informed by and sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and; that the location, scale, design, and materials of development will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area.

With regards to the North Norfolk Landscape Character Assessment, the site is within Low Plains Farmland Landscape Type, which is characterised by a flat or gently undulating terrain. A key valued feature and quality include a *“strong rural character with a sense of remoteness and tranquillity”*.

Policy EN4 states that *“design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable”*. *Proposals within this policy are expected to “retain existing important landscaping and natural features and include landscape enhancement schemes that are compatible with the Landscape Character Assessment”*, as well as *“have regards to the North Norfolk Design Guide”*.

The Forces of Change / Detractors within the Low Plains Farmland Landscape Type refers to the conversion of agricultural buildings creating a resultant effect of ‘suburban’ features being introduced within the landscape.

The garden room introduces a new structure within the landscape and extends the built form beyond the original barn group, resulting in intrusion on the open countryside and a suburbanisation of the barn group, rather than allowing its appreciation as a group in the wider agrarian landscape. It is considered this results in material harm to the prevailing landscape character, contrary to the aims of Core Strategy Policies EN 2 and EN 4.

### **Other considerations**

The agent has submitted a statement on behalf of the applicants in respect of the third party comments that had been published on the Council’s web site by the end of 12th September 2023. The statement refers largely to private legal matters rather than material planning considerations and, a comment they consider to be defamatory. It is however, considered that the statement does not require any officer assessment within this report.

### **Conclusion**

The development is unacceptable for the reasons stated. With no material benefits to outweigh the identified harm, it is considered that planning permission should be refused due to the impact of the proposal on the setting of the heritage asset and surrounding landscape.

## **RECOMMENDATION – REFUSE**

For reasons relating to the harmful effect on the setting of the designated heritage asset and, the effect on the character and appearance of the landscape, contrary to Policies EN 2, EN 4 and EN 8 of the North Norfolk Core Strategy, with no public benefits which would outweigh the harm, in accordance with paragraphs 130 and 202 of the NPPF.



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

## DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – OCTOBER 2023

### 1. INTRODUCTION:

- 1.1 This report briefly sets out performance in relation to the determination of planning applications in Development Management the month up to **30 Sept 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 30 SEPT 2023

Performance Measure	Actual Performance	Target	Comments
<b>(Speed) Decisions Made</b> (Month up to 30 Sept 2023.)	<b>Major</b> 2 decisions issued.  <i>100% within time period</i>	60%  (80% NNDC)	24 month average to 30 Sept 2023 is  <b>100.00%</b> 
	<b>Non-Major</b> 65 decisions issued  <i>95% within time period (three out of time)</i>	70%  (90% NNDC)	24 month average to 30 Sept 2023 is  <b>94.11%</b> 
<b>(Quality) % of total number of decisions made that are then subsequently overturned at appeal</b> (Month up to 30 Sept 2023)	<b>Major</b>	10%  (5% NNDC)	24 month average to 30 Sept 2023 is  <b>0% (Zero)</b>
	<b>Non-Major</b>	10%  (5% NNDC)	24 month average to 30 Sept 2023 is  <b>0.44%</b>
<b>Validation</b> (Month up to 30 Sept 2023.)	246 applications registered	3 days for Non- Major from date of receipt	Datasets do not currently breakdown validated apps by Major / Minor or those on PS2 returns, but performance data

	221 applications validated	5 days for Majors from date of receipt	retrieval being reviewed.
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## **2. S106 OBLIGATIONS**

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

## **3. RECOMMENDATIONS:**

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



**SCHEDULE OF S106 AGREEMENTS**
**UPDATE FOR DEVELOPMENT COMMITTEE:**
**12 October 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 Council is awaiting to hear from the applicant.	
PF/17/0680 & RV/22/0855	Land North Of Rudham Stile Lane & East Of Water Moor Lane Fakenham Norfolk	variation of conditions 2, 3, 4, 5, 6, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 26, 28, 30, 37, 38, and 40 of outline planning permission PO/17/0680 (Outline planning application (all matters except primary means of access reserved for future approval) for residential development of up to 950 dwellings (Use Class C3), employment development (Use Classes B1/B2/B8), a primary school and children's nursery (Use Class D1), a hotel (Use Class C1), local retail (Use Classes A1/A3/A4/A5) and associated public open space and infrastructure) regarding the highways works associated with Condition 31i. (site access and roundabout from the A148 and associated works to Wells Road) and 31v. (scheme for the A148/A1065/Wells Lane (Shell Garage) including lane widening and road markings) are proposed to be undertaken directly by the Highway Authority and not the applicant. As such, these works are to be specifically excluded from the requirements and triggers indicated in the conditions that are proposed to be amended (See-Schedule of Condition amends) Amendments 21 March 2022)	CP030 - Fakenham	Russell Williams	TBC	TBC	Fiona Croxon	13791	Draft s106 Unilateral Undertaking is circulating. Applications on hold due to Nutrient Neutrality.	

PF/22/1745	The Yard The Street Sustead Norwich Norfolk NR11 8RU	Demolition of existing scaffold yard buildings & structures and erection of two semi- detached dwellings with garages	CP096 - Sustead	Darryl Watson	Delegated	11/04/2023	Fiona Croxon	22258	S106 Unilateral Undertaking completed	
PF/22/2626	Land Off Purdy Street Salthouse Norfolk	Erection of six dwellings with associated access, parking and landscaping	CP081 - Salthouse	Jayne Owen	Delegated	27/04/2023	Fiona Croxon	22380	Document agreed but still awaiting viability appraisal.	
PF/22/1928	Land South Of Sheringham House Cremers Drift Sheringham Norfolk	Full Planning Application: Revised scheme for the erection of 62. no retirement dwellings, access, roads, open space, parking areas and associated works	CP085 - Sheringham	Geoff Lyon	Committee	20/07/2023	Chido Mushonga	22577	S106 Obligation substantially completed pending inclusion of recession clause (requested by applicant).	

## **OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 12 OCTOBER 2023**

### **APPEALS SECTION**

#### **NEW APPEALS**

**LANGHAM – PF/21/2186** - Change of use of land to storage of caravans and boats, siting of 39 storage containers, siting of portable building for office use and erection of boundary fence

**Land On Langham Road, Langham, Norfolk**

**For Mr Jonathan Cheetham**

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

**INFORMAL HEARING – 19 SEPTEMBER 2023 – AWAITING DECISION**

**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**

**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

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

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

**For C Crickmore, Cable Gap Holiday Park**

WRITTEN REPRESENTATION

**BLAKENEY – PF/22/2797** - 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)

**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

**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

**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)

**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

**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

**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

## **APPEAL DECISIONS - RESULTS AND SUMMARIES**

**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 - APPEAL DISMISSED**

**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 – APPEAL DISMISSED**

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