

# Development Committee



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

Wednesday, 1 November 2023

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 9 November 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 N Dixon, Cllr T FitzPatrick, Cllr W Fredericks, Cllr N Housden, Cllr L Paterson, Cllr J Punchard, Cllr C Ringer, Cllr E Spagnola, Cllr E Vardy and Cllr L Withington

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 - 16)

To approve as a correct record the Minutes of a meeting of the Committee held on Thursday 12<sup>th</sup> October 2023.

**5. ITEMS OF URGENT BUSINESS**

(a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

(b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

**6. ORDER OF BUSINESS**

(a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.

(b) To determine the order of business for the meeting.

**7. DECLARATIONS OF INTEREST**

(Pages 17 - 22)

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest. Members are requested to refer to the attached guidance and flowchart.

### **OFFICERS' REPORTS**

**8. MUNDESLEY - PF/23/0843 - REMODELLING OF BUNGALOW TO FORM TWO AND A HALF STORY DWELLING WITH ATTIC ROOMS AT 2 BECKMEADOW WAY, MUNDESLEY, NORFOLK**

(Pages 23 - 30)

**9. SHARRINGTON - PF/23/1352 - ERECTION OF SINGLE-STOREY DETACHED AGRICULTURAL WORKERS DWELLING AND DETACHED AGRICULTURAL STORAGE BARN.LAND WEST OF MICHAEL HOUSE, BALE ROAD, SHARRINGTON.**

(Pages 31 - 48)

10. **BALE - PF/23/1027 - ERECTION OF DETACHED AGRICULTURAL STORAGE BUILDING AT LAND AT OAK FARM, SHARRINGTON ROAD, BALE, FAKENHAM, NORFOLK** (Pages 49 - 58)
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. MAYFIELD, TRUNCH ROAD, MUNDESLEY.** (Pages 59 - 66)
12. **WEYBOURNE - PF/23/0999 - DEMOLITION OF SINGLE STOREY SIDE EXTENSION AND ERECTION OF NEW TWO STOREY SIDE EXTENSION WITH CONNECTING SINGLE STOREY REAR EXTENSION AT 3 BARNFIELD COTTAGES, STATION ROAD, WEYBOURNE** (Pages 67 - 76)
13. **WEYBOURNE - PF/22/1530 - DEMOLITION OF EXISTING SINGLE-STOREY REAR EXTENSION AND ERECTION OF TWO-STOREY REAR EXTENSION WITH INTERNAL ALTERATIONS AT GABLE END, THE STREET, WEYBOURNE** (Pages 77 - 84)
14. **CROMER - RV/23/1131 - VARIATION OF CONDITION 1 OF PLANNING PERMISSION REF. RV/21/2628 [VARIATION OF CONDITION 1 (PLANS) OF PLANNING PERMISSION PF/19/1073 (VARIATION OF CONDITION 1 (PLANS) OF PLANNING PERMISSION PO/18/1779 TO ALLOW CHANGES TO GARAGING & PARKING, WITH UNDERGROUND PARKING CHANGING THE DESIGN OF THE DAY ROOM, A SMALL REAR EXTENSION TO LARKWOOD APARTMENTS FOR SERVICES & BALCONIES ADDED AT FIRST FLOOR LEVEL TO LARCHWOOD COURT AND OAKWOOD HOUSE),TO ALLOW ADDITION OF A SINGLE STOREY SIDE EXTENSION TO UNIT 4 OF OAKWOOD HOUSE, AND THE ADDITION OF 2 NO. REPLACEMENT PARKING SPACES (IN LIEU OF DOUBLE GARAGE)] TO ALLOW FOR CHANGES TO ELEVATION AND ROOF DESIGN OF MAPLEWOOD HOUSE, WOODLAND HOUSE AND ROSEWOOD HOUSE AND TO INCLUDE BASEMENT PARKING; NEW DAYROOM POSITION AND REMOVAL OF LAUREL HOUSE AT BARCLAY COURT GARDENS, OVERSTRAND ROAD, CROMER** (Pages 85 - 94)
15. **FELMINGHAM - TPO/23/1014- LAND AT THE GRANGE** (Pages 95 - 98)
16. **FAKENHAM - TPO/23/1016 - WELLS ROAD, FAKENHAM** (Pages 99 - 102)
17. **SHERINGHAM - TPO/23/1017 - LAND AT 23 HOLT ROAD, SHERINGHAM** (Pages 103 - 106)
18. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 107 - 110)
19. **APPEALS SECTION** (Pages 111 - 116)
- (a) New Appeals
  - (b) Inquiries and Hearings – Progress
  - (c) Written Representations Appeals – In Hand
  - (d) Appeal Decisions

(e) Court Cases – Progress and Results

**20. 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**

## DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 12 October 2023 in the Council Chamber - Council Offices at 9.30 am

<b>Committee Members Present:</b>	Cllr P Heinrich (Chairman)	Cllr R Macdonald (Vice-Chairman)
	Cllr M Batey	Cllr A Brown
	Cllr M Hankins	Cllr V Holliday
	Cllr P Neatherway	Cllr J Toye
	Cllr K Toye	Cllr A Varley
	Cllr L Vickers	

**Members also in attendance:** Cllr W Fredericks

**Officers in Attendance:** Assistant Director for Planning (ADP)  
Development Manager (DM)  
Principle Lawyer (PL)  
Development Management Team Leader (DMTL)  
Senior Planning Officer (SPO)  
Household Planning Assistant – HG (HPA – HG)  
Household Planning Assistant – MA (HPA – MA)  
Democratic Services Officer - Regulatory

### 53 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr P Fisher, Cllr A Fitch-Tillett and Cllr G Mancini-Boyle.

### 54 SUBSTITUTES

None present.

### 55 MINUTES

The Minutes of the Development Committee meetings held Thursday 14<sup>th</sup> September and Thursday 28<sup>th</sup> September 2023 were approved as a correct record subject to typographical corrections to the Minutes of 14<sup>th</sup> September, Min 42 ix, to read 'exception' rather than 'expectation' and Min 42 xxii to read 'Northrepps' and not 'Northreeps'.

### 56 ITEMS OF URGENT BUSINESS

None.

### 57 DECLARATIONS OF INTEREST

None declared.

### 58 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.

The HPA-HG introduced the officer's report and recommendation for approval subject to conditions. He affirmed the site's location, context in the local street scene, relationship with the AONB, existing and proposed floor plans and elevations, and provided photos of the site for context. The HPA-HG advised that prior approval had been granted for a similar scheme; PF/23/0318, the differences in the applications related to the addition of the rooftop balcony instead of the previously approved Juliet balcony. The key issues for consideration were the principle of development; impact on the character of the area, heritage asset and design; residential amenity; highways and parking; and impact on protected species.

The Chairman advised that whilst the application had been referred to Committee by himself, he had no personal interest in the application.

### Public Speakers

John Jones – Trunch Parish Council  
David Houlton – Objecting  
Howard Little – Supporting

### Members debate and questions.

- i. The Local Member – Cllr P Neatherway advised that as he knew both parties, he would abstain from speaking on the application.
- ii. Cllr A Brown considered that the application presented a challenge to the right to peaceful enjoyment of possessions by the neighbours. He noted that the prior application for a similar scheme had only recently been approved and questioned why the balcony had now been applied for. Cllr A Brown reflected on the representations made and expressed discomfort in supporting the officer's recommendation for approval at this stage, and so proposed deferral of the application to enable a site visit.
- iii. Cllr A Varley seconded the recommendation for deferral.
- iv. Cllr J Toye agreed that a site visit would be beneficial as it was difficult to fully appreciate the orientation on the site.
- v. Cllr L Vickers expressed her support for deferment.

**RESOLVED** by 10 votes for and 1 abstention.

**That planning application PF/23/1531 be DEFFERED to enable a site visit.**

**59 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)**

The SPO introduced the officer's report and recommendation for approval subject to conditions. The Case Officer outlined that site's location, extent of proposed works including slope protection on Melbourne slope, apron encasement, access ramp

repairs, rock revetment to the west and concrete apron to the east.

#### Public Speaker

Fiona Keenaghan – NNDC Coastal Engineer – Supporting.

#### Members debate and questions.

- i. The DM relayed a pre-prepared statement from Cllr H Blathwayt – Portfolio Holder for Coast – who was unable to attend the meeting due to a prior commitment to speak at the Coast and Estuary conference. Cllr H Blathwayt, with reference to this and the Mundesley Coastal scheme (PF/23/0942), argued that the applications were vital for the protection of residents' homes and businesses, and are urgently required given rising sea levels and an eroding coast. The vital civil engineering work would be scheduled to work in tandem for cost, engineering, and logistical efficiencies, and to ensure that disturbance to the local population could be kept to a minimum. Cllr H Blathwayt considered that the Council's Coastal team and external Contractors were working together to ensure local communities be included and informed as the scheme develops. The benefits of the schemes patently, far out way the short-term disturbance created.
- ii. Cllr V Holliday stated it was unfortunate that such paraphernalia be added to the Coastline, however, considered there was no other option but to approve the scheme. Cllr V Holliday proposed acceptance of the officer's recommendation for approval.
- iii. Cllr A Varley seconded the officer's recommendation, affirming that these were vital works to ensure the longevity of the Coastline.
- iv. Cllr J Toye expressed his support for the application and asked how long it would take to build out the scheme?
- v. The NNDC Coastal Engineer advised the current programme was projected to be 12 to 18 months. The start date was yet to be confirmed and was dependent on receiving planning permission and sourcing additional funding.
- vi. The Chairman enquired whether the proposed steps on the rock armour could be replaced with accessible ramped access.
- vii. The NNDC Coastal Engineer advised that a DDA compliant ramped access would not be possible in this location due to lack of space. The stepped access proposed would replace the existing stepped access.

**UNANIMOUSLY RESOLVED** by 11 votes for.

**That planning application PF/23/0941 be APPROVED in accordance with the officer's recommendation.**

**60 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)**

The SPO introduced the officer's report and recommendation for delegated approval. He outlined the site's location, proposed western armour stockpile and relationship with the existing revetment, rock berm (below the church) forward of the existing steel infilled structure, slope protection mattress, apron encasement and widening by the lifeboat station, and levelling out of some sections of the promenade and replacement of steps.

### Public Speakers

Fiona Keenaghan – NNDC Coastal Engineer – Supporting

### Members debate and questions.

- i. The Local Member – Cllr W Fredericks welcomed the proposal which would protect the village from coastal erosion and thanked officers for their hard work in bringing the scheme forward. She sought clarity from officers that a public presentation would be delivered before works commenced.
- ii. The NNDC Coastal Engineer confirmed that presentations would be arranged with a drop-in session organised akin to that held in March, subject to approval of the application.
- iii. Cllr J Toye thanked officers for their comprehensive reports and asked for an update to the Natural England response regarding the stockpile. He agreed that the application was much needed and had followed the correct processes. Cllr J Toye proposed acceptance of the officer's recommendation.
- iv. The NNDC Coastal Engineer advised conversations were still ongoing with Natural England, whose main concerns were that the rock stockpile was entering into the SSSI area in Mundesley and the geomorphologic aspects of the proposal.
- v. Cllr P Neatherway agreed that the scheme was much needed, he asked if elements of the scheme may be adopted elsewhere including Bacton.
- vi. The NNDC Coastal Engineer welcomed discussing this matter with Councillors outside the meeting, she did not have technical detail to hand for other sites.
- vii. Cllr A Varley seconded the officer's recommendation which he considered vital for ensuring the longevity of the special community and superb coastline.
- viii. Cllr V Holliday reiterated her earlier comments that it was disappointing such schemes were needed. She commented that she was happy with the application provided Natural England were satisfied.

**UNANIMOUSLY RESOLVED** by 11 votes for.



**That planning application PF/23/0942 be APPROVED in accordance with the officer's recommendation.**

**61 MUNDLESLEY - 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)**

HPA-HG introduced the officer's report and recommendation for approval subject to conditions. He outlined the site's location, context within the wider setting, elevations of the gazebos, details of the integrated soakaway system, relocation of the flue, and provided site photos.

The key issues for the proposal were the principle of development; the effect on the character and appearance of the area; the cost on residential amenity, coastal erosion; and highways safety.

Public Speakers

Nicholas Dent – Supporting

Members debate and questions.

- i. The Local Member – Cllr W Fredericks – expressed her disappointment regarding the retrospective nature of the application. She welcomed the proposed changes to the flue as she considered that the original placement had been an issue. The Local Member noted that information pertaining to the impact of noise and smell was missing, additionally details relating to gazebos and lighting needed to be carefully scrutinised particularly with respect of the drainage system. The Local Member was not satisfied that enough consideration had been given by the Environment Agency or officers to this component of the scheme and contended that information was lacking on water displacement and light pollution. In addition, she considered the noise impact of the flue was notable given her assertion that it was running late into the evening and beyond the opening hours of the Chip Shop.
- ii. The DM advised that the surface water matter had been discussed with the Coastal Team, who were satisfied that the proposed soakaway scheme would acceptably dispose of surface water. The gazebos were constructed with louvers which, when open, would allow for water to be discharged to the ground as it would otherwise have done. Irrespective of whether the louvers were open or closed, the Coastal Engineers had advised they were supportive of the scheme. With respect of the extractor system, the Council were still awaiting information which was required within 28 days of the date of the decision. The Environmental Health Officer had confirmed they were content for this matter to be resolved by condition. The DM advised he was confident that matters outlined could be resolved by condition.
- iii. Cllr W Fredericks asked how use of the louvers could be enforced to ensure they were opened when not in use.
- iv. The DM affirmed this was not a key issue and reiterated that the Coastal Engineers were satisfied with the scheme regardless of whether the louvers were opened or closed.

- v. Cllr L Vickers noted the public speaker's representation that the gazebos were permitted development under COVID-19 and asked if this was correct.
- vi. The DM was unable to offer precise specifications of what was permitted during COVID but confirmed that there was an expansion of outdoor seating to encourage users to sit in the open air and not within buildings.
- vii. Cllr L Vickers stated that she was persuaded by the economic merits of the proposal, with the public house employing local people and the business generating revenue within the local economy.
- viii. Cllr V Holliday considered the scheme to be intrusive and was concerned about light pollution for such a sensitive site. In response to earlier comments regarding economic merits of the proposal, Cllr V Holliday reflected that tourism was not a well-paid occupation.
- ix. The Chairman stated that whilst tourism was not a well-paid occupation it was an essential part of the local economy.
- x. Cllr A Brown agreed that tourism along with agriculture were essential to the local economy, with tourism being hardest hit when the pandemic started and was slow to get back up to prior levels. He commented that the Council were committed to supporting tourist businesses and remarked that the premises were a vital facility for local people and visitors alike. Cllr A Brown welcomed the relocation of the flue though expressed his disappointment regarding the lack of detail supplied on the impact of noise and smell of the extractor system and considered that sufficient time had passed to address such matters. Cllr A Brown accepted the use of the gazebo's would not constitute as overdevelopment, though shared Cllr V Holliday's concerns regarding light pollution. He noted the conditions proposed to restrict the operation of lights between 7am – 11pm and commented that it was always a concern whether such conditions could be enforced and monitored given how busy the enforcement team were.
- xi. Cllr J Toye expressed concerns about the proposed drainage but accepted that specialists had considered the scheme and were satisfied with the soakaway system, and noted Cllr A Brown's comments that the enforcement team were busy. Cllr J Toye asked if conditions could be applied to ensure the monitoring of the soakaways, particularly given one was sited in a car park and would be subject to movement, given the size of the soakaways he argued they could easily become soiled up resulting in them being ineffective. With the Coastal team being in situ in Mundesley over the next few years, he argued this presented an opportunity for them to monitor whether the soakaways were operating as expected.
- xii. The DM advised that it was challenging to monitor the effectiveness of bellow ground systems. Typically, the Council would ask applicants to provide details over the construction of soakaways, usually to specific standard required. Provided the soakaway was built to the correct standard, it would be very hard to monitor whether it was working as expected. The DM advised against adding a condition for the monitoring of the soakaway to the level of detail discussed and was minded that it may give a false impression to residents over the enforcement of the condition. Should issues arise on the site with increased surface water appearing on site, the Council would then enter discussions with the applicant.

- xiii. Cllr J Toye commented that if the downpipes were blocked, and the drainage system not maintained, rain would fall off in large quantities down the cliff face and not where it was intended. Monitoring the system was functioning effectively would be as simple as checking the rain was going down the downpipe and into the soakaway whilst it rained. Cllr J Toye stated that he was not seeking an onerous or complex solution, and this could be remedied by simple maintenance.
- xiv. The DM affirmed that condition 5 would address concerns over the management of the soakaways for the lifetime of the development, ensuring the soakaways were built in accordance with the manufacturers specifications and maintained as such thereafter.
- xv. Cllr J Toye reflected that residents would likely inform the Council if there were an issue with the system and reiterated his concern over the sensitive nature of the site.
- xvi. At the discretion of the Chairman, the applicant was permitted to make a further representation addressing members comments. Mr Dent advised that it was in the best interest of his business that the soakaways be maintained. He confirmed that he would ensure that there were no adverse effects and was committed that the scheme would function as expected.
- xvii. Cllr J Toye suggested that a simple check list be imposed that the drainage was checked once a month, particularly during leaf fall, ensuring the guttering was clear. This simple solution would be in the best interest of the applicant to mitigate the risk of cliff erosion.
- xviii. The applicant advised he was happy to ensure checks were undertaken. In response to earlier comments, Mr Dent confirmed that the business was going for green tourism accreditation, to receive such accreditation the business must operate to a high environmental standard, including energy efficiency. He countered that use of extraction systems and lighting when not needed would conflict with green tourism accreditation and was something which made no sense for the business to do. Whilst there may have been issues in the past, the applicant advised this would not be the case moving forward with the environmental focus of the business.
- xix. The Chairman reminded members they must consider the merits of the application on planning grounds.
- xx. Cllr M Hankins stated he was broadly in support of the application, noting it had weathered the pandemic when many other public houses had not. He affirmed it was a good attraction for tourists, though expressed concern over the proposed lighting. The officer's report detailed that there 'may' be an impact on Highways, and that Highways reserved the right to seek the removal of any lighting causing obstruction or nuisance. Cllr M Hankins asked if this issue had been discharged and whether officers were now confident that the proposed lighting was acceptable.
- xxi. The Chairman advised the proposed lighting would confirm with policies CT5 and CT6 and was therefore acceptable in policy terms.
- xxii. The DM confirmed discussions had taken place with the Highways authority

and no specific concerns had been raised about the proposed lighting. The informative note detailed was included to ensure the applicant maintained the lighting so that it would not become a nuisance from a highway perspective.

- xxiii. Cllr M Hankins sought confirmation that the lighting was policy compliant.
- xxiv. The DM affirmed the lighting was policy complaint and that Highways had raised no objections. The informative detailed was a standard note applied on developments with external lighting, highlighting to the applicant that simply because they had received planning permission, such permission did not allow for lighting to be adjusted resulting in glare onto highways. The Highways Authority would reserve the right under this condition to ask for the lighting to be removed should it cause a traffic impact or safety issue under the highways act.
- xxv. Cllr L Vickers noted with the officer's report that the lights would be fitted with cowls to direct the light downwards, she sought confirmation that this was correct.
- xxvi. The HPA-HG advised this would be conditioned via the second condition.
- xxvii. Cllr A Varley thanked officers for their thorough report. Having listened to the varied discussions and the mitigation proposed for the sensitive location, he was content to propose acceptance of the officer's recommendation.
- xxviii. Cllr K Toye stated that whilst she was initially concerned about the impact on neighbours with respect of light pollution, she considered the conditions detailed were acceptable provided they were adhered to. Cllr K Toye seconded the officer's recommendation.
- xxix. Cllr A Brown asked if there were any safety implications arising from glass perimeter fence from a building regulations perspective. Additionally, he encouraged the applicant and others to avoid submitting retrospective applications and to seek permission ahead of commencement of works.
- xxx. The DM advised that the glass balustrade was not a feature of the planning application and was considered to be permitted development. He was unable to offer guaranteed assurances without speaking to the Building Control team whether the glass fence was acceptable.
- xxxi. Cllr A Brown accepted the fence did not form part of the planning application and asked that his question be directed to the Building Control team for a response outside of the meeting.

**RESOLVED** by 10 votes for and 1 against.

**That planning application PF/23/1150 be APPROVED in accordance with the officer's recommendation.**

**62 HOLT - PF/23/1672 - REPLACEMENT OF EXISTING TOILET FACILITIES WITH NEW PUBLIC TOILET FACILITIES AT PUBLIC CONVENIENCES, 4A FRANKLYNS YARD, HOLT, NORFOLK, NR25 6LZ**

The SPO introduced the officer's report and recommendation for approval. He outlined the site's location, relationship with neighbouring properties including Grade

II listed buildings, existing and proposed floor plans and elevations, use of materials, and photographs of the site.

The key issues for consideration were the principle of development, design, amenity, protecting and enhancing the historic environment, and planning balance.

### Public Speakers

Maggie Prior – Holt Town Council

### Members debate and questions.

- i. The Local Member – Cllr M Batey –proposed acceptance of the officer’s recommendation and asked, should the application be approved, that the contractors be mindful of local businesses when undertaking their work to minimise disruption.
- ii. Cllr A Varley thanked the case office for his report and stated that as a Local Authority, NNDC took pride in its public facilities. He noted an absence of environmental consideration in the design of the scheme, and asked officers for greater detail on the environmental aspects of the proposal.
- iii. The DM noted that there was nothing explicitly clear in the application what was being done to satisfy environmental policy requirements, though that was not to say that this policy had not been considered in the application.
- iv. Cllr A Varley thanked the DM for his comments, but stated this hadn’t moved the matter forward. He affirmed the Council should ensure that its facilities were of a high environmental standard and consideration given into the Council’s carbon footprint.
- v. The DM advised that the building would have to comply with building regulations as a minimum. It was a judgment call for the committee whether the application complies with policy, which officers were satisfied it would.
- vi. Cllr A Brown seconded the officer’s recommendation for approval. He confirmed that updating of facilities was a core feature in the corporate plan, though noted this application had arisen due to damage to the structure. Cllr A Brown stated that the Council’s capital programme and the updating of its public facilities was likely the envy of many other local authorities. He stated that the concerns of local businesses needed to be considered, and whilst there was not a proposed management plan as there may otherwise been for a larger development, the effect of noise and highways matters were important considerations.
- vii. Cllr V Holliday as the Local Member for coastal villages which used Holt as a well-loved shopping centre, welcomed the application, especially the inclusion of changing places toilets. She asked if consideration had been given over the risk of anti-social behaviour and vandalism of the facilities, as this had been an issue elsewhere in the district.
- viii. The SPO advised that from a planning perspective the council had limited control over vandalism. It was a case of educating the public about preserving and respecting facilities for the good of the community.

- ix. The DM advised that vandalism was an issue the Council had faced at other sites which had taken facilities out of action until repairs were completed. Whilst not expressed in the application, the DM felt assured that the Property Services Team would have taken the replaceability and durability of items into the design of the scheme to ensure quick repair of facilities.

**UNANIMOUSLY RESOLVED** by 11 votes for.

**That planning application PF/23/1672 be APPROVED in accordance with the officer's recommendation.**

*The meeting was adjourned at 11.05am and reconvened at 11.16am.*

**63 SLOLEY - PF/23/1717 - ERECTION OF GARDEN ROOM AND FENCE (RETROSPECTIVE) - THE OLD WORKSHOP, SLOLEY ROAD, SLOLEY, NORWICH**

The HPA – MA introduced the officer's report and recommendation for refusal. He reiterated that subsequent to the publishing of the agenda, members had been circulated an email from the agent directly.

The HPA-MA outlined the site's location, site plan, and relationship with the local setting. Another application on the site had previously been to committee (PF/23/0929) in July 2023, this did not form part of the application presented before the meeting for consideration.

The Case Officer offered photos of the site and proposed elevations. Comments had been received from the Conservation and Design Officer objecting to the retention of the garden room and fence primarily due to these structures masking the juncture between the principle two storey barn and its subservient single-story wing. The fence as built out did not bare as replacement for the post and rail fence which had been approved under a conditioned discharged under application CDA/17/0495.

The key issues for consideration were; the principle of development; the design and impact upon heritage asset; design and impact on the wider landscape; and amenity.

Public Speakers

Patrick Harper-Gray (Supporting)

Members Debate and Questions.

- i. Cllr A Brown asked why a privacy fence had been proposed and not a privacy hedge.
- ii. At the Chairman's discretion, the agent was permitted to speak. The agent advised that the applicant sought a swift solution that would physically obstruct the overlooking, this would not be possible with a hedge given the length of time required for a hedge to become established. The applicant had asked officers if a temporary fence could be retained whilst the hedge grows, however officers did not support this approach.
- iii. Cllr A Brown stated that he was not convinced with the argument supplied, and further asked the PL about the treatment of property in neighbouring

disputes, as he understood that was not a planning consideration. He noted the allegations raised against the Council for a 2021 planning application, though advised he was unaware about this application despite having sat on the Development Committee during the associated period. He asked if officers could respond to the allegations.

- iv. The PL advised that matters of purely private property disputes were not material considerations for the committee, however, impact on residential amenity was a material consideration, and the committee may have regard to both the applicant's amenity issues and neighbour's amenity issues.
- v. The Chairman sought confirmation that the fence at issue was not the boundary fence, rather it was a short fence within the curtilage of the amenity area.
- vi. The HPA – MA confirmed that the fence subject to the application was set back from the boundary fence. During his site visit the HPA-MA had attended the Hay Loft and viewed the amenity area of the Old Workshop from the double doors. He advised that the new fence provided limited additional shielding in comparison to the original fence.
- vii. The Chairman clarified that application PF/22/1909 removed permitted development rights for the erection of buildings, structures, and other means of enclosures. He asked if the fence detailed was considered a permanent structure.
- viii. The HPA-MA confirmed that the fence was considered a permanent structure.
- ix. Cllr L Vickers noted the applicant's representation and their allegation that the neighbours had breached planning permission and agreement to not overlook his property. She asked officers to clarify this matter.
- x. The ADP advised there was two points at matter. First, there was a purely civil matter between the two parties as to what they may or may not have discussed or agreed. Secondly, whether the insertion into the gable end of the main building approved or not. It was his understanding that this insertion was approved, though there were queries whether the boundary had been shown correctly at the time.
- xi. Cllr L Vickers stated that she understood that the double doors in the adjoining building were approved, but asked if there were any formal conditions applied to that approval.
- xii. The ADP advised that there were none of which he was presently aware.
- xiii. Cllr J Toye thanked officers for their report. He expressed his concern that planning was being used as a means to cover up the miss-selling of the property to the applicant. He expressed every sympathy with the applicant, but argued it was the miss-selling which was the issue at fault. Cllr J Toye affirmed that the Council should not cover up the error by changing its planning policies. With respect of the application itself, he considered that concrete posts did not demonstrate a temporary structure, and that the reed boundary fence would likely fall before the 'temporary' structure. Cllr J Toye proposed acceptance of the officer's recommendation for refusal.

- xiv. Cllr A Brown considered that greater attention needed to be given to the Garden Room, also detailed in the application, which he argued was the major difficulty. As the site was in the shadow of the heritage asset, this set a high bar over what should be built, irrespective who owns certain portions of the site. He expressed his concern over the design of the Garden Room, describing the structure as looking akin to a large garden shed.
- xv. The Chairman commented it was a matter of opinion whether individuals considered whether the design was in keeping with the overall scene. He asked the applicant whether the Garden Room was in situ when they brought the property.
- xvi. The applicant advised that it was agreed that the Garden Room would be there, and that works had commenced before the they had completed on the property. The applicant stated that they had to take the now regretful decision to continue, which is why they were pro-actively seeking permission. The final product was delivered whilst they were the owners however the purchase fee did include the Garden Room.
- xvii. In response to earlier comments, the PL advised that the fencing must be on the boundary to be permitted development.
- xviii. The ADP stated that both the Garden Room and Fence detailed in the application required consent because of the history of the site.
- xix. Cllr V Holliday agreed that that main issue requiring attention was the Garden Room. She noted within the officer's report, second paragraph on p.96, that the garage had been removed, and asked if this was because the scheme had not been thought of, or if it was due to the removal of permitted development rights?
- xx. The DMTL advised the garage formed part of a separate application presented as a retrospective application to committee in July 2023. This application was refused.
- xxi. Cllr A Brown seconded the officer's recommendation for refusal. He commented that it was a matter for the applicant, had they been miss-sold the property, to consider taking independent legal advice, but that this was not a planning matter for the committee.
- xxii. The Chairman sympathised with the unfortunate set of circumstances faced by the applicant, but advised the committee could only approach the application on its planning merits.

**RESOLVED** by 10 voted for and 1 abstention.

**That planning application PF/23/1717 be REFUSED in accordance with the officer's recommendation.**

## **64 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

- i. The DM introduced the performance report and spoke positively of the maintained and improved speed and quality of decisions. He advised that meetings had been held with planning agents as part of the planning service



improvement plan (PSIP).

- ii. Cllr A Brown expressed his thanks to officers for their work for their high levels of performance. He asked if the out of time applications referenced in the report had received agreed extensions of time. Further, he asked if there would be changes to the reporting data.
- iii. The DM advised that it was challenging to secure extensions of time in situations where it was likely that the application was recommended for refusal. Officers were working hard to ensure that those extensions of time were agreed before the statutory time limit expired. With respect of the data sets, he advised as part of the PSIP that the data set was being reviewed which would offer greater insight into the planning service. Whilst there was a plethora of data available, it was important to ensure that it presented in a way which was useful.
- iv. The ADP confirmed his commitment at the Overview and Scrutiny Committee that through the PSIP the planning service would look to produce a broader suite of performance indicators. Whilst the current indicators were interesting, other indicators were also insightful and may be of greater interest to applicants and the wider public. It was the intention that in summer 2024 a new list of indicators be published and monitored; the ADP was keen that these indicators reflected what the various stakeholders consider to be important. He encouraged members to contact him, or the DM should they have an opinion on which indicators they would like to be considered. The ADP affirmed that the Council would continue to report to government on those indicators asked of it but sought to expand on the performance reporting which a rounder suite of data to the Committee and stakeholders.
- v. Cllr J Toye echoed his thanks, and relayed positive feedback received from agents and applicants following meetings with the planning service. He endorsed greater engagement and communication with stakeholders.
- vi. The ADP advised there would be quarterly meetings with agents and developers with a commitment that one meeting would be held in person annually.
- vii. The PL offered an update to the S106 obligations and offered an update for the Church Road, West Beckham application, for Broadland Housing. She confirmed that the draft S106 agreement had already been substantially agreed, though added that conversations were required with Broadland Housing. The PL advised that two applications for Broadland Housing were delayed because the developer had not yet taken an option or entered into a conditional contract to purchase the land. She stated that it was bizarre that someone should wish to make a planning application on someone else's land given the time and expense of doing so but not enter into any contract to purchase the land. The consequence of this is that there would be nothing from stopping the landowner from selling the land with the benefit of planning permission to a different developer. The PL advised that she was in discussion with the agent about this issue, but was not satisfied with the response provided. In her experience this situation would not occur with a commercial developer, as they would not commit resources to securing planning permission for someone else's land, without the guarantee that the land would subsequently be theirs.

- viii. The Chairman questioned whether the landowner at West Beckham could sell the land for something other than social housing.
- ix. The PL advised that the landowner would be bound by the restrictions detailed in the S106, but without the option to buy or purchase contract in place, the landowner would not be bound to sell the site to Broadland Housing and could instead sell the land to any registered provider. She expressed her concern that the Committee would have listened to the representations from a particular provider, yet these representations would amount nothing if the provider does not actually purchase the site.
- x. The DM informed the Committee that the Council had employed a consultant to undertake work into how the Council may enhance the speed of delivery of affordable housing. He commented that the outlined issue would be raised as a risk point, however stated that he would be surprised if the development was not built out as expected. It was disappointing that this set of circumstances would result in delays, particularly given officers consistently work to bring items to committee at the earliest opportunity.
- xi. Cllr K Toye asked if details could be included in applications whether developers had secured the land.
- xii. The PL reiterated her comments that no commercial developer would likely be in this situation and stated that, in her experience, only Broadland Housing had undertaken these risks in not having secured the purchase of the sites.
- xiii. Cllr A Brown reflected that Broadland Housing were perhaps over relying on the C certificate, however without a conditional contract or an option deed that could be registered against the master title, there was little security offered.
- xiv. The ADP confirmed that as a simple matter of planning principle anybody could apply for any use on anybody else's land providing they submit the relevant certificate related to the ownership position. A landowner did not need to consent to a planning application made on their site and did not need to consent before an application might be determined positively. It would clearly be exceedingly difficult to develop an application with permission without the owner's consent, this was further complicated in the small number of applications subject to S106 obligations, as the S106 process required those with an interest in the land to sign the S106 agreement. He advised that the PL was correct in her assertions that the developer was undertaking matters at their own financial risk, and that this would be unusual with commercial developments, however the developer did not have to secure the site ahead of the submitting the application, or before it was considered by the committee under planning law. It was disappointing that there would be a delay to the development, despite officer's efforts and agreement by the committee.
- xv. The DM advised he would take this matter away and have conversations with members of the housing team with a view to de-risk the process. Affordable housing was a corporate priority, and it was important that everything be done to ensure its delivery as quickly and safely as possible.
- xvi. Cllr A Brown asked if proprietary matters could be added to a validation list

confirming ownership, or that an option on the land had been secured.

- xvii. The ADP advised that this was encapsulated within the validation list as an ownership certificate needed to be completed on the form. Whether there was further scope was debateable. He considered it would be relevant to the committee to know whether applicants, if granted permission, were able to swiftly move forward with the S106 agreement.

**65 APPEALS SECTION**

- i. The DM outlined the appeals report and noted the inconsistency in how long appeals were being determined, with some still outstanding over a year and others determined incredibly quickly. A decision had been reached at Blakeney following the informal hearing on 19<sup>th</sup> September, the inspector provided a split decision which allowed the chalk grassland but dismissed the dwelling. This was the second successful appeal on the site in recent months.
- ii. Cllr A Brown welcomed the outcome at Blakeney, and the common-sense approach taken by the inspector.

**66 EXCLUSION OF PRESS AND PUBLIC**

None.

The meeting ended at 12.05 pm.

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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**

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"><li>a) any body of which you are in general control or management and to which you are nominated or appointed by your authority</li><li>b) any body<ul style="list-style-type: none"><li>(i) exercising functions of a public nature</li><li>(ii) any body directed to charitable purposes or</li><li>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</li></ul></li></ul>
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**MUNDESLEY – PF/23/0843 - Remodelling of bungalow to form two and a half story dwelling with attic rooms at 2 Beckmeadow Way, Mundesley, Norfolk**

**Other Minor Development**

**Target Date:** 8<sup>th</sup> June 2023

**Case Officer:** Miss A Walker

**Householder**

**RELEVANT SITE CONSTRAINTS:**

Within Settlement Boundary of Mundesley

Within a designated Residential Area

Adjacent to Mundesley Conservation Area

Within the GIRAMS Zone of Influence

**RELEVANT PLANNING HISTORY:**

None relevant.

**THE APPLICATION**

This application seeks to remodel the existing dwelling by adding a first floor extension and creating a habitable roof space, taking it from a one and a half story chalet bungalow to a two and a half storey dwelling.

**REASONS FOR REFERRAL TO COMMITTEE:**

At the request of the Cllr Fredericks owing to concerns that the proposed height of the building would constitute over development. Also Mundesley needs to protect its single storey accommodation as 60 per cent of our population are over retirement age.

**CONSULTATIONS:**

**Mundesley Parish Council - Objection** on the following grounds:

- Traffic issues
- Noise pollution
- Overdevelopment
- Overshadowing

**NNDC Conservation and Design Officer – No objections.**

**REPRESENTATIONS:**

Five letters received in **objection** and summarised as follows:

- Would create additional light pollution
- Would create additional noise pollution
- The proposed design is not in keeping
- The proposed attic windows would result in loss of privacy
- Increased traffic on an un-adopted road

- Concerns regarding potential use as a holiday home
- Out of character scale and overdevelopment
- Overshadowing
- Overbearing
- Grass verges eroded and may be damaged further by traffic

### **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 EN 2 Protection and enhancement of landscape and settlement character

Policy EN 4 Design

Policy EN 8 Protecting and enhancing the historic environment

Policy EN 9 Biodiversity and geology

Policy EN 13 Pollution and hazard prevention and minimisation

Policy CT 5 The transport impact of new development

Policy CT 6 Parking provision

#### Material Considerations:

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

North Norfolk Design Guide (December 2008)

North Norfolk Landscape Character Assessment (January 2021)

North Norfolk Landscape Sensitivity Assessment (January 2021)

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

Chapter 2 Achieving sustainable development

Chapter 4 Decision-making

Chapter 12 Achieving well-designed places

Chapter 15 Conserving and enhancing the natural environment

Chapter 16 Conserving and enhancing the historic environment

## Other relevant documents/considerations

National Design Guide (September 2019)

### **OFFICER ASSESSMENT:**

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

- 1. Principle of development**
- 2. Design and Heritage Impacts**
- 3. Residential Amenity**
- 4. Landscape and Biodiversity**
- 5. Highway Safety**

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

This application seeks to remodel the existing dwelling, adding a first floor extension and creating a habitable roof space. The property is located within the development boundary of Mundesley, designated a 'Coastal Service Village' by the North Norfolk Core Strategy. Policy SS 3 allows for appropriate residential development within designated 'Residential Areas'. This includes extensions to dwellings subject to compliance with other relevant Core Strategy policies. This proposal is therefore considered acceptable in principle under Policy SS 1 and Policy SS 3 of the Adopted Core Strategy.

#### **2. Design and Heritage Impacts**

Beckmeadow Way is an un-adopted road in Mundesley, the street scene comprises a mix of dwellings and architectural styles. Whilst of mixed appearances, overall the properties are generously proportioned bungalows, one and a half and two storey detached properties of up to six bedrooms, set back from the highway in verdant plots. The dwelling as existing is three-bedroom 1930's chalet style one and a half storey bungalow situated on a generous plot. The proposal seeks to remodel the existing bungalow, adding a first floor extension with habitable roof space above to create a six bedroom, two and a half storey dwelling.

The property would largely maintain the modest footprint of the original bungalow by building upwards. On the ground floor the existing single-storey attached garage would form part of the family room with French doors on to the rear patio. Double doors would also be added to the dining room to provide access to the garden. On the first floor four double bedrooms with en-suite bathrooms are proposed, the two bedrooms to the rear would have a Juliet balcony overlooking the rear garden. In the roof space a double bedroom and a twin room are proposed with a main bathroom. Three pitched roof dormers on the rear elevation and two to the front elevation would provide adequate light and internal head height to each of the rooms.

Due to the concerns raised regarding the size of the proposal officers pro-actively worked with the agent and amended plans were sought, the proposed roof was partially hipped and the ridge height reduced by 45mm.

In terms of materials the property is proposed to be rendered with a mix of old and new roof

tiles to match the existing dwelling. Anodised aluminium double glazed windows are proposed to maintain the appearance of the original windows.

Due to the site being located on the boundary of the Mundesley Conservation Area, Conservation and Design Officers were consulted and no substantive heritage concerns were raised. Overall the proposal is considered to be of appropriate styling and materials.

Whilst it is acknowledged by officers that the proposals would result in the property being one of the larger dwellings in Beckmeadow Way, this is not considered to be overdevelopment, due to the generous size of the plot, nor would it be out of character due to the mixed street scene and other large two storey dwellings in the area. The proposal would accord with Development Plan Policy in relation to design and heritage matters.

### **3. Residential Amenity**

Policy EN 4 sets out that development proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Residents have the right to adequate privacy levels and to be kept free from excessive noise and unwanted social contact.

Beckmeadow Way slopes down slightly from the High Street. There are immediate neighbours to the East (4 Beckmeadow Way) and West (53 High Street). No.53 High Street is a large two and a half storey dwelling set on the crest of the slope and No.4 Beckmeadow Way is set slightly lower than the application site as shown on the street scene plan submitted.

In the letters of representation received, concerns were raised regarding the development being overbearing to No.4. The proposals would increase the property from a one and a half storey dwelling to a two and a half storey dwelling. Notwithstanding this, the property is set away from the boundary to the east with the increase in height also stepped from the property at No.4, first with the single storey garage before stepping up to two storeys with a partially hipped roof. Whilst the property would be taller than the neighbouring chalet bungalow at No.4, it is set slightly further back in terms of building line. Given the orientation of the properties, the stepped height increase with the single storey garage closest to the boundary and the existing boundary treatments of mature trees and hedging there is not considered to be a significant adverse impact in terms of overbearing or overshadowing. A condition requiring the retention and replacement of the trees and hedging along the boundary would also be included in the event of an approval, as this would help soften the visual impacts of the proposal from the highway.

Two windows are proposed on the side elevation at the first floor in order to provide natural light to bathrooms, these would be conditioned to be obscure glazed as part of any approval, as would the other bathroom windows on the first and second floor.

Two Juliette balconies are proposed at first floor on the rear elevation, the nature of this style of balcony means that the views from these would be akin to a window in the same location and views from these rooms would be directed down the rear garden.

Concerns were raised regarding the proposed roof dormers resulting in a loss of privacy of neighbouring properties. The Norfolk Design Guide requires primary to primary windows to be

separated by at least 21m to avoid loss of privacy. The dormer windows on the front elevation would be at least 22m from the boundaries of the properties opposite (and even further to their windows). The attic room dormers on the rear elevation are some 20m from the rear boundary and therefore the separation distances between these windows and properties to the rear is far greater.

Furthermore concerns were raised regarding potential noise pollution as a result of the proposal. Whilst the development would increase the property from a three bedroom dwelling to a six bedroom dwelling there are not considered to be any significant negative impacts in terms of noise pollution. The proposal is for a residential dwelling and no change of use has been submitted, the applicant has further stated that the property would continue to be used as a residential dwelling.

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

#### **4. Landscape and Biodiversity**

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

Concerns were raised in public representations with regards to light pollution as a result in the increased size of the property and additional windows. The property is located within the settlement boundary of the village of Mundesley and does not fall under any sensitive landscape designations relating to dark skies such as the AONB or the Undeveloped Coast. Therefore whilst the proposals would be considered to contribute to the cumulative impact of lighting emanating from the village of Mundesley it is not considered there would be a significant adverse impact in terms of light pollution.

Due to the nature of the proposed works a Preliminary Ecological Appraisal (PEA) and a Preliminary Roost Assessment (PRA) were submitted in support of the proposal. The property was assessed as having 'negligible' potential to support a bat roost due to a lack of potential roost features. Therefore, the proposal is not considered to have any adverse impacts on protected species and whilst no mitigation recommendations were made, ecological enhancements to increase the biodiversity net-gain as required by the NPPF can be secured via condition.

#### **5. Highway Safety**

Development is to provide satisfactory and safe vehicular access, as well as provide adequate vehicle and cycle parking, in accordance with the requirements of Policy CT 5 and CT 6. Paragraph 111 of the NPPF states that development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Appendix C of the Adopted Core Strategy sets out the parking standards required for development proposals. Use Class C3 'Dwelling Houses' requires parking provision for three to four vehicles for a unit of four or more bedrooms.

There are no proposed alterations to the existing highways access and the parking and turning area as shown on the proposed plan demonstrates sufficient parking for four vehicles. Officers therefore consider that the proposal accords with the aims of Core Strategy Policies CT 5 and CT 6.

### **Conclusion and Planning Balance**

The principle of development is considered acceptable in this location. Whilst the proposals would result in No.2 being one of the larger properties in Beckmeadow Way this is not considered to be out of character for the area given the other large detached properties in the street. There are not considered to be any significant negative impacts in terms of overlooking, overbearing and overshadowing, subject to conditions relating to obscured glazing and maintaining the well treed boundary. In all other respects, subject to conditions, the development is considered to accord with the relevant policies of the adopted Development Plan as listed above.

The issues raised in letters of representation received (summarised above) following publicity and consultation carried out in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), have been considered. They do not raise material considerations which outweigh the recommendation to approve.

### **RECOMMENDATION:**

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

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

Reason for the 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 approved plans and documents, except as may be required by specific condition(s) and as listed below:

Drawing Number 'SK01', revision 'J' entitled 'Planning Drawing, received on 25/09/23  
Drawing Number 'SK01-2', revision 'A' entitled 'Planning Drawings, Street Elevation', received on 25/09/23

Arboricultural Survey, prepared by 'Arbtech', received on 12/04/23

Preliminary Ecological Appraisal and Preliminary Roost Assessment, prepared by



'Arbtech', received on 12/04/23

Reason for condition

To ensure the development is carried out in accordance with the expressed intentions of the applicant and to ensure the satisfactory development of the site, in accordance with Policies EN 2, EN 4 and EN 8 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 for condition

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

4. The development hereby approved shall be carried out in strict accordance with the recommendations as set out in Table 8 of the Protected Species Survey report prepared by Arbtech (March 2023). The mitigation and enhancement measures shall include the provision of:
  - a) Installation of at least 1No. integral bat box to be installed within the south or south-western aspect of the house.
  - b) Installation of at least 1No. bird boxes on retained trees along the eastern boundary.

The mitigation and enhancement measures shall be carried out in accordance with the approved details prior to first occupation of the extended parts of the enlarged dwelling 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. Prior to the installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority and shall incorporate the following parameters:
  - 1) fully shielded (enclosed in full cut-off flat glass fitments)
  - 2) directed downwards (mounted horizontally to the ground and not tilted upwards)
  - 3) switched on only when needed (no dusk to dawn lamps)
  - 4) white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources

The lighting shall thereafter be installed and retained in accordance with the approved details.

Reason for condition

In the interests of the visual amenities/residential amenities of the area and in the interests of highway safety and convenience, and to avoid light pollution in accordance

with Policy EN 13 of the adopted North Norfolk Core Strategy

6. Any works to trees and hedges as approved shall be carried out in strict accordance to British Standard 3998:2010 Tree Work – Recommendations.

Reason for condition

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

7. No tree, shrub or hedgerow along the site boundary which is indicated on the approved plan to be retained shall be topped, lopped, uprooted, felled or in any other way destroyed, within five years of the date of occupation of the building for its permitted use, other than in accordance with the approved plans and details, or without the prior written approval of the Local Planning Authority.

(In this condition, retained tree, shrub, or hedgerow, means an existing tree, shrub or hedgerow which is to be retained in accordance with the approved plans and particulars).

Reason for condition

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

8. The en-suite and bathroom windows of the building hereby permitted as annotated on SK01 Rev J, shall be glazed with obscured glass to Pilkington Level 4 or equivalent, and shall be permanently maintained in that condition.

Reason for condition

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

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

**SHARRINGTON – PF/23/1352- Erection of single-storey detached agricultural workers dwelling and detached agricultural storage barn.**

**Minor Dwellings**

**Target Date:** 29<sup>th</sup> September 2023

**Case Officer:** Miss A Walker

**Full Planning**

**RELEVANT SITE CONSTRAINTS:**

Countryside Policy Area

Sharrington Conservation Area

Agricultural Land Classification: Grade 3 (moderate/ good quality)

Within the GIRAMS Zone of Influence

**RELEVANT PLANNING HISTORY:**

Reference NP/23/0192

Description Prior notification of proposed agricultural development- proposed storage building

Outcome Prior Approval Required 14.02.2023

Reference PF/18/1553

Description Proposed erection of two-storey agricultural dwelling

Outcome Refused 12.02.2020

**THE APPLICATION**

This application seeks the erection of a single-storey detached agricultural workers dwelling and detached agricultural storage building with new access on to Brinton Road at Land West of Michael House, Bale Road, Sharrington.

**REASONS FOR REFERRAL TO COMMITTEE:**

At the request of the Cllr Brown due to the significant public interest in the application. Cllr Brown considers the proposal continues to present challenges to current Planning Policies and therefore the applicants have to demonstrate that there is a public benefit which outweighs the consequences of the potential breach of Planning Policy to mitigate any harm.

**CONSULTATIONS:**

**Brinton Parish Council - Objection** on the following grounds:

- The change of use from arable field to residential is not compatible with the settlement structure of Sharrington.
- It is considered that the proposed development would result in an unacceptable impact on our Conservation village, the character of the settlement and adverse landscape impact.
- The essential need to justify the dwelling has not been demonstrated and that the application is contrary to policies SS 1, SS 2 and HO 5.
- Not located on land which makes up the majority of the farm and are poorly located in relation to the majority of the holding.

**Conservation and Design Officer - Objection** for the following reasons

'In the recently adopted Sharrington Conservation Area Appraisal, the village is described as being "a dispersed settlement with a distinctive rural character in which the agricultural fields of the surrounding countryside flow into and through the areas of built development". The document further notes that the village has a "sense of unity" despite its dispersed layout and that "the agricultural fields surrounding Sharrington are the principal contributor to its setting" on the edge of the Glaven Valley.

Against this context, the northern portion of this application site has been the subject of much discussion in recent years in terms of its relationship with, and contribution to, the conservation area.

This culminated in members ratifying its continued inclusion within the boundary based upon it being an important gap site which helps to inform and reinforce the settlement's defining characteristics and significance. It is therefore a key material consideration which needs to be taken into account and which introduces a statutory duty to preserve or enhance the designated heritage asset.

With this in mind, the proposed development involves the erection of a two-bedroom dwelling and a timber-framed agricultural building within this northern part of the site, and the formalisation of an existing field access onto The Street to the south east. Subject to it being upgraded in a manner which is appropriate for a rural location, the latter gives rise to no 'in principle' C&D concerns. As regards the buildings, it is noted that they are essentially single-storey structures of relatively modest height. Despite this, however, they would be situated in close proximity to one another and would have a combined linear footprint which would measure in at nearly 30 metres long. Given that they would also be centred in the middle part of the site, the new build would therefore have the effect of closing up the gap visually. Moreover it would also lead to an unwanted coalescence of the built form, and thus would serve to erode the prevailing form and character of the conservation area.

In offering this comment, C&D are clearly mindful that the Bale Road frontage is framed with existing trees and hedging. Even prior to this being thinned out, however, it was a relatively 'gappy' affair which allowed filtered views into the application site and out over the wider landscape beyond (particularly during the winter months). It is such views which help to inform our collective understanding and appreciation of the designated area.

All of which said, planting of course tends to be transient in nature and should only ever be relied upon to soften acceptable development - it should not be used to screen unacceptable development

Therefore, irrespective of whether it remains in its current form or whether it is supplemented with additional hedging and trees, it would not prevent the proposed buildings effectively closing up the existing gap and thus blocking the perpetual views into and out from the conservation area. As such, C&D can only conclude that the proposed development would result in some harm being caused to its overall significance.

In terms of quantifying the level of harm, it is accepted that the Sharrington Conservation Area is a comparatively large designation which covers most of the village. With it also including

only the northernmost part of the site, the harm must be considered 'less than substantial' for the purposes of the NPPF. Nonetheless, as para 199 of that document reminds us, great weight should be afforded to the conservation of heritage assets irrespective of the degree of harm. Therefore, unless it is considered that there are other material planning considerations or public benefits accruing from the proposals which would outweigh the heritage harm, the Local Planning Authority would be obliged to refuse this application in accordance with para 202 of the NPPF.

Just touching on the design, the proposed dwelling would be a timber-framed kit which would be delivered to site and assembled. Whilst this is obviously attractive from a sustainability point of view, it is equally not necessarily the best way of promoting local distinctiveness. Hence, with render tending to be used sparingly as an accent material locally, the chosen aesthetic could well lack resonance within its surroundings. Indeed, depending upon the tiles to be used, it may have a relatively stark and clinical appearance which could struggle for acceptance alongside the unifying palette of traditional vernacular materials within the village. On the rear gable, meanwhile, it is not clear what the hatching denotes. Hopefully, however, it is not the type of stone cladding which became popular in some urban settings in the 70s and 80s. Finally, the agricultural storage building would be of typical utilitarian appearance and would sport neutral facing materials.

Intrinsically, therefore, it would neither jar nor attract.'

#### **Environmental Health - No response received**

#### **Landscape Officer - Objection for the following reasons:**

'Further to comments provided previously relating to lack of information, this response addresses additional information submitted.

The Landscaping Plan (received 27th Sep 2023) gives more detail of external curtilage and hard and soft landscape. Planting is appropriate on the north, west and east boundaries, but needs to be much more substantial on the south boundary to mitigate the effects of light spill from the dwelling across the open fields. A native hedge is proposed, but this should be supplemented with groups of at least 3 trees (including oak) at 10m intervals along this boundary.

Concerns were raised with regard to the double height glazed element on the south elevation which will be prominent from the south and incur light spill into the open landscape setting and adversely impact the dark night skies which are a valued feature of the Tributary Farmland landscape. There has been no amendment to the openings and this issue still stands.

As raised previously, the red line curtilage has significantly increased in size from the previous application (PF/18/1553). The site now occupies the whole of the undeveloped area which would give rise to potential further visual impact and development within the extended curtilage.

Notwithstanding the further details submitted with regard to planting, site layout and materials, the Landscape section hold the view that the fundamental change of use of this site from arable field to residential use is not compatible with the settlement structure of Sharrington, where the fields between groups of dwellings give significant context to the rural, arable setting of the village. Nocturnal character would also be adversely affected, although this could be minimised to some degree by a reduction in glazing and more substantial planting on the south

boundary as advised above. Conflict with Local Plan Policy EN2: Protection and Enhancement of Landscape and Settlement Character remains and the Landscape section maintain an objection.'

**CPRE - Objection** for the following reasons:

CPRE Norfolk wishes to object to the above planning application as the application site is designated as countryside and therefore goes against various policies within North Norfolk District Council's Core Strategy and the National Planning Policy Framework (NPPF).

NPPF Paragraph 174

This says in part that: "planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.....
- b) Recognising the intrinsic character and beauty of the countryside....."

This proposal would be contrary to these statements due to the imposition of new structures in the landscape. This aspect will be discussed further under NNDC's Core Strategy Policy SS 2 and Policy EN 2 below.

Core Strategy, adopted Local Plan  
Policy SS 1, Spatial Strategy for North Norfolk

The application site is on land classified as 'countryside' being outside any settlement boundary. Under this policy "development will be restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy." We question whether the proposed house would support the rural economy, as it may not be used for that purpose. Furthermore, the application does nothing to meet affordable housing needs or to provide renewable energy.

Policy SS 2, Development in the Countryside

This policy clarifies that "in areas designated as Countryside development will be limited to that which requires a rural location" before listing the various exceptions, one of which is "agriculture" which is the exception suggested in the application documents. It then confirms that "proposals which do not accord with the above will not be permitted." There are clear doubts as to the extent to which this proposal would be for "agriculture". This is due to the valid questions around who would live in the property once it is constructed and in the long term, whether the current farm business needs a worker living on-site, and whether the occupier of the new property would be working as a full-time farm worker. These doubts are enough to conclude that this application does not meet the demands of this policy to warrant permission.

If the application is granted permission despite this and several other concerns, then it would be important to have an agricultural tie applied as a planning condition to the permission, to ensure that the property was used for the declared purpose of housing an agricultural worker in perpetuity.

Policy HO 5, Agricultural, Forestry and other Occupational Dwellings in the Countryside

This policy aims to meet "the housing needs of full-time workers in agriculture". Such a solution will only be supported in exceptional circumstances, which is not the case with this application. Other solutions exist if there is a need for an on-site full-time worker, such as providing temporary accommodation close to the existing central hub of the farm, or possibly through conversion of an existing farm building, rather than on the proposed site where significant harm would result.

Policy EN 2, Protection and Enhancement of the Landscape and Settlement Character

The proposal does not give sufficient consideration to the landscape of the site and the land surrounding it. The proposed structure would harm “the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character)”. Moreover, the application does not demonstrate “that their location, scale, design and materials will protect, conserve and, where possible, enhance” the “gaps between settlements, and their landscape setting”, or “the pattern of distinctive landscape features, such as watercourses, woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife”, or the “visually sensitive skylines, hillsides, seascapes, valley sides and geological features” or the “nocturnal character”, all of which would be harmed by this proposal.

#### Policy EN 8, Protecting and Enhancing the Historic Environment

In part this policy states that: “the character and appearance of Conservation Areas will be preserved, and where possible enhanced”. The application site lies partly within the Sharrington Conservation Area, and by losing part of the currently open arable field to new structures this would damage rather than preserve or enhance the character and appearance of the Conservation Area, despite claims to the contrary in the applicant’s Planning Statement (4.0.)

#### Conclusion

CPRE Norfolk supports a living countryside where agriculture plays a vital part. However, this application does not clearly demonstrate that the proposed dwelling is essential for the successful running of the farm business, and even if it is the harm to the countryside, setting and landscape which would result is too great to justify permission being granted.

#### **Norfolk County Council Highways - No objection subject to condition:**

‘Thank you for the consultation received recently relating to the above development proposal, for the construction of a new agricultural workers dwelling and storage barn.

This application is similar to that previously seen under 18/1553, determined on 12 February 2020 however the access now proposed onto the C330 Brinton Road has a suitable level of visibility and subject to formalising the access construction, would provide a suitable means of access.

At this time, the application is for an agricultural workers dwelling, which it was previously refused, however if you are now satisfied that dwelling is required to support a clear agricultural need within the area and complies with Policy HO 5, then, subject to the occupation of the dwelling being limited (i.e. an agricultural tie) as described in the application details, I would not wish to raise any highway objection to the proposal.’

#### **REPRESENTATIONS:**

Seventeen in **support** and summarised as follows:

- The dwelling would have little, if any, effect on the landscape. Entirely screened by the hedge and would be virtually invisible.
- It is outside the conservation area and cannot set a precedent due to HO5.
- It is a sustainable and low-impact build of the type that should be encouraged in rural areas.
- In this area it is hard to attract local agricultural workers due to inflated house prices and rents and since 2018 the labour market has changed dramatically.
- The Rivetts are an established local family who have lived and farmed in the village providing employment since the 1950s.
- This property is for a local resident who lives and works in his village of birth.

- The only way a local person can afford to live in a Norfolk village is to provide the building land themselves
- Stock farmers need to live on the farm. Pigs, cattle and sheep need to be attended to at different hours of the day, especially when they are giving birth. It can only be achieved when the person lives on site.
- The house is a modern, well-constructed house.
- The family has gone to great lengths to landscape the site and allow future wild life support.
- This application should be viewed as an excellent opportunity to support a young, local person who wants to live and work in his home village.
- Councillors should be encouraging young people to live and work in the countryside.
- Public transport will never deliver rural workers for early morning starts and out of hour's tasks.

Twenty in **objection** and summarised as follows:

#### Agricultural concerns

- The agricultural justification for the new build is based solely on a tenanted farm as the land owned by the applicant is not a viable amount of land for a farm.
- The proposal does not meet the criteria for an agricultural workers dwelling.
- Many affordable properties are available within "reasonable daily travel to work" they are just not detached.
- There is currently no proof a third tenancy will be granted.
- The applicant has not demonstrated firm evidence of intent to develop or sustain Valley farm only giving a statement of intent.
- Without the continuation of the tenancy then there is no justification for an agricultural workers dwelling on the site.
- The proposal does not support how living on Bale Road can protect the animals and machinery from theft at Valley Farm on the Gunthorpe Road at the other end of the village.
- There is a variable narrative inside the application.
- The applicants do not require 24/7 manpower let alone on-site accommodation.
- There's no guarantee about the tenancy into the future.
- Any further additional workforce can come from the surrounding area within a two to three-mile radius.
- The applicants are using the tenancy to gain a personal benefit on their field.
- Planned future creation of a smallholding.
- The proposals specify a 3.5 labour requirement which is identical to that by Brown & Co, 5 years ago for a completely different business model.
- The proposed location is very poorly related to the main farm.
- The application site is an arable field which does not require 24 hour supervision
- There have been a number of affordable properties available in the area over the last 33 years which would have future proofed the family's ability to retire in the area, without the need for a new build on an open field.
- If a new build is deemed necessary would the dwelling not be more suitable built next to the farm it serves in Gunthorpe Road.

#### Landscape and Heritage

- The proposal would result in the loss of undeveloped agricultural land.
- The proposal would interrupt the view across the valley for which the area has conservation status.
- The development would significantly alter the appearance and character of this conservation area in Sharrington, much to its detriment.
- The change of use of the arable land to residential is not compatible with the settlement



structure of the village of Sharrington.

- The proposed site and access seem large and the proposed blocks of trees would alter the landscape.
- The proposal would obstruct the open arable fields between properties, where the village meets its open countryside setting.
- Additional light pollution from the new build.
- Recent ploughing enabled the Ecologist to report the absence of habitat ground cover to support any protected species.
- This application closes an important gap between 2 properties on the Bale Road
- By infilling on this piece of land it sets a precedent for other 'infills'.
- The gaps between properties should be retained as it is a strong defining characteristic of Sharrington.
- The proposal would have a damaging effect on views into and out of the designated Conservation Area.

#### Design and Amenity

- An excessively oversized plot.
- The proposed development would affect the character of the surrounding landscape by both its visual impact and a design not in keeping with the local character of most other buildings in the village.
- The increase in heavy farm vehicle traffic which the proposals would bring is unwelcome to an area.
- Heavy machinery and associated noise & lighting could disturb residents over any 24 hour period.

#### **HUMAN RIGHTS IMPLICATIONS**

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

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

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

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

The application raises no significant crime and disorder issues.

#### **LOCAL FINANCE CONSIDERATIONS**

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

#### **RELEVANT POLICIES:**

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

Policy SS 1 Spatial Strategy for North Norfolk

Policy SS 2 Development in the Countryside

Policy SS 4 Environment

Policy HO 5 Agricultural, forestry and essential worker dwellings in the Countryside

Policy EN 2 Protection and enhancement of landscape and settlement character

Policy EN 4 Design  
Policy EN 8 Protecting and enhancing the historic environment  
Policy EN 9 Biodiversity and geology  
Policy EN 13 Pollution and hazard prevention and minimisation  
Policy CT 5 The transport impact of new development  
Policy CT 6 Parking provision

Material Considerations:

**Supplementary Planning Documents and Guidance:**

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

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

Chapter 2 Achieving sustainable development  
Chapter 4 Decision-making  
Chapter 5 Delivery a sufficient supply of homes  
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

Other relevant documents/considerations

National Design Guide (September 2019)

Statutory duties

When considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character of appearance of that area (S72 Listed Buildings and Conservation Areas Act 1990).

**OFFICER ASSESSMENT:**

**Main issues for consideration:**

- 1. Housing Land Supply**
- 2. Principle of Development**
- 3. Design and Heritage**
- 4. Landscape and Biodiversity**
- 5. Highway Safety**

**1. Housing Land Supply**

The Local Planning Authority accepts that it cannot currently demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against local housing need as set out in the 2020-2025 Land Supply Statement, which is the most recent statement published by the Council. As such, the tilted balance under NPPF paragraph 11. d) would be applied to proposals, where footnote 8 sets out that the application of the titled balance '...includes...applications involving the provision of housing...where the local

planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74)'. When the tilted balance is applied Officers would have to consider whether the adverse impacts of approval significantly and demonstrably outweigh the benefits of the proposal.

## **2. Principle of Development**

Policy SS 1 sets out the Spatial Strategy for North Norfolk and identifies settlements where new development would in principle be permitted. The remainder of the district is designated as Countryside and within it development is restricted to particular types of development. These are set out in Policy SS 2 which does not allow for new dwellings except in exceptional circumstances, one of which is for dwellings required by agricultural or forestry workers.

In addition, Policy HO 5 allows for development to meet the housing needs of full-time workers in agriculture, forestry and other essential workers connected with the land but only where the proposals comply with a number of criteria.

Paragraph 80 of the NPPF is of particular relevance, which sets out the exceptions for isolated homes in the countryside and include the circumstance where 'there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.'

The Council engaged an agricultural consultant to review the planning application in terms of the essential need argument and any financial issues that arise from the proposal, as well as the general running of the farming enterprise. The existing and proposed farming enterprise of the Applicant is as follows:

- The farming business is largely made up of a rented holding, which operates approximately to 170 hectares (425 acres), of which 159 hectares (397 acres) forms part of a 99 year, three generation tenancy, and 11 hectares (28 acres) owned, of which the subject site forms a part.
- In terms of the farming operations, the main livestock entity is an outdoor pig breeding unit producing around 14,000 piglets annually from 500 breeding sows. The pigs are housed in arcs and tents and rotated annually around the farm. The piglets are taken as weaners every three weeks and on average there are between 800-900 piglets on the farm at any point in time.
- In addition there is a sheep enterprise of around 100 breeding ewes which produce on average 150 lambs each year. The ewes and lambs utilise permanent meadows and cover crops.
- The arable land extends to around 95 hectares (237 acres) with the main crops being wheat, barley and rye. All field operations are undertaken with the use of farm labour and machinery, with the exception of combining which is undertaken by a local farmer. There is short term crop storage facility at Valley farm.
- In terms of the tenancy, this also includes the farmstead and dwelling at Valley Farm, a cottage which is occupied by Edward Rivett (Mr and Mrs Rivett's Son) which is at Gunthorpe approximately 1.5 miles from Valley Farm. There is a further tenanted cottage on Bale Road occupied by a retired agricultural worker. The farm labour consists of Mr Nick Rivett (full time) and Mrs Claire Rivett (part time), Mr Edward Rivett (full time) and a full time employee currently living in the Norwich area.

Policy HO 5 of the adopted Core Strategy is quite clear in that the need for an agricultural workers dwelling within a 'countryside' location would only be supported in exceptional circumstances where both the functional and financial need has been established. Taking account of the appraisal of the scheme provided by the agricultural consultant and compliance

with the criterions of Policy HO 5 of the adopted Core Strategy, all of which must be met. The Officer Assessment is as follows:

Criteria 1: That there is an essential need for one or more full time workers to be readily available at most times for the enterprise to function properly; and

The agricultural consultant has provided comments on the planning application and it is considered from both his views and an Officer opinion that the outdoor pig rearing side of the farming business is intensive and would agree with the applicants 3.5 standard man day requirement.

It is further considered due to the high welfare needs of the animals, day to day husbandry and management tasks, that there would be an essential need for a worker to be readily available at most times of the day due to a significant number of young stock on the farm all year round and the requirement for a certain amount of hand work, for example feeding sows during farrowing.

Therefore, Officers consider that the proposal would comply with this criteria.

Criteria 2: The functional need could not be met by another existing dwelling on the site of the enterprise or in the immediate vicinity;

The agricultural assessor acknowledged that given the functional and wider requirements including farm security, that there is a need to be located in close proximity to the farm and core livestock enterprises. The location of the site off Bale Road forms part of the 'owned' land and is within close proximity to the main pig enterprise.

The application submission states that the tenancy does not allow them to develop property on the tenanted farm and there are no other buildings suitable. This is accepted.

The submission further contends that the functional need for a dwelling cannot be met by an existing dwelling in the area as these are unaffordable and would not meet the needs of the applicant, a 3 bedroom bungalow was listed for sale at the time of the application on The Street, Sharrington for £400,000 and another for £550,000. A figure of just under £80,000 has been stated for the proposed new build and a quote submitted as evidence of this. Whilst, theoretically, properties may be available in the immediate area, these are not available at a price point considered affordable/viable for the enterprise. It is therefore accepted that there is no other property on the market that could meet the functional need, taking account of the cost of such property on the open market.

Therefore, the proposal is considered to comply with this criteria.

Criteria 3: That the business has been established for at least three years and is profitable.

The application submission has provided information about the financial turnover and profitability of the existing unit and it is understood that the information provided to the Agricultural Consultant on their site visit, satisfied them that the unit is run commercially, that it is currently financially viable and capable of funding the proposed dwelling.

Therefore, the proposal is considered, on balance, to comply with this criteria.

Criteria 4: The proposal does not represent a replacement of another dwelling on the site that has been sold on the open market in the last five years.

There is no evidence to suggest that this has occurred. The proposals comply with this criteria.

Criteria 5: The proposed dwelling is no larger than that required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income that the enterprise could sustain in the long term.

The cost of the proposed dwelling has been given of £79,507.90 which is substantially cheaper than the existing properties on the open market in Sharrington. The application has been supported by some financial information regarding the profit and turnover of the business in confidence and the agricultural assessor was also provided with the relevant information. The Agricultural Assessor was also satisfied that the business was capable of funding the proposed dwelling.

The application is for a timber-framed single-storey two-bedroom dwelling. The dwelling is of modest size, having a floor area of around 110sqm. The proposed size of the dwelling is considered to be adequate for the functional needs of the business.

Therefore, the proposal is considered to comply with this criteria.

Given the above, Officers consider that it has been demonstrated that there is a functional need for a worker to live on site, the financial tests have been met, and there is no other suitable alternative accommodation available. Therefore, the proposal is considered to comply with the requirements of policies SS 1, SS 2 and HO 5 of the adopted Core Strategy.

### **3. Design and Heritage**

Policy EN 2 sets out that development proposals should demonstrate that their location, scale, design, and materials would protect, conserve and where possible enhance the special qualities and local distinctiveness of the area.

Policy EN 4 requires that all development should be designed to a high-quality reinforcing local distinctiveness, be expected to be suitably designed for the context within which it is set and ensure that the scale and massing of buildings relate sympathetically to the surrounding area.

Furthermore, Policy EN 8 of the Core Strategy seeks to protect the historic environment, alongside Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 (LBCA) states that with respect to any buildings or other land within a conservation area, in the exercise of relevant functions under the Planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this instance the northernmost part of the site falls within the Sharrington Conservation Area and as such the statutory duty imposed by Section 72 is engaged. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) places a duty on Local Planning Authorities to have special regard to the desirability of preserving a Listed Building, or its setting, or any features of special architectural or historic interest it possesses.

The proposed dwelling would be a timber-framed kit house which would be delivered to site

and assembled. The 110sqm single storey dwelling would include two bedrooms, two bathrooms, a kitchen diner, utility and living room. The materials proposed are a timber frame with external shiplap timber cladding and tiled roof. The proposed modest agricultural storage building would be of typical utilitarian appearance and would sport neutral facing materials of timber cladding and a corrugated metal roof.

Sharrington is a village which has developed around a network of rural lanes extending in all directions. The built form is concentrated along these roads yet is interspersed by arable fields abutting the road which serve to place the village within its rural working landscape and provide filtered views across the landscape. Whilst the proposed dwelling would be located close to a rural lane and in the vicinity of other residential properties, it would be extending into an arable field and closing the gap between existing built form, disrupting the perpetual views into and out from the conservation area. In this regard the development would significantly alter the character of this part of Bale Road and as such, Conservation and Design Officers can only conclude that the proposed development would result in some harm being caused to its overall significance.

In terms of quantifying the level of harm, it is accepted that the Sharrington Conservation Area is a comparatively large designation which covers most of the village. With it also including only the northernmost part of the site, the harm must be considered 'less than substantial' for the purposes of the NPPF. Nonetheless, as para 199 of that document reminds us, great weight should be afforded to the conservation of heritage assets irrespective of the degree of harm and the harm identified would need to be weighed in the planning balance against any public benefits at the end of this report.

#### **4. Landscape and Biodiversity**

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

##### Landscape

The dwelling and barn are located centrally and adjacent within the northern section of the site, which is included in the Conservation Area designation on the basis that it is an important gap site which reinforces the rural and arable setting of the village. The development would result in the loss of the undeveloped nature of the site. Sharrington is typical of the rural village settlement pattern within the Tributary Farmland Landscape Type (North Norfolk Landscape Character Assessment (2021 SPD)). Small fields such as this are prevalent throughout the dispersed settlement pattern of the village and give context to the village location in its rural landscape.

Following landscape comments the agent provided a landscaping plan, giving details of the proposed hard and soft landscaping. Whilst this has been considered to reduce the visual impact of the development the Landscape section still hold the view that the fundamental change of use of this site from arable field to residential use is not compatible with the settlement structure of Sharrington, where the fields between groups of dwellings give significant context to the rural, arable setting of the village, contrary to Policy EN 2. Officers would broadly agree with this assessment.

## Ecology

As a former arable field the site was considered to have potential to provide habitat for a number of protected species. An Ecological Appraisal prepared by 'Margarets Ecology' was submitted to support the application. Following comments from Landscape for clarification on assessments, an amended report was submitted. No protected species were discovered on site and the development should have no impact on protected species or habitats. Landscape

Officers therefore consider that the recommended avoidance, mitigation and enhancement measures outlined in Section 5 of the report would be considered sufficient to safeguard the specified ecological receptors and overall would result in a biodiversity net gain. Officers consider that the proposal would accord with the aims of Policy EN 9 of the adopted Core Strategy and paragraph 174 of the NPPF.

## **5. Highway Safety**

Policy CT 5 requires development to provide safe and convenient access for all modes of transport, including access to the highway network. Policy CT 6 requires new development to have sufficient parking facilities as set out in appendix C of the Adopted Core Strategy. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Highways Officers were consulted on the application and consider that that new access proposed onto the C330 Brinton Road has a suitable level of visibility and subject to formalising the access construction, would provide a suitable means of access. Sufficient parking for two vehicles is shown on the submitted plans. Furthermore, subject to the occupation of the dwelling being limited (i.e. an agricultural tie) as described in the application details, Officers would not wish to raise any highway objection to the proposal.

Given the above, Officers consider that the proposal accords with the aims of Core Strategy Policies CT 5 and CT 6.

## **Other Matters**

### Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS)

The site is located within the GIRAMS Zone of Influence. The GIRAMS strategy is a strategic approach to ensure no adverse effects are caused to European sites across Norfolk, either alone or in combination from qualifying developments. Taking a coordinated approach to mitigation has benefits and efficiencies and ensures that developers and Local Planning Authorities (LPA) meet with the Conservation of Habitats and Species Regulations 2017 (as amended). The mitigation measures would be funded from payments from developments. The strategy applies a single tariff covering the District and all partner LPAs to qualifying development. All new net residential and tourism development are required to mitigate the effects of the development and show how this would be achieved before approval of planning permission. The tariff is collectively set at £210.84 per net new residential and tourism accommodation dwelling and is index linked.

The applicant has been provided with a copy of the GIRAMS report, alongside the Council's letter and Section S111 form which provides further details of the requirements. The required £210.84 tariff payment was received on the 4th July 2023.

Under the Conservation of Habitats and Species Regulations 2017 (as amended), the Local Planning Authority as competent authority has considered the guidance and advice from Natural England in relation qualifying development under GIRAMS. On the basis that the proposal will result in one net new dwellings and that the required tariff payments have been made, the LPA are able to rule out likely significant effects from the proposed development.

### **Conclusion and Planning Balance**

The application has demonstrated the functional and financial need for an Agricultural Workers dwelling in this location in accordance with Policies SS 2 and HO 5 of the Adopted Core Strategy.

'Less than substantial' harm has been identified in terms of impact of the development on the setting of the Sharrington Conservation Area on the basis that the proposal would effectively close the existing gap between the built form, disrupting the perpetual views into and out from the conservation area. However, there are public benefits associated with the proposal including:

- The application represents part of the necessary succession farming planning required to ensure the continued success of the enterprise. Allowing the continued operation of an existing farm business which supports the local economy.
- The provision of a new dwelling for a local person.

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 marginally 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.

The Council cannot currently demonstrate five-year land supply of residential sites. The application must therefore be considered in accordance with paragraph 11 of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework that protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposed development has been found to accord with the requirements of Policies SS 2 and HO 5 of the Local Plan which allow for agricultural development within countryside locations in order to meet the housing needs of full-time workers in agriculture. However as noted above, this policy is to be considered out of date in light of the Council's current five year housing land supply. Turning to the NPPF, paragraph 80 of the Framework also supports development where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

In terms of benefits, the proposal would provide a benefit in contributing a new dwelling to the local housing land supply, although as this is only one dwelling the benefits of this are limited. The proposal would also provide a rural workers dwelling to meet the identified need, supporting the local economy and vitality of a rural community as well as a well-established rural farming business. The development would also achieve biodiversity net gains through the recommendations, procedures, mitigation and enhancement measures set out within the submitted ecological reports.



In terms of harm resulting from the proposal, given the distance from facilities, services and means of public transport, there would be limited opportunities for future occupiers to make journey's to such provisions by means other than the private car. In this regard, the site would not be considered to be within a particularly sustainable location, however this harm would be limited given the proposal is for a rural worker dwelling and is therefore required to be located close to the farm.

The development would have an impact upon the rural/agricultural character of the area, introducing domestic features into a currently undeveloped area. However given the proposed landscaping, such intrusion into the countryside is not, in this instance, considered to justify refusal.

The development has been found to result in less than substantial harm to the character and appearance of the Sharrington Conservation Area. This harm has been weighed against the public benefits of the development. Given the mitigating factors of the development proposed, on balance and in this instance, the harm to the affected heritage asset is considered to be outweighed by the limited public benefit.

Taking the above into account, it is considered that the harms identified with the proposed development would not significantly and demonstrably outweigh the benefits of the development. In reaching this decision, due regard has been given to the requirements of paragraph 11(d) of the NPPF, where it is necessary for the decision taker to assess the proposed development against the policies contained within the Framework (NPPF) as a whole.

In all other respects, subject to conditions, the development is considered to accord with the relevant policies of the adopted Development Plan as listed above.

The issues raised in letters of representation received (summarised above) following publicity and consultation carried out in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), have been considered. They do not raise material considerations which outweigh the recommendation to approve.

## **RECOMMENDATION:**

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

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

Reason for the 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 approved plans and documents, except as may be required by specific condition(s) and as listed below:

Drawing Number '001' revision 'C', entitled 'Location' received on 26/06/2023

Drawing Number '002' revision 'B', entitled 'Block Plan' received on 26/06/2023

Drawing entitled 'Landscaping plan received on 27/09/2023

Drawing Number '567PH1' revision 'A', entitled 'Erection of Dwelling house' received on 27/09/2023

Drawing entitled 'Proposed Timber Framed Agricultural Storage building' received on 26/06/2023

Planning Statement, received on 26/06/2023

Preliminary Ecological Appraisal, prepared by 'Margarets Ecology' received on 19/10/2023

#### Reason for condition

To ensure the development is carried out in accordance with the expressed intentions of the applicant and to ensure the satisfactory development of the site, in accordance with Policies EN 2, EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

3. Prior to their use on site samples of the facing materials to be used for the external walls and roof of the dwellinghouse and detached storage building hereby permitted shall be submitted to and approved by the Local Planning Authority in writing. The development shall then be constructed in full accordance with the approved details.

#### Reason for condition

To ensure the satisfactory appearance of the development in accordance with Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

4. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined in section 336 of the Town and Country Planning Act 1990 or in forestry or a widow or widower or surviving civil partner of such a person, and to any resident dependents.

#### Reason for condition

The application site lies outside an area in which residential development is normally permitted. Permission has been granted in this instance having regard to the need for a dwelling in association with the agricultural enterprise, and in accordance with Policy HO 5 of the adopted North Norfolk Core Strategy.

5. The development hereby approved shall be carried out in strict accordance with the recommendations as set out in Sections 4 and 5 of the Preliminary Ecological Appraisal prepared by Margarets Ecology (March 2023). The mitigation and enhancement measures shall include the provision of:

- a) Installation of 2no. House Sparrow terraces attached to the storage barn.
- b) Installation of 1no. Barn Owl box attached to the storage barn facing south towards the open habitats.
- c) Installation of at least 2no. Integrated bat boxes into the storage barn.

The mitigation and enhancement measures shall be carried out in accordance with the approved details prior to first occupation of the dwelling hereby approved 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).

6. Prior to the installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority and shall incorporate the following parameters:

- 1) Fully shielded (enclosed in full cut-off flat glass fitments)
- 2) Directed downwards (mounted horizontally to the ground and not tilted upwards)

- 3) Switched on only when needed (no dusk to dawn lamps)
- 4) White light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources

The lighting shall thereafter be installed and retained in accordance with the approved details.

Reason for condition

In the interests of the visual amenities/residential amenities of the area and in the interests of highway safety and convenience, and to avoid light pollution in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy

7. No development shall commence until a scheme for hard and soft landscape proposals has been submitted to and approved in writing by the Local Planning Authority.

The proposals shall include plans at no less than 1:200 showing the following details:

Proposed Soft Landscape Details

- a) Existing trees, shrubs and hedgerows on the site, indicating those to be removed
- b) Accurate plotting of those to be retained (including species and canopy spread), including measures for protection during the course of the development to BS5837:2012
- c) Details of all new planting including: species, location, number and size of new trees and shrubs
- d) Measures for protection of new planting

Proposed Hard Landscape Details

- e) Surface materials for all car parking and manoeuvring areas, pedestrian access routes and courtyards.
- f) Boundary treatments, including fencing, walling, etc

Implementation and Retention

- g) An implementation programme laying out a timescale for the completion of all landscape works
- h) A landscape management plan, stating management responsibilities and a schedule of retention and monitoring operations for all landscaped areas for a minimum of ten years following implementation.

Reason for condition

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

8. Any works to trees and hedges as approved shall be carried out in strict accordance to British Standard 3998:2010 Tree Work – Recommendations.

Reason for condition

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

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

Reason for condition

To ensure the GIRAMS tariff payments secured in relation to this development are made available and can be used towards the county wide strategic mitigation measures identified in

the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy, or successive strategy, which is aimed at delivering the necessary mitigation to avoid adverse effects on the integrity of European Sites arising as a result of the development.

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

Reason for condition

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

11. The agricultural Storage Building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at the site West of Michael House, Bale Road Sharrington.

Reason for condition

The site lies in an area of Countryside as defined in the North Norfolk Core Strategy whereby proposals for new independent dwellinghouses are not normally permitted, and the restriction is necessary to accord with Policy SS 2 of the adopted North Norfolk Core Strategy.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order with or without modification) no enlargement of or other alteration to the dwelling or the detached garage hereby permitted (including the insertion or any further windows or rooflights) shall take place unless planning permission has been first granted by the Local Planning Authority.

Reason for condition

To ensure a satisfactory relationship with neighbouring dwellings, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

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

**BALE - PF/23/1027 – Erection of detached agricultural storage building at Land At Oak Farm, Sharrington Road, Bale, Fakenham, Norfolk, NR21 0QY**

**Major Development**

**Target Date:** 10<sup>th</sup> August 2023

**Case Officer:** Mr Mark Brands

**Full Planning Permission**

**REASONS FOR REFERRAL TO COMMITTEE**

This application is referred to the Development Committee at the request of Councillor Bütikofer given the public level of interest in the proposal.

**RELEVANT CONSTRAINTS**

Located within the countryside

Agricultural Land Classification: Grade 3

Conservation Area: Bale

Landscape Character Assessment - Tributary Farmland

Areas Susceptible to Groundwater SFRA

GIRAMS Zones of Influence (various)

**RELEVANT PROPERTY HISTORY**

Reference NP/20/1691

Description Proposal: Erection of a single-storey steel-frame metal-clad agricultural building for the purposes of storing hay, straw, vehicles, plant, equipment and other materials/items in connection with the agricultural activities of the agricultural unit

Outcome Withdrawn

**THE APPLICATION**

The proposal is for the erection of an agricultural storage building, intended to be used for the storage of vehicles, machinery and produce in association with an orchard (outlined in red on the site location plan). The barn would have a footprint of approximately 9m by 17m, with a maximum overall height of 5.7m (3.12m to the eave). The external materials are proposed to be Quadcore Kingspan wall and roof panels, external colour to be Kingspan Anthracite XL Forte or Kingspan Jet Forte (similar external appearance to the materials on the village hall). The roof would include some translucent panels on the west roof slope. The barn is proposed to be sited to the northwest of the site, with some existing sheds and structures to be removed.

**Further details / amendments received during the course of the application**

Updated planning response and plan received 18 August 2023 (seeking to address some of the comments provided during the consultation process)

Updated planning response has been submitted by the agent and business case and revised plan (drawing no. PL-A1-01 Rev. A) received 8 September 2023. (Earlier details submitted 18 August 2023)

The revised plan reduced the size of the building (length reduced by 2.84m), providing further supporting information and seeks to address some of the comments / concerns raised during the consultation process.

### **SITE AND SURROUNDINGS**

The site is located in the countryside, to the north of Bale, comprising a small village (undesigned in the in the settlement hierarchy). The site is accessed from Sharrington Road. The site is visible from the access and also from the east near to the village hall. Some of the trees for the orchard have been planted across the field, albeit they appear to be young plants. The land is more elevated to the northwest and the land rises towards the northwest of the site. There are some minor dilapidated sheds/structures in situ. There are a cluster of buildings and dwellings to the south of historic merit and part of the Bale Conservation area. The village hall is more modern with metal sheeting material.

### **CONSULTATIONS:**

#### **Gunthorpe Parish Council – Objects:**

Highways concerns

Access to the location is via a narrow, single-track road and on a blind bend and in the middle of a densely occupied, narrow residential village street.

Access is shared with the adjoining (residential) property.

Access is narrow, at an angle and via an unsuitable gateway.

Currently vehicular access through the gateway is minimal.

This application will increase both the volume and size of the traffic using the road.

Environmental and ecological concerns

The parcel of land is currently a recently planted orchard containing young fruit trees.

The Application does not address ecological concerns regarding the populations of bats, owls and mice living in the field.

Increase in noise and light pollution in a residential area with the long hours worked by agricultural vehicles.

Part of the site falls within the Bale Conservation Area

Size and scale of the planned building

This seems to be excessive for the size of plot.

The fruit trees are recently planted and it will be several years before they begin to bear fruit.

The number of trees planted will not justify storage in a structure of this magnitude.

There is no Business Plan for the building.

#### **NCC Flood & Water Management (LLFA) – No comments (standing advice)**

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

#### **Landscape (NNDC) – No Objection**

The positioning of the proposed detached agricultural storage building is within an area recently planted orchard trees, there are some important mature trees and hedgerows around the site periphery.

All construction activities should be excluded from the Root Protection Areas of these boundary trees and hedges, adequate space internally to the site has meant the risk of

damage has been assessed as low and no formal Tree Protection Plan is requested in this instance.

The applicant has already planted additional hedge, any further strengthening of the boundary would be welcomed as would the suggested 40-50 new orchard trees added to the area.

From a landscape perspective, no concerns are being raised.

### **Norfolk County Council Highways – Comments**

Whilst the associated traffic would likely be low key in nature, have concerns regarding the location of the building, centralised in the village and served by narrow roads, which would concentrate movements in this area, which could be considered to be detrimental to highway safety in the vicinity.

Previous applications detailed alternative landholdings, as such NCC Highways seek to enquire whether any alternative locations were possible

### **REPRESENTATIONS:**

44 representations have been received, 21 objections have been received and 23 supporting comments have been received.

#### Summary of supporting comments (see full comments on the public website):

- Environmental and amenity benefits from housing the machinery on site
- Enhance the appearance of the site
- Increased biodiversity and wildlife from planting
- Improvement to highway safety, with reduced agricultural vehicle movements on local highway, reduction of tractor miles
- Barn appropriate in size for the intended use / machinery
- Impact on surroundings limited given the shielded position
- Supports retention of agricultural use on the site and supporting
- Form of sustainable development and supporting biodiversity
- Complies with local policy considerations
- Will not be detrimental to local ecology
- Barn needed to help support orchard operation / business
- Support the local rural economy

#### Summary of objections (see full comments on the public website)

- Negative impact on environment and ecology / more ecology details required
- Unsuitable type of storage barn
- Insufficient / inaccurate information / evidence
- Building detracts from the Conservation area due to size and structure
- Sets a precedent by introducing commercial use next to historic village hall – heat of the village
- Inappropriate in a residential lane of older cottages
- Detriment to highway safety
- Increased agricultural traffic in vicinity, narrow local lanes unsuitable for such traffic
- Insufficient evidence to suggest reduction in vehicular movements
- Inappropriate access arrangements

- Inappropriate / disproportionate size of building
- Detriment to landscape / character / amenity
- Potential requirement for further development (track improvements etc)
- Concerns over intensification,
- Concerns over need for such a barn and prospect for change of use
- Concerns over external lighting / noise
- Greater screening should be put in place
- Queries on supporting details particularly the agricultural background and justification for the barn
- The siting is higher up on a slope than the surrounding built form, with the design, materials and scale resulting in this dominating the vicinity
- Application is premature given the recent planting of some of the trees
- Does not comply with requirements of GPDO (reference to withdrawn NP/20/1691) or local policies
- Questions over viability of such development
- Environmental and ecological

### **HUMAN RIGHTS IMPLICATIONS**

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

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

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

The application raises no significant crime and disorder issues.

### **LOCAL FINANCE CONSIDERATIONS**

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

### **RELEVANT POLICIES**

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

- Policy SS 1 - Spatial Strategy for North Norfolk
- Policy SS 2 - Development in the Countryside
- Policy EN 2 - Protection and Enhancement of Landscape and Settlement Character
- Policy EN 4 - Design
- Policy EN 8 - Protecting and Enhancing the Historic Environment
- Policy EN 9 - Biodiversity and Geology
- Policy EN 13 - Pollution and hazard prevention and minimisation
- Policy CT 5 - The transport impact of new development
- Policy CT 6 - Parking provision

Material Considerations:



**Supplementary Planning Documents and Guidance:**

Design Guide Supplementary Planning Document (December 2008)

North Norfolk Landscape Character Assessment (2021)

Conservation of Habitats and Species Regulations 2017 (as amended).

**National Planning Policy Framework (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 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

**Other material documents/guidance:**

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

**OFFICER ASSESSMENT****Main issues for consideration:**

- 1. Principle**
- 2. Design**
- 3. Amenity**
- 4. Heritage**
- 5. Landscape and ecology**
- 6. Highways**
- 7. Conclusion and Recommendation**

**1. Principle**

The site in question lies within the designated Countryside policy area of North Norfolk, as defined under Policy SS 2 of the adopted North Norfolk Core Strategy. Within this area proposals to erect new agricultural buildings are considered to be acceptable in principle, subject to compliance with other relevant Core Strategy policies. Additionally the National Planning Policy Framework (NPPF, Chapter 6) encourages supporting a prosperous rural economy including through agricultural related developments.

**2. Design**

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 design of the proposed building is relatively functional to suit its proposed purpose. The materials are not dissimilar to materials used for such barns and of a similar appearance to the materials that have been used on the village hall, located in close proximity (adjacent to the site, to the east). Openings have been kept to a minimum, mostly functional entrances, and two translucent panels on the roof to the west side enabling some light.

Concerns have been raised in regard to the overall size/height of the building, however, by modern agricultural building standards the proposed size/height is not excessive, with the proposed height lower than many other typical agricultural buildings. This in part reflects the extent of land that the barn would be related to resulting in a more rationalised size. The materials, form, scale and massing are considered appropriate and there is no overriding concern regarding the design approach under Policy EN 4 or provisions under the NPPF.

The NPPF sets out that decisions should enable sustainable growth in rural areas including through the development of agricultural and other land-based businesses, acknowledging that such development may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and use of sites that are physically well-related to existing settlements (paragraphs 84 and 85 of the NPPF).

There is not a requirement to provide a business case for smaller scale development under local policy considerations or the NPPF. Notwithstanding this, following concerns raised over the scale of the building and premature timing of the barn, further supporting details and justification have been provided. A business case report has been provided evidencing that such a building would be viable when the orchard is more established. This includes details on how the building would be used, the types of equipment that would housed within the building and storage equipment and space and associated machinery.

The Local Planning Authority is satisfied with the details submitted, there would be an operational and functional need for the barn to be erected before the orchard is fully operational to facilitate the growth of the trees and maintenance of the site and for storage purposes. The scale of the building and its siting is considered acceptable, on balance the proposal accords with local policy considerations and provisions within the NPPF.

### **3. Amenity**

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 nearest residential dwellings lie some 65m to the south of the barn. This is considered to be sufficient separation distance between the proposed development and neighbouring amenity so as to result in an acceptable relationship. The access to the site and barn is adjacent to residential amenity areas and access for The Granary. However, associated traffic is expected to be low key in nature, with the main activity taking place at the barn, as such the impact on neighbouring amenity regarding disturbances, noises etc are not considered significantly detrimental. It is considered that the proposed development will not have a

significant adverse impact upon residential amenity, and is therefore compliant with Policy EN 4.

#### **4. Heritage**

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 effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application

The southern portion of the site is within the Bale Conservation Area (the barn is not within the designation, but in proximity, where development could potentially effect the setting of the Conservation Area). In this case, the Conservation Officer has raised no objections to the proposals, the barn is not considered to significantly affect the setting of the Conservation Area including views from or towards the site. The materials have been carefully considered taking into account the village hall to the east of the site. The form and appearance of the building is of a rural functional character not dissimilar to other such structures in the countryside. The development of the site would not have a detrimental impact on the character or appearance of the Conservation Area or landscape setting, the character of the Bale Conservation Area would be preserved, according with Local Policy EN 8.

#### **5. Landscape and Ecology**

Policy EN 2 seeks amongst other matters to ensure that development be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Proposals should demonstrate that their location, scale, design and

materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area.

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

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

Concerns have been raised through the public consultation regarding the environmental impact of the proposed works. Given the context of the site conditions, Officers consider that the likelihood of protected species is negligible. There would also be notable enhancements resulting from the additional planting associated with the orchard. Additional planting of the hedge has taken place, with the applicant willing to provide further planting for screening, particularly around the western side. Orchard planting has taken place (58 trees), with around 50 more additional trees to be planted as part of the orchard operation. The landscape section have raised no objections to the proposed works. The planting would enhance the ecological and biodiversity of the site. From a landscape and environmental perspective the proposed development would accord with Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 174 of the NPPF.

## **6. Highways**

Policy CT 5 requires development to provide safe and convenient access for all modes of transport, including access to the highway network. Policy CT 6 requires new development to have sufficient parking facilities. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

It is noted that concerns have been raised regarding the location of the building by the highways officer. Centralised in the village and served by narrow roads, concentrating movements in this area could be considered detrimental to highway safety in the vicinity and alternative locations should be considered. The supporting statement sets out other sites are not available, and this site has been considered the most suitable for the development. The comments also acknowledge that the associated traffic would likely be low key in nature. No formal objection on highway safety grounds has been raised (referencing paragraph 111 of the NPPF), and no further comments have been received following the re-consultation. In the absence of a formal objection from the statutory consultee Officers consider there would be insufficient grounds to refuse on highway grounds alone. The supporting statement sets out that by housing more equipment on site in the barn this should reduce vehicular movements bringing such equipment on and off the site to facilitate the orchard operation. On balance the proposals are considered to accord with Policies CT 5 and CT 6.

## **7. Conclusion and Recommendation**

This application proposes the erection of an agricultural barn for an orchard on the associated land. Local policies and the NPPF support agricultural related development. The design and impact of the barn are considered acceptable and there are considered to be no adverse impacts arising from the proposal on amenity, landscape or ecology. The proposal is considered to be in accordance with Policies SS 1, SS 2, EN 2, EN 4, EN 8, EN 9, EN 13, CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

### **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:**

#### **Suggested Conditions/Reasons:**

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):

Proposed plans, drawing no. PL-A1-01 Rev. A

Reason:

For the avoidance of doubt

3. All construction activities should be excluded from the Root Protection Areas of boundary trees and hedges

Reason:

To protect boundary trees and hedges on the site in the interest of the visual amenity and the character and appearance of the area, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

4. Prior to the installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the approved details.

Reason:

In the interests of the visual amenities/residential amenities of the area and in the interests of highway safety and convenience, and to avoid light pollution in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy, as amplified by paragraph 3.3.70 of the explanatory text.

5. Within 6 months of the development hereby permitted, a scheme for hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority.

The proposals shall include plans at no less than 1:200 showing the following details:

#### SOFT LANDSCAPE

- a) existing trees, shrubs and hedgerows on the site, indicating those to be removed
- b) accurate plotting of those to be retained(including species and canopy spread), including measures for protection during the course of the development to BS5837:2012
- c) Details of all new planting including: species, location, number and size of new trees and shrubs
- d) Measures for protection of new planting

The scheme as approved shall be implemented during the next available planting season (Nov-March) following the commencement of development or such further period as the Local Planning Authority may allow in writing.

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

6. The landscaping works as approved under Condition 5 shall be carried out in accordance with the approved details, and implementation programme.

Reason:

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

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

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

8. The barn hereby permitted shall only be used in association with the land outlined in red on the site location plan for the storage of vehicles, machinery and produce (and associated paraphernalia) from the orchard.

Reason:

In accordance with Policy SS 2 of the adopted North Norfolk Core Strategy. The barn hereby permitted is in a location where development is restricted to certain uses including for agricultural purposes outlined in the aforementioned policy, and use of the barn for other purposes not related to agriculture would not be compatible with the permission.

#### **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.**

**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:** 17<sup>th</sup> November 2023

**Case Officer:** Mr H Gray

**Householder Planning Permission**

**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.

**BACKGROUND**

This application was brought to the 12 October 2023 Development Committee wherein it was resolved to defer the determination of this application to enable the Development Committee to undertake a site visit and view the site within its context.

The site visit is scheduled to take place on 02 November 2023.

Since the Development Committee report prepared for members at the 12 October meeting, there have been no material changes in site circumstances nor any new material planning considerations to consider. The October report therefore remains valid and relevant to the proposed development and is attached at **Appendix A** below which includes a full list of proposed conditions.

**RECOMMENDATION:**

**APPROVAL subject to conditions**

## APPENDIX A:

**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**

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**WEYBOURNE – PF/23/0999 - Demolition of single storey side extension and erection of new two storey side extension with connecting single storey rear extension at 3 Barnfield Cottages, Station Road, Weybourne, Holt, NR24 7HE.**

## **Minor Development**

**Target Date:** 31<sup>st</sup> October 2023

**Extension of time:** 31<sup>st</sup> October 2023

**Case Officer:** Mrs Ana Nash

**Full Planning Permission**

## **RELEVANT SITE CONSTRAINTS:**

Norfolk Coast Area of Outstanding Natural Beauty

Weybourne Conservation Area

Landscape Character Area - Weybourne to Mundesley Coastal Shelf

Residential Area LDF

Settlement Boundary LDF

Sheringham Park LDF

## **RELEVANT PLANNING HISTORY:**

Reference: PF/10/0962

Description: Erection of single storey side extension

Outcome: Approved

## **THE APPLICATION**

The application proposes the demolition of a single-storey side extension which is extensively glazed and serving as a dining room, and in its place, the erection of a two-storey side extension and single-storey rear extension. Internally, these would provide an additional dining area with family space, store, first floor bedroom and ensembles. The property is on the eastern end of a terrace of three red brick and pantile cottages. The site is positioned within the centre of Weybourne in a residential area with properties on all sides.

## **REASONS FOR REFERRAL TO COMMITTEE**

At the request of the Cllr Holliday owing to wider public objections and on the grounds that the proposed is found to be against policies EN 2, EN 4, EN 8 and the NPPF sections 174 and 199.

## **REPRESENTATIONS**

A total of 14 representations were made, all objecting to this application.

The key points raised in OBJECTION are as follows:

- The current proposal represents an over-development of the existing plot area.

- The proposed extension appears not to have been stepped back further than the existing conservatory.
- The proposed extension is not of comparable scale or mass than the existing conservatory.
- The increased height will block the views enjoyed across the village.
- The size of the extension dominates the host building, is overbearing, not subservient, will ruin the façade and symmetry of the three cottages as a whole, and character of the cottages within the Weybourne Conservation Area.
- There is a vague notion of using materials used locally.
- The creation of a new window at first floor level would directly overlook Church Farm Close.
- The proposal would result in a property which would be significantly larger than the current property.
- The proposed extension would destroy the symmetry of Barnfield cottages.
- The size of the proposed extension would impact on the overall appearance of Station Road significantly reducing space and light between Barnfield Cottages and Ivy Cottage.
- The number of additional windows will add to light pollution, undermining dark skies policy.
- The planning application indicates there is parking space for 3 vehicles - at present this is only achievable by careful positioning of vehicles and the size of the proposed property and resultant occupation numbers could lead to parking issues.
- The proposed materials are entirely out of keeping with the current properties in the centre of Weybourne.
- The scale of the extension and the use of the black composite panelling will spoil the look of this row of cottages and do not take into consideration the neighbouring property or the wider surrounding conservation area.
- The proposed extension will increase the overall property size by about 50%. This will fundamentally alter the symmetry of the existing block of three properties
- The proposed size of the extension will overshadow properties.

## CONSULTATIONS

**Ward Councillor - Objection.** Barnfield Cottages are an attractive heritage asset in their design, materials and symmetry, and should be protected as part of the Conservation area. This extension is hugely out of scale and completely out of keeping with the host dwelling; it will materially affect neighbours by overshadowing and overbearing; and will cause considerable light pollution in the AONB. I don't see any provision for parking. I fail to see the evidence of sustainable construction or renewable energy use. I don't find this application conforms to Local Plan Policies EN 2,4, 6, 8, and CT6; NPPF paras 134 and 176; and NNDC's Design Guide paras 3.3.10, 3.6.1 and 6.2.1.

**Parish/Town Council - Objection** and is of the same opinion as the one expressed by Cllr Holliday.

**Conservation and Design (NNDC) - No objection,** the main design concerns have been mitigated by incorporating a first-floor window, eliminating cladding, adjusting the roofline, and increasing the setback of the extension from the main dwelling, resulting in a more harmonious integration with the existing building and the street scene, thereby minimising the previously



identified harm to the Weybourne Conservation Area.

**Landscape (NNDC)** - **No objection**, the proposal poses no notable concerns regarding landscape and visual impact within the AONB designated landscape, and potential light spill issues have been adequately resolved by reducing glazing due to the site's existing external lighting in the village.

**County Council Highways** - **No objection**, this proposal does not affect the current traffic patterns or the free flow of traffic.

## **HUMAN RIGHTS IMPLICATIONS**

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

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

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

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

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

The application raises no significant crime and disorder issues.

## **LOCAL FINANCE CONSIDERATIONS**

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

## **RELEVANT POLICIES**

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

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 3: Housing

Policy EN 1: Protection and enhancement of the AONB and its setting

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

Policy EN 4: Design

Policy EN 8: Protecting and Enhancing the Historic Environment

Policy EN 9: Biodiversity & Geology

Policy CT 5: The Transport Impact of New Development

Policy CT 6: Parking Provision

Material Considerations:

**Supplementary Planning Documents and Guidance:**

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

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

Chapter 2: Achieving sustainable development  
Chapter 4: Decision-making  
Chapter 12: Achieving well-designed places  
Chapter 15: Conserving and enhancing the natural environment  
Chapter 16: Conserving and enhancing the historic environment

**OFFICER ASSESSMENT**

**Main issues for consideration:**

- 1. Principle of Development**
- 2. Design and heritage impact**
- 3. Amenity**
- 4. Landscape**
- 5. Biodiversity**
- 6. Highways**

**1. Principle of Development**

The property is located within the settlement boundary of Weybourne which is designated as a Coastal Service Village under policy SS 1 of the adopted North Norfolk Core Strategy, and lies within the designated residential area (Policy SS 3) of the village. Policy SS 3 allows for appropriate residential development within the designated Residential Areas, including extensions to existing properties, subject to compliance with other relevant Core Strategy Policies. Accordingly, the principle of development is acceptable.

**2. Design and heritage impact**

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. Any forthcoming development proposals should take into account the North Norfolk Design Guide, integrate sustainable construction practices, utilise land efficiently, harmonise with their surroundings, maintain appropriate proportions, define clear boundaries between public and private areas, establish safe environments, and ensure that parking facilities are easily accessible.

In addition, Paragraph 130 of the NPPF states that “Planning policies should ensure that development: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change”.

Paragraph 3.6 of the North Norfolk Design Guide provides the following general principles that must be followed in relation to extensions to dwellings:

- The scale of an extension should ensure that the architectural character of the original building is not harmed and remains dominant.
- Extensions should use forms, detailing and materials that are compatible with the original building.
- Extensions should be positioned on an elevation in such a way that they do not relate awkwardly to existing windows and door openings or any other architecturally important features.
- The continuation of the same plane as existing is normally to be avoided as it leads to the merger of existing and proposed elements and thus prevents an extension from being subordinate to the main building. A 'break' or 'set back' in each elevation is therefore preferable aesthetically.

It is important to note that the application site falls within the Weybourne Conservation Area. When considering development proposals located within a Conservation Area, Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In the exercise, with respect to any buildings or other land in a conservation area,.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

Core Strategy Policy EN 8 requires that development proposals, including extensions and alterations, should preserve or enhance the character and appearance of designated assets and their settings through high-quality, sensitive design. Development that would have an adverse impact on their special historic or architectural interest will not be permitted. In addition, Paragraph 199 of the NPPF 2023 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.

The originally submitted plans were considered unacceptable in terms of design, with a negative impact on the wider setting. One of the initial concerns raised by officers was related to the proposed roof style, as well as an excessive number of rooflights and the use of black cladding on the first floor which is not a feature on buildings within the street scene. These factors were considered to have a detrimental impact on the overall design, with the potential for 'less than substantial harm' to the character and appearance of the Weybourne Conservation Area.

To better align with the features of the existing cottages, a roof style similar to the existing was suggested for the two-story side extension. This change moved away from the initial mansard roof style to an improved hipped style roof. The front elevation on the first floor is to now benefit from the installation of a new window. Additionally, the extension's front setback from the main dwelling was increased, adding a better degree of subservience and thereby improving the design, in Officer's opinion. The extension is now found to complement the rest of the cottage despite the initial concerns about its height. The number of rooflights in the proposal has been

reduced from seven to just three.

Whilst Officers acknowledge that the proposed development would, to a degree, alter the symmetry of the existing cottages, this has already been altered to an extent by the existing single-storey extension. Officers also note the acceptability of the proposed design with no objections on this matter from the Conservation and Design Officer.

The property's current total floor area measures approximately 134.44 square metres in total. Taken together, the extensions propose an addition of 68.28 square metres. This marks a noteworthy 50.78% expansion in floorspace compared to the floorspace of the cottage, however, the site can easily accommodate the extensions propose which are not considered to be disproportionate, nor detrimental to the overall appearance and character of the property or wider area.

Overall, it is considered that the proposed extensions would not result in a disproportionately large increase in the scale of the original dwelling and would not materially increase the impact of the dwelling on the appearance of the surrounding area, nor result in harm to the character and appearance of the Weybourne Conservation Area. A condition requesting specific brick and tile details is proposed.

The development complies with Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy and the guidance contained within the North Norfolk Design Guide.

### **3. Amenity**

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers, and new dwellings should provide an acceptable level of residential amenity.

The officers note that the garden to the east side of the host property is wide enough to accommodate this structure at around 3.75 metres distance from Ivy cottage, located east of the host property. A boundary fence separates these neighbouring properties.

The proposed fenestration arrangement has been considered, and any potential privacy implications. It is not considered that the relatively small rooflights proposed (one of which would serve a stairwell) would result in any significant overlooking to neighbouring windows or garden areas.

Although the proposed extension is sizeable and would certainly be noticeable from the neighbouring property, it is positioned to the north-west of the neighbouring property and offset from the boundary. It is considered that this is to an extent that could not be considered significantly detrimental in terms of any overbearing impact, nor would it result in any significant loss of light or overshadowing.

Accordingly, the proposed development is compliant with Policy EN 4 of the Core Strategy in respect of amenity.

#### **4. Landscape**

Weybourne is located within the nationally designated Norfolk Coast AONB, which has the highest status of landscape protection. The impact of development and their cumulative effect on the AONB and its setting requires careful consideration to ensure this landscape character's protection, conservation and enhancement (Policy EN 1 of the Core Strategy). NPPF (paragraph 176) requires that 'great weight' be given to conserving and enhancing the landscape and scenic beauty within this protected landscape.

In addition, Policy EN 2 requires that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the area's special qualities and local distinctiveness (including its historical, biodiversity and cultural character). This policy also highlights that development proposals should protect, conserve and enhance 'gaps between settlements and their landscape setting', whilst ensuring that development is informed by and sympathetic to the distinctive character areas identified in the North Norfolk Landscape Character Assessment.

The host site lies within the Coastal Shelf Landscape Type, as classified in the Nov. 2018 draft SPD. The Landscape vision for these landscape character areas requires that new development be well integrated into the landscape and local vernacular, ensuring the preservation of the distinctive skyline while considering the potential impact of any new construction.

The site is located within an already developed part of Weybourne, set back from the road and principally viewed from The Street, and is not in an open or isolated location. The design of the proposed extensions is considered to be acceptable and incorporate appropriate materials. The Landscape Officer has commented on the proposed scheme and found it not to raise any significant issues concerning landscape and visual impact within the AONB and Officers would agree with this assessment.. Accordingly, the proposal is considered to not impact significantly on the AONB's special qualities and setting.

Any concerns regarding light spill resulting from this development have been satisfactorily addressed through a significant reduction in glazing from 7 to 3 rooflights, and further noting that the previously existing single-storey extension was almost fully glazed. Accordingly, the proposed development complies with Policies EN 1 and EN 2 of the Core Strategy.

#### **5. Biodiversity**

Policy EN 9 requires that all development proposals protect the biodiversity value of land and buildings and incorporate biodiversity conservation features where appropriate. Where there is a reason to suspect the presence of protected species, applications must be accompanied by a survey assessing their presence. If present, the proposal must be sensitive to and make provision for their needs.

A Protected Species Survey has been submitted, making the following recommendations:

- One integral bat box is to be installed within the eastern aspect of the new extension. Suitable examples for bat boxes would be The Green and Blue Bat Block or Vivara Pro Build in Bat box.

- Install one integrated swift box-style bird nest box into the northern aspect of the new extension (Figure 7). Boxes intended for swifts can be considered a ‘universal’ nest chamber (Newall, 2021), and are commercially available.
- Any external lights associated with the finished project should be of a low light level to minimise impacts on bats that might forage and commute in the vicinity. White lights should be used at <2700k to reduce the ultraviolet component.

Subject to securing these measures through condition, the proposed development complies with Policy EN 9 of the adopted Core Strategy.

## **6. Highways**

Core Strategy Policies CT 5 and CT 6 require that development is capable of being served by safe access to the highway network and that adequate parking facilities serve the development’s needs. Based on the parking standards in Appendix C of the North Norfolk Local Development Framework Core Strategy and Policy CT 6, the development would require the following levels of car parking.

- 4+ bed dwellings with a minimum of 3 spaces per unit.

At present the property has three bedrooms. This proposal would add an extra bedroom, increasing the requirement for parking spaces to three. The gravelled front garden is large enough to accommodate sufficient parking space for three vehicles to support the additional bedroom.

Accordingly, the proposal is acceptable regarding its highway safety impact and parking provision, and is therefore in accordance with Policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

## **CONCLUSION AND ‘PLANNING BALANCE’**

The proposed two storey side extension and single rear extensions are considered, on balance, to be acceptable and compliant with the relevant Development Plan policies as outline above. The design revisions have overcome the initial concerns raised by the Planning Officer and Conservation and Design Officer, further to which it is considered that the proposed development would not result in any significantly detrimental impact in terms of amenity or light pollution. Sufficient parking can be accommodated within the existing site. Approval is therefore recommended, subject to conditions.

## **RECOMMENDATION:**

### **APPROVAL subject to conditions (summarised below)**

1. Time limit – 3 years
2. Accordance with approved plans
3. Precise details of bricks/tiles
4. Incorporation of ecological mitigation/enhancement measures

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

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**WEYBOURNE – PF/22/1530 - Demolition of existing single-storey rear extension and erection of two-storey rear extension with internal alterations at Gable End, The Street, Weybourne, Holt, NR25 7SY.**

**Minor Development**

**Target Date:** 30<sup>th</sup> August 2022

**Extension of time:** 17<sup>th</sup> November 2023

**Case Officer:** Mr Colin Reuben

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS:**

Norfolk Coast Area of Outstanding Natural Beauty

Weybourne Conservation Area

Landscape Character Area - Weybourne to Mundesley Coastal Shelf

Residential Area LDF

Settlement Boundary LDF

**RELEVANT PLANNING HISTORY:**

Reference: PF/11/0788

Address: Gable End, The Street, Weybourne, Holt, NR25 7SY

Description: Demolition of outbuilding and erection of single-storey extension

Decision: Approved

Reference: PF/17/0869

Address: Gullies, The Street, Weybourne, Holt, NR25 7SY

Proposal: Erection of single-storey rear extension, first floor rear balcony and & erection of single storey detached studio and cart shed

Decision: Withdrawn

Reference: PF/17/1553

Address: Gullies, The Street, Weybourne, Holt, NR25 7SY

Proposal: Erection of two-storey rear extension with balcony to first floor, detached studio and a cart shed

Decision: Refused

Reference: PF/18/0667

Address: Gullies, The Street, Weybourne, Holt, NR25 7SY

Proposal: Erection of detached outbuilding in rear garden

Decision: Approved

Reference: PF/18/1032

Address: Gable End, The Street, Weybourne, Holt, NR25 7SY

Description: Demolition of garage & erection of single-storey detached residential annexe

Decision: Approved

Reference: PF/21/0457

Address: Gullies, The Street, Weybourne, Holt, Norfolk, NR25 7SY

Proposal: Single-storey rear extension following removal of conservatory

Decision: Approved

## **THE APPLICATION**

The site is positioned within the centre of Weybourne in a residential area with properties on all sides.

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

At the request of the Cllr Holliday owing to concerns raised by neighbouring property and Parish Council in respect of impact and policy compliance.

## **REPRESENTATIONS:**

A total of 4 representations were made (all from the same neighbouring property) objecting to this application.

The key points raised in OBJECTION are as follows:

- Extension will block out light to only window on east elevation of Gullies and to rooflights
- Proposed extension will overlook neighbouring garden and rooflights
- Existing Holly tree will be removed
- Extension is huge and will look overcrowded/intimidating, will have detrimental effect on privacy/mental health
- Can't see how the scale of the proposed development will enhance the Conservation Area and AONB.
- Concerned that plans are not to scale.

## **CONSULTATIONS:**

### **Ward Councillor - Objection.**

Concurs with view of Parish Council. Substantial extension in terms of scale with significant increase in glazing to the north. Does not comply with EN 1 and HO 8.

### **Weybourne Parish Council - Objection.**

Concerns in respect of overdevelopment (out of scale and out of keeping) and glazing issues relating to dark Skies agreement. Will be loss of light and privacy for neighbour to the west. No arboricultural assessment. Concerns regarding parking arrangements. Does paving for garden have implications for biodiversity and surface flooding? Does not conform with EN 2, 4, 8 and 9, CT 6 and design Guide paras. 3.3.10, 3.6.1 and 5.3.1.

### **Conservation and Design (NNDC) - No objection.**

Previous concerns regarding scale have been overcome through reductions in width and height.

### **Landscape (NNDC) - No objection.**

Enhancement measures as suggested in submitted ecological reports should be secured through condition.

## **HUMAN RIGHTS IMPLICATIONS**

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

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

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

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

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

The application raises no significant crime and disorder issues.

## **LOCAL FINANCE CONSIDERATIONS**

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

## **RELEVANT POLICIES:**

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

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 3: Housing

Policy EN 1: Protection and enhancement of the AONB and its setting

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

Policy EN 4: Design

Policy EN 8: Protecting and Enhancing the Historic Environment

Policy EN 9: Biodiversity & Geology

Policy 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 12: Achieving well-designed places

Chapter 15: Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

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

North Norfolk Design Guide (December 2008)

North Norfolk Landscape Character Assessment (January 2021)

## **OFFICER ASSESSMENT**

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

- 1. Principle of Development**
- 2. Design and heritage impact**
- 3. Amenity**
- 4. Landscape**
- 5. Biodiversity**
- 6. Highways**

#### **1. Principle of Development**

The site in question lies within the village of Weybourne, which is a designated Coastal Service Village, with the property sitting within the designated residential policy area as defined under Policy SS 3 of the adopted North Norfolk Core Strategy. Within this area, proposals to extend existing dwellings are considered to be acceptable in principle subject to compliance with other relevant Core Strategy policies. Accordingly, the principle of an extension in this location is accepted.

#### **2. Design and heritage impact**

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. In addition, Paragraph 130 of the NPPF states that "Planning policies should ensure that development: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change". Furthermore, paragraph 3.6 of the North Norfolk Design Guide provides general guidance in relation to extensions to dwellings:

It is important to note that the application site falls within the Weybourne Conservation Area, making Policy EN 8 applicable in this context. Policy EN 8 requires that development proposals, including extensions and alterations, should preserve or enhance the character and appearance of designated assets and their settings through high-quality, sensitive design. Development that would have an adverse impact on their special historic or architectural interest will not be permitted. In addition, Paragraph 199 of the NPPF 2023 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.

The application proposes a sizeable two-storey rear extension to the cottage, measuring approximately 7.6m in length and 6.5m in width. The appearance would be of a brick and flint style with pitched pantile roof and the incorporation of ground floor patio doors and first floor windows on the rear (north-facing) gable and two casement windows on the east elevation.

The submitted plans have been subject to a number of revisions, which followed an initial objection received from the Council's Conservation & Design Officer – this objection raised a number of concerns primarily in relation to the overall scale of the extension in respect of its height, length and width and the resultant impact upon the street-scene. This would have resulted in a degree of 'less than substantial harm' to the character and appearance of the Weybourne Conservation Area, noting that the extension would be visible from an easterly direction.

Following these comments, revised plans were provided which sought to reduce the width of the extension, along with a reduction in ridge height to provide more subservience and thus reducing the overall visual impact. On this basis, the objection was lifted, with the conclusion that it would comply with the design requirements of Policies EN 4 and EN 8.

With regards to the overall design and scale, the appearance itself specifically in respect of materials is considered to be acceptable, with a matching brick, flint and pantile appearance (though subject to further details to be secured through condition). Two previously proposed first floor Juliet balconies on the north-facing gable of the extension have been removed and replaced with standard casement windows. It is further noted that the extension would be partially upon the footprint of existing single-storey rear extensions.

The possible loss of a single Holly tree is noted, however, the securing of a replacement tree within the garden would be acceptable and, subject to condition if considered necessary. The loss of a single, relatively modest tree is not considered to be reasonable grounds upon which to refuse the application. In addition, it is noted that some concerns have been raised in regard to the proposed paving of part of the rear garden, however, this would not normally require planning permission in its own right, further noting that grassed areas would remain around the patio for drainage.

Admittedly, there remain some moderate officer reservations in regards to the overall length of the extension proposed but, taking a balanced view, in light of the revisions secured and with no further objection from the Council's Conservation and Design Officer, the proposals are considered to be compliant with the design requirements of Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

### **3. Amenity**

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers, and new dwellings should provide an acceptable level of residential amenity.

The plans, as originally submitted and as described above, included the provision of two first floor patio doors with Juliet balconies on the rear (north-facing gable). Note was taken of the objection received from the neighbouring property with regards to the strong possibility of an unacceptable level of overlooking from these. Subsequently, the plans were amended to remove the balconies and replace them with two standard casement windows. Although these windows would still afford an angled view to the rear half of the neighbouring garden, it is not considered that this would be to an extent that could be considered as being significantly detrimental, further noting that it is not an unusual arrangement for neighbouring two storey

properties to have first floor rear windows with a degree of overlooking into rear gardens.

In respect of any potential overbearing impact, it is considered that this again, on balance, would not be to an extent that could be considered as being significantly detrimental. The impact would to an extent be partially mitigated by the positioning of the proposed extension slightly away from the neighbouring boundary and with the neighbouring property having a single-storey extension adjacent to the boundary on the other side, in line with the proposed extension. Accordingly, the immediate impact would not be as significant from within the neighbouring rear garden.

In respect of light loss/overshadowing, the proposed extension would be positioned to the east of the neighbouring properties, and accordingly any limited light loss towards the neighbouring rooflights of the single-storey rear extension is considered to be small, further noting that the neighbouring extension benefits from numerous ground floor windows that provide natural light. Any loss of light to the neighbouring first floor stairwell window is again considered to be relatively small, and further noting that a stairwell is not a primary or secondary living space.

Taking a balanced view, it is considered that the proposed development would not lead to a significantly detrimental impact upon the amenity of the neighbouring property and accordingly, the proposed development is compliant with Policy EN 4 of the adopted North Norfolk Core Strategy.

#### **4. Landscape**

Given that Weybourne is seated within the nationally designated Norfolk Coast AONB, which has the highest status of landscape protection, the NPPF (paragraph 176) requires that 'great weight' be given to conserving and enhancing the landscape and scenic beauty within this protected landscape. The impact of development and their cumulative effect on the AONB and its setting requires careful consideration to ensure this landscape character's protection, conservation and enhancement (Policy EN 1 of the Core Strategy).

In addition, Policy EN 2 requires that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the area's special qualities and local distinctiveness (including its historical, biodiversity and cultural character). This policy also highlights that development proposals should protect, conserve and enhance 'gaps between settlements and their landscape setting', whilst ensuring that development is informed by and sympathetic to the distinctive character areas identified in the North Norfolk Landscape Character Assessment. The host site lies within the Coastal Shelf Landscape Type, as classified in the Nov. 2018 draft SPD. The Landscape vision for these landscape character areas requires that new development be well integrated into the landscape and local vernacular, ensuring the preservation of the distinctive skyline while considering the potential impact of any new construction.

The proposed extension would be to the rear of an existing dwelling, and only visible from The Street from an easterly direction. With consideration of this, and the position of the dwelling amongst other residential properties in the centre of/built-up part of Weybourne, it is not considered that the proposed development would have a detrimental impact upon the wider landscape or AONB. It is further considered that the new windows proposed, for the same

reasons, would not have a significant impact in terms of any light pollution.

Accordingly, the proposed development complies with the requirements of Policies EN 1 and EN 2 of the adopted North Norfolk Core Strategy.

## **5. Biodiversity**

Policy EN 9 requires that all development proposals protect the biodiversity value of land and buildings and incorporate biodiversity conservation features where appropriate. Where there is a reason to suspect the presence of protected species, applications must be accompanied by a survey assessing their presence. If present, the proposal must be sensitive to and make provision for their needs.

At the request of the Council's Landscape Officer, the applicant has provided a Preliminary Roost Assessment, followed by an Ecological Impact Assessment, the contents of which are deemed to be acceptable, subject to securing the required biodiversity enhancement measures as suggested in the report (installation of bird and bat boxes). Accordingly, subject to such conditions, the proposed development complies with Policy EN 9 of the adopted North Norfolk Core Strategy.

## **6. Highways**

Policies CT 5 and CT 6 require that the development is capable of being served by safe access to the highway network and that adequate parking facilities serve the development's needs. Based on the parking standards in Appendix C of the North Norfolk Local Development Framework Core Strategy and Policy CT 6, the development would require the following levels of car parking.

- 4+ bed dwellings - a minimum of 3 spaces per unit.

The submitted plans indicate the provision of 3 on-site spaces, which is considered to be acceptable. It is noted that the existing parking arrangements are not particularly ideal, with cars having to reverse onto the highway or into the parking spaces, however, as this is an existing arrangement, there are no overriding concerns in respect of this matter. Accordingly, the proposed development complies with Policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

## **Conclusion and 'planning balance'**

The proposed rear extension is considered, on balance, to be acceptable and compliant with the relevant Development Plan policies as outline above. The design revisions have overcome the initial concerns raised by the Planning officer and Conservation and Design Officer, further to which it is not considered that the proposed development would result in any significantly detrimental impact in terms of amenity or light pollution. Sufficient parking can be accommodated within the existing site. Approval is therefore recommended, subject to conditions.

**RECOMMENDATION:**

**APPROVAL subject to conditions (summarised below)**

1. Time limit – 3 years
2. Accordance with approved plans
3. Precise details of bricks/tiles
4. Incorporation of ecological mitigation/enhancement measures
5. Replacement tree planting (if required)

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



**CROMER - RV/23/1131 - Variation of condition 1 of planning permission ref. RV/21/2628 [variation of condition 1 (plans) of planning permission PF/19/1073 (variation of condition 1 (plans) of planning permission PO/18/1779 to allow changes to garaging & parking, with underground parking changing the design of the Day Room, a small rear extension to Larkwood Apartments for services & balconies added at first floor level to Larchwood Court and Oakwood House),to allow addition of a single storey side extension to unit 4 of Oakwood House, and the addition of 2 no. replacement parking spaces (in lieu of double garage)] to allow for changes to elevation and roof design of Maplewood House, Woodland House and Rosewood House and to include basement parking; new dayroom position and removal of Laurel House at Barclay Court Gardens, Overstrand Road, Cromer, Norfolk**

## **Major Development**

**Target Date:** 6<sup>th</sup> September 2023

**Extension of Time:** 13<sup>th</sup> November 2023

**Case Officer:** Russell Williams

**Section 73 Application** – Variation of Condition to Previous Approval (RV/21/2628)

## **RELEVANT SITE CONSTRAINTS:**

Norfolk Coast Area of Outstanding Natural Beauty

Undeveloped Coast

Countryside

Settlement Boundary

Residential Area

Residential Site Allocation

Landscape Character Area – Coastal Shelf

Areas Susceptible to Groundwater SFRA – < 25% EA Risk Surface Water Flooding 1 in 1000 (0.1 annual chance)

Tree Preservation Order

## **RELEVANT PLANNING HISTORY**

The original approval associated with this development is:

Reference: **PO/15/0572** for Erection of 68 Later Living Retirement Apartments and one bungalow, including communal facilities, car parking and management proposals for adjoining woodland.

That application as registered in April 2015 was approved (with conditions and a Section 106 Agreement) in July 2016. It was an outline planning permission (with just 'landscaping' reserved – which was then subsequently agreed).

Since then there have been 3 different Section 73 variation applications submitted (and approved) as follows:

Reference: **PO/18/1779** for Erection of 68 later living retirement apartments and one bungalow, including communal facilities, car parking and management proposals for adjoining woodland (variation of condition 3 of PO/15/0572 to permit revised layout and design).

Reference: **PF/19/1073** for Variation of condition 1 (plans) of planning permission PO/18/1779 to allow changes to garaging and parking, with underground parking changing the design of

the Day Room, a small extension to Larkwood Apartments for services and balconies added at first floor level to Larchwood Court and Oakwood House

Reference: **RV/21/2628** for Variation of condition 1 (plans) of planning permission PF/19/1073 (Variation of condition 1 (plans) of planning permission PO/18/1779 to allow changes to garaging and parking, with underground parking changing the design of the Day Room, a small rear extension to Larwood Apartments for services and balconies added at first floor level to Larchwood Court and Oakwood House) to allow addition of a single storey side extension to unit 4 of Oakwood House, and the addition of 2 no. replacement parking spaces (in lieu of double garage).

There are a number of other applications relating to the site – e.g. discharge of conditions – but the above are considered to be the main one's relevant to this particular proposal.

The original Section 106 Agreement was varied as part of both the 2018 and 2019 approvals to ensure it remained relevant to the new permissions. The latter update also inserted a clause meaning it remained relevant for subsequent permissions such as this 2021 one and this current application – in the event that the Council considered the requirements to remain relevant.

The Section 106 covers:

- Age restriction for occupancy of units
- Maintenance of private road
- Woodland management
- Public Rights of Way Improvement Payment
- Contribution to North Norfolk SAC / SPA / Ramas sites as a consequence of increased visit pressure.

Two main blocks of the original scheme have been built and are occupied at the western end of the site (Larchwood and Oakwood) – totalling 13 units. This does mean that the permission(s) have been implemented and the scheme could be built out as previously approved.

## **THE APPLICATION**

As can be seen from the above – this is basically the 4<sup>th</sup> variation of a 2015 application. The headline changes – within this application - can be summarised as:

- The introduction of further basement car parking (incorporating electric car charging points) and the alternative use (e.g. landscaping and the larger Woodland House (see below)) of some of the previously proposed external car parking areas (which are no longer proposed);
- Changed elevation designs (including to the roof design) for the Maplewood, Woodland and Rosewood Blocks). The roof ridge height is not increased for any of the buildings;
- The day room has been re-sited to the southern boundary and replaces – effectively – a former 2 and a half storey residential block ('Laurel House')
- The 6 units lost from Laurel House are included within a larger footprint 'Woodland House' – which is sited near the northern boundary and between the two other main buildings that are the focus of this application (i.e. Maplewood and Rosewood) – meaning the quantum of development stays the same as approved (i.e. 68 apartments plus a bungalow).

There are no changes proposed (within this application) to two apartment buildings within the development (Cedar House and Beechwood House) or the covered car parking building in the south-east of the site – that are also within the current approvals.

## **REASONS FOR REFERRAL TO COMMITTEE**

This application has been referred to the Development Committee as requested by Cllr Spagnola.

## **CONSULTATIONS**

**Cromer Town Council - No objections**

**Norfolk County Council (Highways) - No Objections**

**Norfolk County Council (Lead Local Flood Authority) - No comments to make about application.**

**North Norfolk District Council (Landscaping) - No comments to make about application.**

## **REPRESENTATIONS**

15 letters of representation have been received:

- 7 from residents of Sutherland Court Gardens, Overstrand Road, Cromer, NR27 0DA
- 4 from residents of Oakwood House, Barclay Court Gardens, NR27 0FN
- 1 from a resident of Larchwood House, Barclay Court Gardens, NR27 0FN
- 1 from a resident of Overstrand Road, Cromer NR27 0DJ
- 1 from a resident of Coach Road, Overstrand Road, NR27 0DJ; and
- 1 from a resident of Hilton PE28 9NH

The issues raised are summarised as:

1. **The Scale of the Buildings**: The increased height of the proposed buildings will alter the character of the development and stand out from the existing properties. The land rises up from Old Coach Road, Sutherland Court Gardens, Swinton House, and the two blocks already constructed on the site (Oakwood House & Larchwood House), so adding a third storey to any of the blocks will make them too prominent – especially in an area of outstanding beauty in our community.
2. **Long-term highway matters**: The increased accommodation will mean a greater number of traffic movements from the development. Query around removal of a speed ramp at entrance to Barclay Court Gardens, the need (or not) for gates and interest in possible traffic calming measures and longer-term traffic implications of the development e.g. delivery and refuse etc (as well as additional residents).
3. **Infrastructure provision**: There will be increased pressure on the existing infrastructure for water, foul and surface water drainage, electricity and health / dental services.
4. **Construction Phase Implications**: Concern around access (etc) by contractors to the site, hours of working, location of any access points and potential impacts of working practices

and location of facilities for those working on site. Numerous comments about use of Old Church Road. The construction of Oakwood and Larchwood was considered to have taken significantly longer than necessary with work continually stopping for weeks and sometimes months at a time – can this be controlled so it doesn't happen again?

5. Natural Environment – a number of detailed comments were made e.g. about hedging on Old Coach Road, impact of the development and construction on wildlife and the relationship / boundary treatment between Maplewood House (proposed) to Oakwood House (completed).
6. Built Heritage: Implications in terms of the impact on nearby listed buildings.
7. Development(s) so far: a number of detailed comments were made e.g. the importance of a well sited day room, concerns about quality / safety of existing car parking area(s) and concern about loss of visitor parking space. In addition concern about the choice of materials to-date and the importance of materials for next phase(s)
8. Section 106 Agreement: Suggestion that there is a need for a reassessment of the section 106 agreement that accompanied the first planning application for this site.
9. Future Phase(s): Concern as to what might be proposed for Beechwood and Cedar Houses

The applicant provided a detailed response to some of the comments via letter dated 29<sup>th</sup> August 2023 (available online).

Further comment on the above matters is made within the '*Officer Assessment*' element of the report.

### **HUMAN RIGHTS IMPLICATIONS**

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

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

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

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

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

The application raises no significant crime and disorder issues.

### **LOCAL FINANCE CONSIDERATIONS**

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

### **RELEVANT POLICIES**

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

Policy SS 1 – Spatial Strategy for North Norfolk

Policy SS 3 – Housing  
Policy SS 4 – Environment  
Policy SS 6 – Access and Infrastructure  
Policy SS 7 – Cromer  
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 2 – Protection and Enhancement of Landscape and Settlement Character  
Policy EN 3 – Undeveloped Coast  
Policy EN 4 – Design  
Policy EN 6 – Sustainable Construction and Energy Efficiency  
Policy EN 8 – Protecting and Enhancing the Historic Environment  
Policy EN 9 – Biodiversity & Geology  
Policy EN 10 – Development and Flood Risk  
Policy EN 13 – Pollution and Hazard Prevention and Minimisation  
Policy CT 5 – The Transport Impact of New Development  
Policy CT 6 – Parking Provision

**North Norfolk Site Allocations Development Plan Document (February 2011):**

Policy C04 - Land at Rear of Sutherland House, Overstrand Road

Material Considerations:

**Supplementary Planning Documents and Guidance:**

Design Guide Supplementary Planning Document (December 2008)

North Norfolk Landscape Character Assessment (2021)

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

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 8 – Promoting healthy and safe communities

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and Enhancing the Historic Environment

**OFFICER ASSESSMENT**

**MAIN ISSUES FOR CONSIDERATION:**

- 1. Principle of development**
- 2. The acceptability of the design changes**
- 3. The effect on residential amenity**
- 4. Highway matters**
- 5. Built and Natural Heritage**
- 6. The Passage of Time since the Original Approval and the Completion of the Entire Development**
- 7. Construction Matters**
- 8. Other Matters Raised in the Representations**

**1. Principle of development**

This is a 'variation' application that flows from a permission issued in 2016. In addition, it is a permission that has been implemented (and 13 units have been built / completed) and the entirety could therefore be built out as already approved. The current proposal – whilst seeking

to vary the original / the predecessor approval(s) is proposing exactly the same number of apartments as approved (68).

6 of those would be relocated from the southern strip of development (within a unit shown as 'Laurel House' on the approved plans) to the northern strip (within a larger 'Woodland House' building and the single storey 'day room' relocated from the eastern entrance of the development to the southern boundary where 'Laurel House' was originally envisaged to be).

The principle of the development is therefore long-established and it is not considered that any objection to the proposal on quantum or overall layout could be sustained.

Arguably the core issue to consider within this application is whether there are any components of the current proposal that are unacceptable in planning terms and which are worse in planning terms than what could happen anyway via the implementation of the approved scheme.

## **2. The acceptability of the design changes**

The revised scheme effectively introduces further elements of 'basement' parking and a reduction of 'surface' car parking. This is a positive step from a design and visual appearance basis.

Furthermore the relocation of the day room from directly in front of the completed Oakwood House to replace (at a smaller scale) Laurel House should improve both the setting of Oakwood House and move the day room into the centre of the scheme. It will also reduce any possible harm that the scheme could have been argued to cause to the setting of the listed buildings to the south of the boundary (i.e. by the Day Room being a lower building than Laurel House).

The slightly more contentious element is whether the changes to Maplewood, Woodland and Rosewood are considered acceptable. The buildings – and in particular the roofs – are arguably bulkier than the previously approved proposal – although not higher at ridge height. They remain two storeys plus a third floor of accommodation in the roof space. The new design is considered acceptable in the context of the site – and the introduction of photo-voltaic cells on the roofs should be seen as a positive addition.

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

This really focusses on whether the inter-relationship between the proposed east side elevation of Maplewood House is acceptable from the existing west side elevation of Oakwood House. It is recognised that Maplewood House is a large building but the general arrangement between the two remains as approved – although arguably the space between the two will be less intensively used within the current proposal than would be the case within the approved – due to the fact that the approved has an access route to 11 parking spaces between the buildings whereas the proposed removes that parking area.

More detailed designs of how that area would be used / landscaped have been sought from the applicant. The applicant has indicated that they propose to:

- Reduce the width of the existing car park access road (which in the latest plans doesn't access any car parking) by 1m from each side;
- Plant a new hedge on either side of the remaining element of that road with this hedge is to be a laurel hedge with a planted height of 2.5m; and,

- To the east of the existing roadway adjacent to Maplewood House, 5 new trees will be introduced. These will be trees planted at a scale / height of 3.5m (2 would be Quercus Ilex and 3 Acer Campestre).

This would need to be controlled by a planning condition.

Overlooking is not considered to be an issue as the side elevation just has three small bathroom windows on the west side elevation of Maplewood House.

#### **4. Highway matters**

It is noticeable that the County Council has made no observations on the current application and that – coupled with the fact that the quantum of development is unchanged and there are conditions controlling both surface materials for roads and car parks and car park space provision – means it is not thought to be sustainable to object to the proposal on transport / highways grounds.

Following discussion with the applicant, he has agreed to the introduction of a speed reduction measure (e.g. speed bump) to the access road in the areas of the proposed gate to the development. This should be controlled by condition in the event that permission is granted.

#### **5. Built and Natural Heritage**

Sections 1 and 2 above largely address the acceptability of the application from a built heritage application perspective – i.e. this is an improvement on what is approved. In terms of the natural environment, the Section 106 obligation already provides a reasonable degree of protection and mitigation (e.g. in relation to the woodland) and is not considered that this variation introduces any additional concerns in this area.

#### **6. The Passage of Time since the Original Approval and the Completion of the Entire Development**

It is a core principle of the planning system that once a development has started it can – effectively – be built out at whatever pace the site owner / developer chooses. Councils have very little ability to control the pace of building – although they can – in some cases control the timing of provisions of parts of a development when compared with other parts e.g. that parking spaces are available at the same time as – or prior to – related residential accommodation.

This development has clearly started, and the Council has little control or influence over the pace of it. In determining this application the Council could introduce new planning considerations – primarily if a new Policy had been introduced since the last approval – but also has to bear in mind that it can't retro-fit that to the last permission which the owner could just build out. In this instance – and having regard to that fall-back position – Officers consider that there isn't anything that the Council could or should seek to impose. Therefore, in this instance it is considered appropriate to rely on the existing Section 106 obligations (as varied) for on-going control etc in the areas it addresses (as outlined above).

#### **7. Construction Matters**

This is an area that has resulted in a great deal of comment and clearly the area has changed considerably since the time of the original approval – primarily via the erection and occupation of Oakwood House and Larchwood Apartments and the creation of the access road at Barclay Court Gardens. Many of the representations raise concerns about the potential use of Old Coach Road.

However, it does need to be recognised that there is consent for the scale of development and that the latest main approval (via RV/21/2628) doesn't have any controls over construction matters – and nor did the original approval at PO/15/0572.

Discussions are underway with the applicant with a view to understanding the proposals and whether an appropriate condition could be designed to ensure that the environmental / amenity impacts of the construction are appropriately managed.

An update will be provided on that point at Committee.

## **8. Other Matters Raised in the Representations**

There were a variety of matters raised in the representations and the majority are either addressed above or are matters between the leaseholders of the flats and the freeholder. However, it is recognised that the element of the development revised within this current application, would – if built out as a single phase – extend the development the entire west to east depth of the site and that logically conditions relating to the completion of the entire road and the landscaping to the north of the road should be in place to control timely delivery prior to occupation of relevant apartments related to this potential approval.

This could also – arguably - be extended to the provision of the 'Day Room' (even if that might need to be closed during any subsequent build phase that might occur adjacent to it). This is also being discussed further with the applicant and the Committee will be updated.

## **Conclusion and Planning Balance**

The planning history of this site does set a strong framework for the consideration of the current application. Having said that it has also generated a lot of interest. Having considered all relevant matters carefully, Officers consider the proposal to be acceptable in principle – subject to the re-imposition of a suite of conditions that were attached to previous approvals and also –additional conditions relating to:

- The detailed proposals – set out above - being implemented in a timely manner – for the area between Maplewood House and Oakwood House.
- The introduction of a speed reduction measure (e.g. speed bump) to the access road in the areas of the proposed gate to the development.

Plus, potentially conditions relating to

- A Construction Environmental Management Plan
- The timing of provision of landscaping, the day room and the completed access road.

## **RECOMMENDATION:**

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

(1) To refer to the following drawings.

- Proposed Plans and Elevations: Maplewood House (drawing no. TL-TL-3444-14-2 Revision (C)), received on 29<sup>th</sup> August 2023



- Proposed Plans and Elevations: Woodland House (drawing no. TL-3444-14-3 Revision (C)), received on 29<sup>th</sup> August 2023
- Proposed Plans and Elevations: Rosewood House (drawing no. TL-3444-14-4 Revision (C)), received on 29<sup>th</sup> August 2023
- Proposed Covered Car Parking Spaces & Proposed Day Room (drawing no. TL-3444-14-9 Revision (J)), dated 15<sup>th</sup> May 2023 and received on 24<sup>th</sup> May 2023
- Proposed site Layout Plan (drawing no. TL-3444-14-10 Revision (J)) received on 24<sup>th</sup> May 2023
- Location Plan (drawing no. TL-3444-14-13 Revision (B)) received on 24<sup>th</sup> May 2023
- Part Site Layout Plan (drawing no. No. TL-3444-23-SK1) received on 24<sup>th</sup> October 2023

Together with plans and documents approved under application RV/21/2628

- Proposed Plans and Elevations: Oakwood House (drawing no TL-3444-14-11 (*note: this has been built*))

Together with plans and documents (as included within approval RV/21/2628) approved under application PF/19/1073 as set out below:

- Proposed Plans and Elevations: Larchwood Court (drawing no. TL-3444-14-8 Revision G) (*note: this has been built*)

Together with plans and documents (as included within approval RV/21/2628) approved under application PO/18/1779 as set out below:

- Water Main and Hydrant Plan (10528023 NMC-0001665)
- Drainage Layout (drawing no. 10144-104 Rev 8)
- External Works (drawing no.10144-102 Rev 3)
- Exceedance Flow Routes (drawing no. 10144-109 Rev 2)
- Proposed Level Layout Plan (drawing no. TL-3444-15-SK1B)

Together with plans and documents (as included within approval RV/21/2628) approved under application PO/15/0572 as set out below:

- Proposed Building Plans (drawing nos. TL-3444-14- 5A (Cedar House) and TL-3444-14- 7A (Beechwood House))
- Woodland Management Plan for Woodland adjoining Barclay Court Gardens prepared by A T Coombes Associates Ltd 01 September 2014

Conditions 2 to 15 to be as per the previous approval reference RV/21/2628 dealing with the following 'topics' – except as specified within the below:

(2) Floor levels

(3) and (4) Materials – to be merged into 1 condition and seeks agreement prior to construction being above relevant slab level

(5) Cycle and Bin Stores

(6) Car Park Building Materials

(7) Access road materials

- (8) Car park availability
- (9) External Lighting
- (10) Foul Water Strategy
- (11) Surface Water Strategy
- (12) Infiltration testing regarding soakaways and drainage design
- (13) Fire hydrants
- (14) Landscaping maintenance
- (15) Garages materials

Two additional conditions related specifically to this application:

- (16) Delivery of the detailed proposals for the area between Maplewood House and Oakwood House.
- (17) The introduction of a speed reduction measure (e.g. speed bump) to the access road in the areas of the proposed gate to the development.

And potentially – one or both of the additional *conditions* set out in the ‘Conclusions’ Chapter above.

‘Informative Notes’ to be added to any approval as per the previous approval refence RV/21/2628, i.e. – relating to the Section 106 obligation and constructive engagement between the Council and the applicant.

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

## NNDC (FELMINGHAM) 2023 No. 13 - Land at The Grange TPO/23/1014

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

### **BACKGROUND**

The property was brought to Officer's attention when application PF/23/0954 was received to reinstate site access. The documents associated with the application illustrated the plot subdivided and a simple tree removal plan showing the removal of an unmaintained conifer hedge at the site frontage to allow visibility splay.

It is foreseeable that this access and subdivision of the site is a precursor to further development plans and without accurate arboricultural information provided, the site was assessed as at risk of deliberate pre-development degradation.

Aerial maps show the site has been relatively recently planted with trees, providing a verdant boundary to the western extent of the settlement of Felmingham and situated on a slight incline the trees are visible from a wide perspective including "Felmingham footpath 4".

The trees are mixed species with oaks, ash, sycamore, birch with ornamental and conifer species.

In this instance an area category was served, the area category is intended for short-term protection and may not be capable of providing appropriate long-term protection.

The Order is a holding position, a temporary measure till more detailed information about the trees on site can be submitted as part of any future planning application.

### **REPRESENTATIONS**

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

**Support of the Order:** None

Summary of Objections	Officer response
<p>The trees are not at risk, I have owned the land for 25 years and carefully managed the site, I am demonstrating I'm a good custodian of the trees. I highly value the trees and wildlife the site brings. I have no wish for this to be destroyed.</p>	<p><i>The trees have not been pre-emptively felled and the owner has demonstrated they are a good custodian of the site.</i></p>
<p>The planning application sets out tree removal that is required by Highways for visibility splays</p>	<p><i>The reports submitted as part of the previous planning applications illustrate the tree removal required for the access works.</i></p> <p><i>There are no objections raised to the removal of the unmaintained conifers at the site entrance to provide the visibility splay.</i></p>
<p>The TPO would be an administrative burden</p>	<p><i>It is true to say a tree work application would be required for future maintenance works.</i></p> <p><i>The application is free and most tree surgeons will be able to do this on your behalf.</i></p> <p><i>We are also able to set up an ongoing permission for regular maintenance works where necessary.</i></p> <p><i>The removal of dead trees and deadwood is exempt from the usual requirement to apply.</i></p>
<p>Aerial photos show the site is recently planted but now has excellent mature tree coverage</p>	<p><i>Agreed, the area has recently been planted and is now maturing into an important tree'd area. Some tree removal may come forward as part of future plans but by serving the Order we ensure it is carried out in a considered way.</i></p>

## **HUMAN RIGHTS IMPLICATIONS**

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

Having considered the likely impact on an individual's human rights, and the general interest of the public, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

## **MAIN ISSUES FOR CONSIDERATION**

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

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

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

Officers consider that the area of trees at The Grange make a significant positive contribution to the quality of the local environment and its enjoyment by the wider public and that therefore the site has high amenity value.

## **RECOMMENDATION:-**

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

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

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## **NNDC (FAKENHAM) 2023 No. 15 – Wells Road, Fakenham TPO/23/1016**

**To consider whether to confirm a Tree Preservation Order (TPO) to protect a group of 9 mature pine trees at the above site.**

### **BACKGROUND**

A resident raised concerns with Officers that the avenue of mature Corsican pine trees may be under threat of removal, the group of nine trees was assessed and evaluated as a significant feature of the local area and a prominent feature of Wells Road.

The trees are part of a much older landscape, planning records show Harp Close being established in the 1970's and the trees date from this time. Their size and maturity contribute positively to the local landscape and biodiversity value of the area.

### **REPRESENTATIONS**

**Objections to the Order:** Four letters have been received objecting to the Order.  
**Support for the Order:** None

Summary of Objections	Officer response
<p>The trees have a high relative exposure with a height estimated as 23 m and therefore, could suffer wind damage.</p> <p>The pine trees in question sway heavily in the wind, raising the risk of branches falling.</p> <p>I am deeply worried about the possibility of these trees falling in the opposite direction, towards the main road. This could lead to severe consequences, including damage to vehicles and, more importantly, endangering the lives of individuals passing by</p>	<p><i>I agree, the trees are relatively exposed, but I disagree this is a cause for concern. The trees have always experienced this level of exposure and will have adapted over time to their environmental stresses.</i></p> <p><i>There was no new exposure or changes in the local environment that would cause concern.</i></p> <p><i>There were no indicators to suggest the trees are at risk of failing at the time of the inspection.</i></p>
<p>They are in close proximity to property</p> <p>I am concerned about safety, trees falling could damage my property At some point in the future could fall causing damage to people and properties</p>	<p><i>The trees are close to property; however they are part of a much older landscape and the new dwelling have been built close to them.</i></p> <p><i>Reasonable tree management including some pruning works could reduce the risk. Specification on the work has been discussed and set out.</i></p>
<p>At some point in the past there has been a change in levels that will have almost certainly involved root severance which could lead to instability</p>	<p><i>I am confident the landscaping works around the base of the trees has not resulted in a significant number of severed roots. Having inspected all the trees along the avenue it is evident the trees are established at a higher level on a banked boundary feature.</i></p>



<p>The trees have heavy branches with extended lever arms growing over the busy Wells Road and my client's garden. These branches are susceptible to breakage and damage in storm conditions.</p>	<p><i>Some work could be appropriate, any future work will need to be set out in a submitted tree work application.</i></p> <p><i>Work may include reducing the end weight of extended limbs by 1-2m to appropriate growth points. To reduce the overall height of the trees to suitable growth points by 2 – 3m. We also looked at removing some of the low hanging branches over the garden.</i></p>
<p>Retention of these trees will cause potential long-term problems and risks to both the owner and the public as they begin to decline.</p>	<p><i>The issue of long-term problems and risk was raised, though there were no issues identified at the time of the site visit, the condition of trees can change and it's important to be able to react to any changes and plan future management requirements.</i></p> <p><i>The Order will not prevent appropriate management of the trees.</i></p>
<p>The trees are not indigenous to Norfolk and would not normally occur in Fakenham.</p> <p>these trees make a very little contribution to biodiversity</p>	<p><i>The Corsican pine trees do have a number of benefits to wildlife, birds in particular are attracted to the seeds present in the cones.</i></p> <p><i>The trees provide shelter and form a robust green corridor along Wells Road.</i></p>
<p>My opinion is that the trees are unattractive and unsightly</p>	<p><i>Opinion noted.</i></p>

## **HUMAN RIGHTS IMPLICATIONS**

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

Having considered the likely impact on an individual's human rights, and the general interest of the public, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law.

## **MAIN ISSUES FOR CONSIDERATION**

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

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

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

Officers consider that the group of pine trees at Wells Road, Fakenham make a significant positive contribution to the quality of the local environment and its enjoyment by the wider public and that therefore the trees have high amenity value.

## **RECOMMENDATION:-**

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

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

**NNDC (SHERINGHAM) 2023 No. 17 - Land At 23 Holt Road TPO/23/1017**

**To consider whether to confirm a Tree Preservation Order (TPO) to protect 2 sycamore trees at the above site.**

**BACKGROUND**

A tree work application was received to remove two sycamore trees at the above address. The two trees were assessed and evaluated as a significant feature of the local area and a prominent in Holt Road, and Uplands Park, Sheringham.

The two sycamore trees are situated either side of the site entrance to 23 Holt Road, off Uplands Park. Planning application PF/23/0633 (*Two storey rear extension and first floor extension*) has been approved and which set out that the trees would be retained throughout the proposals, though no formal tree protection measures were secured by condition.

The application to remove the trees was subsequently received by the authority the reason given was to allow better access to the property and to gain more light.

**REPRESENTATIONS**

**Objections to the Order:** Two letters have been received objecting to the Order.  
**Support of the Order:** None

Summary of Objections	Officer response
<p>The significant and positive contribution is vague. The size of the trees is excessive.</p>	<p><i>The trees have been assessed using an industry standard process (TEMPO), the trees scored highly because of their condition, retention span, public visibility and threat to the trees, in this instance the trees definitely merit a TPO.</i></p> <p><i>A TPO does not prevent work, acceptable pruning work was discussed with the owners.</i></p>

<p>There is honey fungus in the garden and this could affect the trees</p>	<p><i>There is no evidence the sycamore trees are infected with Honey Fungus.</i></p> <p><i>The condition of trees can change over time though and should evidence of Honey fungus or other disease or decay establish in the trees we can revisit.</i></p>
<p>Our neighbour objects to the trees as they cast shade in their property.</p>	<p><i>The trees were assessed from the neighbouring property, the trees were not found to be overhanging the boundary and there was adequate space between the garden and the trees.</i></p> <p><i>Some pruning work proposed by the owner could reduce the amount of shade cast by the trees.</i></p>
<p>Concerns around liability, branches could fall, pedestrians may fall on leaves or from aphid sap (making path slippery).</p>	<p><i>'Common Sense Risk Management of Trees' sets out what is reasonable for a tree owner in terms of liability and responsibilities.</i></p> <p><i>The owners have already demonstrated they are not negligent through engaging with arboricultural professionals.</i></p>
<p>Branches obstruct the footway</p>	<p><i>Some acceptable pruning work has been discussed, this includes removing some of the lower canopy over the footway.</i></p>

<p>Planning application was approved to extend the property, no TPO was in place at the time and we consider the trees may reduce light to the new windows.</p>	<p><i>A TPO can be served at any time. The application submitted as part of the planning application (PF/23/0633) sets out there are trees on site but that no trees would need to be removed or pruned to carry out the proposal.</i></p> <p><i>Some protection measures would be appropriate, advice on what these could look like have been given.</i></p>
<p>The trees are too big, block out my light, are oppressive and affect my mental health</p>	<p><i>The trees were assessed from the property this representation was made, the trees were not found to be overhanging the boundary and there was adequate space between the garden and the trees.</i></p> <p><i>Some pruning work proposed by the owner could reduce the affect of the trees.</i></p>
<p>The leaves have ugly black spots, they fall in autumn and make the path dangerous.</p>	<p><i>The leaf spot (Rhytisma acerinum) does not affect the overall health of the tree, there are no control methods for this superficial fungal infection other than autumn leaf clearance. This can help reduce material that can reinfect the tree.</i></p> <p><i>Seasonal events such as autumn leaf fall is not something we consider as a valid reason to remove a tree.</i></p>

## **HUMAN RIGHTS IMPLICATIONS**

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

Having considered the likely impact on an individual's human rights, and the general interest of the public, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

## **MAIN ISSUES FOR CONSIDERATION**

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

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

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

Officers consider that the two Sycamore trees at 23 Holt Road, Sheringham make a significant positive contribution to the quality of the local environment and its enjoyment by the wider public and that therefore the two trees have high amenity value.

## **RECOMMENDATION:-**

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



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

## DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – NOVEMBER 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 **29 Oct 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 29 OCT 2023

Performance Measure	Actual Performance	Target	Comments
<b>(Speed) Decisions Made</b> <i>(Month up to 29 Oct 2023.)</i>	<b>Major</b> 5 decisions issued.  <i>100% within time period</i>	60%  <i>(80% NNDC)</i>	24 month average to 29 Oct 2023 is  <b>100.00%</b> 
	<b>Non-Major</b> 60 decisions issued  <i>95% within time period (three out of time)</i>	70%  <i>(90% NNDC)</i>	24 month average to 29 Oct 2023 is  <b>94.16%</b> 
<b>(Quality) % of total number of decisions made that are then subsequently overturned at appeal</b> <i>(Month up to 29 Oct 2023)</i>	<b>Major</b>	10%  <i>(5% NNDC)</i>	24 month average to 29 Oct 2023 is  <b>0% (Zero)</b>
	<b>Non-Major</b>	10%  <i>(5% NNDC)</i>	24 month average to 29 Oct 2023 is  <b>0.47%</b>
<b>Validation</b> <i>(Month up to 29 Oct 2023.)</i>	260 applications registered	3 days for Non- Major from date of receipt	Datasets do not currently breakdown validated apps by Major / Minor or those on PS2 returns, but performance data retrieval being reviewed.

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

2.1 A copy of the list of latest S106 Obligations is attached. There are currently 7 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:**

**09 November 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 negotiated.	
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 waiting to hear from the applicant.	



## **OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 09 NOVEMBER 2023**

### **APPEALS SECTION**

#### **NEW APPEALS**

**BACONSTHORPE – PF/22/2224** - Change of use of land to provide tourist accommodation consisting of 3 x converted railway carriages, 3 x shepherds huts, 1 x air stream and 1 x timber cabin, parking areas, bin store and solar panels

**Land South Of New Road, Baconsthorpe, Holt, Norfolk NR25 6LW**

**For Mrs Susan Andrews**

WRITTEN REPRESENTATION

**SCULTHORPE – PF/22/2443** - Installation of dormer windows to north and south elevations, window to west elevation to facilitate conversion of loft to habitable space and construction of porch to side

**63 Moor Lane, Sculthorpe, Fakenham, Norfolk NR21 9PX**

**For Ms E Maleed**

**Householder Appeal Service (HAS) (Fast track)**

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

**5 Meadow Way, Sheringham, Norfolk NR26 8NF**

**For Mr Steve McDermott**

**This was originally a Householder Fast Track but has been changed by PINS to WRITTEN REPRESENTATION so re-started**

**WELLS – RV/22/2149** - Variation of Condition 2 (approved plans) and Condition 4 (colour finish to external cladding) of planning permission PF/16/1040 to allow for amended cladding design on front elevation (Demolition of existing single storey store/workshop building & erection of two storey ancillary building for 28 Blackhorse Yard to provide for a cycle store, workshop, home office and laundry room).

**Merchants Barn, 28 Blackhorse Yard, Wells-next-the-sea, Norfolk NR23 1BN**

**For Mrs Avril Lill**

WRITTEN REPRESENTATION

#### **INQUIRIES AND HEARINGS – IN PROGRESS**

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

**Sewage Works, Marshgate, North Walsham NR28 9LG**

**For Mr Luke Jackson**

**INFORMAL HEARING – Awaiting date for Hearing**

**THURNING – ENF/19/0307** – Appeal against breach of planning control  
**(and RV/21/2645 linked with the above)** - Removal of Condition 3 of planning permission  
PF/13/1048 the condition to be simply deleted and not included in the the new permission  
**Courtyard Barn, Roundabout Farm, Hindolveston Road, Thurning, NR20 5QS**  
**For Mr & Mrs Kerrison**  
**INQUIRY - Awaiting date for Inquiry**

**THURNING – ENF/19/0307** - Appeal against breach of planning control  
**(and CL/20/2055 linked with the above)** - Certificate of lawfulness for existing use of "The Office"  
at Courtyard Barn as a residential dwelling (C3)  
**The Office, Roundabout Farm, Hindolveston Road, Thurning, NR20 5QS**  
**For Mr & Mrs Kerrison**  
**INQUIRY - Awaiting date for Inquiry**

### **WRITTEN REPRESENTATIONS APPEALS - IN HAND**

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

**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

**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

**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

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

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

**For Mr & Mrs Moss**

WRITTEN REPRESENTATION

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

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

**For Charlotte Daniels**

WRITTEN REPRESENTATION

**SUSTEAD – PF/22/1738** - Change of use of the first floor of outbuilding (detached triple garage) from annexe to Church Barn to holiday let (retrospective)

**Church Barn, The Street, Sustead, Norwich, Norfolk NR11 8RU**

**For Mr Adrian Sellex**

WRITTEN REPRESENTATION

**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**

**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 – APPEAL PART ALLOWED**

**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)

**APPEAL ALLOWED WITH CONDITIONS**

**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

**APPEAL ALLOWED WITH CONDITIONS**

**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)

**APPEAL DISMISSED**

**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)

**APPEAL DISMISSED**

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