

Development Committee



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TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 29 November 2023

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 7 December 2023 at 9.30 am.**

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

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

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

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

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

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

Emma Denny
Democratic Services Manager

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

Substitutes: Cllr T Adams, Cllr P Bailey, Cllr J Boyle, Cllr G Bull, Cllr S Bütikofer, Cllr 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

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

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. MINUTES

(Pages 1 - 18)

To approve as a correct record the Minutes of a meeting of the Committee held on Thursday 9th November 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 19 - 24)

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

OFFICERS' REPORTS

8. CROMER - PO/23/0596 - ERECTION OF UP TO 118 DWELLINGS AND UP TO 60 UNITS OF SPECIALIST ELDERLY CARE ACCOMMODATION WITH PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND VEHICULAR ACCESS POINT (OUTLINE WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) AT LAND OFF OVERSTRAND ROAD CROMER FOR GLADMAN DEVELOPMENTS LTD.

(Pages 25 - 70)

9. **WEST BECKHAM - PF/23/1578 - ERECTION OF 5NO. BUNGALOWS (AFFORDABLE) WITH ASSOCIATED NEW ACCESS, PARKING AND LANDSCAPING AT LAND TO THE EAST OF SHERINGHAM ROAD, WEST BECKHAM FOR BROADLAND HOUSING ASSOCIATION** (Pages 71 - 86)
10. **THURSFORD - PO/23/1526 - OUTLINE APPLICATION WITH DETAILS OF ACCESS ONLY (ALL OTHER MATTERS RESERVED) FOR THE ERECTION OF A SELF-BUILD DWELLING (CLASS C3) AT LAND TO SOUTH-EAST OF 1A THE STREET, THURSFORD GREEN, NORFOLK** (Pages 87 - 108)
11. **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.** (Pages 109 - 118)
12. **SALTHOUSE - PF/23/1695 - PART TWO, PART-SINGLE-STOREY REAR EXTENSION AND INTERNAL ALTERATIONS AND EXTERNAL REMODELLING FOLLOWING DEMOLITION OF EXISTING TWO-STOREY REAR EXTENSION AND PORCH, ASSOCIATED INTERNAL AND EXTERNAL ALTERATIONS INCLUDING STRUCTURAL ALTERATIONS AND NEW AND REPLACEMENT WINDOWS. SINGLE-STOREY REAR EXTENSION, RECLADDING AND ROOFING AND INTERNAL ALTERATIONS TO THE EXISTING ANNEX, THE ORCHARD HOUSE, COAST ROAD, SALTHOUSE, HOLT, NR25 7XG** (Pages 119 - 134)
13. **TRUNCH - PF/23/0613: CONSTRUCTION OF TWO-BEDROOM DETACHED DWELLING, CARTSHED GARAGE AND ASSOCIATED WORKS AT THE ROOST, MUNDESLEY ROAD, TRUNCH.** (Pages 135 - 144)
14. **SHERINGHAM - PF/23/1172 - DEMOLITION OF EXISTING DWELLING HOUSE AND CONSTRUCTION OF A REPLACEMENT DWELLING HOUSE AT 68 CLIFF ROAD, SHERINGHAM, NR26 8BJ** (Pages 145 - 156)
15. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 157 - 162)
16. **APPEALS SECTION** (Pages 163 - 168)
 - (a) New Appeals
 - (b) Inquiries and Hearings – Progress
 - (c) Written Representations Appeals – In Hand
 - (d) Appeal Decisions
 - (e) Court Cases – Progress and Results

17. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:-

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

PRIVATE BUSINESS

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DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 9 November 2023 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present: Cllr P Heinrich (Chairman) Cllr R Macdonald (Vice-Chairman)
Cllr M Batey
Cllr P Fisher
Cllr V Holliday
Cllr P Neatherway
Cllr A Brown
Cllr M Hankins
Cllr G Mancini-Boyle
Cllr L Vickers

Substitute Members Present Cllr L Paterson
Cllr J Punchard

Officers in Attendance: Assistant Director for Planning (ADP)
Development Manager (DM)
Principal Lawyer (PL)
Development Management Team Leader (DMTL)
Senior Planning Officer (SPO)
Planning Officer (PO)
Household Planning Advisor (HPA)
Senior Landscape Officer – Arboriculture (SLOA)
Deputy Monitoring Officer
Democratic Services Advisor - Regulatory

Members also in attendance: Cllr W Fredericks

67 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr A Fitch-Tillett, Cllr J Toye, Cllr K Toye and Cllr A Varley.

68 SUBSTITUTES

Cllr J Punchard was present as a substitute for Cllr A Fitch-Tillett. Cllr L Paterson was present as a substitute for Cllr J Toye.

69 MINUTES

The minutes of the Development Committee meeting held on Thursday 12th October 2023 were approved as a correct record subject to minor typographical amendments.

70 ITEMS OF URGENT BUSINESS

None.

71 DECLARATIONS OF INTEREST

- i. Cllr V Holliday declared a non-pecuniary interest in agenda items 12 and 13 (PF/23/0999 and PF/22/1530 respectively). She advised that she intended to

Speak as the Local Member for each item but would not participate in any discussion or vote on the applications as she was pre-determined.

- ii. Cllr P Neatherway declared a non-pecuniary interest in agenda item 11 (PF/23/1531). He advised he was well known by the relevant parties and would therefore abstain from speaking or voting on the application.

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

Officers Report

The PO introduced the officer's report and recommendation for approval. She confirmed the site's location, relationship within the local context, existing and proposed elevations and floor plans, and provided images of the site.

With respect to key concerns, the PO advised several representations had been received which raised concerns regarding amenity issues, the key concern being that the development would have an overbearing impact on No.4. Whilst the proposal would increase the property from a one and a half storey dwelling to a two and a half storey dwelling, the property was set away from the boundary to the east, with the increase in height also stepped from the property at No.4. 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, officers did not consider there to be a significant adverse impact in terms of overbearing or overshadowing. The PO advised that a condition requiring the retention and replacement of the trees and hedging along the boundary would also be included, subject to approval, to soften the visual impacts of the proposal from the highway. Further, the bathroom windows on the first and second floor would be conditioned to be obscure glazing.

Concerns were also raised from neighbours regarding the proposed roof dormers resulting in a loss of privacy, however the PO confirmed that the application conformed with the North Norfolk Design Guide. Furthermore, concerns were raised regarding potential noise pollution as a result of the proposal and potential for the dwelling to be a holiday let. Whilst the development would increase the number of bedrooms, officers did not consider this would have a significant adverse impact in terms of noise pollution. The proposal was for a residential dwelling and no change of use had been submitted, the applicant had further stated that the property would continue to be used as a residential dwelling.

The PO stated that whilst the proposal would result in No.2 becoming one of the larger properties in Beckmeadow Way, the dwelling was not considered to be out of character for the area given the other large, detached properties in the street.

Public Speakers

Simon Quilter – Objecting
Christian Keen -Supporting

Members Questions and Debate

- i. The Local Member – Cllr W Fredericks – stated that planning should be about community and about housing need, she reflected on the demographic

composition of Mundesley and stressed the need for bungalows to facilitate the requirements of North Norfolk's aging population. She commented that the design of the property was not in keeping with the street scene and would have an overbearing impact given the height of the roofline, despite efforts to lower the roof height from earlier designs. She was further concerned about the potential loss of trees to make way for additional parking, and the overall impact of the development on neighbouring properties. The Local Member reiterated the vital importance of bungalows in the local housing stock at a time of a chronic housing crisis.

- ii. Cllr L Paterson proposed acceptance of the officer's recommendation, provided the retention of the trees would be conditioned.
- iii. Cllr L Vickers seconded the recommendation. She contended that whilst there was a theoretical need for bungalows in the housing stock, this needed to be balanced against the real life needs of the resident.
- iv. Cllr P Fisher welcomed the proposed conditions listed.
- v. Cllr V Holliday noted the proposed alterations and considered the roof height an No.2 would be higher than the roofline at No.6.
- vi. The PO advised, because of the elevations, No.2 would sit higher than No.6 but was actually the same height.

RESOLVED by 11 votes for and 1 against.

That planning application PF/23/0843 be APPROVED in accordance with the officer's recommendation.

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

Officer's Report

The PO introduced the officer's report and recommendation for approval subject to conditions. She advised that amended plans had been received after the publication of the agenda, which addressed the Landscape, and Conservation and Design Officer's comments. These amendments related to proposed material changes, omission of a window and increased boundary tree planting. The PO outlined the site's location, relationship with its local setting including Sharrington Conservation Area, proposed elevation and floor plans, and provided images of the site.

The key issues for consideration related to principle of development, landscaping, and heritage harm.

Officers considered the application to comply with NNDC Core Strategy Policy HO5. The PO confirmed that the independent agricultural assessor (Acorus) had undertaken a site visit, observed all the tenanted and privately owned land, as well as the farm's profit and loss records, and was satisfied there was suitable need for a new dwelling. Further, the farm was considered to be financially viable.

Landscaping concerns had been largely addressed by the application, with a reduction in use of glazing and an increase in the volume of trees on the southern boundary. However, it was noted that the domestication of the current agricultural field remained a concern for consultees.

Heritage concerns had been identified by the Conservation and Design Officer, who objected to the proposal. These concerns related to the infilling of the currently open site, the gap between the hedges was considered to positively contribute to the village setting and the wider landscape. The views across the field were considered the principal contributor to Sharrington's setting on the edge of the Glaven Valley and part of the settlement's defining characteristics. The PO advised that the heritage harm identified was deemed to be less than substantial, therefore the public benefits arising from the scheme must be weighed against this harm.

It was acknowledged that the Local Planning Authority was currently unable to demonstrate a 5-year Housing Land Supply. The PO advised the proposal would provide a benefit in contributing a new dwelling to the local housing land supply, however as this is only one dwelling the benefit was limited.

The PO noted that the proposal would provide a rural worker's dwelling to meet an identified need, supporting the local economy and vitality of the rural community as well as a well-established rural farming business. Given the mitigating factors of the development proposed, on balance and in this instance, the harm to the affected heritage asset was considered to be outweighed by the limited public benefit of the scheme, officers therefore recommended approval of the application subject to conditions.

Public Speakers

Deborah Hyslop – Brinton and Sharrington Parish Council
Keith Parks – Objecting
Jerry Stone – Supporting

Members' Debate and Questions

- i. The Local Member – Cllr A Brown – reflected that this was a difficult application to determine at this time, given the Glaven Valley Conservation Area Appraisal (GVCAA) was due to be considered the following week by the Planning Policy & Built Heritage Working Party (the agenda having already been published). The appraisal had been subject to extensive discussions and consultations over the last 18 months and would likely be adopted at Cabinet on 4th December. The Local Member noted that once the GVCAA was approved, the whole of the proposed site would fall within the Conservation Area and felt it would be dangerous to consider the application ahead of the consideration and adoption of the GVCAA, as the adoption of the appraisal would have implications on the weight of harm attributed to the application. The Local Member was critical of the public benefits identified by officers as contributing positively to the scheme. Cllr A Brown proposed deferral of the application until the GVCAA, affecting 80% or more of the site, was adopted.
- ii. Cllr M Batey seconded the motion for deferral.
- iii. Cllr L Vickers spoke against deferral. She considered that a delay on a technicality may result in changes to the officer's current recommendation for

approval.

- iv. The Chairman noted the GVCAA was in an advanced stage, it was therefore a relevant document to Members considerations. He stated it was a matter for Members to determine whether the minor boundary changes provided sufficient reason to defer or refuse the application.
- v. The DM reflected that this was an unusual situation. He confirmed that adoption of GVCAA would result in the entirety of the site falling within the Conservation Area. In determining the application Members were asked to consider and weigh up the harm arising from the proposal, which was considered to be less than substantial, against the public benefit. He recognised that whilst the GVCAA had not yet been adopted, it was far advanced and noted that Members may wish to defer consideration of the application to obtain a view Conservation and Design Officer as to the weight of heritage harm they would attribute to the GVCA from the proposal.
- vi. The Chairman reiterated that Member's should form a determination on the evidence provided, officer's guidance and the independent advice received.
- vii. Cllr L Vickers stated that she did not consider there to be justification for a delay and was not persuaded by the arguments for deferral. Farming was not a 9-5 job and there was a demonstrable need for an agricultural worker's dwelling.
- viii. Cllr J Punchard echoed Cllr L Vickers comments and spoke against deferral. He reflected that planning applications continued to be determined even though the new Local Plan had yet to be adopted and did not consider the situation with the GVCA should be treated differently.
- ix. Cllr L Paterson considered their sufficient information to form a determination at the meeting.
- x. Cllr V Holliday noted a resolution had been passed by Cabinet (following recommendation from Planning Policy & Built Heritage Working Party) that weight should be attributed to several policies within the emerging Local Plan. She argued that the GVCAA was in its final stages, having been in discussion for an extended period of time, and agreed with Cllr A Brown that this should carry weight.
- xi. Cllr P Fisher stated he was nervous to form a determination when the GVCAA was due to be determined and (likely) adopted in the very near future. He welcomed deferral of the application.
- xii. Cllr A Brown agreed with Cllr V Holliday that there were parallels with the weight attributed with the emerging Local Plan, and that the same principle should apply with the GVCAA. He considered this appropriate given the GVCAA was a supplementary planning document which informed the Local Plan. He reiterated his concerns about the soundness of process in determining the application at this time and considered there would be a risk of judicial review should a determination be formed. Cllr A Brown acknowledged if the application were to be deferred this would only result in a delay of around 4 weeks.
- xiii. The PL stated she was concerned about the lack of mention of the GVCAA

and its imminency of adoption within the officer's report. She considered that due weight should be given to the GVCAA.

- xiv. The ADP determined that the risk of judicial review was light, though acknowledged the comments made by the PL.
- xv. Cllr G Mancini-Boyle asked, should the application be deferred, whether this would be detrimental to the application. He considered that applications should not be delayed for emerging policies.
- xvi. The DM advised that the introduction of the whole of the site into the GVCA may have an additional heritage impact, which may be detrimental to the application.
- xvii. The ADP reflected that within the next 12 months there would be an array of additional planning considerations including changes to the NPPF and adoption of the new Local Plan. He asserted that Cllr A Brown was correct in his comments that the GVCAA was well advanced and detailed on a published agenda. The ADP advised that the inclusion of the whole of the site within the GVCA may not automatically result in officers taking a different view, though it may change the weight given to certain policies. If Members were to defer the application, it would be in the knowledge that the GVCAA was likely to be adopted. However, the ADP considered Members had enough information to consider the application at the meeting and commented that there wouldn't be a significant risk in relation to that decision.

THE VOTE WAS LOST by 6 votes for and 6 votes against deferment. The Chairman used his casting vote against deferment.

- xviii. Cllr L Paterson proposed acceptance of the officer's recommendation for approval. He stated that the application was for an agricultural worker's dwelling, to which there was a known need, it was sensitively designed and would be well screened.
- xix. Cllr J Punchard seconded the motion.
- xx. Cllr A Brown contended that the agricultural workers dwelling was actually a disguise for a retirement property for the applicant. He considered the history of the site and earlier applications which cited the applicant was of ill health and soon to retire. The application was removed from the principal farmhouse, which he understood conflicted with the Agricultural Tenancy Act. Cllr A Brown argued that the application was not policy compliant, and it was unnecessary for the dwelling to be built when other properties in the community could be purchased by the applicant to serve as their residence. Considering the applicant's health, he argued that there was instead a need for a temporary dwelling, but that he would not be supportive of such a structure. With respect of benefits attributed to the scheme, Cllr A Brown commented that one dwelling would not tip the balance with regards the Local Planning Authority's 5-year Housing Land Supply position. Further, he noted that the barn did not meet the test for permitted development and so had been added to the scheme, contributing to additional heritage harm.
- xxi. Cllr V Holliday acknowledged the significant number of objections from the community, and from various officers, which she contended should be given

weight. Based on her observations, she questioned whether pigs needed farmers to live in such close proximity.

- xxii. Cllr L Paterson asked if it would be permissible for the dwelling to be used by an agricultural worker who subsequently retires.
- xxiii. The DM advised it would be permissible depending on the wording of the occupancy restriction.
- xxiv. Cllr P Neatherway noted that Environmental Health hadn't responded to the consultation.
- xxv. The PO confirmed that Environmental Health hadn't responded at the time of writing but had since made no objection.

IT WAS RESOLVED by 7 votes for 5 against.

That planning application PF/23/1352 be APPROVED in accordance with the officer's recommendation.

74 BALE - PF/23/1027 - ERECTION OF DETACHED AGRICULTURAL STORAGE BUILDING AT LAND AT OAK FARM, SHARRINGTON ROAD, BALE, FAKENHAM, NORFOLK

Officer's report

The SPO introduced the officer's report and recommendation for approval subject to conditions. He outlined the site's location, relationship in its local context (just outside of the Conservation Area boundary), proposed elevations and floor plan, aerial views, and photographs of the site. It was noted that the proposed barn was to be constructed of similar materials to the nearby village hall.

The key issues for consideration were highways concerns, though it was acknowledged there were no formal objections from the Highway Authority; scale of development; and the impact to the local character and environment.

Public Speakers

Simon Pegg – Supporting

Members' Debate and Questions

- i. Cllr A Brown recited a pre-prepared statement on behalf of the Local Member – Cllr S Butikofer, who was unable to attend the meeting. The Local Member placed weight on the objection made by the parish council and considered that whilst the application was compliant with policy SS2, it failed to engage with developing the site. Further, the orchard had been poorly maintained.

Local Member noted the limitations with accessing the site given the access road was narrow, further the site situated on a blind bend in a densely occupied residential street, making it especially difficult for large agricultural vehicles to navigate. If the unit was let out to an agricultural tenant there was the potential for increased use. The Local Member welcomed the reduction in scale of the development but remained unconvinced by its long-term future. She requested that, should the application be approved, a condition be

applied that the unit could not be sublet.

- ii. The Chairman asked officers if such a condition were possible.
- iii. The PL confirmed this would be acceptable.
- iv. Cllr A Brown proposed this condition be added.
- v. Cllr P Fisher seconded the substantive motion for the condition to be added.
The Amendment was approved.
- vi. Cllr L Paterson asked about the wider site and if this was the entire holding.
- vii. The SPO confirmed the site boundary.
- viii. The Chairman confirmed Members were asked to comment on the planning merits of the application before them. Members were only provided the site plan relevant to the application.
- ix. Cllr L Paterson asked if plans needed to be submitted and approved to convert an arable field into an orchard.
- x. The SPO advised that the planting was for agricultural produce. The proposal was for the building to be used in association with the proposed orchard.
- xi. Cllr M Hankins referenced the crime and disorder detailed in the officer's report and stated that it was well known that there was an increase in theft on agricultural sites. As such, he was surprised with objections, given the proposal would seek to secure valuable agricultural equipment. Cllr M Hankins proposed acceptance of the officer's report for approval subject to conditions.
- xii. Cllr R Macdonald seconded the motion.

IT WAS RESOLVED by 10 votes for and 2 against.

That planning application PF/23/1027 be APPROVED in accordance with the officer's recommendation.

75 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.

Officer's report

The HPA introduced the officer's report and recommendation for approval subject to conditions. He advised that the application had been returned to committee following a site visit. The HPA reiterated the site's location, relationship with neighbouring dwellings, proposed and existing elevations and floor plans, and provided photos of the site.

The key issues for consideration were the principle of development, impact on the character of the area, residential amenity, highways and parking, and impact on

protected species.

Public Speakers

David Houton – Objecting
Howard Little – Supporting

Members' Debate and Questions

- i. Cllr A Brown considered the right of neighbours to their privacy was critical in determining the application. He noted NNDC Core Strategy Policy EN4 that applications should not have a significant detrimental effect on residential amenity of nearby occupiers and was unconvinced that the application wouldn't have an adverse impact to neighbours.
- ii. Cllr G Mancini-Boyle proposed acceptance of the officer's recommendation. He concluded that that the neighbouring properties either side of the dwelling were large and stated that it was refreshing for an application to be received which didn't intend to double the footprint of the principal dwelling.
- iii. Cllr V Holliday reflected on the site visit and stated that she considered the scale and massing of the proposal would be intrusive.
- iv. Cllr M Hankins commended officers and the applicant for their efforts to minimise the impact of the proposal. He was satisfied with the scheme following the site visit and so seconded the officer's recommendation.
- v. Cllr P Fisher commented, having attended the site visit, that he didn't consider the development would overlook neighbouring properties, rather it would look down the applicant's own garden. He further reflected that noise disturbances emanating from the balcony would be limited given the balcony led off from the bedroom.
- vi. Cllr R Macdonald expressed his support for the scheme and agreed that the two adjacent properties were far larger.

RESOLVED by 9 votes for, 2 against and 1 abstention.

That planning application PF/23/1531 be APPROVED in accordance with the officer's recommendation.

The meeting was adjourned at 11.06am and reconvened at 11.22am.

76 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

Officer's report

The DMTL introduced the officer's report and recommendation for approval subject to conditions. He outlined the site's location, relationship with neighbouring dwellings, existing and proposed elevations and floor plans, and provided photos of the site.

The DMTL stated that the main issues for consideration were matters of principle of development, design and heritage impact, amenity, landscape, biodiversity, and highways.

With respect of design and heritage impact, the DMTL confirmed that the revised scheme was considered acceptable, and better aligned with the existing dwelling when compared to earlier proposals. Whilst officers acknowledged that the proposed development would alter the symmetry of the existing cottages, this had already been altered to an extent by the existing first floor extension and by the sizable rear extension to No.1 Barnfield cottages, which had been approved earlier in the year. The extension was noteworthy in its size; however, it was not considered to have a significant detrimental impact on the appearance of the dwelling or the surrounding area, nor conflict with the character and appearance of the Weybourne Conservation Area. The application was therefore compliant with policies EN4 and EN8 of the NNDC Core Strategy.

The DMTL advised that the fenestration proposed was policy compliant, and the relatively small rooflights detailed would not result in any significant overlooking. Officers concluded that there would not be a significant loss of light or overshadowing by consequence of the proposal.

The Landscape Officer took no issue with the scheme and did not consider that the proposal would introduce a negative visual impact to the AONB, noting that the property was positioned in the built-up part of the village.

Any concerns relating to light spill from the development had been satisfactorily addressed through a significant reduction in glazing from 7 to 3 rooflights. It was further noted that the proposal would replace the existing first floor extension which was almost fully glazed. Accordingly, the proposal accorded with policies EN1 and EN2.

The DMTL concluded by affirming that the application was considered, on balance, to be acceptable and compliant with the relevant development policies.

Public Speakers

Martin Brown – Weybourne Parish Council
James Stanbrook – Objecting
Jonathan Smith – Supporting

Members' Debate and Questions

- i. The Local Member – Cllr V Holliday – noted the large number of objections to the application and argued public comments were material a consideration in determining planning applications. The objections to the proposal related to matters including loss of privacy, loss of light or overshadowing, parking, and effect on the Conservation Area. She relayed a sample of objections submitted and stated there was no space capacity on Station Road to accommodate additional vehicles, it was therefore difficult to understand how the three parking spaces could be accessed. The Local Member considered the application would be contrary to the NNDC Design Guide, NNDC Conservation Area guidelines and NNDC Core Strategy policies EN2, EN4, EN8, HO8 and CT6.

- ii. Cllr P Fisher asked if the 52% increase in the size of the dwelling reflected the removal of the first-floor structure.
- iii. The DMTL advised he didn't believe it did, therefore the current first floor floorplan figure could be discounted from the 52%.
- iv. Cllr R Macdonald noted the proposed first floor windows on the side elevation of the dwelling, he did not consider this would have an adverse impact on neighbouring properties given the angle.
- v. The DMTL advised the lights were at head height, officers did not consider the degree of overlooking to be significantly detrimental.
- vi. Cllr L Paterson stated that he was struggling to accept the scale of the proposed extension.
- vii. The Chairman noted policies EN2, EN4 and EN8, and asked how officers applied weight to these policies when considering the application.
- viii. The DMTL confirmed that in assessing the application, officers considered that the property was located in a built-up area of Weybourne. Officers were content that there wouldn't be a significantly detrimental impact upon the wider landscape and the AONB, with the extension sitting relatively comfortably against the existing residential property. In terms of policy EN8, the Conservation and Design Officer was satisfied the revised proposal would not cause additional heritage harm.
- ix. Cllr G Mancini-Boyle considered this a challenging application to determine and sought confirmation whether there was a calculation or metric which could be applied to determine the maximum size of an extension.
- x. The DM advised each application was considered on its merits, there was no formula or algorithm to determine maximum extension sizes. He affirmed that the application accorded with the development plan.
- xi. Cllr M Hankins acknowledged that this was a significant extension but welcomed the proposal in converting an existing holiday home into a principal residence. He considered this change would bring benefits to the community and argued weight should be given to this consideration.
- xii. Cllr L Vickers asked about the situation at No.1 Barnfield Cottages, and the relationship of this property with the proposal.

Images were relayed at the meeting of the road scene.

- xiii. The Chairman asked how big of an extension would be acceptable under permitted development.
- xiv. The DMTL advised that this was difficult to determine given the site was located within a Conservation Area.
- xv. Cllr M Hankins proposed acceptance of the officer's recommendation.
- xvi. Cllr G Mancini-Boyle seconded the officers recommendation.

RESOLVED by 8 votes for, 1 against, and 3 abstentions.

That Planning Application PF/23/0999 be APPROVED in accordance with the officer's recommendation.

Cllr J Punchard left the meeting at 11.50am.

77 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

Officer's report

The DMTL introduced the officer's report and recommendation for approval subject to conditions. Since the publication of the agenda, additional representations had been received objecting to the proposal which had been uploaded to the planning portal. He outlined the site's location, relationship with the neighbouring dwelling, existing and proposed floor plans and elevations, and provided images of the site.

The DMTL advised the key issues for consideration related to design and heritage, and amenity issues. It was noted that the scheme was for a sizeable extension, however officers considered the revised proposal plans would result in less than substantial harm and would ensure that the extension remained subservient to the host dwelling. The Conservation and Design Officer had lifted their objection, and now considered the application policy compliant. The DMTL confirmed that it would be conditioned that the Holly tree be retained, irrespective, had the Holly tree not been protected by condition, the potential removal of the Holly tree did not provide justification for refusal of the whole application.

With respect to amenity matters, the DMTL confirmed that the neighbour had raised objections to the proposal which they considered would result in unacceptable overlooking of their property. Subsequently, revised plans had been submitted which removed the initially proposed balcony. Officers did not consider there would be significant overlooking and noted that the neighbour also had a first-floor window facing the gardens. The impact of any loss of light to the first-floor window on the neighbouring property facing the extension, would be limited by consequence of the window serving a stairwell and not a primary room.

The proposal was not considered to have a significant detrimental impact on the AONB or Conservation Area, with the extension being located to the rear of the dwelling and only visible from the east.

The existing parking arrangement was not altered through the proposal and remained unchanged; therefore, this did not substantiate grounds for refusal.

Public Speakers

Wayne Shields – Weybourne Parish Council
Marie Fraser - Objecting

Members' Debate and Questions

- i. The Local Member – Cllr V Holliday – reflected on objections raised from the community, that the proposal would have a detrimental impact on dark skies, loss of biodiversity, lack of parking and impact to the Conservation Area. She

affirmed that the Local Authority had a responsibility to consider any material considerations raised by local people. Cllr V Holliday considered the application would block out light to the first-floor windows of the neighbouring property and would cause additional overshadowing of the neighbouring garden which would be most notable in the spring. She further argued that the first-floor windows would overlook the neighbouring garden, as had been identified in the officer's report. The Local Member stated the sizable extension would result in a lack of amenity space, with much of the remaining garden expected to be paved, contributing to the loss of biodiversity. She expressed her concerns about the parking arrangements which was unsuited to the area. Cllr V Holliday stated that the application was in conflict with EN2, EN4, EN8, EN9, HO8, CT6 and emerging Local Plan policy CT10 in addition to the Conservation Management Guidelines and the NNDC Design Guide.

- ii. Cllr L Paterson expressed his concerns about the loss of light and privacy to neighbours. He stated the parking arrangements were inappropriate.
- iii. The Chairman reiterated the proposal did not seek to alter the existing parking arrangements.
- iv. Cllr P Fisher considered this was a finely balanced application and proposed the application be deferred pending a site visit.
- v. Cllr M Hankins seconded the motion for a site visit.

RESOLVED by 10 votes for and 1 abstention.

That Planning Application PF/22/1530 be DEFERRED to enable a site visit.

78 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

Cllr A Brown left the meeting.

The PL left the meeting for this item and was replaced by the DMO.

Officer's report

The ADP introduced the officer's report and recommendation to approval subject to conditions. He detailed the history of the site and confirmed that the relevant conditions detailed on prior planning approvals would still apply with this application.

With respect to public representations, the ADP confirmed that 15 representations had been received and noted that there had been some confusion about the proposal. He relayed the submission made by the Local Member, Cllr E Spagnola, who was unable to attend the meeting. Cllr Spagnola considered that clarification was needed for the benefit of neighbours who were unclear what the application intended to do.

The ADP summarised the proposed changes including: the introduction of further basement car parking (incorporating electric car charging points) and the alternative use (e.g., landscaping and the larger Woodland House) to some of the previously proposed external car parking areas (no longer proposed). Changed elevation designs, including to the roof design, to Maplewood, Woodland and Rosewood Blocks), it was noted that there would not be an increase to the overall roof height. Re-siting of the day room to the southern boundary, effectively replacing the former 2 and a half storey residential block ('Laurel House'), the 6 units lost from Laurel House were included within a larger footprint 'Woodland House'.

Many of the representations received related to the area between Maplewood and Oakwood, with residents expressing concern about the lack of landscaping, though it was noted there had been no changes proposed from the existing scheme in this area. Irrespective, the applicant had agreed to introduce a planting scheme consisting of hedgerows and trees to form a visual buffer between developments. Traffic calming measures would also be addressed by way of condition, as would a construction management plan.

Public Speakers

None.

Members' Debate and Questions

- i. Cllr P Fisher thanked the ADP for clarifying the proposed changes between this and earlier applications. He asked about the likelihood of scheme being built out given the extensive history of the site.
- ii. The ADP noted that it was the applicant's intention to start construction in the coming weeks subject to permission being granted. He acknowledged that the applicant had received approval for other historic applications and could decide to build out the earlier schemes, though remarked this was unlikely.
- iii. Cllr P Neatherway asked about the adequacy of surface water drainage.
- iv. The ADP advised that the Council had consulted with the lead local flood authority who were satisfied with the scheme. He confirmed that residents had not raised any issues regarding water drainage when they made their representations.
- v. Cllr V Holliday considered it sensible that the day room had been re-sited to a more central location. She reflected on parking arrangements with use of underground parking and the narrowing of the existing road, and asked if either of these arrangements were of concern.
- vi. The ADP confirmed that revised scheme removed visitor parking from

Mangrove, hence why the access road could be narrowed. Prospective residents would be well aware of the parking arrangements before purchasing, and it was unlikely the applicant would build out the scheme with underground parking unless he was satisfied there was a market for such arrangements.

- vii. The Chairman noted the underground enclosed parking arrangements included electric charging points, in light of the recent fire at Luton Airport Carpark, he proposed that suitable fire precautions be conditioned.
- viii. Cllr P Fisher seconded the Chairmans amendment.

The Amendment was carried.

- ix. Cllr L Paterson proposed acceptance of the officer's recommendation.
- x. Cllr P Neatherway seconded the motion.

RESOLVED by 10 votes for and 1 abstention.

That planning application RV/23/1131 be APPROVED in accordance with the officer's recommendation.

79 FELMINGHAM - TPO/23/1014- LAND AT THE GRANGE

Officer's report

The SLOA introduced the officer's report and recommendation that the TPO area order be confirmed. She outlined the history of the trees and surrounding area, provided images of the site, and identified the key issues for consideration. The SLOA advised that officers instigated the order following receipt of a planning application which proposed a tree removal plan. The area order sought to pause any further tree works till information was received including survey works and future planning application. The SLOA advised that, in the fullness of time, when detailed information was provided that the Landscape team would take a more detailed look at what needed to be protected as opposed to the blanket area order.

Public Speakers

Mr Ward – Objecting.

Members' Debate and Questions

- i. Local Member - Cllr P Neatherway advised that the TPO had not been raised as a concern by the parish council.

Cllr M Batey left the room at 12.50pm

- ii. Cllr A Brown proposed acceptance of the officer's recommendation.
- iii. Cllr P Fisher seconded the officer's recommendation, he reflected the SLOA advised the confirming of the TPO would serve as a holding position till detailed information was provided.
- iv. The Chairman reflected that the area was well maintained, and protection of

the trees was important given the planning application.

- v. Cllr L Paterson asked if the order would apply to the whole area, and if it was usual for the TPO to be applied to conifers.
- vi. The SPOA confirmed the TPO was for an area order, she advised that each tree was evaluated on its own merit.

RESOLVED by 9 votes for and 2 abstentions.

That TPO/23/1014 be CONFIRMED in accordance with the officer's recommendation.

Cllr M Batey returned to the meeting at 12.52pm.

80 FAKENHAM - TPO/23/1016 - WELLS ROAD, FAKENHAM

Officer's report

The SPOA introduced the officer's report and recommendation that the TPO be confirmed. She outlined the history of the trees and surrounding area, provided images of the site, and confirmed the key issues for consideration. Officers considered the pine trees to form part of the older landscape and formed an important feature to the street scene, offering considerable visual amenity.

It was noted that some concerns had been raised about tree roots, however officers were content that this would not be an issue.

Public Speakers

None.

Members' Debate and Questions

- i. The Local Member – Cllr L Vickers – noted the trees were not a native species nor did she consider them particularly attractive. She expressed her sympathy with residents' concerns and questioned the safety of the tall pine trees given how top heavy they were.
- ii. The SPOA advised there was no indication that the trees would fail. With pruning, the trees were expected to last for another 10 years which would allow enough time for the next generation of trees to become established. The removal of the existing pine trees was considered to have a significant impact on visual amenity.
- iii. Cllr L Vickers placed emphasis of the objections received from the residents who had the trees located in their gardens. She asked, should the trees fall, whether the Council would be liable by consequence of imposing a TPO.
- iv. The SPOA advised it would be the owner of the tree who would be liable if reasonable precautions were not taken.
- v. Cllr P Neatherway asked if the tree roots, likely covering a large surface area due to the size of the trees, were causing damage to the public highway.

- vi. The SPOA agreed that the root coverage would be large, noting that the pine trees were estimated to have been planted in the 1960's or 1970's. She stated that there was no apparent damage to the road and pavement, nor had there been any damage to properties.
- vii. The Chairman enquired what the standard lifespan would be for a Corsican Pine.
- viii. The SPOA advised that the species could live up to 200 years.
- ix. Cllr G Mancini-Boyle proposed acceptance of the officer's recommendation.
- x. Cllr P Neatherway seconded the motion.

RESOLVED by 10 votes for and 1 against.

That TPO/23/1016 be CONFIRMED in accordance with the officer's recommendation.

81 SHERINGHAM - TPO/23/1017 - LAND AT 23 HOLT ROAD, SHERINGHAM

Officer's report

The SPOA introduced the officer's report and recommendation that the TPO be confirmed. She outlined the history of the area, provided images of the site, and outlined the key issues for consideration. The SLOA considered the trees contributed positively to the biodiversity and connectivity of the area and it was important they be retained.

Public Speakers

None.

Members' Debate and Questions

- i. Cllr A Brown asked about the prevalence of honey fungus, referenced in the officer's report.
- ii. The SPOA advised that honey fungus was an endemic fungus located everywhere. She offered technical details on the lifecycle stages of the parasitic fungi. The SLOA confirmed that there was no evidence the sycamore trees were infected with the fungi, though it was present elsewhere in the garden. She advised she was in communication with the residents about the situation and asked that they provide images should the sycamores show signs of infection.
- iii. Cllr A Brown proposed acceptance of the officer's recommendation.
- iv. Cllr P Fisher seconded the motion.

RESOLVED by 10 votes for and 1 abstention.

That TPO/23/1017 be CONFIRMED in accordance with the officer's recommendation.

82 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- i. The DM introduced the officers report and spoke positively of the planning service' performance both with respect of major and non-major applications, in addition the council's strong appeals record. He advised that the number of applications remained high unlike other Local Authorities whose workloads were slowing.
- ii. Cllr A Brown expressed his thanks to officers for their continued hard work and for the encouraging performance figures. He welcomed additional funding to aid with the application backlog.
- iii. Cllr G Mancini-Boyle stated that he had shared recent planning performance data with his parish councils. He commended the planning team and encouraged the promotion of the excellent work undertaken by the planning service whose work is often misunderstood by residents.
- iv. The ADP updated Members of the recent Town and Parish Forum and confirmed that briefing sessions would be held across the district over the next 2 years covering the generality of planning with the aim to give greater insight to Town and Parish Councils about the planning process.
- v. Cllr M Hankins commended officers for the introduction of the weekly list and asked if a weekly decision list could also be published.
- vi. The ADP advised he would consider Cllr M Hankin's suggestion and would discuss the practicalities of implementation with relevant officers.
- vii. The PL provided an update on the S106 appendix and advised that she was broadly waiting on applicants.

83 APPEALS SECTION

- i. The DM provided an update to the growing list of appeals, he noted that many of the appeals decided were on advertising signage applications.

84 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 1.20 pm.

Chairman

Registering interests

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

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

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

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

Non participation in case of disclosable pecuniary interest

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

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

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

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

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

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

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

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

Table 1: Disclosable Pecuniary Interests

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

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

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

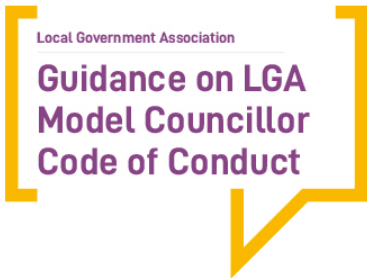
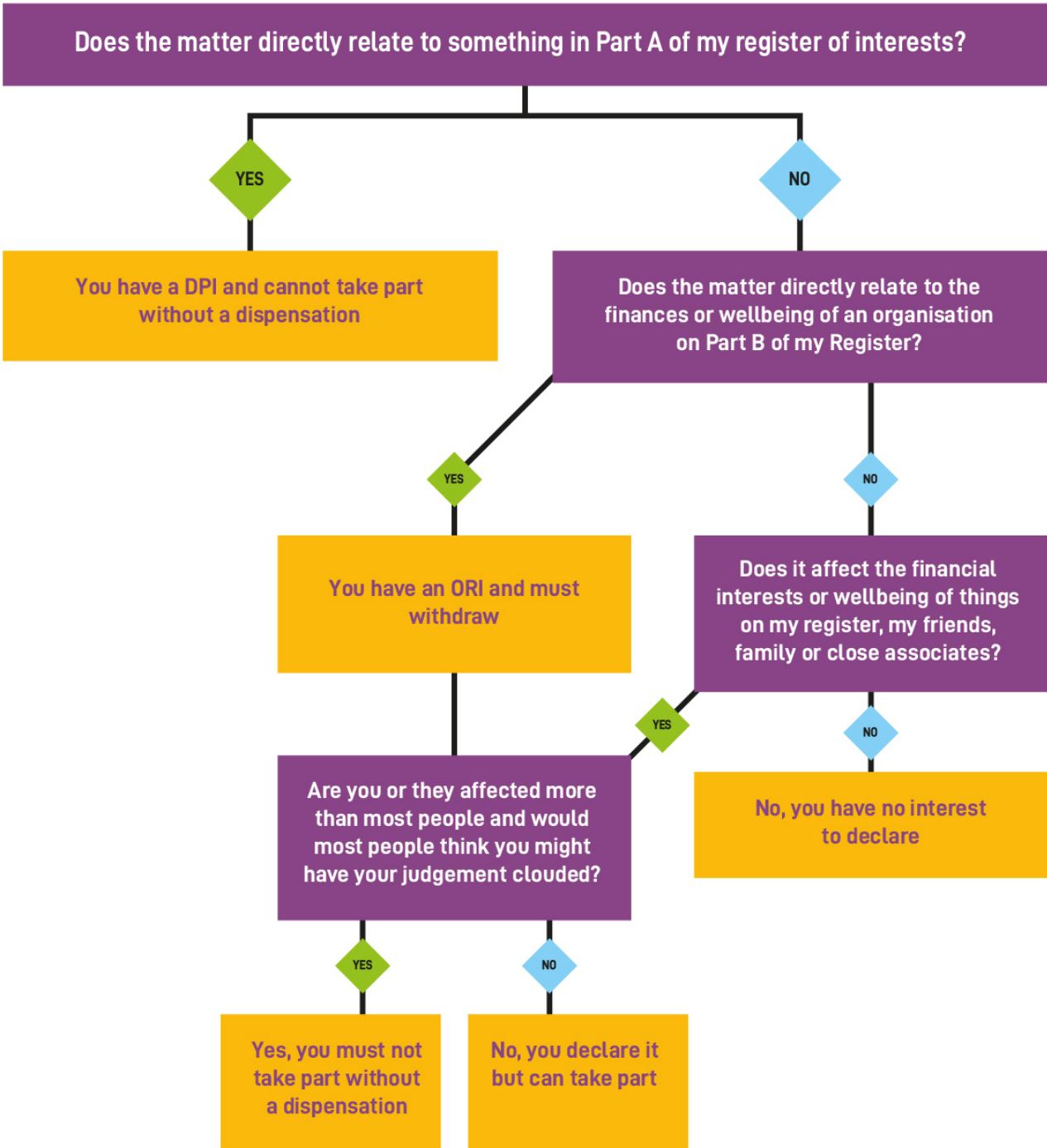
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
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Land Off Overstrand Road, Cromer - PO/23/0596 - Erection of up to 118 dwellings and up to 60 units of specialist elderly care accommodation with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point (Outline with all matters reserved except for access) at Land Off Overstrand Road Cromer for Gladman Developments Ltd.

Major Development

Target Date: 15th June 2023

Extension of Time: 29th December 2023

Case Officer: Russell Williams

EXECUTIVE SUMMARY TO THE REPORT

- a. This is a major outline planning application for development on the edge of Cromer. The application includes 'the means of access' but all other matters are reserved to a later stage in the process (in the event of outline approval being issued).
 - b. The application is for up to 118 dwellings and up to 60 units of specialist elderly care accommodation. A main vehicular access is proposed to Overstrand Road and an emergency vehicle and pedestrian / cycle access is proposed to Northrepps Road. The proposal makes provision for 45% of the dwellings to be affordable housing and the applicant is prepared to contribute towards a range of other planning obligations including to health, libraries and provision for Policing.
 - c. Two rounds of consultation have taken place – one at the time of the receipt of the application and one in September / October 2023 following the receipt of a revised package of information from the applicant.
 - d. The site is within an Area of Outstanding Natural Beauty and is in the area defined as Countryside within the adopted Core Strategy. As such the application has been advertised as a 'departure from the development plan'.
 - e. The site is allocated for housing in the draft Local Plan (Policy C16). The Local Plan Examination is due to take place in the New Year and issues associated with Cromer are scheduled for discussion in mid-February.
 - f. The main issues impacting on whether or not the application should be approved that are considered within this report are:
 - (i) Whether the proposal is acceptable – in the event that all other issues covered within (iii) are acceptable – due to the sites status as part of an Area of Outstanding Natural Beauty (AONB)
 - (ii) Whether the fact that the Council cannot currently demonstrate a 5-Year Housing Land Supply impacts on the application.
 - (iii) Whether the proposal is acceptable in detail – in the event that this scale of development within the AONB could be determined positively in principle.
 - g. The report concludes by recommending that permission is granted subject to the prior completion of a Section 106 Obligation (including the provision of 45% affordable housing) and a suite of planning conditions (including conditions relating to the access and delivery of biodiversity net gain).
-

RELEVANT SITE CONSTRAINTS

Norfolk Coast Area of Outstanding Natural Beauty
Countryside (as defined by the Core Strategy)
Undeveloped Coast (as defined by the Core Strategy)
Landscape Character Area – Coastal Shelf
Within GI RAMS Zones of Influence
Mineral Safeguarding Area
Contaminated Land

RELEVANT PLANNING HISTORY

Application reference: PF/07/1331

Description: Creation of Golf Academy and Formation of Practice Range, putting green and sensory garden.

Decision: Approved with conditions

Application Reference: PF/11/1224

Description: Variation of conditions 2 and 4 of planning permission reference 07/1331 to permit relocation of golf academy building and practice greens

Note: The site was used as a golf driving range although it is not clear whether either of the above applications were implemented. It is estimated – from aerial photograph evidence - that the use of the site for that purpose ceased approximately 20 years ago – but it was certainly taking place around the turn of the millennia.

ABBREVIATIONS / ACRONYMS

A number of abbreviations / acronyms are used throughout the report. These are:

AONB	Area of Outstanding Natural Beauty
BNG	Biodiversity Net Gain
CEMP	Construction Environmental Management Plan
CPTED	Crime Prevention Through Environmental Design
DMRB	Design Manual for Roads and Bridges
EcIA	Ecological Impact Assessment
EGI	Enhanced Green Infrastructure.
FTE	Full Time Equivalent
GIRAMS	Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy
HRA	Habitats Regulations Assessment
ICS	Integrated Care System
LCA	Landscape Character Assessment
LEMP	Landscape and Ecological Management Plan
LLFA	Lead Local Flood Authority
MMP-M	Materials Management Plan – Minerals
NHS	National Health Service
NNDC	North Norfolk District Council
NPPF	National Planning Policy Framework
OHMP	Outline Habitat Management Plan
PRA	Preliminary Roost Assessment
SAC	Special Area of Conservation

SPA	Special Protection Area
SPD	Supplementary Planning Document
5YHLS	Five Year Housing Land Supply

Note: Due to the scale and complexity of this application and the report – paragraph numbers will be used from here on in.

THE APPLICATION

1. The application was submitted in March 2023. It is an ‘outline planning application’ that seeks approval for development in keeping with the description (above) and which seeks detailed approval for the ‘means of access’. All other elements would be held for approval as part of future ‘reserved matters’ applications – e.g. the appearance, layout, scale and landscaping associated with the development would follow within future application(s).
2. An extensive range of documentation was submitted with the application and included (but was not limited to):
 - Development Framework Plan
 - Flood Risk Assessment
 - Planning Statement
 - Statement of Community Involvement
 - Area of Outstanding Natural Beauty (AONB) Assessment
 - Minerals Assessment
 - Design and Access Statement
 - Preliminary Ecological Assessment
 - Landscape and Visual Assessment
 - Transport Assessment
 - Breeding Bird Survey
 - Biodiversity Net Gain Assessment
 - Arboricultural Assessment.

Note: All the documentation is available on the Council’s website.

3. The original proposal included a single vehicular access / exit onto Overstrand Road.
4. It is understood that the applicant undertook some ‘pre-application’ engagement in late 2022 including leafleting local properties, held an exhibition and engaged with Cromer Town Council. There was no ‘pre-application’ submission to the District Council and the District Council was not involved with the pre-application engagement that did take place. It is understood that the main change to the proposal following that engagement was to ‘drop’ an original proposal for a second vehicular access to the site onto / from Northrepps Road in response to the comments received.
5. Following receipt of consultee responses and public comments, the applicant considered their position and submitted a revised pack of information in mid-September 2023 – and agreed an ‘Extension of Time’ for the determination of the application to 1st December 2023. They have recently agreed an extension of time until 29th December.
6. The Council readvertised and reconsulted on the new pack of information and with two minor exceptions – it is that September pack that the Committee is asked to consider whether to approve or not.

7. The main changes introduced by this September submission are summarised by the applicants' letter dated 19th September 2023 which is available on the Council website. These include:
 - An increase to the affordable housing proposal – from 35% to 45%;
 - A detailed response to Norfolk County Council (Highway Services) consultation response – including the introduction of an emergency and pedestrian / cycle access to Northrepps Road and proposals in relation to enhancements on Overstrand Road;
 - Introduction of 'bike enhancement' measures;
 - Commitments to enhance Fearn's Park play area;
 - Further information on Biodiversity Net Gain – including potential off-site provision at Holt Road, Cromer; and
 - A commitment to limit the scale of housing / development adjacent to Northrepps Road.
8. In addition further survey work was submitted (e.g. to address comments about ecology).
9. The two areas where there have been further changes related to:
 - (i) Amendments following on-going dialogue with Norfolk County Council (Highways) to the visibility splays to the Overstrand Road access point; and
 - (ii) Clarification – as a consequence of (i) – to some tree issues following dialogue involving the Council's Arboricultural officer.
10. There are a small number of areas identified within the report where it is anticipated that 'updates' will be provided verbally to Committee.

REASONS FOR REFERRAL TO COMMITTEE

11. This application has been referred to the Development Committee at the request of the Director of Place and Climate Change - due to the scale of the proposal and the fact it is a departure from the development plan (related to development in the Countryside and specifically an Area of Outstanding Natural Beauty).

CONSULTATIONS

12. The responses below are split into four groups:
 - (i) Those from external (to North Norfolk District Council (NNDC)) organisations;
 - (ii) Those from within NNDC;
 - (iii) Town and Parish Councils; and,
 - (iv) Elected Representatives.
13. The below provides a summary of each response – and are listed alphabetically by organisation. The full responses are all available on the Council's website.

14. Each representation also makes it clear whether the comment was received as part of the first 'Round' of consultation or whether it was received following the submission of additional information and re-consultation (i.e. from September 2023 onwards). The terms 'Round 1' and 'Round 2' are used to indicate these two phases.

Group 1: External Consultations

15. **Anglian Water** (Round 1): Recommends a number of informatives in the event that an approval is issued. Observes that there is available capacity for connections to their systems relating to both wastewater and used water. Confirms submission is acceptable to them in relating to surface water drainage proposals and advocates relevant drawings are referred to within any approval.
16. **Anglian Water** (Round 2): Confirmed that they have no additional comments to add to their Round 1 response.
17. **Cadent (i.e. relating to gas services / infrastructure)** (Round 1): Generic response advising that they should be contacted prior to any digging starting.
18. **Natural England** (Round 1): Notes that the application could have potential significant effects on:
- Norfolk Valley Fens Special Area of Conservation (SAC)
 - Overstrand Cliffs SAC
 - Greater Wash Special Protection Area (SPA)
19. It may also affect additional European designated sites scoped into the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy (GIRAMS). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.
20. Advises that the Council should undertake a Habitats Regulations Assessment (HRA) and record your decision regarding the assessment of the development with respect to recreational disturbance. Without this information, Natural England may need to object to the proposal. Seeks re-consultation when HRA drafted.
21. Detailed advice given on above two issues (GIRAMS and HRA) and also on a number of other issues – including the sites Area of Outstanding Natural Beauty (AONB) status – and in that regard highlights the need for an assessment relating to paragraph 177 of the National Planning Policy Framework (NPPF).
22. **Natural England** (Round 2): Natural England have submitted two representations as part of Round 2 – initially they confirmed that they had no additional comments to add to their Round 1 response. Then following receipt of the draft Habitat Regulations Assessment they advised that they had no objection to the application subject to appropriate mitigation being secured – i.e. the GIRAMS contribution(s). Further general (i.e. not site specific) advice on other landscape and natural environment matters was also provided.

23. **Norfolk and Waveney Integrated Care System** (ICS) (i.e. part of the National Health Service (NHS)) (Round 1): A developer contribution is sought to assist mitigating the impacts of this proposal. The ICS Strategic Estates Workstream estimates the level of contributions required, in this instance to be £545,083, across the health sectors listed as:
- Primary & Community Care Capital Cost;
 - Acute Care Capital Cost;
 - Mental Health capital Cost; and,
 - Intermediate Health capital Cost.
24. **Norfolk and Waveney Integrated Care System** (Round 2): Confirmed that they have no additional comments to add to their Round 1 response.
25. **Norfolk Coast Protected Landscape** (i.e. Local AONB Partnership Body) (Round 2): Observes that major development should be considered in line with the provisions of the AONB. Points out that there are seven key qualities / objectives in the AONB Management Plan quoted at paragraph 110 below, and that three should be given special consideration, namely:
- Diversity and integrity of landscape, seascape, and settlement character. Key quality is based on maintaining diversity of character types rather than uniformity across the area, including landscapes and seascapes, settlement pattern, building materials and styles.
 - Exceptionally important, varied and distinctive biodiversity, based on locally distinctive habitats. Recognised by a range of national and international designations. Coastal habitats are particularly important and most famous for birds, supporting iconic species. Inland habitats and species are also important, particularly lowland heath.
 - Sense of remoteness, tranquillity, and wildness. A low level of development and population density for lowland coastal England, leading to dark night skies and a general sense of remoteness and tranquillity away from busier roads and settlements and, particularly for undeveloped parts of the coast, of wildness.
26. Comments cross-refer to both Natural England comments and NNDC Landscape comments (above and below). Concludes by observing that in the event that the application is approved then a Landscape and Ecological Management Plan condition (LEMP) should be imposed.
27. **Norfolk Constabulary** (Round 1): Very disappointed that in a development of this scale that the Design and Access Statement does not reference any crime prevention through environmental design measures, although can see from the indicative plans provided that there has been some Crime Prevention Through Environmental Design (CPTED) principles included. Advocates revisions to incorporate relevant Secure by Design standards.
28. **Norfolk Constabulary** (Round 1) (Submitted on their behalf by NPS): Refers to an Arup study from June 2020 suggests that on a per new house basis, the cost to policing to maintain current levels is £168 (based on the four elements identified as relevant to Section 106 and planning requirements (i.e. additional floorspace, additional police and police staff, vehicle fleet and mobile policing equipment. In this case, Norfolk Constabulary have not identified any immediate need for a significant extension to existing buildings (which Arup's work suggested represented approximately two thirds of the infrastructure need costs). Therefore, it is considered that the contribution towards

staffing infrastructure, vehicle provision and equipment would therefore be approximately £55 per dwelling. They observe that that 2020 figure should be index linked.

29. **Norfolk Constabulary** (Round 2): Confirmed that they have no additional comments to add to their Round 1 response.
30. **Norfolk County Council (Highways)** (Round 1): Notes that the site in question has been allocated for development within the draft plan. Confirms that the Highway Authority has no objection to the principle of development on this site. Notes that the Transport Assessment shows residual capacity in all of the measured junctions when taking into consideration the impact of this development and therefore, no mitigation beyond the immediate site frontage is required.
31. However, the Highways Authority identified some areas of concern with the proposal, and suggested that amendments were needed in order to gain the Highway Authority's support for this outline application. In summary, the amendments identified relate to:
 - The need for a development of this scale should be served from two access points;
 - Concern around the exact location of the current access point on Overstrand Road;
 - A need for speed surveys – and then potential impact on visibility splays;
 - The need for a 3m shared pedestrian footway / cycleway along the entire frontage;
 - The need for frontage footway/ cycleway to connect to the existing footway that runs along the southern side of Northrepps Road;
 - The need for a pedestrian refuge on Overstrand Road; and
 - Bus shelter provision on Overstrand Road.
32. **Norfolk County Council (Highways)** (Round 2): Two representations were made at Round 2 (the initial one effectively an interim position as discussions continued with the applicant) and the second the final position which is summarised here.
33. The Highway Authority notes that on drawing 0301 P05 the visibility spay to the east has been increased to 120m - as requested - in accordance with Design Manual for Roads and Bridges (DMRB) standards, and appropriate for the recorded percentile speeds. The visibility spays will need to be dedicated as highway and secured in perpetuity to ensure that visibility when emerging onto Overstrand Road from the development is achieved. Therefore, with this issue now addressed, the highway authority has no objection to this planning application and would recommend conditions in the event that permission is granted. 11 conditions are recommended (and some informatives). The recommended conditions cover the following points:
 - detailed plans of the roads, footways, cycleways, foul and surface water drainage;
 - agreed works to be done before final dwelling occupation;
 - road standards before first occupation;
 - visibility splays;
 - construction worker parking;
 - Agreement of a Construction Traffic Management Plan;
 - Construction in accordance with agreed Construction Traffic Management Plan;
 - Detailed agreement of off-site highway works;
 - Completion of off-site highway works;
 - Travel Plan; and
 - Travel Information Plan.

34. **Norfolk County Council (Historic Environment)** (Round 1): Disagree with the conclusions of the Heritage Statement. Notes that the eastern approximately 40% of the site was a former a clay extraction pit in the late 19th century. Observes that the potential for archaeological remains of earlier periods remains is ill-defined and that there is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains) to be present within the current application site and that their significance would be affected by the proposed development. If planning permission is granted, ask that it be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2021), Section 16: Conserving and enhancing the historic environment, para. 205. In that regard, recommends three conditions.
35. **Norfolk County Council (Historic Environment)** (Round 2): Confirmed that they have no additional comments to add to their Round 1 response.
36. **Norfolk County Council (Lead Local Flood Authority)** (Round 1): Welcomes the submission of a Flood Risk Assessment (FRA) and Drainage Strategy for the proposed development. Has some concerns in relation to the proposed drainage provision including insufficient evidence to justify the discharge location hierarchy proposed by the applicant. However has no objection to the proposal subject to conditions being attached to any approval. And recommend a detailed condition and an informative.
37. **Norfolk County Council (Lead Local Flood Authority)** (Round 2): Confirmed that they have no additional comments to add to their Round 1 response.
38. **Norfolk County Council (Minerals and Waste)** (Round 2): Comments refer to Policy 16 of the Minerals and Waste Local Plan and Paragraph 212 of the NPPF. Disagrees with the conclusion of the Minerals Resource Assessment around the extent of historic minerals workings.
39. Seeks a revised Minerals Resource Assessment and objects to the planning application (on the grounds of minerals resource safeguarding) unless:
- “1. the applicant carries out investigations/assessment across the site including particle size distribution testing to confirm the viability of the resource for mineral extraction, and*
- 2. if the mineral resource is proved to be viable, the applicant assesses whether it could be extracted economically prior to development taking place.”*
40. Observes that if there is a viable minerals resource on site then there should be a ‘Materials Management Plan – Minerals’ and that that should be secured via condition attached to any grant of planning permission.
41. **Norfolk County Council (Planning Obligations)** (Round 1): Wishes to be re-consulted in event decision is issued more than 6 months after consultation response (inflation / index linking issue). In terms of Section 106 Contributions seeks the following – in the event of an approval:
- (i) Monitoring Fee - £500 per Obligation; and,
 - (ii) Libraries - £8,850.
42. In addition, a need for fire hydrants within the development is identified and numbers are specified within response. This could be controlled by condition in the event that permission is granted.

43. Note: No contribution sought for education as there is sufficient space at all the local schools.
44. **Norfolk County Council (Planning Obligations)** (Round 2): Observed that the Round 1 response remains valid.
45. **Norfolk Wildlife Trust** (Round 2): Objects to the proposal due to non-compliance with Policy EN9 of the NNDC Core Strategy. Further comments made on: Biodiversity, survey levels / quality, bats and the need for a Landscape Ecological Management Plan (LEMP) (in the event of approval).
46. For the avoidance of doubt, the following organisation was consulted and didn't provide any comments / response:
 - Norfolk Fire and Rescue Service (although relevant comments are provided within the Norfolk County Council (Planning Obligations) response set out above.

Group 2: Internal NNDC Consultations

47. **Conservation and Design** (Round 1): No objection as, with 'access' being the only matter for consideration as part of this outline submission, Conservation & Design (C&D) input at this stage will inevitably be limited. Notes that the proposed development would not affect any designated heritage assets, and, that the Development Framework Plan does not give rise to any 'in principle' concerns,
48. **Economic Development** (Round 1): Keen to support application on economic grounds due to the - potential economic benefits that would be derived by such a proposal, including employment generation of up to 172 Full Time Equivalent (FTE) direct construction jobs, and 187 FTE indirect jobs in associated industries available for local workers over the build-out period.
49. **Landscape** (Round 1): a 'holding' objection to the application on grounds of:
 - Tree loss / lack of detail in arboricultural submission;
 - Impacts of works associated with highways changes;
 - Impact on broader woodland area and connectivity;
 - Whilst the team concur with the suite of protected species surveys recommended within the application and that would be taken forward to be addressed in the Ecological Impact Assessment (EiA), the conclusion that there would be no impacts upon designated sites is considered incorrect (see also response from Natural England). Detailed comments are provided on this element(s). This includes need for further work in relation to the ponds and great crested newts, invertebrate surveys and further bird survey works.
50. Also some observations which don't amount to objections (at this stage) e.g:
 - around potential for re-use of establishing trees within the development;
 - the need for a Preliminary Roost Assessment (PRA) of trees to be undertaken to account for potential impacts upon roosting bats;
 - various areas are suggested for conditions (e.g. swift bricks);
 - the Landscape masterplan includes such areas and the links to surrounding Public Rights of Way are reasonable. However, additional considerations which would improve connectivity include:

- An additional footpath link to Northrepps Road opposite Park Road. This would provide easier access to the recreational area on Station Road/Park Road.
- Removal of the footpath link to Cromer Road to be replaced with a path connecting to the Public Right of Way to the south of the site. This would increase the distance available for circular walks.

With the above changes, the Landscape section consider there would be sufficient Enhanced Green Infrastructure (EGI) integrated into the scheme to help mitigate for any adverse recreational impacts which may arise, even though these are unlikely to significantly affect the integrity of nearby Habitats Sites.

- The EclA recommends habitat enhancements are secured via condition through the requirement for a Landscape Ecological Management Plan (LEMP). The Landscape section agree a LEMP should be conditioned in the event the application is approved.
 - In relation to Biodiversity Net Gain, it appear unfeasible that the current scheme design would be able to achieve no net loss of habitat units.
51. In relation to the AONB the team notes that the undeveloped site of the former golf practice ground) lies just within the boundary of the Norfolk Coast AONB. The emerging Local Plan allocates this site for mixed use residential and elderly care. Policy C16 addresses the site location within the AONB and the Coastal Shelf Landscape Type, as defined in the North Norfolk Landscape Character Assessment (LCA) (2021 Supplementary Planning Document (SPD)). Both the AONB Integrated Landscape Guidance and the LCA set out that new development in this landscape setting should be well integrated into the landscape and should not form a harsh edge. Retention of existing mature planting on the site and an emphasis on strong landscape design within the site is therefore key to a successful design layout hat achieves this.
 52. The Landscape section agree with the AONB Assessment from the applicant that the site does not typically exhibit the defined key qualities of the AONB, and consider that its value is in providing separation between the settlements of Overstrand and Cromer. The separate identity of the coastal settlements provided by the small areas of farmland, woodland and other semi-natural habitats is highlighted as a valued feature of this Landscape Type in both the AONB guidance and the LCA. Retention of the vegetated character of the site and accommodation of built form amongst a strong green infrastructure throughout the site is essential to retaining this valued characteristic.
 53. The Landscape and Visual Appraisal (Feb 2023) concludes that the immediate landscape context has the capacity to accommodate a high-quality residential development with a green infrastructure emphasis and that the mature robust vegetated boundaries and flattish landform will contain any adverse wider visual impact, such that there will be no long term harm to the designated landscape of the AONB. The Landscape section would agree with this conclusion, so long as the layout really does have robust green infrastructure as a key design principle that is carried through to detailed design.

54. The Development Framework Plan takes development too close to the north boundary with Cromer Road, such that the vegetated green approach into the town will be lost. This requires revision, so that ample space is allowed for retaining and enhancing the tree and shrub belt all along the site boundary with Cromer Road. Policy C16 in the emerging Local Plan requires that existing woodland on the site is protected and that the layout includes a landscaped buffer along the north and west boundaries.
55. The green infrastructure needs to be more robust within the site, allocating space for tree planting in groups, rather than just in linear form alongside streets. There should be more retention of existing vegetation, as advised in the Trees section of this response, particularly in the area to the north around the attenuation basin.
56. This outline application seeks to secure access only. There is currently insufficient information to clarify how much vegetation will require removal alongside Cromer Road to facilitate the required visibility splays. This needs certainty to determine if the proposed access location is acceptable and to ensure that a sufficient landscape buffer is provided.
57. The Framework Plan shows on-site circular pedestrian routes that are appropriate. Off-site pedestrian linkage could be improved to deter residents from adding to visitor pressure on the identified designated sites to the north. This could include links into and through the woodland to the south and improving connectivity west to the formal play provision within Suffield Park. This should include a pedestrian route along the west boundary from the attenuation basin to the proposed access in the south-west corner (and potentially an additional access opposite Park Road).
58. **Landscape** (Round 2): The landscape and arboricultural update indicates positive progress and concludes that appropriate landscape and arboricultural conditions would be required in the event of an approval being issued in order to secure the necessary details as part of the Reserved Matters application.
59. There is though, a query around the potential status of the Development Framework Plan within any approval – with a focus on the Overstrand Road frontage.
60. In terms of ecology and designated sites, the team comment that the revised layout incorporates an additional footpath link to Northrepps Road and recreational routes of 2.7km have been proposed which would aim to draw impacts away from Overstrand Cliffs SAC and other sensitive receptors in the local area. They consider that - in combination with payment of the GIRAMS tariff – that this would be sufficient to mitigate for both alone and in-combination recreational impacts arising from the development, particularly as recreational impacts are not a recognised threat/pressure upon Overstrand Cliffs SAC or Norfolk Valley Fens SAC.
61. They also reiterate that the EclA recommends habitat enhancements (which contribute to the provision of informal, semi-natural areas at the site) are secured via condition through the requirement for a LEMP.
62. The team are content with the additional information provided on bats and great crested newts – subject to condition(s) being added to any approval around external lighting.

63. Detailed comments are provided about the impact on birds. They conclude “*There are pros and cons upon breeding birds which would result from the proposed development with the balance leaning towards negative residual impacts in the short term. However, in the long term, these adverse impacts are likely to be less than significant subject to the successful implementation of the proposed habitat creation and management both on- and off-site.*

In order to ensure the long-term interests of breeding birds are safeguarded in the local area, the Council must secure the proposed onsite and offsite habitats as a minimum, and provision of the recommended onsite enhancements. Onsite enhancements will be secured through the previously mentioned condition of a LEMP, whereas offsite compensation/enhancements will require a legal obligation.”

64. Likewise, lots of comments are made about invertebrates that conclude: “*In terms of mitigation for impacts upon the most important species recorded, the invertebrate report recommends the provision of shallow scraped areas in the substrate and to be surrounded by natural grassland with flower-rich nectaring and pollen resources nearby. Mown amenity grassland and gardens would not satisfy the natural habitat requirements of the target species. Area C (as noted above) is highlighted as an area where this mitigation could be provided through removal of scrub and pine plantation to increase grassland cover and allow rabbit grazing to persist. Provision of wetland, removal of bracken and not using wildflower seed mixes would also be considered beneficial.*

The above recommendations do not appear to have been taken into consideration within the Onsite Outline Habitat Management Plan (OHMP) or Development Framework plan. It is not clear what the plans are for the south-east corner of the site identified as Area C in the Invertebrate Report. Although the Addendum to the EclA makes reference to these recommendations being made in the detailed landscape design, the Onsite OHMP does not include details for this area. Additionally, if this land is considered to be part of the ‘Other Neutral Grassland’ provision, this specifically recommends the sowing of wildflower mix which should be avoided. No details of scraped substrates are provided. Whilst the finer details can be secured within the subsequent LEMP, it is considered an important part of the mitigation for reducing impacts upon the most important invertebrate species recorded at the site and therefore must not be subsequently overlooked at the Reserved Matters stage.”

65. In terms of Biodiversity Net Gain (BNG), the team note are satisfied the proposed access amendments would still allow a minimum of 10% gain in hedgerow units. They also note that the proposed compensation for the -41.40% loss in habitat units at the site includes creation of scrub and neutral grassland in an existing arable field to the west of Holt Road, Cromer. They consider that whilst the provision of grassland would help compensate loss of grassland at the application site, this land is more isolated from similar habitats and is therefore unlikely to have functional connectivity to sites with similar faunal assemblages which would most benefit from the grassland creation.
66. Whilst the block form of the proposed habitats (i.e. scrub to the west, grassland to the east) is evidently designed to meet the criteria of the BNG Metric, this isn’t though to optimise function of the site for biodiversity gain. Mosaics of habitats provide a range of microclimates suited to a wider variety of species and which can affect use across the year. Pockets of scrub and/or standard trees could sit within the grassland habitat, and the provision of features suitable for invertebrates (e.g. shallow scrapes/bare ground) could be implemented.

67. Additionally, they observe that given the large blocks of woodland to the east/south of Holt Road, and further to the west of Holt Road, it feels like the currently proposed habitats would represent a missed opportunity to provide woodland connectivity across the arable landscape. The tree line along the south-east boundary could be reinforced with additional planting into a tree belt, as could the north and/or west hedgerow boundaries. The southern boundary of the land parcel could be demarcated with a new mixed-species hedgerow with standard trees. The use of trees would provide a much longer-term gain than the provision of only grassland and scrub habitats.
68. It is recommended the standard Biodiversity Net Gain Plan condition (as worded in the Environment Act 2021) is secured within any approval to ensure the necessary information is provided at the Reserved Matters stage.
69. In their conclusion, the Council's Landscape team state that they are generally satisfied with the additional information submitted and the recommendations provided within. They observe that whilst the proposed development would inevitably lead to habitat loss and minor adverse impacts upon some species, the recommended mitigation and compensatory habitat creation are viewed (objectively and with regard to relevant best practice guidance) to provide a satisfactory solution.
70. They believe it would be prudent to secure a Construction Environmental Management Plan (CEMP) to ensure the avoidance and mitigation measures recommended within the various reports are incorporated into a standalone document which can be kept onsite and referred to/provided to contractors where necessary.
71. They states that *"Whether the proposed development could fully comply with policy EN9 of the Council's adopted Core Strategy and paragraph 174 of the NPPF remains uncertain due to the baseline conditions and strategic/ecologically desirable location of the site (e.g. adjacent to woodland, connected to Overstrand Cliffs SAC and coastal habitats). However, making the above recommended amendments to improve the off-site compensatory/enhancement habitat provisions would be seen to improve the existing ecological network in that area, and tree planting would increase resilience to future pressures for development outside of the current settlement boundary."*
72. Their final observation states that they do "not feel (they) can either support or object to the proposed development on ecological grounds." They recommit a number of condition in the event the application is approved (all referred to above).
73. **Planning Policy** (Round 1): Commented on the site's status within the Emerging Local Plan and specifically on the comments received to the proposed allocation – i.e: *"the allocation is supported by the applicant in the local plan process however the during the Regulation 19 Consultation, the proposed allocation received four representations of objection and two of support (including those submitted by the landowner). These objections were centered around the site's previous inability to be developed over recent years, and preference towards another alternative site."*
74. Also provided comment on the quantum of housing being less than envisaged in the draft Local Plan and the affordable housing amounts.

75. The Policy Officer also comments that *“The site lies within the Norfolk Coastal Area of Outstanding Natural Beauty and only limited consideration should be given towards Policy ENV1 of the emerging Local Plan and Criterion 1 of the site-specific policy, C16. The site will need to be tested against Policy EN1 of the Core Strategy, which states that ‘proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm and the benefits of the development clearly outweigh any adverse impacts.’*

This requirement has not been demonstrated throughout the application’s supporting documents and is therefore contrary to this policy. The Local Plan’s site allocation process cannot be used as test against this criterion of the policy and the emerging Local Plan is not yet adopted or afforded weight by the Council. However, the Policy Team do consider the site can be in accordance with Policy ENV1 and Policy C16 Criterion 1 in the emerging Local Plan but suggest the applicant should wait until the Plan is adopted to ensure their application can be appropriately considered against the most up to date policies.”

76. Comments were also provided about compliance with the Policy for the site in the Emerging Local Plan (C16) and concluded with a statement that: *“The application generally complies with the relevant policies in the Emerging Local Plan but as the Plan is yet to be adopted, the proposal must be tested against the policies set out in the Core Strategy, including Policy EN1 and the required supporting information and assurances provided in order to be relied upon as a material consideration.”*
77. **Planning Policy** (Round 2): The Policy Team have reviewed the application’s letter from the agent in regard to the amended application and now raise no objection to the reduction of dwelling capacity from 150 to 118 - as it is expressed that this is needed in order to effectively deliver the other requirements laid out in Policy C16 along with ambition of delivering an above (draft) policy level affordable housing i.e 45% ((emerging) policy compliance would be 35%)
78. **Strategic Housing** (Round 1): Seeks confirmation that the proposal would meet Policy HOU8 on the new Plan around accessible and adaptable homes. As proposal seeks less than the adopted Local Plan 45% affordable housing provision then a viability assessment justifying a lower threshold should be sought. Also provides observations relating to the emerging local plan requires new homes to meet the nationally described space standards (policy HOU9) and local need levels – including for specialist elderly care accommodation.
79. **Strategic Housing** (Round 2): Reiterates many of the Round 1 responses but welcomes the increase to 45% affordable housing. Currently awaiting a view from the Council’s viability assessment consultant on the matter. That view will be reported to Committee.
80. For the avoidance of doubt, the following parts of the Council were consulted and didn’t provide any comments / response:
- Climate and Environmental Policy
 - Environmental Health
 - Sport and Countryside

Group 3: Town and Parish Councils

81. **Cromer Town Council** (Round 1): In relation to safe highway access considers it astonishing that given the scale of the application, no offsite highway improvements are proposed and refers to access to existing play areas, schools, the GP Surgery and Happy Valley. A number of comments about provisions for pedestrians and concludes with view that pedestrian access issues have not been dealt with at all as part of this application and therefore cannot be supported. Also notes the view that speed and traffic calming measures are needed along Overstrand Road. Concern expressed in respect of the existing parking issues around the immediate vicinity of the site on Overstrand Road and close to the junction of Station Road and notes that there are no offsite parking plans in the proposals.
82. In relation to biodiversity considerations where there is an indicated loss of >41% biodiversity, members are concerned that the benchmark being used is that taken after the clearance of the site. Members ask that an independent assessment of the impact takes place. Members note that a member of the public has submitted information re the loss of biodiversity and also note that 69 species of bird have been observed at the site by a member of the public. As it stands, the application does not appear to be able to demonstrate 10% biodiversity net gain, and the baseline for their assessment appears to be wrong.
83. There is also concern in respect of any possible reduction in screening around the site and the loss of trees and hedging.
84. The Town Council objects to the impact on the AONB and damage to the ecological value of the site. These considerations are key to determining this application.
85. The Town Council needs to understand the method of disposal for the sewerage which will be processed at Middlebrook Way Water Treatment Works. There is already an issue with the combined network on Station Road and resulting damage to the infrastructure and road following previous incidents and a number of internal flooding incidents have occurred impacting on residents' houses. The Town Council seeks reassurance in respect of the sewerage dispersal route and method.
86. In relation to Surface Water Drainage the Town Council asks for a thorough investigation in respect of the water infiltration on the site and the underground springs which are understood to run through the site. The site needs to be considered within the constraints of the emerging Local Plan which has some understanding of the need for the developer to demonstrate that surface water drainage is adequate for the site to be delivered.
87. It is understood by Cromer Town Council that the risks around unexploded ordinance need to be studied before such an assessment is able to take place.
88. In terms of access to Green Space and Play facilities, if the District Council is minded to give consent for this application, the Town Council asks that a contribution is made to play and open space provisions at Fearn's Park and Happy Valley.
89. Members of the Town Council are concerned at the impact on the local health and dental services and have advised that they will be writing separately to the National Health Service (NHS England) and the Integrated Care Board to ask how they will cope with the increased number of houses, the care facility and the need to recruit more staff.

90. **Cromer Town Council** (Round 2): Additional detailed comments on highway / pedestrian matters especially on Overstrand Road – particularly around narrow pavement widths. Concerns around possible impact of visibility splay on landscaping AONB matters and effectiveness / reliability of emergency access bollard. Also further comments on highway safety parking, AONB and biodiversity matters raised within the Round 1 comment.
91. **Northrepps Parish Council** (Round 2): Observes that as an adjoining parish, this development will have an impact on the highways surrounding Northrepps and also the infrastructure such as medical facilities, dental services and schools all of which are used not only by residents of Cromer but also by the neighbouring parishes.
92. Appreciate the need for elderly care accommodation and housing and that the affordable housing element will be at 45%, raised the following concerns:
- impact on the GP surgery;
 - impact on dental services;
 - impact on the schools;
 - impact on the care service (including whether the elderly care accommodation will be able to recruit staff);
 - impact on utilities - can the current systems cope - in particular the drainage from the site;
 - loss of biodiversity for wildlife and impact on the boundary with the old railway track which is regularly used by walkers;
 - impact on the highways.
93. **Overstrand Parish Council** (Round 2): Opposes the proposal due to several concerns:
- Loss of biodiversity. The land is a corridor of a wide range of flora and fauna and removal of this should not be encouraged. In addition, the landscape falls within the AONB which must be considered.
 - Carrying capacity – infrastructure services are already under extreme pressure in the local area including schools, medical services, dentists, roadways, and shops. Whilst OPC accept the need for elderly care accommodation, this would add even more pressure on already critically strained services.
 - Access – only one entrance to this large site would be of concern along with the increased traffic that is bound to affect Overstrand as a neighbouring village.
 - Flooding risk – with the installation of concrete and other impermeable surfaces, there is a high risk of flooding to the area.
 - Air pollution needs to be considered due to the increased amount of traffic.
 - Footpath – the footpath proposed around the exit point to the North/East of the development would appear to open directly onto the roadway (Cromer Road) with no plans to extend the footpath to accommodate the ingress/egress of pedestrians.

Group 4: Elected Representatives

94. **County Councillor Adams** (Round 1): A series of observations covering:
- The intended status of the internal roads – i.e. are they to be made up to a standard for adoption by the Highways Authority
 - In respect of Fire and Libraries - no specific comments to make as long as necessary assessments are made in respect of additional needs arising from the development.
 - Notes fluctuating school rolls and issues at both Suffield Park Infants and Cromer Academy with students safely accessing the school on foot and concern about additional pressure on access to schools in this respect.
 - In respect of access to green infrastructure, has some significant concerns. The application appears to demonstrate at least -40% biodiversity, whereas the requirement is for +10% biodiversity gain. This presents a significant challenge in terms of access to green infrastructure generally. The site is in nearby proximity to green open spaces including Fearn Park and Happy Valley. It is hoped locally that any development would commit contributions to play and green space improvements at both of these sites. Notes that the access to the Happy Valley site to the North and North-West and many nearby public rights of way is particularly poor.
 - There are no details of any highways improvements on Overstrand Road to enable safe access for pedestrians across this road e.g. suggests contributions should be sought for a crossing refuge, and a 30mph limit along the length of the site towards the Overstrand Parish boundary. Notes the particularly narrow footway/pavement between Cromer Country Club and the Catholic Church which does not appear to have been assessed as part of this outline proposal for access only and reserved matters.

REPRESENTATIONS

95. Like the 'Consultee Responses' the public representations received fall into two groups. Those in Round 1 and those in Round 2.
96. In total **31** responses were received in Round 1. The details are set out in **Appendix 1**. Of the responses received **30** were **objecting** to the proposal and **1** was a **neutral** comment. The topics raised in the objections can be summarised as:
- (i) Development in the Area of Outstanding Natural Beauty;
 - (ii) Quality of survey work (habitats, wildlife, bird and highways);
 - (iii) Impact on landscape;
 - (iv) Building on greenfield;
 - (v) Roads and access matters;
 - (vi) Foul and surface water drainage;
 - (vii) Flooding and underground springs;
 - (viii) Overlooking, light and noise from care home;
 - (ix) Keeping Overstrand and Cromer separate;
 - (x) Impact on local services (health and education); and
 - (xi) Availability of alternative sites.

97. In total **19** responses were received in Round 2 (although 2 were effectively a duplicate of the same one). The details are set out in **Appendix 2**. Of the responses received **18 objected** to the proposal and **1** was **neutral**. The topics raised in the objections can be summarised as:

- (i) The need for a 5G mast;
- (ii) Impact on local services – health and education;
- (iii) The permeability of the southern boundary of the site and the need for a boundary fence;
- (iv) Impact on ecology and wildlife and connectivity to adjacent sites;
- (v) Loss of woodland and green space;
- (vi) Highways;
- (vii) Drainage and flooding;
- (viii) Development in the AONB;
- (ix) Conflict with the adopted development plan (including policy SS 3 relating to the Undeveloped Coast)
- (x) Impact on walking routes to school;
- (xi) Habitat Regulation Assessment matters;
- (xii) Safety of pedestrian access onto Northrepps Road;
- (xiii) Quality / accuracy of bird survey work; and
- (xiv) Comments on off-site mitigation to achieve Biodiversity Net Gain targets.

98. In total 50 representations (one of which was a ‘group’ submission) have been received from 49 different addresses – and objections from 47 different addresses. Note: some people commented – understandably – during both rounds of public consultation. The issues flagged in the two preceding paragraphs are either addressed within the main thematic sections of the ‘Officer Assessment’ from paragraph 120 to 213 – or, if they are not, they are addressed within a separate section at paragraph 215 and 216.

HUMAN RIGHTS IMPLICATIONS

99. 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.

100. 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

101. The application raises no significant crime and disorder issues. The Constabulary have commented on the application and their comments are either recommended to be addressed via inclusion in the proposed Section 106 Agreement or via the reserved matters stage – and highlighted via a suggested Informative that is recommended to be attached to any approval granted.

LOCAL FINANCE CONSIDERATIONS

102. 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

Development Plan

103. **North Norfolk Core Strategy (adopted 2008):**

Policy SS 1	Spatial Strategy for North Norfolk
Policy SS 2	Development in the Countryside
Policy SS 3	Housing
Policy SS 4	Environment
Policy SS 6	Access and Infrastructure
Policy SS 7	Cromer
Policy HO 1	Dwelling Mix and Type
Policy HO 2	Provision of Affordable Housing
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 9	Biodiversity & Geology
Policy EN 10	Development and Flood Risk
Policy EN 13	Pollution and Hazard Prevention and Minimisation
Policy CT 2	Developer Contributions
Policy CT 5	Transport Impact of New Development
Policy CT 6	Parking Provision

104. **Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (adopted 2011)**

Policy CS 16	Safeguarding mineral and waste sites and mineral resources
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Material Considerations:

105. **Supplementary Planning Documents and Guidance:**

North Norfolk Landscape Character Assessment (2021)

106. **Five Year Land Supply Statement (North Norfolk District Council) (September 2023)**

Confirms that the Council is only currently able to demonstrate 4.13 years of deliverable housing supply.

107. **Open Space Assessment Study (North Norfolk District Council) (February 2020)**

Outlines the approach to open space to support Policy CT 2 and sets out a 'calculator' in relation to potential contributions.

108. National Planning Policy Framework (NPPF) (HM Government) (September 2023):

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 17 – Facilitating the sustainable use of minerals.

109. First Homes (HM Government) (December 2021):

Provides further detail on First Homes and their implementation.

110. AONB Management Plan

Norfolk Coast Area of Outstanding Natural Beauty: Management Plan 2019 to 2024 (revised 2022)

111. Draft Local Plan (Proposed Submission Version) (2022)

Policy C16 - Former Golf Practice Ground, Overstrand Road

112. As this is a particularly significant application where ‘in principle’ policy considerations are central to determining whether or not a development of the site could be considered acceptable or not, it is considered that it is appropriate to set out the main policies in full. These are considered to be:

Adopted Core Strategy Policies SS1 and EN1

113. Policy SS2 Development in the Countryside

In areas designated as Countryside development will be limited to that which requires a rural location and is for one or more of the following:

- *agriculture;*
- *forestry;*
- *the preservation of Listed Buildings;*
- *the re-use and adaptation of buildings for appropriate purposes;*
- *coastal and flood protection;*
- *affordable housing in accordance with the Council’s ‘rural exception site policy’;*
- *the extension and replacement of dwellings;*
- *extensions to existing businesses;*
- *sites for Gypsies and Travellers and travelling showpeople;*
- *new-build employment generating proposals where there is particular environmental or operational justification;*
- *community services and facilities meeting a proven local need;*
- *new build community, commercial, business and residential development where it replaces that which is at risk from coastal erosion, in accordance with Policy*

EN12: Relocation and Replacement of Development Affected by Coastal Erosion Risk;

- *development by statutory undertakers or public utility providers;*
- *recreation and tourism;*
- *renewable energy projects;*
- *transport;*
- *mineral extraction; and*
- *waste management facilities*

Proposals which do not accord with the above will not be permitted.

114. Policy EN1 Norfolk Coast Area of Outstanding Natural Beauty and the Broads

The impact of individual proposals, and their cumulative effect, on the Norfolk Coast AONB, The Broads and their settings, will be carefully assessed. Development will be permitted where it;

- *is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area;*
- *does not detract from the special qualities of the Norfolk Coast AONB or The Broads; and*
- *seeks to facilitate delivery of the Norfolk Coast AONB management plan objectives.*

Opportunities for remediation and improvement of damaged landscapes will be taken as they arise.

Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm and the benefits of the development clearly outweigh any adverse impacts.

Development proposals that would be significantly detrimental to the special qualities of the Norfolk Coast AONB or The Broads and their settings will not be permitted.

Draft Local Plan Policy C16

115. Policy C16: Former Golf Practice Ground, Overstrand Road

Land amounting to approximately 6.4 hectares, as defined on the Policies Map, is allocated for development of approximately 150 dwellings, elderly care accommodation, public open space and associated on and off-site infrastructure. Planning permission will be granted subject to compliance with the policies of this Plan, and the following site specific requirements:

1. *Careful attention to site layout, building heights and materials in order to minimise the visual impact of the development on the Norfolk Coast Area of Outstanding Natural Beauty;*
2. *Provision of convenient and safe vehicular access from Overstrand Road or Northrepps Road to include associated improvements, carriageway realignment and widening to a minimum of 5.5m, and provision of a frontage footway at the Northrepps Road access;*

3. *The submission, approval and implementation of a Transport Impact Assessment to assess the impact of the development on the strategic road network and identify areas where mitigation may be required and propose appropriate schemes;*
4. *On site delivery of not less than 1.31 hectares of multi-functional open space together with measures for its on-going maintenance;*
5. *Retention and enhancement of hedgerows and trees around the site, including the protection of existing woodland within the site and the provision of a landscaped buffer along the northern and western boundaries;*
6. *The submission, approval and implementation of a Surface Water Management Plan ensuring that there is no adverse effects on European sites and greenfield run off rates are not increased;*
7. *The submission, approval and implementation of a Foul Drainage Strategy, details of any enhancements and setting out how additional foul flows will be accommodated within the foul sewerage network;*
8. *Enhancement to sewerage infrastructure should be undertaken prior to the first occupation of any dwelling to prevent detriment to the environment and comply with Water Framework Directive obligations;*
9. *Delivery of comprehensive development in accordance with agreed phasing which ensures delivery of all aspects of the allocated uses including not less than 60 units of specialist elderly persons accommodation; and,*
10. *Appropriate contributions towards mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance & Mitigation Strategy (GIRAMS).*

The site is underlain by a defined Mineral Safeguarding Area for sand and gravel. Any future development on this site will need to address the requirements of Norfolk Minerals and Waste Core Strategy Policy CS16 - 'safeguarding' (or any successor policy) in relation to mineral resources, to the satisfaction of the Mineral Planning Authority.

National Planning Policy Framework Paragraphs 11, 176, 177 and 212.

116. Paragraph 11: *Plans and decisions should apply a presumption in favour of sustainable development:*

For decision-taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁽⁷⁾; or*

- ii. *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.*

Where ⁽⁷⁾ is defined as:

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

- 117. *Paragraph 176: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads⁽⁵⁹⁾. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*
- 118. *Paragraph 177: When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development⁽⁶⁰⁾ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*
 - a) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - b) *the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
 - c) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*
- 119. *Paragraph 212: Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.*

OFFICER ASSESSMENT

- 120. At headline level there are considered to be three main issues to consider associated with this application:
 - (i) **Should the Council consider and determine this application now – i.e. in advance of the conclusion of the Local Plan production process?**
 - (ii) **Can the proposal be acceptable – in the event that all other issues covered within (iii) are acceptable – due to the sites status as part of an Area of Outstanding Natural Beauty (AONB)**

(iii) Is the proposal acceptable in detail – in the event that this scale of development within the AONB could be determined positively in principle.

121. Each of these three elements will be considered in turn – recognising that there will be ‘sub-sections’ with the consideration of (iii). As with the consideration of any planning application, that starting point is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which sets out a statutory requirement that, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF 2023) at paragraphs 2 and 12 restates this requirement.
122. Paragraphs 103 and 104 above set out the relevant Development Plan Policies and Paragraphs 105 to 111 set out a range of material planning considerations. These are set out in greater detail across paragraphs 113 to 119

Can the proposal be acceptable – in the event that all other issues covered within (ii) and (iii) are acceptable – due to the sites status as part of an Area of Outstanding Natural Beauty (AONB)

123. It is recognised that Paragraphs 176 and 177 of the National Planning Policy Framework are particularly important here – i.e. they are central to the question of whether or not this proposal can be acceptable as a matter of principle. Both paragraphs are set out in full within the Policy section of this report (see paragraphs 117 and 118).
124. The Local Plan Inspector has also highlighted the issue of compliance with paragraph 177 as a ‘Matter, Issue and Question’ he wishes to consider at the Local Plan Examination (see **Appendix 3**).
125. This section has been prepared with a view to it not just being relevant to this application but also to form the bulk of the Council’s submission to the Examination on that matter.
126. The first issue to consider in relation to the AONB assessment is whether or not the Council considers this a ‘major development’ in terms of paragraph 177 of the NPPF. In that regard, the NPPF observes that whether a proposal is ‘major development’ - in the context of the paragraph 177 - is *“a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”*
127. It is recommended that the Council should view this as ‘major development’ in the AONB. In that regard it should be noted that in most instances ‘major development’ is defined as ‘10 or more dwellings, residential development on a site having an area of 0.5 hectares or more,...or development on a site having an area of 1 hectare or more’.
128. Whilst the ‘normal’ definition on ‘major development’ does not prevent smaller development being considered ‘major development’ in the AONB, this proposal exceeds those ‘normal’ definitions by a long way. Added to that, it is a significant site and the second largest proposed housing site in Cromer. In the light of those facts, Officers consider it would be difficult to reach the view that this isn’t major development in the AONB.
129. This means that, in accordance with NPPF paragraph 177, permission should be refused unless exceptional circumstances apply and where it can be demonstrated that

it is the public interest. In addition an assessment needs to be made against criteria (a) to (c) of paragraph 177 of the NPPF. The section below seeks to fulfil that requirement:

(a) 'the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy'

130. The work that has been involved in the production of the North Norfolk Local Plan justifies both the overall quantum of development proposed for North Norfolk and the identification of Cromer as one of the districts three 'Large Growth Towns'. That status mirrors the status of the three locations within the adopted Local Plan. This site is adjacent to (i.e. on the boundary of) the current settlement boundary of Cromer.
131. In addition, the fact that North Norfolk cannot currently demonstrate a 5YHLS means that Paragraph 11(d) of the NPPF is relevant. That paragraph is also quoted above at paragraph 116. This is returned to in more detail in the next section of the Officer Assessment.
132. The areas or assets of particular importance – in relation to paragraph 11(d) of the NPPF - are stated as including Areas of Outstanding Natural Beauty (AONB). So Paragraph 11(d) is arguably not relevant if the AONB status of the site could be argued to justify a 'clear reason for refusing' the application. However, this possible protection from the implications of a lack of a 5YHLS isn't the case if the proposal 'passes' the tests within the paragraph – i.e. (a) to (c). This position is supported by a recent appeal decision which concluded that:

"The Council cannot demonstrate a five-year housing land supply and therefore the policies which are most important for determining the application are out-of-date. Due to the scheme's compliance with Paragraphs 177 and 202 of the NPPF, the appeal site's location in the AONB and its impact on heritage assets do not provide clear reasons for refusing the proposal."

Appeal reference: APP/M2270/W/21/3282908

Appeal decision date: 22nd March 2022

Council area: Tunbridge Wells Borough Council

133. The Council has considered carefully what sites to allocate to meet its housing need based policy target and has concluded that this site is appropriate to be redeveloped. It should also be noted that the allocation to Cromer is far lower (at 1,024 dwellings) than to either Fakenham (at 2,168) or North Walsham (at 3,011) – and that is a reflection of two main factors – the fact the sea is to the north of Cromer and the fact the southern side of Cromer is dominated by an extensive AONB designation (i.e. there is only one plausible alternative (see point b) below).
134. If the Council were to discount this site – e.g. due to its AONB status or for any other reason – then that would increase pressure on other sites that aren't allocated within the draft Plan (which means - by implication - the Council thinks them less appropriate for residential development than this site).

135. That potential increase in pressure would be due to the lack of demonstrable 5YHLS position. Approving this application would go some way to rectifying that position (i.e. it would increase the supply calculation by 0.25 years from 4.13 to 4.46 (using the September 2023 5 Year Land Report).
136. The local and national importance of housing and working to meet need is well recognised and is in the wider public interest so, moving forward on a site of this scale would make a significant contribution towards improving the Council's housing delivery position.
137. In addition, the development would have a positive impact on the local economy – as all housing developments of greenfield land are – by their very construction and via the service and trade roles they thereafter support. Some quantification of that is provided within the consultation response from the Council's Economic Development Team referred to above. Additional housing would also support the local economy by providing homes for people to live in that seek work within the local economy.
- b) 'the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way'
138. There is very little land in the Cromer area that might be available for development that is outside the AONB. In addition, and whilst acknowledging that this site is within the AONB it is on the very edge of it and has been used as a golf practice area as recently as around 20 years ago. It is recognised that there is an alternative site to the east of Cromer that might be suitable for development that is outside the AONB but that site was viewed as less suitable by the Council within the work leading to the publication of the draft Local Plan.
139. It is also worth recognising that the AONB Partnership didn't object to the site's inclusion for development within the Local Plan and haven't objected to the planning application. Also worth noting are the comments of the Council's Landscape team about the merits (etc) of this site in AONB terms – i.e. that it is of questionable AONB value.
140. It is considered that there are no preferable alternative ways of meeting the housing need – beyond potentially building at vastly higher densities thereby needing less land – but the development levels proposed within the Local Plan are considered to be at acceptable densities and there is not thought to be market demand for vastly higher densities.
- c) 'any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated'
141. The current site does not fulfil any recreational purpose and the development proposal would – as demonstrated by the Habitat Regulations Assessment (see paragraph 195 to 199 below) – actually enhance recreational opportunities in the local area. Via the applicant's commitment to a Biodiversity Net Gain Plan – including potentially via the off-site provision of enhancements in the local area – this could in itself result in a substantial improvement to the AONB in a more prominent location. In addition, the retention of significant areas of greenspace and landscaping within the site (including on the road frontages) – means it can be argued that the overall impact on the environment and landscape would be at worst neutral and could arguably be seen as positive.

142. The points raised by the 'AONB Partnership' at paragraph 25 above in relation to the three qualities suggested for special attention / consideration are noted. Whilst the relationship of this site to the built-up area of Cromer does need to be noted, the key qualities are considered to be addressed by the proposal, the incorporation of significant green space within the proposal, the retention of key features (e.g. ponds) and components of the proposal contained within the Habitats Regulations Assessment. Conditions recommended throughout the report (e.g. external lighting, landscaping and pedestrian route signage) will ensure appropriate mitigation and control of these components.

AONB Conclusion

143. Overall – it is considered that – having regard to the need for new homes in North Norfolk – including an acknowledgement of the level of affordable homes proposed – that exceptional circumstances do apply and that the development of this site is in the public interest. The assessment required by paragraph 177 of the NPPF has been undertaken and isn't considered to result in a justification to refuse the application on grounds that show a clear rejection of the 'principle of development' of the site.

How does the fact that the Council cannot currently demonstrate a 5-Year Housing Land Supply impact on the application.

144. The previous section effectively concludes that in NPPF terms the proposal can be acceptable in the context of it being development within the AONB. However, the adopted NNDC Core Strategy also identifies this land as 'Countryside' and 'Undeveloped Coast'
145. Policy SS 2 would suggest that this proposal shouldn't be permitted – as the use isn't within the list of development types permitted in the Countryside – see paragraph 113 above. Likewise Policy EN 3 would reach the same conclusion as it can be argued that a 'coastal location' is not required.
146. However, the Council does need to recognise that the Adopted Core Strategy is 15 years old and that the Council doesn't have a 5YHLS. As such the permissive nature of Paragraph 11 (d) of the NPPF is relevant.
147. The Council has though been successful at a number of appeals where the validity of relying on Policies SS 1 and SS 2 as a reason for refusal has been tested against the lack of housing supply and NPPF. However all those decisions have been for small (e.g. single home) developments and the Inspectors have tended to conclude that a small addition to the housing figures will have little impact on the 5 year supply figure (i.e. a 0.0008 increase in 5YHLS for a single additional dwelling) – whereas this proposal would have a 0.3292 increase in 5YHLS which would improve the situation from 4.13 years up to 4.46. This increase in 5YHLS is considered to be material and it is thought unlikely that the Council would successfully defend an appeal on protection of the countryside (using Policy SS2) when the housing supply issue is taken into account. The Council has no comparator cases to set this one against in terms of the scale of impact on the 5YHLS issue. The same generally 'out-of-date' Plan versus '5YHLS point' is also considered relevant to the consideration against Policy SS 3.
148. Effectively, the AONB consideration is thought to be the more significant of the two issues considered to date.

Is the proposal acceptable in detail – in the event that this scale of development within the AONB could be determined positively in principle

149. Just because the two previous sections of this assessment have concluded that the proposal shouldn't be rejected as either:

- Too early until the outcome of the Local Plan work is resolved; or
- Unacceptable major development within an Area of Outstanding Natural Beauty

doesn't automatically mean the application should be approved.

150. Site specific considerations remain important and consideration of them is important and necessary. It should though be remembered that this is an 'Outline Planning Application' with all matters 'Reserved' other than the means of access. The other matters are commonly referred to as 'Appearance', 'Landscaping', 'Layout' and 'Scale'.

151. Having regard to this and the issues raised within the representations received from consultees and the public, this section will be broken down into the following sub-sections:

- a. **Compliance with draft Policy C16 – including commentary on the draft Local Plan process**
- b. **Means of Access and Other Transport Matters**
- c. **Minerals Resource Safeguarding**
- d. **Affordable Housing**
- e. **Ecology, Landscaping and Trees**
- f. **Biodiversity Net Gain**
- g. **Habitat Regulation Assessment**
- h. **Open Space, Allotments, Play Areas (etc)**
- i. **Foul and Surface Water Drainage**
- j. **Health**
- k. **Education**
- l. **Other Planning Obligation Matters**
- m. **Consideration of Submitted Documentation (from the applicant)**
- n. **Other matters raised within the representations / consultation responses (including Secured by Design matters)**

152. After sub-section 'n' – an overall conclusion on the whole proposal will be made prior to the formal recommendations.

153. Dealing with each of the 14 sub-sections in turn:

- a. **Compliance with draft Policy C16 – including commentary on the draft Local Plan process**

154. Whilst recognising that it is a draft Policy, it is considered appropriate to test the proposal against Policy C16 of the draft Local Plan (see paragraph 115 above for the full text). That assessment concludes that:

- 1) The uses proposed within the application comply with the Policy – whilst noting that the number of dwellings proposed is less than (by at least 20%) envisaged within the Policy;

- 2) Due regard has been had to the AONB – as discussed above – and below within section (e) on ‘Ecology, Landscaping and Trees’;
 - 3) The access proposals are acceptable to Norfolk County Council as highway authority (subject to appropriate conditions in the event that permission is granted) and address issues associated with pedestrian improvements and safe access;
 - 4) More open space is provided on site than envisaged and on-going maintenance of it would be controlled by condition (within a LEMP) in the event that permission is granted;
 - 5) Matters associated with Surface Water, Drainage and Sewerage infrastructure have been addressed within the application and are considered – by the relevant statutory consultees – to be acceptable (subject to appropriate conditions in the event that permission is granted). As a consequence of the position of the statutory bodies, strict compliance with point 8 of the Policy is not thought to be justified within the provisions of this application. This point is considered further at (i) below;
 - 6) A phasing plan would be required by condition that would require the provision of the elderly care accommodation prior to the completion of the dwellings component of the development;
 - 7) GIRAMS contributions would be part of a Section 106 Agreement – in the event that permission is granted. This point is considered further at (g) below; and,
 - 8) A condition is recommended to cover the Minerals and Waste Core Strategy Policy CS16 – in the event that permission is granted. This point is considered further at (c) below.
155. It is therefore considered that the proposal is in broad conformity with the draft Policy and the limited areas where it arguably differs do not justify a recommendation for refusal (primarily as the relevant statutory consultees haven’t objected and / or the matter would be controllable via an appropriate planning condition.
156. It also needs to be remembered that Policy C 16 is part of the Draft Local Plan – and therefore isn’t part of the ‘Development Plan’ at this time.
157. Clearly this report and potential decision is being recommended at a time when the draft Local Plan is about to be examined and when this site is a matter the Local Plan Inspector is scheduled to consider at the Local Plan examination in February next year.
158. The fact that this site is allocated for residential development in the draft Local Plan counts as a material consideration that provides some ‘in principle’ support for the application. However, that support is limited by the fact that the Plan is only at draft stage.
159. The standard questions that have been set by the Inspector to be discussed for all proposed allocated sites within the Local Plan are set out in **Appendix 3**. Appendix 3 also sets out the more detailed questions associated with Cromer and this site. None of these raise any specific issues about this site – beyond the AONB matter addressed above.
160. It is also relevant that the Council is not expecting to get to adoption of the Local Plan (if the Inspector finds it Sound) till about September 2024.
161. From a certain perspective it could be a good option to just wait until the Local Plan process is concluded when it would, almost certainly, then be clear as to whether the site is allocated within the Development Plan or not.
162. For clarity purposes, the applicant has been asked whether they would prefer to – or be happy to - delay determination until the plan process has concluded. They have

confirmed that they would not and have justified this on the basis that they consider their development to be acceptable – especially in the light of the Council’s inability to demonstrate a 5 year land supply and the fact their site is not affected by matters associated with nutrient neutrality – and that they don’t believe that there is any policy / guidance backing for a possible argument that this decision would be ‘premature’ and therefore – not being a decision that the Council should make positively at this time.

163. The options for the Council are therefore to approve the application, refuse the application or delay determination – quite possibly for the better part of another year. Having considered the matter carefully, Officers view is that the application should be determined. This is largely due to the nature of local housing need and supply issues – and fundamentally it is not considered that there are any clear and justifiable reasons to not determine the application at this time.

b. Means of Access and Other Transport Matters

164. There have been a number of discussions with the County Council during the course of this application. Fundamentally these were to ensure that the applicant responded in an appropriate manner to the County Council’s ‘Round 1’ comments. Those comments focussed on matters associated with Overstrand Road and the access to / from the site onto it and the need for a second access to a development of this scale.
165. The revised proposal that was the subject of the ‘Round 2’ consultation has addressed the matters raised by the County Council to their satisfaction. This has included the provision of an ‘emergency and pedestrian and cycle access’ near the junction of Northrepps Road and Park Road. This access also has the added advantage of increasing permeability to and from the site to Park Road – and therefore to a number of local services including local schools, parks and medical facilities.
166. Considerable thought was given to the need to improve pedestrian and cyclist provision in the area. This has been addressed via the introduction of a combined pedestrian and cycle path on Overstrand Road between the boundary of the site and Northrepps Road and a widened footpath between the site access and its eastern boundary. A crossing refuge is also provided for the centre of Overstrand Road.
167. In addition, the applicant has offered two additional components that would benefit sustainable transport and cycling in particular – those being – funding to provide cycle stands at Fearn Park and in Cromer town centre and bike vouchers for the first occupants of each new home.
168. This package of proposals is considered acceptable and – subject to relevant conditions being imposed in relation to any approval – then, it is not thought that a refusal on this ground could be justified. The County Council has specified the conditions it considers acceptable.

c. Minerals Resource Safeguarding

169. The County Council (Minerals and Waste) team have objected to the application due to their view that the submission doesn’t accurately reflect the historic workings within the site – i.e. the application relies on a position that the whole site has had previous mineral working activity whereas the County’s evidence is that the previous works only affected part of the site. Their representation is set out at paragraphs 38 to 40 above.

170. Whilst it is considered that the County Council position is a material consideration and acknowledged that Policy CS 16 of the Minerals and Waste Core Strategy forms part of the 'development plan', the key issue for the Council to consider is whether that County Council position should either result in refusal of the current application, or, it should require a pause for further work to be done prior to determination, or, the matter can be controlled by a suitable condition(s), or, the matter isn't thought to be significant enough to effect the determination of the application or justify a condition.
171. Fundamentally, having regard to the NPPF, the Minerals and Waste Plan and the draft Local Plan, it is considered to be an issue that should be controlled / resolved in some manner. It is also noted that the County Council's response doesn't suggest that refusal would be warranted – or that the outcome of any further work to address the points in paragraph 39 above wouldn't be suitable to be controlled by condition. Therefore, it seems appropriate to attach a condition to any approval - that might be granted - that covers:
- The need for investigations / assessments across the site to confirm the viability of the site for mineral extraction, and,
 - The production and agreement of a Materials Management Plan – Minerals (MMP-M) that takes account of the outcome of those investigations / assessment; and,
 - The requirement for that Plan to thereafter be implemented as approved.
172. Discussions are taking place with the applicant and the County Council on the possible wording of such a condition(s). The Committee will be updated at the meeting with progress on those discussions.
173. Fundamentally though, it is the view of the Council's Planning Officers that a refusal or a delay on this ground would not be justifiable. It should also be noted that extensive minerals extraction(s) – if proposed within the MMP-M – might conflict with other elements of the scheme (e.g. ecological and landscape matters) but that is considered a matter that can be addressed within the relevant reserved matters submission.

d. Affordable Housing

174. The original submission proposed an affordable housing commitment of 35%. This was justified off the back of the fact that this is the draft Policy requirement for affordable housing in the Cromer area in the draft Local Plan.
175. This was queried within the consideration of the application – due to the fact that the adopted Core Strategy Policy (HO 2) sets a 45% requirement. The applicant has undertaken a viability assessment that concluded that 45% is deliverable on this site and 'up-graded' their proposal to 45%.
176. This is on the basis of the following tenure split:
- 25% First Homes
 - 15% Shared ownership
 - 60% Affordable rent.
177. Whilst the 45% proposal is in-line with adopted Policy – and therefore welcomed – the applicant has also submitted viability information that has been assessed by the Council's Strategic Housing team. They have concluded that it appears viable in relation to reasonable assumptions at this stage of the development process. Final detailed comments are awaited and will be reported at the Committee meeting.

178. In relation to the tenure mix set out above, this is in keeping with the Government's First Home Guidance referred to at paragraph 109 above – i.e. effectively top slice the 25% First Homes and then divide the other 75% on a pro-rata basis for the recognised local need. As that is 80/20 (affordable rent / shared ownership) that becomes the 60/15 within the proposal when spread across the 75% remaining after the First Home requirement.
179. It should be noted that First Homes are not required by national policy on rural exception sites but this site isn't such a site and therefore this current application is considered fully policy compliant in relation to affordable housing provision in relation to both national and local policy.

e. Ecology, Landscaping and Trees

180. The initial consideration of this area – within Round 1 of the consultation – raised quite a few concerns about the proposal and the information that underpinned it. The applicant sought to address those concerns within the information that they provided that led to the Round 2 consultation.
181. A number of the representations at Round 1 – both consultees and public – commented on the quality (etc) of the survey work that was done to support the application. The submission that led to the Round 2 consultation is considered to be far more comprehensive and acceptable – see the comments above from the Council's Landscape team set out at paragraphs 58 to 72 above.
182. Following further discussions with the Landscape team and the applicant, it is suggested that, in the event that permission is granted, a series of conditions should be imposed that cover issues including:
- The future reserve matters being in general accordance with the submitted Development Framework Plan;
 - Detailed proposals being put forward for a landscaping buffer along the northern (Overstrand Road) boundary of the site and of a quantum at least as wide as that shown on the Development Framework Plan;
 - Standard landscaping condition - supplemented by a requirement that provides for the translocation of the Austrian pine trees affected by the approved means of access drawing (i.e. onto Overstrand Road) and its visibility splay – and in a manner that will provide for the relocation to be undertaken at an appropriate planting density and pattern as part of the landscaping scheme for the Overstrand Road frontage; and,
 - Standard Construction Environmental Management Plan and Landscape and Ecological Management Plan conditions.

f. Biodiversity Net Gain

183. The applicant has indicated a preparedness to deliver a 10% uplift in Biodiversity as part of the application. This is in keeping with the direction of travel of both the Draft Local Plan and the national intention to move towards a requirement for developments to deliver on an (at least) a 10% uplift in the net biodiversity as a consequence of development proposals.
184. It is, though, important to note that that national requirement for Biodiversity Net Gain (BNG) is not yet enacted. It is currently scheduled to be introduced formally for major

planning applications received after an – as yet unspecified – date in January 2024 (and for all other relevant applications from some point in April 2024). The precise detail as to how this scheme will operate is as yet unknown (i.e. further details are awaited from the Government).

185. What is clear is that this will be a significant change for the planning system and that there will be new responsibilities for councils, applicants and others as part of this system. When the details of the new BNG system are clear, a briefing session will be held for councillors on the Committee and an explanation of the new system will be provided on the Council's web-site. However, the lack of clarity is not a reason for the determination of this application to be delayed.
186. It is considered a material consideration in the application's favour that a commitment to deliver 10% uplift is being made. It is also noted that quite a few of the representations (both from consultees and the public) comment on this area.
187. The Council's Ecologist has considered the submission from the applicant carefully and his comments are set out in some depth at paragraphs 58 to 72 above. At headline level, the development is estimated to have – without mitigation – a minus 41% impact on biodiversity but via a combination of on-site enhancements and off-site commitments this figure is moved to hit the +10% figure.
188. Effectively national advice is that where schemes need to deliver enhancements to get to +10%, these should be delivered on-site if possible, then off site by the applicant / developer (etc) (or via a scheme devised by them) and then – if still required – by the applicant / developer purchasing credits from a new national system.
189. All of this will lead to the introduction of new phrases, terminologies and bodies / contracts such as 'competent people' – who will assess submissions for the Council – 'conservation covenants' – which will set out how the Gains will actually be delivered and commit organisations to delivery – and 'responsible bodies' who will monitor the system and the delivery throughout the time period required (likely to be a 30 year commitment). At the outline planning stage the national advice is that this can all be controlled via an appropriately worded condition.
190. Having regard to the proposal within Schedule 14 of the Environment Act 2021 it is suggested that the wording of that condition should be:
"The hereby approved development may not be begun unless —
 - (a) a Biodiversity Gain Plan has been submitted to the local planning authority; and,*
 - (b) the local planning authority has approved the plan".*

It is considered that there should also be a third element added to the condition – in the event of this application being approved - that says:

"(c) The Plan will be carried out in accordance with the timetable that shall form part of the Plan."

191. The Act also defines what a 'Biodiversity Gain Plan' is and what 'approval' means in relation to the proposed condition. In this instance it is also recommended that an informative be added to any approval making it clear that the reference to the 'Plan' and 'Approval' should be interpreted to have the meanings as set out in the 2021 Act. That

informative should also draw attention to the Council's Ecologists comments at paragraphs 65 to 67 above – in the event that the Holt Road site forms part of the Plan.

192. In this instance, the applicant has submitted a 'Memorandum of Understanding' that identifies an area of land to the north of Holt Road in Cromer (within the AONB) that could be the site where the off-site mitigation could be delivered. They are not making a commitment that that site will be the end alternative site but demonstrating that it is a valid and deliverable option and obtained the commitment of the site owner to that end.
193. The final issue that needs to be commented upon is the starting point for setting the base-line for assessment of Biodiversity Net Gain – in part because the topic is raised within representations. It is arguable as to how relevant this is to this application as the legal force of BNG isn't relevant to this proposal (as set out above) but when it comes into force nationally the key date will be 30th January 2020 – i.e. the condition of the site on that date can be taken into account and not any works that might have taken place prior to that date. In this instance, the applicant's calculations are thought to be reasonable. That is a national position and isn't one that the Council is considered to have any flexibility over.
194. Representations made during the application process have raised a specific concern that recent site management measures, including grass cutting, undertaken it is understood in September 2022, may have lowered the baseline biodiversity value of the site. The Applicant's have confirmed that the baseline assessment used for the Biodiversity Net Gain assessment pre-dated these works. The Preliminary Ecological Appraisal confirms that the baseline assessment work was undertaken in February 2022.

g. Habitat Regulations Assessment

195. An Appropriate Assessment, as required by the Habitats Regulations, has been completed for this proposal – e.g. as referred to within the Natural England 'Round 1' response. This is available online within the documentation associated with this application.
196. Natural England were consulted as part of the process and are content with the HRA process / contents.
197. Effectively it concludes that the impact of development is acceptable and concludes that:
"It is considered that the proposed contribution (GIRAMS) and additional measures around functional open space and pedestrian / dog / walking routes that are incorporated into the proposal is sufficient to conclude that the project will not have an adverse effect on the integrity of the above identified European sites from recreational disturbance, when considered alone or 'in combination' with other developments."
198. The GIRAMS contribution is (at 2023 prices) £210.84 per unit dwelling – approximately £37,530 (i.e. up to 118 dwellings and up to 60 units of specialist elderly care accommodation).
199. The provision of signage for the proposed 2.7 kilometre walking routes proposed would need to be controlled via condition in the event of planning permission being granted. These pedestrian routes comprise a mix of on and off-site components but the latter elements do not include walking to the cliff tops (i.e. so that walking to the Coast SPA / SAC is not encouraged).

h. Open Space, Allotments, Play Areas (etc)

200. The development proposed includes a substantial part of the site being retained as 'green space' and particularly to the south of the site, in the north west corner and the eastern end. This is more than was envisaged within the draft Local Plan Policy C16 (see paragraph 115 above). The balance of built space to open space is considered appropriate within the submitted Plans – and a commitment to the basic premise of the submitted Plans should be included within the conditions attached to any permission that is issued. This – and the proximity to Fearn's Park – mean that the proposal is considered to adequately address the Amenity Green Space, Parks & Recreation Grounds and Natural Green Space parts of the Open Space Assessment Study referred to at paragraph 107 above.
201. Turning to play areas, the options considered primarily related to 'on-site' provision or seeking improvements to either or both of the nearby play areas (Fearn's Park and / or Happy Valley). The latter approach is favoured by Cromer Town Council. Officers have discussed the matter with the applicant who is supportive of the approach to improving the facilities at Fearn's Park (which will be easily accessible from the site as a result of the emergency / pedestrian and cycle access to / from Northrepps Road) and in the amounts attributed to this element via the Council's published Open Space calculator. Of the two possible investments suggested by the Town Council, Fearn's Park has been preferred as it is closer, is more embedded in the existing residential community, a single investment will have greater impact – rather than one split between two sites – and the possible investment in Happy Valley site would encourage more people towards the SAC / SPA area – and would be contrary to the proposals within the Habitat Regulations Assessment (see section 200(g) above).
202. Likewise, investment in allotments should be sought – in keeping with the published Calculator. This has been agreed with the applicant. Using NNDC's online calculator and making assumptions about the potential reserved matters application (e.g. on size of dwellings and assuming an end scale of 118 and 60 units) the contribution could be in the region of £140,000 (with approximately a 60/40 split between play and allotments).

i. Foul and Surface Water Drainage

203. The two key consultees on this issue are Anglia Water and Norfolk County Council (Lead Local Flood Authority (LLFA)).
204. Anglian Water's position is set out at paragraph 15 above and basically suggests that there is spare capacity in the system and that they are content with the proposals put forward by the applicant. They recommend a number of 'informatives' are attached to any permission issued providing advice to the applicants. They also recommend that relevant documents are referred to in a condition to any permission issued.
205. The LLFA – as set out at paragraph 36 above – has no objection to the proposal subject to a condition – as suggested – being included within any permission granted. They also advocate an 'informative' be attached to any permission granted. The condition they recommend covers the following issues:
- Detailed infiltration testing and if necessary greenfield run off rates and discharge locations to be agreed;
 - Groundwater level monitoring to support surface water drainage strategy;

- Sustainable urban drainage systems including water quality, water quantity, biodiversity and amenity;
- Surface water re-use to be considered within the drainage strategy;
- Consideration of critical rainfall events;
- Emergency spillways in infiltration / attenuation basins;
- Finished floor levels to be above expected flood levels or 150mm above ground level – whichever is more precautionary;
- Management routes for any exceedances of surface water flow routes; and
- Detailed designs for relevant features and a maintenance and management plan.

206. It is recognised that a number of local people have expressed concerns relating to this area. However, with the two statutory agencies effectively endorsing the development and the strategy in this area within it, it is not considered that there are any substantive grounds to refuse the development. The topics covered by the condition suggested by the LLFA mean that much of the detail in this area would still require agreement prior to – or as part of – any future reserved matters application.

j. Health

207. The Integrated Care Board have responded to the consultation on this application – see paragraph 23 above. They have requested a Planning Gain contribution of £545,083 to cover a range of health service provision – i.e.:

- Primary and Community Care Capital Cost;
- Acute Care Capital Cost;
- Mental Health Capital Cost; and,
- Intermediate Health Care Capital Cost.

208. The applicant has indicated that they are happy to sign up to this requested Obligation within a Section 106 Agreement. It is considered an appropriate Obligation and therefore should be included within any Section 106 required in association with an approval – is one is issued.

k. Education

209. The County Council response on education (see paragraph 43 above) does not seek a contribution from this application because the County are satisfied that there is enough capacity in the local education system – i.e. there is sufficient spare capacity at:

- Suffield Park Infant and Nursery;
- Cromer Junior;
- Cromer Academy; and,
- The local early education sector.

210. As a consequence, it is not considered appropriate to seek any form of education contribution as a consequence of this development.

l. Other Planning Obligation Matters

211. In addition to the Planning Obligation matters covered in the above sections (i.e. affordable housing, cycling, health, play areas, allotments and GIRAMS) a limited

number of other Obligations have been suggested within responses received to the application. These can be summarised as:

- Provision for Libraries – amount per dwelling – total estimated in this case to be £8,850 in relation to the current ‘up to’ nature of the application.
- Provision for Policing - amount per dwelling (£55 at 2020 prices – or £66.77 using Bank of England CPI Calculator for 2020 to October 2023 uplift) – total estimated in this case to be £7,879 in relation to the current ‘up to’ nature of the application.
- Monitoring associated with the Section 106 Agreement – £500 per Obligation for NNDC and Norfolk County Council

212. In each case, the Section 106 Obligation, in the event of an approval, would be structured on a formulaic basis depending on the final Obligations included and the final dwelling numbers proposed / developed.

213. Officers consider the above proposal to be justified and appropriate.

m. Consideration of Submitted Documentation (from the applicant)

214. There are approximately 50 documents / reports etc that form part of this application. Most of the consultees have – understandably – focussed on a few of them (i.e. those relevant to their topic). In the event that the application is approved all of them will need to be itemised appropriately within any permission so that they frame and / or control the end development and / or the reserved matters submission(s) in an appropriate manner.

n. Consideration of other matters raised within the representations / consultation responses (including Secured by Design matters)

215. Of the 11 issues summarised as being raised in the first round of public engagement (see paragraph 96 above and **Appendix 1**), all bar two are considered to be fully addressed already. The remaining two – with commentary added - are:

- (i) Overlooking, light and noise from care home: The submission shows the ‘Care Home’ as being in the north-west corner of the site and this has led to concerns being expressed around the potential impact on the nearby properties to the west of Northrepps Road. The applicant has submitted information to illustrate this potential relationship and has agreed to a condition – in the event of permission being granted – that would limit the height of built development in that zone and nearest that boundary to no more than 2 storeys – plus possible accommodation within the roof space. The realistic potential for noise nuisance is considered to be limited and manageable within the standard requirement for further details of design and layout to come forward within a reserved matters submission; and
- (ii) Keeping Overstrand and Cromer separate: Whilst built development on this site would clearly result in a closure of the gap between Overstrand and Cromer along the main road there is a gap of in excess of 700 metres between the site and the first dwelling in Overstrand – and over 850 metres between the closest proposed new dwelling position and the first dwelling in Overstrand. Having regard to these facts it is not considered that this proposal would make result in the two settlements effectively merging – and, furthermore, the uses of the remaining land (predominantly either golf course or woodland means that there is no real likelihood of any further significant built development between the two settlements.

216. Of the 14 issues summarised as being raised in the second round of public engagement (see paragraph 97 above and **Appendix 2**), all but five are considered to be fully addressed already. The remaining six – with commentary added - are:

- (i) The need for a 5G mast: This is a broader issue than just this site and whether or not the applicant or land owner wishes to contact mast providers is a matter for them. The issue has been drawn to the applicant's attention but it is not a matter that is appropriate to be referenced within any decision notice;
- (ii) The permeability of the southern boundary of the site and the need for a boundary fence: The neighbouring Forest Park's concerns are noted – although it is also the case that a regularly used footpath (although one not on the formal Definitive Map) runs east / west between the sites. A boundary treatment condition is considered appropriate to respond to this concern but will need to have regard to movement of wildlife in addition to management of walkers – this condition should relate to the whole site and not just the southern boundary (whilst recognising that in many instances for this proposal landscaping will be an appropriate boundary);
- (iii) Impact on ecology and wildlife and connectivity to adjacent sites: Whilst the site is surrounded by roads on two sides – one with greenspace (primarily a golf course) on the opposite side – and one housing – the third side of the triangle is mainly woodland – with the Forest Park site within it. The Framework Plan retains significant green buffer areas and the condition suggested in response to the previous point (ii) should support wildlife connectivity;
- (iv) Impact on walking routes to school; This is a point that was raised by the student respondents from the Belfry School and is an important point. The scheme – with its formal access for pedestrian and cyclists to and from Northrepps Road should actually provide enhanced formal pedestrian and cycle routes east / west from Cromer to / from Overstrand. It will also enhance routes to and from schools in Cromer. Equally, the scheme doesn't impact on the main existing east / west route that runs along the former railway line within the woodland between the site and Forest Park – that route (also referred to in (ii) above) isn't impacted at all by the proposal; and,
- (v) Safety of pedestrian access onto Northrepps Road: The detailed design and delivery of this will be controlled via condition but it is recognised that visibility splays for such an access aren't needed to the same extent as required for a vehicular junction. There will need to be a balance between safety (which will be paramount) whilst limiting the impact on the hedgerow / tree line along that boundary.

217. In relation to the comments of the consultees, with two exceptions, all are considered to be adequately addressed above. The exceptions are – with commentary:

- (i) The comments by Norfolk Constabulary (paragraph 27 above) in relation to 'Secured by Design' matters: Whilst recognising the importance of the issue to the end development, it is the case that this is an outline application and that the issues raised are more relevant to the 'reserved matters' stage of the process. Therefore, in the event that permission is granted, it is proposed that an 'informative' be added to the decision to draw attention to the fact that the Council will expect the matter to be suitably addressed within the details of the scheme that should come forward at a later date.

- (ii) The comments by the Historic Environment team at Norfolk County Council (paragraph 34) above are considered relevant at this stage of the process – and therefore the suggested conditions should be part of a permission – in the event that one is issued.

CONCLUSIONS

218. This is a major application on the edge of the built-up area of Cromer. Whilst a large number of issues have been considered during the course of this application – and are set out in this report – the main one's remain:

- The acceptability of developing in a designated Area of Natural Beauty;
- The balance between the fact this is also 'allocated Countryside' in the adopted Core Strategy (from 2008) and the fact that the Council cannot demonstrate a 5 year housing supply - and the fact that the Council has proposed it as an allocation in the draft Local Plan (which is due to be 'examined' early in 2024); and
- Whether the detailed proposal is acceptable in every respect and whether an appropriate package of conditions and Planning Obligations can be agreed with the applicant.

219. It is recognised that the application has evolved since it was submitted (hence the re-consultation) and that evolution involved amendments to the scheme and the provision of additional information that both sought to respond to suggestions to improve / make acceptable the proposal and to provide further information to justify those amendments and / or the original proposals.

220. Fundamentally, Officers concluding views are that the proposal can be justified as major development in the AONB, the details of the scheme are acceptable and not considered to raise issues that would justify a refusal and – crucially – the housing supply position is such (i.e not at 5 years) that national guidance tilts the balance clearly in favour of supporting this application.

221. That conclusion also has regard to the fact that the Local Plan examination is due to start shortly – but 'delay' to await that outcome is not thought to be justifiable and would expose the Council to increased pressure elsewhere to rectify the 5-year land position.

222. In the event of a Committee resolution to move towards granting a permission, it is understood that the applicant is committed to get to a signed Section 106 agreement without delay so as to enable a permission to be issued reasonably quickly. Due to its importance in 5-year land supply considerations, if matters do not progress reasonably quickly then the Director of Planning and Climate Change should consider whether circumstances might have changed to the point where Committee should reconsider the proposal.

RECOMMENDATION

223. **APPROVAL - subject to the prior completion of a Section 106 Agreement – and, subject to appropriate conditions and informatives (all as set out below) - and any others matters subsequently considered necessary by the Director for Planning and Climate Change):**

Section 106 Agreement to cover:

- 1) Affordable Housing (45%)
- 2) Health (contribution to the Norfolk and Waveney Integrated Care Board)
- 3) Libraries (contribution to Norfolk County Council)
- 4) Off Site Contributions (Play Area and Allotments) (contribution to North Norfolk District Council)
- 5) GIRAMS (contribution to North Norfolk District Council)
- 6) Cycle Parking and Vouchers (contribution to either North Norfolk District Council or Norfolk County Council (still to be determined))
- 7) Police (contribution to Norfolk Constabulary)
- 8) Monitoring Obligations (contributions to Norfolk County Council and North Norfolk District Council)

Conditions to cover a range of issues including (in no particular order):

- 1) Timescales and Reserved Matters
- 2) Access and Travel Planning (and other conditions requested by Norfolk County Council (Highways))
- 3) Drainage
- 4) Archaeology
- 5) Fire Hydrants
- 6) Landscape Ecological Management Plan
- 7) Trees and Landscaping
- 8) Biodiversity New Gain
- 9) Boundary Treatments
- 10) External Lighting
- 11) Phasing Plan for the Development
- 12) Signage for Proposed Pedestrian Routes
- 13) General Compliance with Framework Plan
- 14) Construction Environmental Management Plan
- 15) Materials Management Plan - Minerals

Plus a number of 'informatives' to be added to the approval covering:

- 1) Secured by Design
- 2) Highways
- 3) Drainage and Flooding

Final wording of conditions and informative notes to be delegated to the Director for Planning and Climate Change

224. In the event that Committee resolve in line with the above, if the Section 106 Obligation isn't completed and the permission isn't issued within 4 months of the date of this Committee meeting then the Director for Planning and Climate Change will consider whether the application resolution remains appropriate and in doing so will take account of the likelihood of the Section 106 being completed and permission issued in the near future (i.e. within another month) and will consider whether there are any potential / defensible reasons for refusal at that time. If he reaches that view – i.e. that the application should potentially be refused - then the application would be reported back to Committee. It is also possible that he may resolve to report the matter back in the event of changes of circumstances (e.g. changes in the national or local policy position).

Public Representations during Round 1

No	Address	Date Received	Summary of Comment
1	The Old Shippen, 3 Lodge Farm Barns, Norwich Road, Holt	30 th March 2023	Neutral: Comments about Gladman as much as about the application.
2	14 St Marys Road	4 th April 2023	Objects: building on green land
3	4 Arbor Road	6 th April 2023	Objects: AONB, roads, services and green spaces
4	Cromer Green Spaces	11 th April 2023	Objects: Needs a full habitats survey
5	22 Stevens Road	12 th April 2023	Objects: Wildlife, landscape and services. Questions local economic impact.
6	4 Alfred Street	13 th April 2023	Objects: Specialist elderly care and affordable housing proposals ambiguous. AONB and questions traffic survey.
7	107 Station Road, Cromer	5 th April 2023	Objects: Roads, environment, drainage, gateway issues
8	Leysdown, 16 Northrepps Road, Cromer	6 th April 2023	Objects: Overlooking, light and noise from Care Home, wildlife and highways issues.
9	1 Links Avenue, Cromer	13 th April 2023	Objects: Wildlife, wetland, drainage issues. If developed it should be public open space.
10	Flat 5, Linkside	15 th April 2023	Objects: Overlooking etc of Northrepps Road, natural environment and biodiversity. Keep Cromer and Overstrand separate, traffic, access and parking. Questions pre-application engagement,
11	105 Station Road, Cromer	15 th April 2023	Objects: Disagrees with Anglian Water view
12	1 Aldis Close, Cromer	16 th April 2023	Objects: Affordability, traffic and availability of care home staff issues.
13	58 Lynewood Road, Cromer	17 th April 2023	Objects: Highways including access and GP issues.
14	Poppy House, Northrepps Road, Northrepps, Cromer	17 th April 2023	Objects: (Pleased proposed Northrepps Road access deleted). Concerned re possible loss of affordable and greenspace from proposals, lack of access for local people, carbon issues, sewerage capacity, local flooding, traffic, infrastructure and wildlife / AONB issues.
15	111 Station Road, Cromer	17 th April 2023	Objects: Wildlife, highways, AONB, sewerage and health infrastructure issues.
16	16 Northrepps Road, Cromer	17 th April 2023	Objects: Wildlife, flooding, traffic and overlooking issues.
17	99 Overstrand Road, Cromer	17 th April 2023	Objects: Wildlife, separation of Overstrand and Cromer, health facilities, care home staff, traffic and lack of pedestrian crossing of Overstrand Road issues.
18	22 Northrepps Road, Cromer	17 th April 2023	Objects: wildlife, highways and flooding issues.
19	Beacon House, 12 Northrepps Road, Cromer	17 th April 2023	Objects: AONB, wildlife, flooding, drainage and traffic issues.
20	Woodville, 10 Northrepps Road, Cromer	17 th April 2023	Objects: Bird survey issues

21	134A Overstrand Road, Cromer	18 th April 2023	Objects: Traffic, AONB, wildlife, health services, drainage (linking to previous applications for site) and quality of life issues.
22	Valley Cottage, 70 Northrepps Road, Northrepps, Cromer	18 th April 2023	Objects: Access to Northrepps Road, accuracy of transport survey issues.
23	No address given	19 th April 2023	Objects: AONB, wildlife, biodiversity, flooding, highways, health services and better alternative site issues.
24	30 Northrepps Road, Cromer	19 th April 2023	Objects: AONB, biodiversity, flooding, highways, health services, alternative sites and overlooking issues.
25	The Red House, 8 Northrepps Road, Cromer	19 th April 2023	Objects: AONB, biodiversity, flooding, highways, health services, alternative sites and overlooking issues.
26	No address given	19 th April 2023	Objects: health, underground springs, biodiversity, safety at access.
27	12 Cliff Road, Cromer	23 rd April 2023	Objects: AONB, wildlife, drainage, health services, highways and pollution issues.
28	The Laurels, 140 Overstrand Road, Cromer	25 th April 2023	Objects: highways and flooding issues
29	124 Overstrand Road, Cromer	28 th April 2023	Objects: Climate Emergency, AONB, wildlife and highways issues.
30	Fieldside, Park Lane, Cromer	3 rd May 2023	Objects: loss of 're-wilded' land of ecological value, bird surveys, highways, health and education provision and alternative sites.
31	Flat 8, Linkside, 26 Park Road, Cromer	31 st May 2023	Objects: loss of AONB land. Detailed 26 page report assessing much of application also submitted.

Appendix 2

Public Representations during Round 2

No	Address	Date Received	Summary of Comment
32	Silver Birches, 1 Pauls Lane, Overstrand	2 nd October 2023	Neutral: Need for a 5G mast in the area of this site.
33	22 Cromer Road, Cromer	2 nd October 2023	Objects: Health appointment challenges (doctors and dentists). Need for 5G mast in Overstrand area.
34	Forest Park Limited	4 th October 2023	Objects: Potential encroachment and nuisance caused by new occupiers to their site (to the south). Seek a boundary fence to the southern boundary of the site. Comments on the status of the land to the south of the site.
35	Student A at Belfry Primary School, Overstrand	6 th October 2023	Objects: Impact on woodland, forests and wildlife and queries about potential environmental positives within the development.
36	105 Station Road	7 th October 2023	Objects: Highways and pedestrian concern, ecology, drainage and natural beauty of area.
37	111 Station Road	10 th October 2023	Objects: Refers to previous objection. Quotes Cllr Adams and refers to Cllr Spagnola. Concerned about rat-running and speeding.
38	10 Grove Road	15 th October 2023	Objects: Impact on local services (especially health). Impact of traffic on local roads. Impact on woodland and the environment.
39	Student B at Belfry Primary School, Overstrand	16 th October 2023	Objects: Impact on woodland and wildlife. Lack of capacity in local services – health and education.
40	Student C at Belfry Primary School, Overstrand	16 th October 2023	Objects: Woodland and wildlife impacts.
41	Green Keepers Cottage, Cromer Road	16 th October 2023	Objects: Loss of green space, impacts of traffic, impact on services – schools and NHS.
42	Hilburgh, 4 Northrepps Road	16 th October 2023	Objects: Conflicts with development plan, increase risk of flooding (includes detailed assessment of the drainage submission).
43	10 Cromwell Close (on behalf of Student D at Belfry Road)	17 th October 2023	Objects: Deforestation, impact on animals and walking route to school.
44	Residents Objection (on behalf of 7 Northrepps Road addresses and 2 Park Road addresses) (6 of the 9 have also submitted individual representations included elsewhere in Appendices 1 or 2)	17 th October 2023	Objects: Notes that a number of the 9 made comments at Round 1. Objection relates to principle of development and refers to case law on the 5 year land supply matter. Refers to EN3 on Undeveloped Coast and the NPPF as it relates to the AONB (and case law in that regard). Reference to HRA and impacts on SSI / SAC and biodiversity and the proposal to leave mitigation to the reserved matters stage. Also comments on highways and flooding.
45	65 Links Avenue	18 th October 2023	Objects: Not in current development plan, in AONB, ecological and wildlife concerns, concerns around access to Northrepps Road and pedestrian safety.

46	Woodville, 10 Northrepps Road	18 th October 2023	Objects: Biodiversity impact and bird survey data, works undertaken to site and habitat potential of the site.
47	Student D at Belfry Primary School, Overstrand	23 rd October 2023	Effectively same representation as number 43 above (i.e. from same person / household).
48	Flat 8 Linkside, 26 Park Road	31 st October 2023	Objects: Refers to previous objection. Detailed comments covering: choice of site, biodiversity, habitat fragmentation, off-site mitigation, highways, cycling, Fearn's Park play area, bats, birds and invertebrates.
49	6 East Cliff Flats, Tucker Stret	1 st November 2023	Objects: Timing of surveys associated with biodiversity impact. Highlights ponds and adjacent wildlife areas and links to SSSI / SAC. Makes observation about mitigation area.
50	Royal Cromer Golf Club	1 st November 2023	Objects: Timing of surveys associated with biodiversity impact. Connectivity impacts in relation to links to other sites – SSI, SAC and golf course. Concern about surface water and suggests report inadequate. Safety around access point.

Local Plan Examination: Matters, Issues and Questions

Matters, Issues and Questions that the Planning Inspector wishes to consider as part of the Examination. In relation to the application site the following facts are relevant:

225. The site is likely to be discussed during the week of 12th February 2023;

226. Standard questions have been set for each draft Local Plan allocation as follows:

- a) *Has the site been allocated previously or is it a new allocation? b)*
- b) *Does the site have planning permission and/or are there current applications under consideration? If so please list.*
- c) *Are any modifications suggested to the policy or text, or the site boundaries? If so, why, and are they justified or required for effectiveness?*
- d) *Have the impacts and effects of development been properly taken into account?*
- e) *Are the components of the proposal (number of dwellings, units of elderly care accommodation, amount of public open space etc) in the first sentence of the policy for the site justified?*
- f) *What form would the public open space take?*
- g) *Having regard to these components, is the estimate of site capacity justified?*
- h) *What is the land ownership position and is the site currently being promoted by a developer?*
- i) *Are the site-specific requirements for development of the site justified, consistent with national policy and would they be effective?*
- j) *Given the components of the proposal and the site requirements, would development of the site be viable?*
- k) *Overall, is the site deliverable within the plan period and is the expected timescale for the development of the site set out in the Council's updated housing trajectory realistic? Has the landowner/developer confirmed this?*

227. And then specifically for Cromer the following questions are posed:

5.2.1 *Are the detailed Settlement Boundaries for Cromer, and the boundaries of the various Policy Area Designations (listed in paragraph 9.1.6 of the plan) suitable and justified given their policy function?*

5.2.2 *Are the housing allocations for Cromer the most appropriate when considered against reasonable alternatives in the light of site constraints, infrastructure requirements and potential impacts?*

- *and then for the three proposed allocations in Cromer (noting that this application is site C16 and that the High Station site is not in the AONB):*

5.2.3 *Land at Cromer High Station, Norwich Road (C07/2) Standard Questions a) to k)*

5.2.4 *Former Golf Practice Ground, Overstrand Road (C16) Standard Questions a) to k) – and - Extra Question l) Does the proposal constitute a major development in the AONB, and if so does it satisfy the test set out in NPPF paragraph 177?*

5.2.5 *Land West of Pine Tree Farm, Norwich Road (C22/2) Standard Questions a) to k) – and - Extra Question l) Does the proposal constitute a major development in the AONB, and if so does it satisfy the test set out in NPPF paragraph 177?*

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WEST BECKHAM – PF/23/1578 – Erection of 5no. bungalows (affordable) with associated new access, parking and landscaping at Land to the East of Sheringham Road, West Beckham for Broadland Housing Association

Minor Development

Target Date: 18th September 2023

Extension of time:

Case Officer: Mark Brands

Full Planning Permission

CONSTRAINTS

Countryside

Agricultural Land Grade 3

Landscape Character Area TF1 (Tributary Farmland)

GIRAMS

RELEVANT PLANNING HISTORY:

No relevant planning history.

THE APPLICATION

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

The proposal also includes an area of open green space to the south of the site, with footway access onto Back Lane from the south to the proposed open space meadow area.

The proposal is accessed via a new entrance onto Sheringham Road serving the proposed dwellings. A total of 12 no. car parking spaces would be provided across the site to accord with parking standards comprising 10 to serve the dwellings and 2 no. visitor parking spaces.

Amended plans / further details received during the course of the application

Amended Site location plan received and amended certificate (B) signed on the application form (serving notice on the owner of the grass verge (County Highways). The red line was increased to include the grass verge to the west and visibility for the new access onto Sheringham Road. This change was also reflected on the site plans.

11/10/2023

PL08 B

Application form

Site location plan PL01 C

Site Plan existing PL02 D

Site plan proposed PL03 J

Block Plan proposed PL08 B

CMP PL09 D

C-800 P02

Following the comments from the landscape section, more details have been provided and clarified on materials, and some revisions on the landscaping and arboricultural details.

23/10/2023

Site plan as proposed 1540-CAM-XX-XX-DR-A-PL03 Rev. K

Site plan as proposed showing external finishes 1540-CAM-XX-XX-DR-A-PL07 Rev. D

Schedule of materials 1540-CAM-XX-XX-SH-A-SCH- REV D

Ecological enhancements plan (C J Yardley Landscape Survey and Design LLP, October 2023)

Landscape schedule (C J Yardley Landscape Survey and Design LLP, October 2023) (maintenance and management plan)

Landscape schedule (C J Yardley Landscape Survey and Design LLP, October 2023)

Arboricultural Impact Assessment, Tree Protection Plan, Method Statement (C J Yardley Landscape Survey and Design LLP, October 2023)

REASONS FOR REFERRAL TO COMMITTEE:

This application has been referred to the Development Committee as requested by Cllr Ringer given the public interest in this proposal.

CONSULTEE COMMENTS

West Beckham Parish Council - Objects

Further clarification requested as the boundary has changed from the previous application and now includes the verge to the edge of the Highway. This land is already in use for the Post Box, the council notice board, the seat for walkers and the Grit bin. The proposed boundary also covers part of The Loke which is the access to several houses and is a public right of way

It was indicated at an earlier presentation by Broadland Housing that the development would have their own sewage system. The plans show connection to the existing sewage system which already has problems with overloading during wet weather especially in Sheringham Road. The houses should be rental only for tenants with local connections the aim being to re-vitalise the village

NNDC Strategic Housing Officer - Supports application. This site will provide five new high-quality, energy efficient and much needed affordable homes. There are two specific areas for comment:

Housing Need.

This site is a rural exceptions housing site, and the Council will allocate the homes to households with a strong local connection to West Beckham and the adjoining parishes. As at 2 August 2023 there are 42 households on the Council's housing list with a local connection of whom 32 households have the strongest Bands A to C connection. There is therefore plenty of demand for the five proposed homes.

Property Types

The four two-bedroom bungalows are suitable for households of four persons e.g. a family with two children of the same sex. They also provide the flexibility for households with a need for ground floor accommodation. Likewise the one bedroom bungalow is suitable for all age groups with accommodation for a one or two person household.

NNDC Landscape Officer (Ecology and Landscape) - Comments

Summary (full comments available on public site):

- Edge of settlement location and open nature of site, boundaries to the north and east need to be robust
- Concern over use of Renaissance Multi brick, other options should be used
- Bund and hedgerow and tree planting on northern boundary reluctantly acceptable but more tree planting particularly of stature should be specified
- More clarification required for boundary treatments, particularly defining the eastern extent of the open space
- Hedgehog holes are specified for the fencing which is appropriate and will promote ecological permeability through the site
- All other boundary treatments are appropriate, as are the Tegula Setts in Burnt Oak and Brindle and Buff flags as hard surface finishes
- Soft landscaping to the open space area to the south are appropriate
- Clarification required on the access visibility and loss of hedgerow on Sheringham Road
- External lighting appropriate, apart from plot 5 which should be adjusted

Subject to further clarification and amendments, conditions should be included with any approval covering the landscaping and ecology measures.

Environmental Health: Comments

The land is not showing as potentially contaminated. There is no mention of an intention to install Air Source Heat Pumps. If this is intended; the make, model, noise data and exact location will be required and must be approved before installation

Norfolk County Council Highway Officer: Comments

The C309 Sheringham Road forms a Junction to the north, with the A148 Holt Road, The A148 is a Principal Route and Corridor of Movement, which has a history of personal injury accidents (4 PIA's 2019-2022) and is subject to the national speed limit. Given that this is the route to the wider road network, consideration of any increases in traffic is required.

The proposed development of 5 dwellings would be considered to engender 30 daily movements using the nationally recognised TRiCs figure of 6 daily movements / dwelling.

The development site is remote from schooling; town centre shopping; health provision and has restricted employment opportunities with limited scope for improving access by public transport.

National Policy sets out the outcomes that should be achieved if sustainability objectives are to be met. These include:

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

The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport.

It is the view of the Highway Authority that the proposed development is likely to conflict with the aims of sustainable development and you may wish to consider this point as well as the increased use of the A148 Junction, However, we recognise that the application is for

affordable rental properties for a Housing provider, which would be permissible under exception housing policy HO3 and could be secured by agreement. Should the Local Planning Authority grant consent, planning conditions are advised.

Norfolk County Council Public Rights of Way Officer: Comments awaited – Committee will be updated orally at the meeting.

REPRESENTATIONS

18 **objections** received on the following grounds:

- Sustainability credentials of the site, such as lack of facilities or public amenities (such as shops, medical or social, schools, leisure, post office etc – other than the pub), remoteness which encourages car use, no footpaths or lighting, limited bus service, isolated location
- Conflict with the aim of sustainable development
- Essential use of the private car, lack of public transport or other transport options
- Loss of farmland
- Highway safety concerns, narrow road, speeds and volume of existing traffic, not the capacity for increase in vehicular movements or creation of a new access in the local road network and junctions, increased risk to road users, vehicular and pedestrians.
- The scheme will not bring community or economic benefits
- Previous public consultation undertaken at the site not reflective of the current application
- Insufficient consultation with the local community
- Inadequate local infrastructure to support new development
- Lack of employment in vicinity
- The site conflicts with the outcome of the Housing and Economic Land Availability Assessment which discounted the site for residential development on sustainability grounds
- Detriment to landscape character and views across the countryside
- Setting of precedent for further developments
- Uncharacteristic introduction of built form in the countryside, not in accordance with traditional prevailing form of development
- Design of properties not inkeeping with properties in the vicinity and of a standardised form
- Drainage and sewage concerns
- Insufficient room on site for parking and manoeuvring, increased parking on verges
- Loss of hedgerow to the front of the site and therefore wildlife and a natural part of the landscape
- Impact on ecology, bats, birds, newts
- Lack of electric charging points on the site
- Concerns over construction related traffic, parking and noise
- Impact on existing neighbouring amenity from loss of light and privacy, overlooking, noise and disturbances from use of the open space
- Query the extent of affordable housing need in the parish
- Detriment to landscape and local ecology, and loss of section of hedgerow
- No provision for pedestrians, prams scooters, disabled
- The scheme does not comply with Policy HO 3 of the adopted Core Strategy.

HUMAN RIGHTS IMPLICATIONS

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT POLICIES:

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

Policy SS 1: Spatial Strategy for North Norfolk
Policy SS 2: Development in the Countryside
Policy SS 3: Housing
Policy SS 4: Environment
Policy SS 6: Access and Infrastructure
Policy HO 1: Dwelling Mix and Type
Policy HO 3: Affordable Housing in the Countryside
Policy HO 7: Making the Most Efficient Use of Land
Policy EN 2: Protection and Enhancement of Landscape and Settlement Character
Policy EN 4: Design
Policy EN 6: Sustainable Construction and Energy Efficiency
Policy EN 8: Protecting and Enhancing the Historic Environment
Policy EN 9: Biodiversity and Geology
Policy EN 10: Flood Risk
Policy EN 13: Pollution and Hazard Prevention and Minimisation
Policy CT 5: The transport Impact on New Development
Policy CT 6: Parking Provision

Material Considerations:

Supplementary Planning Documents and Guidance:

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

National Planning Policy Framework (September 2023):

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 5: Delivering a sufficient supply of homes
Chapter 9: Promoting sustainable transport
Chapter 11: Making effective use of land
Chapter 12: Achieving well designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment

Other material documents/guidance:

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

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION

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

1. Principle of Development

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

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

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

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

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

5 Year Housing Land Supply

The National Planning Policy Framework (NPPF) requires Local Planning Authorities to identify a five year supply of specific deliverable sites to meet housing needs. At the current time the Council is unable to demonstrate that it has 5 years' worth of deliverable sites.

Planning applications must therefore be considered in line with paragraph 11(d) of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

2. Affordable Housing

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

- The proposal would help to meet a proven local housing need (as confirmed by the Council's Strategic Housing Team).
- As a scheme of 5 dwellings the site is located adjacent to an existing group of 10 or more dwellings.
- There are other affordable schemes permitted / resolved to be approved under Policy HO 3 within 1km of the site (PF/23/1065).
- The affordable housing provided will be made available to people in local housing need at an affordable cost for the life of the property. This will be secured via S106 Obligation.

Compatibility concerns with Policy HO 3 have been raised through the public consultation process and are noted.

The application before Committee was running in tandem with another affordable housing scheme in West Beckham (PF/23/1065), which has since been received a resolution to approve by the Development Committee in September 2023 subject to finalising of the S106 Agreement (which remains to be completed at the time of writing). The application was for 5 affordable two storey dwellings on Church Road, approximately 730m (as the crow flies) to the southeast of this current application site or approximately 1,200m via Sheringham Road and Church Road. The supporting information across both applications clearly set out the applications were essentially a joint consideration, rather than accommodating all 10 dwellings on one site which was considered inappropriate at either site. It was considered more appropriate to split the dwellings across two smaller application sites. This was to mitigate the impact on the surroundings and wider landscape. Both sites combined do not exceed 10 units, would meet a proven local need and are located adjacent to a group of 10 more dwellings where the housing would be provided in perpetuity.

In summary, the proposal is considered to generally accord with the aspirations of Core Strategy Policy HO 3 and, whilst this would be the second affordable housing scheme within 1km of another (as the crow flies), the quantum of development across both schemes does not indicate overdevelopment with the village of West Beckham and instead will contribute to balanced communities in a rural area. The affordable scheme as presented would help meet a proven local need and allocation would be secured through a S106 Obligation setting out the allocation policy and it is therefore acceptable in principle in this regard.

3. 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. 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

The new vehicular access to the site would be from Sheringham Road, with a footway link to the open space provided at Back Lane. Sheringham Road is subject to a 30mph speed limit. Visibility splays for the new access would be in accordance with Manual for Streets, with visibility splays of 2.4m x 59m. There are accesses to two lanes in close proximity which serve a number of residential properties including to the south adjacent to the site (Back Lane) and opposite the site to the northwest serving Allotment Lane.

The proposed access road off Sheringham Road is to remain private and be constructed as a shared surface facility to accommodate pedestrian, cycle and vehicular traffic. The asphalt vehicular crossover would be constructed in accordance with Norfolk County Council's adoptable design specification. As shown on the Architect's proposed layout drawing, access to the site would be taken via a new priority T-junction with Sheringham Road to the west. Appropriate turning facilities are provided within the site so as to enable vehicles such as fire tenders and service vehicles to enter and egress the site in forward gear. Site access for refuse collection vehicles is not proposed and a bin collection point is to be provided instead to allow collection of bins from Sheringham Road.

There are no pedestrian footways in the vicinity and no formal footway is presented as part of the application proposal. The Highway Officer, although recognising the lack of sustainability credentials to the site, does not raise an objection to the scheme on highway safety concerns. Additionally, comments raised regarding the junction to the A148 to the north are also noted. The NPPF (paragraph 111) sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe. In this case, the highway officer has not recommended refusal under these criteria

In terms of vehicular parking there are 12 vehicle parking spaces proposed (two per dwelling) plus two visitor parking spaces. This complies with Core Strategy Policy requirements by ensuring sufficient parking is provided on site (providing slightly higher parking provision than the baseline in the Norfolk Parking Guidelines).

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

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

4. Housing Mix

Core Strategy Policy HO 1 sets out that 'on schemes of five or more dwellings at least 40% of the total number of dwellings shall comprise of not more than 70sqm internal floor space and

incorporate two bedrooms or fewer; and on schemes of five or more dwellings at least 20% of dwellings shall be suitable or easily adaptable by the elderly, infirm or disabled.’

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

- 1 x one -bed (two person) dwelling (56 sqm)
- 4 x two-bed (four person) dwellings (3 x 70 and 1 x 72 sqm)

The housing mix would comply with Policy HO 1 and the bungalows provide flexibility for those with a need for ground floor accommodation.

The proposal provides a suitable mix of dwellings that would help to meet the identified local need within the District and is considered, on balance, to accord with the requirements of Core Strategy Policy HO 1.

5. Design, Layout, Scale and Massing

The site layout has, in part, been influenced by the presence of the sewer in the southern part of the site, meaning development is restricted to the northern part. The scheme comprises a detached dwelling with carport and a terrace in an L shape configuration to the northern part of the site, to replicate the typology of single storey farm outbuildings in the district. All dwellings would be single storey to minimise the impact on the wider landscape, framing a courtyard arrangement to the front of the dwellings. The courtyard arrangement has been used in other Broadland Housing schemes in the district noting this layout supports social interaction. There would be an open space area to the south (also being used for surface water run-off).

The buildings have been set back from Back Lane to minimise the impact on existing houses and also to allow for an open landscaped space to serve as buffer with existing properties and retaining open views through the meadow towards the rest of the arable field beyond. The layout of the meadow and associated planting is considered suitable, tying together with the rural character of the design of the dwellings to the north. Private gardens are provided, of appropriate sizes with suitable boundary treatments. A communal bin storage for collection is proposed.

In terms of appearance, the proposed clustered bungalows are intended to give the form and appearance of converted farm buildings, with a similar design, form, scale and material palette of other such rural buildings in the countryside. The scheme proposes an appropriate mix of facing red brick, including different brick details to give texture and character to the buildings, and tiled roofs with timber posts on the carports and veranda’s. The brick types have been amended taking into account the comments from the landscape section to ensure compatible materials are used in this countryside location. Officer’s support the traditional design and appearance including the general palette of materials given the rural location. Minor amendments to the scheme have been sought which would relate mostly to the elevational treatment and detailing. Revised plans are currently being awaited from the agent. The extent of these minor alterations would be similar to those being sought Church Road site and would not significantly affect the layout or design of the scheme.

In terms of scale, the dwellings would have a height to the eaves of around 2.4m, with ridge heights of 5.3m-5.6m, with the lower ranges and veranda’s breaking up the scale and massing of the development.

The layout suggests that the dwellings are designed to be accessed primarily by people arriving by car. There is no existing pedestrian access along Sheringham Road, and none

proposed as part of the scheme. A new vehicular access is proposed from Sheringham Road to the west. The new access leads onto the courtyard mews, which then splits into the parking areas, with the surfacing materials considered appropriate, with patio along the terrace block connecting to the parking area to the east and north serving Plots 1-4, with Plot 5 detached to the south having its own parking spaces to the west. Each dwelling has sufficient parking facilities within their curtilage with adequate turning areas to allow vehicles to enter and egress the site in a forward gear.

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

Officers consider that the design, layout, scale, and massing of the development is acceptable and would accord with Core Strategy Policies EN 4 and EN 6 and Chapter 12 of the NPPF.

6. Residential Amenity

Officers consider that the proposed development would not adversely impact neighbouring amenity. The development would be well distanced from existing properties, with intervening features including roads and the proposed open space. The dwellings would be single storey, and proposed boundary treatments ensure overlooking concerns are mitigated. The open space would have limited features other than benches and landscaping, limiting noise potential.

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

The proposed dwellings would all have sufficient amenity space commensurate with the size of the property footprint. Additionally, details of boundary treatments have been provided and are considered appropriate to ensure privacy.

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

7. Impact on Landscape Character

The site lies within the Tributary Farmland Landscape Type (as defined in the North Norfolk Landscape Character Assessment (2021 SPD) (LCA). The stated Vision for this landscape character type (p. 221 of the LCA) is *'a well-managed and actively farmed rural landscape that invests in natural capital, creating and enhancing ecological networks and semi-natural habitats. New development is successfully integrated within the existing settlements where it reinforces traditional character and vernacular. The landscape retains a rural character with dark night skies'*.

This is an edge of settlement location with open arable fields extending north and east demarcated by intermittent hedged field boundaries. The main A148 tourist route is 600m north of the site and extends in a west-east direction. Prominent views of the site are gained by these road users and also by users of a public right of way (West Beckham FP3) which is 300m north and West Beckham FP2 which traverses the south boundary of the site along Back Lane which also serves neighbouring properties.

Given the proximity of these receptors and the lack of existing mature vegetation (apart from Hans Pits woodland copse to the east), the site boundaries to the north and east need to be robust and substantial to assist in embedding the new development into its open landscape setting.

As noted in the comments, ideally the built form would have been sited further south in the site by the existing built form but it is recognised the existing sewer running through the site is a significant constraint so the layout has been influenced by this (in addition to taking on board comments made during public consultations prior to the submission).

The proposal would represent a change in the appearance of the land to which the application relates. The site currently forms part of a larger agricultural field, with hedgerows and trees along the western boundary and open views across from the north and south from roads and public rights of way.

The application has been supported with a detailed landscaping scheme where the site has been discussed with the Landscape Officer at both pre-application stage and post submission. It is considered, in most part, that the proposed landscaping would aid in assimilating the development into its landscape setting.

The northern boundary is proposed to be defined with a 500mm high, 2m wide bund with hedgerow planting and sporadic trees. The bund is an engineered feature, but on balance, with the landscaping and additional planting considered suitable as are the landscaping proposals for the open space to the south also accommodating the soakaway.

Minor amendments and clarifications have been made by the agent following the comments from the landscaping officer, positively incorporating the changes into the revised scheme. This includes further details on the boundary treatments, clarifying a simple post and wire fence to the south and east boundaries around the open space and inclusion of sporadic groupings of shrubs.

Lighting has been detailed to be kept to a minimum to avoid unnecessary light pollution and ecological impact, and, following a minor revision on one of the plots, is considered appropriate and can be conditioned to be in accordance with the submitted details.

There is a management plan setting out that the open space would be managed either by the Housing Association or ceded to a management company to maintain the areas in accordance with the submitted details (domestic gardens to be managed by property holders). The scheme would result in both a layout and landscape solution which is appropriate. It is considered that the proposal would broadly accord with the requirements of Core Strategy Policy EN 2 and NPPF Chapter 15 and would have an acceptable impact on the wider landscape character.

8. Impact upon Trees

The application has been supported by an Arboricultural Impact Assessment (AIA) which details the tree and hedgerow constraints on site in relation to the proposed dwellings. The AIA concludes that the cumulative impact of the development on the rooting areas of trees and hedging is minimal. A Tree Protection Plan and Method Statement to protect and avoid damage to trees and hedgerows on and adjacent to the site during and after the development has been provided. It is noted some of the hedgerow would need to be removed to make way for the new access onto the site from Sheringham Road. The visibility has been shown to demonstrate this can be provided without further removals and comply with the highway visibility requirements. Additionally, there would be new replacement planting around the site including 110m of new mixed native hedging, together with native tree planting and wildflower / grasses planting which offsets this loss and provides enhancements. It is therefore

considered that, subject to conditions securing these works, the proposal is acceptable in terms of impact upon trees and vegetation and complies with Core Strategy Policy EN 4 and Chapter 12 of the NPPF.

9. Impact on Ecology

The application has been supported with a Preliminary Ecological Assessment (PEA). The content of this is considered acceptable, and the Landscape Officer raised no objections subject to the imposition of appropriate conditions requiring mitigation and enhancement measures for biodiversity as detailed in the PEA.

The Preliminary Ecological Appraisal sets out the potentially significant effects include;

- Effects on nesting birds from clearance of the site during the bird nesting season;
- Loss of hedgerow along the western side;
- Runoff or accidental pollution effects on the pond to the south;
- Impacts on great crested newts if present within the pond to the south.

The Landscape Officer has raised no objections, subject to conditions. These include a Construction and Environment Management Plan to include details of working methods, access, exclusion zones, location of storage and a European Protected Species Licence (or statement from Natural England that it does not consider that the specified development would require a licence) in relation to the protection of Great Crested Newts. Additionally, the works would be carried out in accordance with the mitigation and enhancement measures in the supporting documentation, including the below;

Proposed ecological enhancements;

Hedgehog holes in fencing

1 no. Reptile Refugia

2 no. Swift boxes

4 no. Vivara pro swallow cups

2 no. Starling boxes

2 no. bat boxes

Bee banks

Creation of a wildflower meadow within the open space,

Native tree and hedge planting,

It is therefore considered that, subject to conditions securing these mitigation and enhancement measures, the proposal is acceptable in terms of ecological impact, and complies with Core Strategy Policy EN 9 and Chapter 15 of the NPPF.

10. Drainage

A drainage strategy has been submitted with the application. This has concluded that the ground conditions within the site have been found to be granular in nature with good infiltration potential. The topography of the site shows it slopes southwards towards Back Lane, with levels to the northern boundary in the order of 84.50m AOD and those to the south at 83.00 AOD. In respect to the foul and surface water drainage strategy for the site, it is proposed that the site would connect to the existing foul water public sewer in Sheringham Road and use sustainable drainage systems to manage surface water drainage.

A sustainable approach to surface water run off has been set out. Water run off would be managed, with roof run-off from properties directed to a single soakaway located at the rear of plot 5. Private roads and parking spaces would have permeable surfaces for natural infiltration into the subsoil.

The site is within the catchment of the Runton Middlebrook Water Recycling Centre (WRC) and Anglian Water has confirmed, via pre-app discussions, that this currently has capacity to accommodate the development. Anglian Water records indicate that a foul water manhole is available in Sheringham Road along the site frontage where the foul water drainage would discharge into.

The Drainage Strategy also recognised concerns raised locally regarding flooding. The strategy refers to an Anglian Water flood report that the majority of the concerns had been caused by blockages and some odour complaints to which Anglian Water had responded and has advised that these are not foul water capacity related issues.

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

11. GIRAMS

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

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

The proposed development would create 5 net new dwellings, and the agent has confirmed the requisite GIRAMS contribution of **£1,054.20** will be made via the S106. The Local Planning Authority as the 'competent authority' has completed an Appropriate Assessment and concluded that subject to securing the GIRAMS financial contribution, the planning application would not have an adverse effect on the integrity of the European Sites identified above from recreational disturbance, when considered alone and 'in combination' with other development. Consultation with Natural England is not considered to be necessary as the proposed development would be subject to the GIRAMS payment to offset potential impacts of an increase in recreational disturbance to nearby Habitat Sites.

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

12. Environmental

The Environmental Health team has assessed the proposal and considered there are no adverse environmental health concerns in relation to this proposal, subject to further details of the Air Source Heat Pumps which can be treated by way of a planning condition. On that

basis, it is considered the proposal would comply with Core Strategy Policy EN 13, and Chapter 15 of the Framework.

13. Other Matters

Loss of Grade 3 Agricultural Land

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

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

14. Conclusion and Planning Balance

As set out, the Local Authority cannot currently demonstrate a 5 year housing supply, which is a material planning consideration.

Officers recognise that the proposal does not fully accord with Development Plan policy with deficiencies identified in relation to matters of sustainability. This weighs against the proposal. However, the Core Strategy and NPPF set out that planning authorities should support opportunities to bring forward rural exception sites that would provide affordable housing to meet identified local needs. Policy HO 3 sets out the criteria including the consideration of cumulative developments under this policy. There was informal dialogue between the Local Authority and the developers prior to the submission, as set out in the supporting documentation, including specifically splitting the rural exception site in West Beckham to two smaller sites with this site to be considered in conjunction with the previously considered scheme at Church Road

In favour of the proposal, the application is for the provision of 5 affordable dwellings under the exceptions housing policy to be provided in perpetuity by a recognised affordable housing provider (Broadland Housing) to meet a clearly identified local housing need. Officers consider that substantial weight can be afforded to the provision of the affordable housing. There would also be some modest economic benefits to the local economy during the construction phase and addition of dwellings which would result in some benefit (albeit limited) to addressing the general housing shortfall in the district.

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

RECOMMENDATION: APPROVAL

SUBJECT TO:

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

2. **Securing of S106 Obligations for affordable housing, management of open space and meadow area, and the payment of £1,054.20 (Index linked) for GIRAMS mitigation;**
 - **The end of the consultation period and confirmation there are no objections from the Public Rights of Way team on the proposals and**
3. **Imposition of conditions including any considered necessary by the Assistant Director - Planning including matters relating to:**
 - **Time Limit for implementation**
 - **In accordance with approved plans**
 - **Implementation of landscaping**
 - **Management of landscaping (including maintenance)**
 - **Hedging heights**
 - **Retention of landscaping (10 years)**
 - **External materials (as submitted within the material schedule);**
 - **final window designs;**
 - **Lighting details;**
 - **Securing a Construction Environment Management Plan**
 - **European Protected Species Licence (GCN)**
 - **Securing ecological mitigation and enhancement measures**
 - **Accordance with arboricultural report**
 - **Securing appropriate site access**
 - **Access gradients**
 - **Highways PD restriction across access**
 - **Highways PD in visibility splays**
 - **Parking etc to be provided and retained**
 - **PD restrictions**
 - **Air source heat pump details**
 - **Drainage in accordance with approved details**
 - **Bin store to be built in accordance with plans, prior to first occupation**

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

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

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THURSFORD – PO/23/1526 – Outline application with details of access only (all other matters reserved) for the erection of a self-build dwelling (Class C3) at Land to South-east of 1A The Street, Thursford Green, Norfolk:

Minor development

Target Date: 30 November 2023

Extension of Time: 30 November 2023

Case Officer: Jayne Owen

Full application

RELEVANT SITE CONSTRAINTS

The site lies within the countryside

The site falls within various Zones of Influence of protected sites as defined by the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS)

RELEVANT PLANNING HISTORY

PO/23/0447

Erection of a self-build dwelling (Class C3) – outline with details of access only (all other matters reserved) – Withdrawn

PF/99/0635

Demolition of the existing blacksmiths shop and the erection of two dwellings with four parking spaces – Refused -19 May 1999 - Dismissed on appeal - 11 February 2000

PF/98/1608

Erection of replacement workshop - Refused - 18 November 1998

Adjacent – Holly Lodge, 1 The Street, Thursford

PF/20/1624

Installation of two cabins within grounds of Holly Lodge to provide additional en-suite bed and breakfast accommodation - Approved 16 December 2020

PF/18/1292

Change of use from single dwelling (Class C3) to bed and breakfast accommodation (Class C1); external plant room/store, associated car parking and drainage - 28 September 2018

PF/14/0653

Demolition of detached garage and Nissen hut and erection of replacement garage with studio above and one and a half storey unit of serviced holiday accommodation - Approved - 20 August 2014

PF/09/0351

Erection of timber building to provide serviced holiday accommodation and replacement garage with studio - 16 June 2009

PF/04/1988

Removal of Nissen Hut and Erection of timber building to provide one unit of holiday accommodation - Approved - 17 November 2004

PF/87/1788

Change of use of outbuildings to accommodation - Approved - 22 September 1987

THE APPLICATION

The application seeks outline planning permission including access for a self-build dwelling. All other matters are reserved.

The site is located on the southern side of The Street in the village of Thursford Green in an area of designated countryside. The application is supported by a planning statement which describes the site as comprising a gravel driveway with turning area, bare ground and modified grassland with nine small fruit trees located centrally within the site, there are residential dwellings to the north, west and east and arable land to the south. Vehicular access is provided from The Street. The application site is within walking distance to Thursford Enterprises which is the family business of the applicant.

The applicant is the general manager for both Thursford Enterprises and the Thursford Collection which is a family run business and registered charity and is located approximately 60 metres from the application site. Thursford Enterprises is a long-established family business, a major local employer and a national attraction.

Thursford Enterprises Limited also includes a wedding and event venue and Holly Lodge Boutique Bed and Breakfast accommodation which is located at 1 The Street, Thursford Green, situated adjacent to the application site and 3 minutes walk from the Thursford Entertainments site with accommodation based around a former farmhouse. There are three guest rooms in the main house and three private access cottages within a former stable block. The Thursford collection also owns 1A The Street, which lies to the north west of the application site. Details of occupancy of this property have been requested from the applicant together with any connection with the business. However, these details have not yet been provided.

The application is supported by a planning statement. The applicant's justification for the need for a dwelling is that his responsibilities for overseeing all staff and operations of the business and registered charity involve the general manager being on call 24/7 in case of emergencies, staff call outs and security breaches. The 'day to day' duties of the applicant can take place between the hours of 8 am and 2 am, depending on the type of event or if during the Christmas period. It is also stated that the applicant has family and close family friends currently residing in Thursford Green and that Thursford Enterprises has several business interests in the village. The applicant is seeking to live within Thursford to be able to walk to work and reduce the many car journeys which are currently undertaken each day to reduce reliance on the car.

REASONS FOR REFERRAL TO COMMITTEE:

The application has been called in by the Ward Member (Cllr Sarah Butikofer) on the following grounds:

I believe there are several 'material considerations' that need to be considered by the committee in this application for a key worker. I would suggest that the interpretation of North Norfolk District Council's Policy SS 2 needs much further exploration, and firmly believe that development of one property in this location to support and sustain a key driver to our local tourist economy is essential. I would not support development in the countryside, but this location is in the centre of the village and is designated purely as countryside as it is not in a major settlement.

CONSULTATIONS

Thursford Parish Council - Support

Norfolk County Council Highways - No objections subject to conditions

NNDC Landscape Officer - No objection subject to conditions

REPRESENTATIONS:

None

HUMAN RIGHTS IMPLICATIONS

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

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

CRIME AND DISORDER ACT 1998 - SECTION 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.

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 SS 3: Housing
Policy SS 4: Access and Infrastructure
Policy EN 2: Protection and Enhancement of Landscape and Settlement Character
Policy EN 4: Design
Policy EN 6: Sustainable construction and energy efficiency
Policy EN 8: Protecting and Enhancing the Historic Environment
Policy EN 9: Biodiversity & Geology
Policy EN 10: Development and Flood Risk
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)
North Norfolk Landscape Sensitivity Assessment (2021)

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

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 5: Delivering a sufficient supply of homes
Chapter 9: Promoting sustainable transport
Chapter 11: Making effective use of land
Chapter 12: Achieving well designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving and enhancing the historic environment

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION

- 1. Principle**
- 2. Sustainability**
- 3. Design and layout**
- 4. Highways**
- 5. Residential Amenity**
- 6. Landscaping**
- 7. Ecology**
- 8. Conclusion and recommendation**

1. Principle (Policies SS 1 and SS 2)

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the development plan unless 'material considerations' indicate otherwise.

The site lies in an area of designated countryside. In areas designated as countryside Core Strategy Policy SS 2 states that development will be limited to that which requires a rural location and is for one or more of a number of specified types of development. This would only include new dwellings in specific circumstances which includes where it can be demonstrated that there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

This is reflected in paragraph 80 of the NPPF which states that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) 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.
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it: would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Planning Practice Guidance (PPG) advises that considerations that may be relevant to consider when applying paragraph 80 (a) of the NPPF could include the following:

- Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on site attention 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)
- Other considerations include the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.
- Whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context.

Policy HO 5 of the North Norfolk Core Strategy also specifically relates to agricultural, forestry and other occupational dwellings in the countryside, it states:

Proposals for development in the countryside to meet the housing needs of full-time workers in agriculture, forestry and other essential workers connected with that land will be permitted only where they comply with the following criteria:

- i) there is a demonstrated essential need for one or more full time workers to be readily available at most times for the enterprise to function properly; and
- ii) the functional need could not be met by another existing dwelling on the site of the
 - a. enterprise or in the immediate vicinity; and
- iii) the enterprise has been established for at least three years and is, and should remain financially viable; and
- iv) the proposal does not represent a replacement of another dwelling on the site that
 - a. has been sold on the open market in the last five years; and
- v) the proposed dwelling is not larger than that required to meet the functional needs of
 - a. the enterprise, nor would it be unusually expensive to construct in relation to the
 - b. income that the enterprise could sustain in the long term

The proposal has been assessed against the criteria of Policy HO 5 as follows:

- i) Is there is a demonstrated essential need for one or more full time workers to be readily available at most times for the enterprise to function properly

This is a matter of judgment based on a number of factors such as the scale of the enterprise and the demands for the presence of staff out of hours as to whether or not there is a functional need for workers to live on site.

The applicant is the General Manager for Thursford Enterprises and the Thursford Collection which is a long-established family business, a major local employer and a national attraction. The statement in support of the proposal states that the applicant has family members and close family friends currently residing in Thursford Green and Thursford Enterprises has several business interests within the village. The applicant is seeking to live within Thursford to be able to walk to work and reduce car journeys which are currently undertaken every day. It is understood the applicant currently resides in Fakenham, approximately 20 minutes drive from the site.

Whilst the success of Thursford Enterprises and its major contribution to the local economy is not disputed, it is not considered that the business necessarily qualifies as a rural land based enterprise or that the applicant is a rural worker and, whilst it is claimed that the General Manager has 24/7 call out responsibilities, no evidence has been provided in terms of the number, frequency and nature of these call outs. There are a number of remote ways in which the security of the site can be appropriately managed such as CCTV and remote alarm systems for example. The nature of the business is one related essentially to tourism and from the information provided it has not been demonstrated that there would be a significant risk to human or animal health or welfare or from crime that would necessitate a 24-hour presence to enable the business to function properly. Based on the information provided as part of this application, the business has been running successfully for a significant number of years.

- ii) The functional need could not be met by another existing dwelling on the site of the enterprise or in the immediate vicinity

No information has been provided in terms of whether or not the need could be met by another existing dwelling or by an existing dwelling within the immediate vicinity. Further information has been requested from the applicant.

- iii) Has the enterprise been established for at least three years, and is, and should remain, financially viable

No financial information has been submitted however it is evident that the enterprise has been established for at least three years and there is no suggestion that it would not remain financially viable.

- v) 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:

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

- v) Would the proposed dwelling be larger than that required to meet the functional needs of the enterprise, or would it be unusually expensive to construct in relation to the income that the enterprise could sustain in the long term

No evidence has been submitted in relation to this. The application is in outline only and no details have been provided in terms of the scale and appearance of the dwelling. These details could be suitably considered as part of any subsequent Reserved Matters application(s).

Based on the above criteria, Officers consider that there would be insufficient justification for a permanent dwelling to house the Thursford Collection / Thursford Enterprise manager. The proposal for a dwelling would therefore conflict with the aims of Core Strategy Policy HO 5.

Housing Land Supply

The National Planning Policy Framework requires Local Planning Authorities to identify a five-year supply of specific deliverable sites to meet housing needs. At the current time the council is unable to demonstrate that it has 5 years' worth of deliverable sites. Planning applications will therefore be considered in line with paragraph 11(d) of the NPPF which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Further consideration is given to the implications of paragraph 11 of the National Planning Policy Framework as part of the balancing exercise which is set out within the conclusion below.

Self-Build dwellings

The applicant was advised at the pre-application stage that The Self-build and Custom Housebuilding Act 2015 ('The Act', as amended by the Housing and Planning Act 2015), and the Self build and Custom Housebuilding Regulations 2016, together provide the legislative basis for promoting Self and Custom Build Housing in England.

The Act requires the Council to maintain a register of persons '*seeking to acquire*' serviced plots on which to construct a custom or self-built dwelling which are '*to be occupied as homes by those*

individuals'. The Act places a duty on the Council to permit enough 'suitable' development permissions to meet the demand for serviced plots (as established by those persons and plots entered onto Part 1 of the Register).

Development permission is defined as 'suitable' in the Act if it is '*development which could include custom and self-build housing*'. The relevant national guidance states '*Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area*'. The definition and interpretation of 'suitable' is a key consideration in the grant of development permissions.

Irrespective of whether a dwelling is custom or self-built, this does not negate the application of the strategic development plan policies, in particular Core Strategy Policies SS 1 and SS 2.

Policy SS 1 sets out the spatial strategy for North Norfolk. It seeks to focus the majority of new development in the Principal Settlements, with more limited development in the Secondary Settlements and smaller amounts in the Service Villages and Coastal Service Villages to support rural sustainability. In the remainder of the district, designated as Countryside, a wide ranging list of development is allowed which is aimed at either supporting the rural economy, meeting affordable housing needs or providing renewable energy.

Policy SS 2 requires that development in such areas will be limited to that which requires a rural location and is for one of the forms of development listed in the policy.

The *custom and self-build housing*' Register evidences a very modest requirement for custom and self-build plots in North Norfolk, as published on the Council's webpages at www.north-norfolk.gov.uk/customeselfbuild. The Council's current position is that policies in the emerging Local Plan have been developed in order to address this modest demand and that, in the interim, officers continue to seek to negotiate provision of self-build plots where appropriate. The Council has been successful in granting suitable development under PO/17/0680 which includes up to 30 serviced custom or self-build plots in Fakenham, secured by S106 agreement. This permission is granted in a suitable and sustainable location in accordance with the adopted settlement hierarchy.

The plot the subject of this application is located outside of the established growth locations identified in Policy SS 1, Spatial Strategy and is not in line with the adopted or emerging local plan spatial hierarchy and distribution of growth. The settlement is within the designated countryside area. Policy SS 2 lists the types of development which can be acceptable in principle in the countryside, restricting new development to that which requires a rural location, subject to certain exemptions to prevent dispersed dwellings that will lead to a dependency on travel by car to reach basic services, and ensure a more sustainable pattern of development. The acceptable forms of development listed under Policy SS 2 does not include Custom and Self Built dwellings.

Whilst the demand for a serviced self-build plot may be established by the Register, the proliferation of development in an unsustainable location and in clear conflict with the Development Plan would make this proposal unsuitable for a new dwelling including those purporting to meet a demand for Custom and Self Build housing.

Summary

In terms of principle, the site is located within the designated countryside where unrestricted market dwellings would not normally be permitted.

In this case, the applicant is unable to make a sufficient case that the proposal is for a rural worker in connection with an established rural enterprise **and** that there is an essential need for a worker to be readily available at most times to ensure the proper functioning of the business **nor** has a case been made that the functional need could not be met by another existing dwelling in the immediate vicinity. In the absence of this justification, the proposal would be considered contrary to Core Strategy Policy HO 5.

The applicant's proposal for a self-build dwelling does not override the need to ensure that such dwellings are appropriately located. A new self-build dwelling in this location would be contrary to the aims of Core Strategy Policies SS 1, SS 2 as the site lies outside an area in which the Local Planning Authority would normally allow unrestricted residential development.

As such, the proposal is considered to be contrary to Policies SS 1, SS 2 and HO 5 of the adopted North Norfolk Core Strategy and paragraph 80 of the National Planning Policy Framework.

2. Sustainability (Policies SS 1 and SS 2)

Under the National Planning Policy Framework there is a need to consider whether the development is sustainable and to consider the social, economic and environmental objectives of the development and where these objectives are met, to apply a presumption in favour of sustainable development.

In addressing the objectives of sustainable development, the social objective requires planning to support strong, vibrant and healthy communities and states that it should create a high-quality built environment, the economic objective of the National Planning Policy Framework requires proposals to contribute to building a strong, responsive and competitive economy and the environmental objective states that the natural built and historic environment should be protected and enhanced and should mitigate and adapt to climate change.

The social aspect of sustainable development would be met through the contribution made to the housing stock. However, given the distances to the nearest services, the benefits of the provision of a dwelling in this location are limited in this regard.

There would be some economic benefits generated during the construction phase and consumer spending on goods and services by the occupants of the dwelling within the local economy. However, given the application is for one dwelling, any benefits in this regard would also be limited. In addition, owing to the lack of services and facilities within the immediate vicinity of the site, or nearby villages, it is unlikely that the proposed dwelling would result in any significant level of local support.

With regard to the environmental objective of this development the proposals could reasonably be expected to demonstrate a degree of inherent sustainability through compliance with Council supported energy efficiency and Building Regulations standards.

Paragraph 80 the National Planning Policy Framework states that Local Planning Authorities should avoid the development of isolated homes in the countryside unless there are special circumstances. These instances include, essential rural workers dwellings, securing the optimal viable use of a heritage asset, the re-use of a redundant or disused building which would enhance its immediate setting, sub-division of an existing dwelling or would have a design that is exceptional quality. In this instance, the proposal would not fall within any of these categories.

The National Planning Policy Framework does not provide a definition of what constitutes 'isolated' development. Planning law requires that applications for planning permission be determined in accordance with the development plan.

In terms of whether the site is 'physically remote' the new dwelling would be located near to existing residential development including the bed and breakfast accommodation known as Holly Lodge and owned by Thursford Entertainments at 1 The Street, Thursford Green and 1A The Street, Thursford Green owned by the Thursford collection.

However, the nearest large settlement would be Fakenham and as a result the proposed dwelling would be a substantial distance from any range of shops, services and facilities found within this nearest settlement. Given this substantial distance and that the roads leading from the site have no footpaths and no lighting and are subject to the national speed limit, future occupiers would likely be discouraged from making this journey by foot or bicycle. There is a limited bus service from Thursford Green to Fakenham. As such future occupiers would be heavily reliant on a private vehicle to gain access to shops, facilities and services. Taking the above into account, it is considered that the proposed dwelling would not provide convenient and safe access to nearby services and facilities which weighs against the development. In summary, it is not considered that the site is physically isolated from other dwellings, however it would be functionally isolated and remote from services and facilities.

The development is not considered to accord with the aims of Core Strategy Policies SS1 and SS 2 nor would it align with the overarching sustainable development objectives of paragraphs 7, 8, 9, 10 and 11 of the National Planning Policy Framework.

3. Design and layout (Policy EN 4)

Policy EN 4 states that all development should be designed to a high quality, reinforcing 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 application is in outline form and details in relation to the design and appearance of the dwelling, sustainability measures and parking arrangements would be determined at the reserved matters stage should outline planning permission be granted.

An indicative site plan indicates a dwelling sited towards the rear of the plot which would be out of keeping with the form and character of the established street scene, which largely comprises a linear form of development with existing built form fronting The Street with generous gardens to the rear.

However, should outline planning permission be granted, the site is capable of accommodating a dwelling which would broadly accord with the aims of Policy EN 4 of the North Norfolk Core Strategy. Further details of siting and design would be a consideration at Reserved Matters stage.

4. Highways (CT 5 and CT6)

Norfolk County Council Highways have been consulted on the proposals and have commented that a new dwelling would generate 6 habitual daily vehicle movements, which could be catered for given the access width and emerging visibility splays available. This would require

improvements to the access surface, formalising the crossover to Norfolk County Council specifications, which could be conditioned. However, there are concerns regarding the sustainability of the site, which is remote from most essential services, leading to a reliance on the private car, contrary to local and national objectives. Nonetheless owing to the scale of the proposal the highway authority do not object on transport sustainability grounds but defers this matter for the consideration of the Local Planning Authority (see section 2 above). Should planning permission be granted conditions are recommended in relation to the upgrading of the vehicular access and that the proposed on-site car parking and turning area is laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

In respect to highway safety matters, the proposed development would accord with Policies CT 5 and CT 6 of the North Norfolk Core Strategy.

5. Residential Amenity

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. The design and appearance of any dwelling permitted is for consideration at the reserved matters stage, however, it is considered that a dwelling can be accommodated on the site in a manner which would not have a significantly detrimental impact on any neighbouring properties by way of overlooking, overshadowing, loss of amenity or outlook and which would therefore satisfactorily accord with Policy EN 4 of the North Norfolk Core Strategy.

6. Landscaping Policies (EN 2, EN 4, EN 9)

Having consulted with the Landscape Officer, several fruit trees would be removed from the plot to facilitate the proposals, the trees are relatively young or of poor quality and though this work represents a loss to the site, no significant concerns are raised regarding their removal.

The replacement trees and hedge planting as detailed on the landscape plan (Drawing No. 23.1744.001) are considered acceptable and provide adequate replacement for the trees proposed to be removed. The planting and establishment details are also considered appropriate and, should the application be approved, a condition to secure the details provided prior to first occupation of the dwelling would be appropriate. The tree protection measures set out in the tree protection plan are acceptable and appropriate to protect the remaining trees on site. Should the proposals be approved the implementation of this plan should be the subject to a condition to secure these.

No information on where the service connections would be sited has been provided though as detailed, it would be appropriate to route these outside of any Root Protection Areas as this work could damage neighbouring properties' trees.

Subject to the satisfactory implementation of conditions securing the above requirements, it is considered that the proposal will satisfactorily accord with Policies EN 2, EN 4 and EN 9 of the North Norfolk Core Strategy.

7. Ecology (EN 9)

The application is supported by an Ecological Impact Assessment prepared by Glaven Ecology (January 2023). A summary of the findings includes:

- No impacts upon designated sites are foreseen
- Site habitats comprise mainly of modified grassland, a gravel driveway and turning area and a bare ground track. Nine fruit trees, currant bushes, a storage cabin and a tin shed were also present.
- Impacts upon protected species are mostly screened out due to the low suitability of site habitats and existing baseline of disturbance. However, the loss of fruit will have a minor negative impact upon pollinator species and reduce (sub-optimal) nesting opportunities for birds.
- Recommended mitigation includes hedgerow and landscape planting with species of biodiversity value (incorporated into the submitted landscape plan), sensitive lighting design, clearance of woody vegetation (including the fruit trees) outside of the bird nesting period (March to August inclusive) or following confirmation by a suitably qualified ecologist that nesting birds are absent, backfilling excavations at the end of each day or fitting any open excavations with egress boards, and provision of mammal access gaps in any otherwise impermeable boundary features to be installed.
- Recommended enhancements include the installation of one integrated bat box and two swift boxes within the new dwelling and incorporating pollinator and bat friendly planting within any landscaping.

Having consulted with the Landscape Officer the assessment and recommendations made within the report are considered proportionate to the perceived impacts. The submitted landscape proposals incorporate most of the habitat mitigation and enhancement recommendations and should planning permission be granted a condition to secure these is considered appropriate.

In summary there are no objections to the proposal on ecological grounds subject to a condition to secure the following specified mitigation and enhancements:

- Any clearance of woody vegetation to take place outside of the breeding bird period (March to August inclusive) or following a pre-commencement check by a suitably qualified ecologist.
- Any external lighting must be installed following best practice guidance, e.g. operate using motion sensors on a 1 min or less interval, be mounted horizontally to the ground and not tilted upwards, and in the warm white spectrum (preferably <2700K).
- Installation of at least 1 No. integrated bat brick/tube within the fabric of the new dwelling
- Installation of at least 2 No. integrated bird boxes (at least one of which must be a swift box) within the fabric of the new dwelling.

Subject to the satisfactory implementation of conditions securing the above requirements, it is considered that the proposal will satisfactorily accord with Policy EN 9 of the North Norfolk Core Strategy.

Other Matters

GIRAMS

The site lies within the Zone of Influence of a number of European sites. The proposed net gain of one dwelling would trigger the requirement for a financial contribution towards the strategic mitigation package in accordance with the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). The developer contribution is currently set at £210.84 per dwelling and is index linked with inflation. The required contribution has been secured and as such the proposal complies with Core Strategy Policy EN 9.

Unilateral Undertaking

Should outline planning permission be granted, the applicant has provided a Section 106 undertaking. The Section 106 undertaking provides for the application plot to be constructed and occupied as a Self-Build dwelling. This would only be relevant if the plot was to be marketed and sold to a person who is included on the Council's Self-Build Register of persons seeking to acquire land to build a home (an approved person). In this case, the applicant already owns the plot and wishes to construct and occupy the property himself. That being the case, no weight can reasonably be given to the draft Section 106 Undertaking.

In addition, officers note that the undertaking provided covenants that the approved person intends to live in the residential dwelling for at least three years commencing on the date of first occupation and that the applicant has not proposed the inclusion of restrictive conditions limiting the occupation of the dwelling to those employed by the Thursford collection / Thursford Enterprise. Following the expiration of the initial three-year period as stated the dwelling could therefore be sold as an unrestricted open market dwelling.

In any event, whether or not regard is to be had to the Section 106 Undertaking, existing planning policies still apply when considering proposals for self-build projects as referred to in the relevant sections of this report.

8. Conclusion and Recommendation

The applicant's case for approval centres around the provision of a custom & self-build home and that such dwelling is necessary for the general manager for Thursford Enterprises and the Thursford Collection. Officers **do not** accept that a case has been made for approval.

The plot the subject of this application is located outside of the established growth locations identified in Policy SS 1 Spatial Strategy and is not in line with the adopted or emerging local plan spatial hierarchy and distribution of growth. Policy SS 2 lists the types of development that can be acceptable in principle in the countryside and the acceptable forms of development listed under Policy SS 2 does not include Custom and Self Build dwellings. The development would result in a dwelling in a poorly accessible and remote location which would result in a high reliance on the private car for most journeys and provide limited opportunities for future occupiers to access services and facilities by modes of sustainable transport.

Whilst the demand for a serviced self-build plot may be established by the Register, the proliferation of development in an unsustainable location and clear conflict with the Development Plan makes this location unsuitable for a new dwelling.

A recent appeal decision at Hempstead (Land to the rear of The Knoll, Chapel Lane, Hempstead for two detached self-build bungalows) was DISMISSED on 03 November 2023 which raised similar planning issues. A copy of that decision is attached at **Appendix A** of this report.

It has not been sufficiently demonstrated that the proposal is for a rural worker in connection with an established rural enterprise, that there is an essential need for a worker to be readily available at most times to ensure the proper functioning of the business nor has a case been made that the functional need could not be met by another existing dwelling in the immediate vicinity. In the absence of this justification, the proposal would be contrary to Core Strategy Policy HO 5 of the National Planning Policy Framework and Paragraph 80 of the National Planning Policy Framework.

In relation to the assessment against paragraph 11 (d) of the National Planning Policy Framework, in the light of the Council's lack of a 5-year housing land supply, the application has been assessed against the overarching social, economic and environmental objectives of achieving sustainable development. The social and economic benefits of a single dwelling would be limited owing to the lack of services and facilities within the immediate vicinity of the site, or nearby villages. It is therefore considered that the adverse impacts of approving this development would significantly and demonstrably outweigh the benefits which would in this case be limited.

It is considered that there are no material planning considerations submitted by the applicant which would outweigh the conflict with Development Plan Policies. As such, the proposal is considered to be contrary to Policies SS 1, SS 2, HO 5 of the adopted North Norfolk Core Strategy and paragraph 80 of the National Planning Policy Framework.

Therefore, refusal of the application is recommended for the following reasons:

RECOMMENDATION:

REFUSAL on the following grounds:

The site lies within the countryside. The acceptable forms of development listed under Policy SS 2 does not include Custom and self-build dwellings. Whilst the demand for a serviced self-build plot may be established by the Register, the proliferation of development in a poorly accessible and remote location which would result in a high reliance on the private car for most journeys and provide limited opportunities for future occupiers to access services and facilities by modes of sustainable transport makes this location unsuitable for a new dwelling. The proposal would therefore be contrary to Policies SS 1 and SS 2 of the North Norfolk Core Strategy.

Insufficient information has been provided to demonstrate that the proposal is for a rural worker in connection with an established rural enterprise, that there is an essential need which requires a manager to be readily available at most times to ensure the proper functioning of the business. nor has a case been made that the functional need could not be met by another existing dwelling in the immediate vicinity. In the absence of this justification, the proposal would be contrary to Core Strategy Policy HO 5 of the National Planning Policy Framework and Paragraph 80 of the National Planning Policy Framework.

It is considered that there are no material planning considerations submitted by the applicant which would outweigh the conflict with Development Plan Policies. As such, the proposal is considered to be contrary to Policies SS 1, SS 2, HO 5 of the adopted North Norfolk Core Strategy and paragraph 80 of the National Planning Policy Framework.



Appeal Decision

Site visit made on 12 September 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2023

Appeal Ref: APP/Y2620/W/23/3317906

Land to the rear of The Knoll, Chapel Lane, Hempstead NR25 6TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant part outline and part full planning permission.
 - The appeal is made by Ms Trudi Seaman against the decision of North Norfolk District Council.
 - The application Ref PO/22/1673, dated 11 July 2022, was refused by notice dated 20 January 2023.
 - The development proposed as described on the application form is two detached self-build bungalows. One for applicant's family. Half of the site to be gifted to the village hall to be used as a car park for the village hall.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The confirmed name of the appellant is set out in the banner heading above.
3. The post code given on the appeal form does not appear to relate to The Knoll. Although the whole of the appeal site does not appear to fall directly into any specific post code area, the one used above relates to the surrounding dwellings also served by The Knoll.
4. The application was originally submitted in outline form, with means of access, appearance, landscaping, layout, and scale, reserved for subsequent approval. However, this was subsequently amended as outline planning permission cannot be granted for a change of use. Accordingly, on the Council's decision notice and on the appeal form, the proposal is described as *"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)."*
5. I have therefore dealt with the appeal on this basis, although I noted when visiting the site that the stables referred to in the description have already been demolished.
6. Notwithstanding the fact that the application description was amended to full planning permission for the change of use of land to car park, all of the plans are labelled indicative, and fail to identify the separate areas for which outline and full planning permission are sought. The indicative plans show that approximately half of the site is proposed to be used as car parking to the adjacent village hall and that the remaining half would accommodate two self-build plots. In the absence of any other drawings, I have dealt with the appeal on the basis that the area identified as car parking on the indicative site/block

plan is the area for which change of use is sought and that outline planning permission is sought on the area labelled as plots 1 and 2.

7. At the time of submitting the appeal, the appellant advised that an alternative outline planning application, with the car parking element omitted, was being submitted to the Council. That application is now the subject of a separate appeal and will be the subject of a separate decision. The appellant requested that plan be considered as part of this appeal. However, although amended plans can be accepted in some instances, in this case the change between the original and amended proposals would be so substantial that I judged it more appropriate to determine the appeal based upon the same plans on which the Council made its decision.
8. The decision notice refers to a revised Policy HO9 of the North Norfolk Core Strategy (2011). This policy relates to dwellings created through the conversion of existing buildings, the removal of holiday use restrictions and the reuse of listed buildings. As such it is not relevant to the appeal proposal.

Main Issues

9. The main issues are:-
 - i) whether the site would be a suitable location for dwellings having regard to national and local planning policies;
 - ii) the effect of the development on highway safety;
 - iii) the effect of the proposed car park on the living conditions of occupiers of adjacent dwellings with regard to noise and disturbance; and
 - iv) the effect of the development on existing trees, protected species and on European designated habitat sites.

Reasons

Location

10. The spatial strategy set out in Policy SS 1 of the North Norfolk Local Development Framework Core Strategy (September 2008) (the CS) states that the majority of new development will take place in towns and larger villages, with a small amount of new development being permitted in designated service villages and coastal service villages to support rural sustainability. Hempstead does not fall within any of these categories and as such is defined as countryside for planning purposes. Policy SS 2 limits development in the countryside to that which requires a rural location or falls within a limited list of exceptions. Self-build dwellings do not fall within any of the listed exceptions and there is no evidence before me to suggest that the proposed dwellings would fall within the definition of affordable housing. Policy SS 4 of the CS requires, amongst other things, that all development proposals contribute to the delivery of sustainable development and are located so as to reduce carbon emissions and to mitigate and adapt to future climate change. These policies are broadly consistent with the National Planning Policy Framework (the Framework).
11. Hempstead is a small village settlement that has a Church, a village hall and a children's play area. There are no shops or other facilities, and I am advised that bus services are limited to a school bus and a once per week return

service to the nearest principal settlement of Holt. The centre of Holt is approximately 2.4 miles from the site, which is a 7 minute drive or a 12 minute cycle ride along narrow unlit country roads with no footpaths and which are, for much of the way, isolated and subject to the national speed limit.

12. Given the lack of services within the village, the extremely limited public transport availability and the unattractive walking and cycling route to the nearest large settlement, it is inevitable that future occupiers of the proposed new dwellings would be heavily reliant upon private cars to access services and facilities and to meet their day to day needs. Whilst car journeys to Holt would be relatively short, they are also likely to be frequent. It is also likely that regular car trips would be made to the larger settlements of Sheringham and Cromer, which are approximately 20 minutes drive away and are where the nearest train stations and larger supermarkets are located.
13. I therefore conclude that the site is not a suitable location for new dwellings having regard to the spatial strategy and access to services and facilities. As such, the proposal would not accord with Policies SS 1, SS 2 and SS 4 of the CS, which seek to direct new residential development to sustainable locations.

Highway safety

14. Access to the site is via an existing unadopted private road off Chapel Lane, known as The Knoll. This private road currently provides access, parking and turning to the rear of 8 dwellings, in addition to providing access to the appeal site, which is currently vacant but was previously occupied by stables and a smallholding. The initial section of the access road has a tarmac surface. However, to the rear of the existing dwellings and to the front of the appeal site, it comprises a loose, crushed stone surface.
15. Visibility for drivers of vehicles exiting The Knoll, onto Chapel Lane, is significantly restricted to the west by the raised grass embankment. Whilst I acknowledge that Chapel Lane is subject to a 30mph speed limit and is a very lightly trafficked rural road with no accident records, the risk of conflict between vehicles, cyclists and pedestrians is further increased by the limited road width of only 2.8 metres, the lack of passing places and the absence of a footway or even a low level verge for pedestrians to step onto when walking along the narrow unlit road, which is bound by a high hedge on one side and a raised embankment on the other.
16. Whilst it is reasonable to assume that there would have been some traffic movement associated with the previous use of the site, I am advised that the stables were restricted, by a condition of a previous planning permission, to personal use only.
17. Although the traffic generated by two bungalows would make a negligible difference to the existing and previous use of the access road, based upon the indicative layout plan before me, the area of land proposed to be changed to car parking for the village hall, could easily accommodate spaces for up to 23 cars. This potential level of use would significantly increase vehicle movements on both The Knoll and Chapel Lane, which would in my view be detrimental to highway safety.
18. At the time of my visit there were cars parked on the grass verges in front of the village hall and on the corner of Chapel Lane and The Street. However, I

have not been provided with any evidence that the existing lack of parking for the village hall is causing any particular problems or complaints. I also note the comments from the Village Hall Committee that state they have no need for or intention of providing such a large parking area.

19. Whilst I recognise that there may well be some benefits from the proposal to gift part of the appeal site to the village hall to enable the provision of parking to the rear of it, this must be balanced against the harm that would result from the increased use of a substandard access with restricted visibility. Moreover, this proposal is not supported by any adopted policy or supplementary planning document. Nor is there a mechanism before me to secure the delivery of such a benefit or to demonstrate the tests for planning conditions or obligations would be met. As such I afford the suggested parking benefit very limited weight.
20. I therefore conclude that the combined increase in traffic generated by the proposed dwellings and car park would be detrimental to highway safety and contrary to Policy CT 5 of the CS. This policy requires amongst other things that proposals are capable of being served by safe access to the highway network and that the expected nature and volume of traffic generated by proposals can be accommodated by the existing road network, without detriment to highway safety.

Living conditions

21. The proposed car park would be in close proximity to the existing and proposed dwellings surrounding it. The indicative layout submitted shows that the car park could accommodate up to 23 spaces, leaving limited space for landscaping surrounding it, particularly along the northern and eastern boundaries. Based upon the potential number of vehicles, the proposed car park could generate an unacceptable level of noise and disturbance to occupiers of the existing and proposed dwellings due to cars coming and going over the unsurfaced loose stone access, car doors slamming, headlights shining, car park lighting and people leaving and returning to cars at various times of day and night, including at weekends. As one of the reasons put forward in support of the car park is to improve safety for users of the village hall on an evening, who currently have to park and walk along unlit roads, it is reasonable to expect that the car park would be lit.
22. There is no evidence before me to suggest that the previous use of the land caused any particular disturbance to adjacent residents or to suggest that the former use is likely to re-commence in the future, given that all of the former buildings have been cleared from the site.
23. Moreover, the hire of the village hall for larger events requiring car parking for people travelling from outside of the village, would be likely to be on evenings and weekends. The effects of a large busy car park on evenings and weekends, on the residential amenity of local residents, is likely to be very different to that of a small holding and stables in terms of noise and disturbance associated with vehicle movements and people coming and going.
24. I therefore conclude that based upon the indicative drawings and limited information available, it is likely that a village hall car park would result in undue noise and disturbance to occupiers of existing and proposed surrounding dwellings. This would be contrary to Policies EN 4 and EN 13 of the CS, which

seek amongst other things to protect the living conditions of nearby residents and to minimise light and noise pollution.

Trees, protected species and European designated habitat sites

25. There are no landscaping features within the site that would be affected by the proposals. I have not been advised that there are any protected trees within the vicinity of the site. There are no existing buildings or ponds on the site and my attention has not been drawn to any nearby ponds. There is no evidence before me to suggest that there is any likelihood of any protected species being present on the site or in the immediate area that would potentially be affected by the development.
26. Layout and landscaping matters, in respect of the proposed dwellings, are reserved for subsequent approval. At the reserved matters stage the Council would be able to ensure that no buildings are located within the root protection areas of any trees or hedges on neighbouring third-party land.
27. The car parking area is shown to be inset from the hedges on the southern and western boundaries of the site. Conditions could be imposed to retain any important boundary trees or hedges and to protect them during the construction phase. Landscaping of the proposed car park could also be secured by conditions.
28. The site is located within the Zone of Influence for multiple designated habitat sites including the Norfolk Valley Fens, the North Norfolk Coast and the Wash & North Norfolk Coast Special Areas of Conservation, the North Norfolk Coast and The Wash RAMSAR sites, and the North Norfolk Coast and the Wash Special Protection Areas. The proposal, in combination with other development, has the potential to affect these European protected sites due to an increase in recreational disturbance.
29. I am advised that the Council has recently agreed a Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy (GIRAMS), which aims to deliver the strategic mitigation necessary to avoid likely significant effects on the protected habitat sites from new residential and tourism growth.
30. The appellant has made a GIRAMS contribution to the Council to mitigate the recreational impacts of the proposed development on local designated habitat sites. Since that payment was made, it appears that the GIRAMS rate has been slightly increased. The Council is satisfied that subject to securing the appropriate GIRAMS financial contribution, the proposal would not have an adverse effect on the integrity of the designated sites. Had my conclusions on the other main issues been different, I would have sought more information on this point. However, as I am dismissing the appeal on other matters, there is no need for me to undertake an appropriate assessment in accordance with the Habitat Regulations or to consider this matter further.
31. I therefore conclude that the proposal would not be detrimental to existing trees or protected species within or adjoining the site, and that subject to the above, the proposals would not have an unacceptable effect on designated habitat sites. Consequently, there would be no significant conflict with Policy EN 9 of the CS, which seeks to protect nature conservation interests.

Other Matters

32. My attention has been drawn to an appeal in which residential use was considered acceptable in the countryside. However, that site was in a location served by a good range of services and facilities that could be safely accessed by means other than car. As such it is not comparable to the scheme before me.
33. I have also been referred to a planning permission and an appeal decision that were subject to highway concerns. These decisions related to a single dwelling and to the variation of a condition relating to an equestrian development. As these decisions relate to different proposals in different locations, they do not lead me to any different conclusions in respect of this appeal.
34. My attention has been drawn to house prices and rents in North Norfolk. Reference is also made to the Council's Strategic Housing Market Assessment (SHMAA) which identifies a preponderance of larger detached dwellings and a shortage of smaller starter homes, affordable housing, and a need for homes suitable for the elderly and infirm. Based upon the evidence before me the proposed detached bungalows would not meet any of these identified needs.
35. Hempstead Conservation Area (CA) lies to the west and partially to the north of the appeal site, which comprises a parcel of land that was in part previously occupied by stables. The site is surrounded by buildings and gardens and forms an integral part of the settlement. I see no reason why a suitable design and layout could not be achieved at reserved matters stage to ensure no harm to the character or appearance of the CA or the surroundings in which it is experienced.
36. Given the small scale of the site and its previous mix of equine and agricultural use, any nitrate reduction benefit resulting from the proposal would be minimal.

Planning Balance and Conclusion

37. The Council cannot demonstrate a five-year supply of deliverable housing land for the purposes of this appeal.
38. I have found conflict with the spatial strategy, and that future occupiers of the proposed bungalows would be heavily reliant upon private vehicle use to access services and facilities. The combined proposal has the potential to result in a significant increase in traffic using an access with restricted visibility, which would be detrimental to highway safety. The proposal also has the potential to result in noise and disturbance to existing and future residents of dwellings surrounding the proposed car park. I afford these adverse effects significant weight.
39. I am aware of the Government support for self-build plots, and I note that the appellant has registered her interest in acquiring such a plot with the Council. I have not been provided with clear evidence of demand for any other self-build plots in this location or with evidence that the Council is failing to meet its duties under the Self Build and Custom Housebuilding Act 2015. Nor has my attention been drawn to any policy or guidance that suggests that self-build dwellings should be permitted contrary to, or as an exception to, other development plan policies that direct new residential development to suitable locations. As such I afford this little weight.

40. The proposal would, in part, be on previously developed land and its re-development could potentially improve its appearance and make more efficient use of it, by providing off-road parking space for users of the village hall and by contributing to the supply of new housing, which would form part of a small existing community. I afford these benefits modest weight.
41. However, the adverse effects of the proposed development would significantly and demonstrably outweigh the modest benefits, when assessed against the policies in the Framework taken as a whole.
42. I therefore conclude that the proposal would conflict with the development plan and that there are insufficient material considerations, including the provisions of the Framework, to indicate that a decision should be made other than in accordance with the development plan. Accordingly, the appeal is dismissed.

R Bartlett

INSPECTOR

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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: 30th August 2022

Extension of time: 08th December 2023

Case Officer: Mr Colin Reuben

Full Planning Permission

THE APPLICATION

The site is positioned within the centre of Weybourne in a residential area with properties on all sides. The proposal seeks demolition of existing single-storey rear extension and erection of two-storey rear extension with internal alterations.

BACKGROUND

This application was brought to the 09 November 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 30 November 2023.

Since the Development Committee report prepared for members at the 09 November meeting, there have been no material changes in site circumstances nor any new material planning considerations to consider. The November 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 (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

APPENDIX A:

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: 30th August 2022

Extension of time: 17th 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:

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

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SALTHOUSE – PF/23/1695 – Part two, part-single-storey rear extension and internal alterations and external remodelling following demolition of existing two-storey rear extension and porch, associated internal and external alterations including structural alterations and new and replacement windows. Single-storey rear extension, recladding and roofing and internal alterations to the existing annex, The Orchard House, Coast Road, Salthouse, Holt, NR25 7XG

Minor Development

Target Date: 07.12.2023

Case Officer: Bruno Fraga da Costa

Householder Application

RELEVANT SITE CONSTRAINTS

Within the Countryside as designated within the North Norfolk Core Strategy

Within the Rolling Heath and Arable Landscape Character Area as designated within the North Norfolk Landscape Character Assessment

Within the Norfolk Coast Area of Outstanding Natural Beauty (AONB)

Within the Undeveloped Coast as designated within the North Norfolk Core Strategy

Within Salthouse Conservation Area

Within Flood Zones 2 and 3(a) as designated by the Environment Agency

RELEVANT PLANNING HISTORY

PF/14/0095

Retention of summerhouse

Approved 07.03.2014

PF/03/0308

Conversion and extension of garage to form annexe

Approved 22.04.2003

HR/80/0584

Adaptation and extension of existing outbuildings to form new bungalow with detached garage or residential use

Approved 23.05.1980

THE APPLICATION

The application site is situated off Coast Road, Salthouse. The dwelling is set back from the road and is set between two properties located to the east and west..

The proposal comprises of single and two storey extensions and internal and external alterations to the existing dwelling and annex.

REASONS FOR REFERRAL TO COMMITTEE

The application has been referred to the Development Committee at the request of Councillor Victoria Holliday for the following reasons:

- The proposed development would not conform with the adopted North Norfolk Core Strategy and North Norfolk Design Guide and would result in amenity issues for neighbours. Therefore, the application would not comply with Policies EN 1, EN 2, EN 4

and HO 8 of the Core Strategy and Policies ENV 1, ENV 2, ENV 6, and HOU 6 of the emerging North Norfolk Local Plan.

CONSULTATIONS

Salthouse Parish Council - No Objection

North Norfolk District Council Conservation and Design - Supports the application

North Norfolk District Council Landscape - No objection subject to conditions

North Norfolk District Council Environmental Health - No objection

Norfolk County Council Highways Authority - No Objection

REPRESENTATIONS

Public consultation of the application took place for a period of 21 days between 25.08.2023 and 15.09.2023. Two letters of **objection** and one letter of **support** have been received as summarised below:

Objections:

- The size of development at Orchard House would not comply with Policy HO 8.
- Inappropriate extensive use of glass, i.e., dormer window, windows and rooflights, would impact on the Salthouse Conservation Area, Norfolk Coast Area of Outstanding Natural Beauty, Dark Skies policy, Undeveloped Coast, and Landscape Character of the Area, which is contrary to Policies EN 1, EN 2, EN 3 and paragraphs 174 and 176 of the National Planning Policy Framework.
- Neighbouring amenity impacts, due to light emission, loss of light and privacy, which is contrary to Policy EN 4 and paragraphs 3.3 and 3.6 of the Design Guide.
- Light spill would give rise to heritage concerns under Policy EN 8.
- The proposal would undermine the rural character of the village. Historical houses have small windows as a way to reduce heat loss, and form part of the character of North Norfolk. Large windows would erode the character of the village of Salthouse.

Support:

- The existing house has little architectural merit. The proposal has visual interest which would improve the street scene.

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 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 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 and Geology
Policy EN 10: Development and Flood Risk
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 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 Documents

EMERGING NORTH NORFOLK LOCAL PLAN 2016-2036

Paragraph 48 of the National Planning Policy Framework (NPPF) sets out that Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The Emerging North Norfolk Local Plan 2016-2036 is at Regulation 22. At present, it has been submitted to the Planning Inspector to determine whether the plan is 'sound' and 'legally compliant.' At present, Officers are applying limited weight to the policies contained within the Emerging North Norfolk Local Plan. The North Norfolk Core Strategy is still the relevant development plan document that planning decisions are assessed and determined against.

Norfolk Coast Area of Outstanding Natural Beauty (AONB) Management Plan 2019-2024 (Revised 2022)

OFFICER ASSESSMENT

MAIN ISSUES FOR CONSIDERATION

- 1. Principle**
- 2. Landscape**
- 3. Design**
- 4. Amenity**
- 5. Energy Efficiency**
- 6. Heritage**
- 7. Biodiversity**
- 8. Flood Risk**
- 9. Highways**
- 10. Other Matters**
- 11. Planning Balance/Conclusion**

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

Policy SS 1 sets out that most of the new development in North Norfolk will take place in the towns and larger villages as defined as Principal and Secondary Settlements and a small amount of new development will be focused on designated Service and Coastal Service Villages. The rest of North Norfolk, including all settlements that do not fall under the above criteria, will be designated as Countryside. Policy SS 2 limits development in areas designated as Countryside to that, which requires a rural location and complies with its list of uses. Relevant to the proposed development is the extension and replacement of dwellings.

The site is situated in Salthouse, which is an area designated as Countryside under Policies SS 1 and SS 2. The proposal comprises of extensions and alterations to the existing dwelling and annexe. Such uses fall under the category of extension and replacement of dwellings, which is a type of development that is acceptable in principle in this location under Policy SS 2 subject to assessment against other relevant policies of the adopted North Norfolk Core Strategy.

Policy HO 8 of the Core Strategy states that proposals to extend or replace existing dwellings within the area designated as Countryside will be permitted provided that the proposal would not result in a disproportionately large increase in the height or scale of the original dwelling, would not materially increase the impact of the dwelling on the appearance of the surrounding countryside.

The proposed development would result in an increase in the height to the original dwelling by approximately 0.20 meters with an increase in footprint of 47sqm, which is tantamount to an increase of 43%. Moreover, the height of the proposed annex (in relation to its former use as a garage and subsequently as an annex) would not change and the existing and proposed footprint of the annex would increase by approximately 34sqm, which is tantamount to an increase of 113%. The alterations to the dwelling and annex in relation to those of the original dwelling and former garage would result in a cumulative increase of 81sqm or 58% in footprint. Furthermore, given that the level of accommodation of the annex is subordinate to the dwelling, and the proposed extensions relate to an existing building, this matter would not give rise to significant issues in relation to the application of Policy HO 8. On balance, it is considered that the proposed development would not result in a disproportionately large increase in the height or scale of the original dwelling.

The dwelling and annex are located 45 and 30 metres to the south of Coast Road. The scheme consists of redesigning the existing dwelling and annex by changing the elevations and extending the buildings. In addition, trees, hedgerows and a timber fence form the boundaries of the land where the buildings are located. Given the dwelling is set back from Coast Road and would only comprise of modest alterations, (with the most significant being the large window on the north elevation and the annexe is only subject to rear extensions and alterations to its elevations), it is considered that the form and scale of the buildings has already been established on the site and as such, would not significantly change. On that basis, it is considered that the proposal would not materially increase the impact of the dwelling on the appearance of the surrounding countryside.

For the reasons provided above, it is considered that the proposed development complies with Policies SS 1, SS 2 and HO 8 of the Core Strategy.

2. Landscape (Policies EN 1, EN 2, and EN 3)

Norfolk Coast Area of Outstanding Natural Beauty (AONB)

Policy EN 1 of the Core Strategy sets out that the impact of individual proposals, and their cumulative effect, on the Norfolk Coast AONB, The Broads and their settings, will be permitted where it is appropriate to the economic, social, and environmental well-being of the area or is desirable for the understanding and enjoyment of the area, does not detract from the special qualities of the Norfolk Coast AONB or The Broads, seek to facilitate delivery of the Norfolk Coast AONB management plan objectives, and should contribute positively and conserve and enhance these valued landscapes and their settings through appropriate siting, scale, massing, materials, and design. Policy PL1 of the Norfolk Coast AONB Management Plan 2019-2024 requires that Landscape Character Guidance is used for the AONB to secure the delivery of conservation objective across the area.

The Landscape Officer is of the opinion that, following the reduction in the size of the windows of the north elevations of the dwelling and annex and subsequent introduction of visible light transmission (VLT) glazing with approximate 50 to 65% effectiveness, there are no objections subject to the imposition of conditions to secure appropriate mitigation.

Notwithstanding the above proposed mitigation, the existing dwelling already has glazed rear dormer windows, a roof light on its roof slope, two rear windows on the south elevation in addition to a rear extension with glazing on the south and west elevations and two rooflights. Moreover, given the site terrain ascends further to the south, light spill would be mitigated by the existing topography of the site. On that basis Officers consider that, given the proposed increase of glazing on the rear elevation in comparison with that of the existing dwelling along

with the existing site conditions that further mitigation additional light spill, the proposal would not result in significant light spill on this dark skies area of the AONB.

For the reasons given above, it is considered the proposal would comply with Policy EN 1.

Protection and Enhancement of Landscape and Settlement Character

Policy EN 2 of the Core Strategy sets out that development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and North Norfolk Landscape Sensitivity Assessment supplementary documents and features identified in relevant settlement character studies. Development 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.

The site lies within the Rolling Heath and Arable Landscape Character Area. Forces for change/detractors of this landscape character area consist of the enlargement/improvement of dwellings, and replacement of hedged boundaries with fences, which can gentrify rural settlements/locations.

The site has several trees and hedges that should be protected. Therefore, an Arboricultural Impact Assessment (OMC Associates, 9 May 2023) and Arboricultural Method Statement (OMC Arboriculture, 30 August 2023), have been received by the Local Planning Authority on 7 August 2023 and 4 September 2023, respectively. Officers consider that, given the proposals are further away from Coast Road and the extensions and alterations to the dwelling and annex on the northern part of the site are modest in scale, the existing and proposed vegetation would screen the development from the wider landscape character area. Therefore, it is considered that subject to a planting condition that secures the implementation of a planting scheme, the proposal would retain the special qualities and local distinctiveness of the area.

The Landscape Officer considers that a tree works application TW/22/0700 included the removal of one tree (poplar) and reduction in the height of other trees, resulting in the built form being more prominent. The tree works application did include the requirement for two replacement trees to be planted, however this was not undertaken at the time. Following the submission of revised drawings under this application, the applicant has addressed the Landscape Officer concerns by proposing the planting of three trees and a mix of shrubs along the front garden. On that basis, the Landscape Officer did not raise any further concerns subject to conditions that secure the implementation of the planting scheme.

In light of the reasons given above, it is considered the proposed development would comply with Policy EN 2.

Undeveloped Coast

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

The Undeveloped Coast designation is designed to minimise the wider impact of general development, additional transport, and light pollution on the distinctive coastal character. The proposal requires a rural location as it relates to an existing site, and residential use of an existing dwelling. Given that the proposal comprises of modest extensions and alterations to existing buildings, it would not result in significantly detrimental impacts to the open coastal

character. Moreover, the use of VLT glazing on the north elevations of the dwelling and annex would address any concerns regarding light pollution.

For the reasons given above, it is considered that the proposal would comply with Policy EN 3.

3. Design (Policy EN 4)

Policy EN 4 sets out that all development will be designed to a high quality, reinforcing local distinctiveness. Development proposals, extensions and alterations to existing buildings and structures will be expected to have regard to the North Norfolk Design Guide; be suitably designed for the context within which they are set; and ensure that the scale and massing of buildings relate sympathetically to the surrounding area, amongst other things.

Officers consider that the works to Orchard House would result in design enhancement to the existing dwelling. Whilst the proposal would result in the addition of curved forms these would add visual interest and enhance the architectural appearance of the existing dwelling. The proposed flint façade, clay tiled roof and oxidised copper dormer, reveals and flashings would complete the modern design.

Officers consider that the extensions proposed for the annex would enhance its appearance as a functional building with an architectural form of visual interest that, in addition to the proposals for the Orchard House, would function well and add to the overall visual quality of the area. The proposed timber cladding and corrugated Corten roof would be compatible with the proposed dwelling and natural texture and colour tones of the countryside.

The Conservation and Design Officer considers that the proposed development would add interest and design quality to the host property. It is considered that subject to conditions that secure the prior agreement of the new rooftiles on the main dwelling and the boarding on the annexe, the Conservation and Design Officer supports the application.

Therefore, subject to the imposition of conditions, it is considered that the proposed development would comply with Policy EN 4.

4. Amenity (Policy EN 4)

Policy EN 4 of the Core Strategy sets out that 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.

Subchapter 3.3 of the Design Guide sets out that the position of dwellings, and the arrangement of their rooms and windows, should not create significant overlooking of other dwelling windows or private garden areas, nor should they lead to any overbearing impacts upon existing dwellings. Hence, designers should have regard to the recommended distances described in paragraph 3.3.10 of the Design Guide in the case of conventional single and two-storey dwellings (assuming a level site situation) to ensure a degree of privacy between adjacent properties.

Marsh Rise located to the east is a two and a half storey dwelling that lies 6.5 meters from Orchard House. The proposed north elevation dormer window of Orchard House lies 8.6 meters from Marsh Rise first floor bedroom window located on the west elevation. Given the proposed dormer window is offset further to the north and is separated by 8.6 meters from the

neighbouring west elevation, it is considered the proposed dormer window would not give rise to any overbearing or loss of light impacts on Marsh Rise first floor bedroom window.

The proposed rear elevation of the dwelling would comprise amongst other things a glazed stairwell with vertical fins. Officer's previous concerns over the potential for neighbouring amenity impacts due to the proposed glazing and direction of the fins has been partially addressed by directing the fins further to the south. It is considered that this has partially resolved amenity concerns, in particular, potential for overlooking of neighbouring rear garden areas. However, the proposed stairwell is for circulation purposes and, having regard to the existing dwelling arrangement at Orchard House, which has a balcony on the same rear elevation, Officers consider that the proposals would in fact result in reduced effects from overlooking of the amenity garden of Marsh Rise than that currently existing. Therefore, it is considered the proposal would not give rise to significant amenity concerns in this respect.

The first floor living spaces are set back from the glazed stairwell and roof sloped curved window, the latter is separated from the first floor living spaces by a void. The proposed single storey rear extension would comprise of similar areas of glazing and rooflights to those of the existing rear extension. Mature trees and hedges are located along the eastern boundary of the dwelling, which further screen any potential for light spill generated by the proposal. Therefore, in light of the above, it is considered that the proposed development would not result in light pollution that would be significantly detrimental to the residential amenity and garden of Marsh Rise.

Concerns have been raised that the proposal would also give rise to overlooking effects to the front amenity area of Marsh Rise. Officers consider that the front garden of Marsh Rise is in a prominent position within the street scene. In addition, the proposal would only introduce a dormer window which replaces an existing Velux balcony. In fact, the proposed dormer has a narrow and restricted directional view to the north. Equally, the proposed two storey glazed window is set back from the built line of the north elevation of Marsh Rise. For the reasons set out above it is considered both the dormer window and two storey glazed window would not give rise to significant amenity concerns.

Therefore, it is considered that the proposed development would not give rise to significantly detrimental effects on the residential amenity of nearby occupiers and complies with Policy EN 4.

5. Energy Efficiency (Policy EN 6)

Policy EN 6 states that new development will be required to demonstrate how it minimises resource consumption, minimises energy consumption, and how it is located and designed to withstand the longer term impacts of climate change. All developments are encouraged to incorporate on site renewable and/or decentralised renewable or low carbon energy sources.

It is noted that the proposal involves upgrading the current oil-based heating system to an air source heat pump with solar provision. In the first instance, the applicant has considered insulating the fabric of the building, i.e., existing walls, roof, and floor to minimise operational energy. Secondly, two Air Source Heat Pumps would be installed on the south elevation of the Apple House. The system proposed is a Daikin Altherma 3 Low & High Capacity Monobloc (4-16) (R32) with a sound level of circa 62dBA.

The Environmental Health Officer has considered that the sound level of the air source heat pumps is acceptable and does not raise an objection.

Therefore, it is considered that the proposed development would comply with Policy EN 6.

6. Heritage (Policy EN 8)

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

It should be noted that the strict 'no harm permissible' clause in Policy EN 8 is not in full conformity with the guidance contained in the latest version of the NPPF (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.

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

The site is situated within the designated Salthouse Conservation Area which is an area of special architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance as defined by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Conservation and Design Officer considers that the proposed development would add interest and design quality to the existing dwelling and would enhance the overall significance of the Salthouse Conservation Area, and therefore has supported the application.

In light of the above, it is considered the proposal would comply with Policy EN 8 and paragraph 206 of the NPPF.

7. Biodiversity (Policy EN 9)

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

An Ecological Impact Assessment produced by Glaven Ecology, dated June 2023 has been received by the Local Planning Authority on 07 August 2023. The report concluded that no impacts on designated sites are envisaged given the scale of the works. The house has low suitability to support roosting bats and the annexe has negligible suitability for bats, with minimal roosting opportunities noted. No bats were seen to emerge from the house during the emergence survey and bat activity across the site was low. Nesting birds were observed within vegetation on the southern aspect of the house. The pond on site was subjected to eDNA analysis which was returned as negative for great crested newt presence. The Landscape Officer has raised no objection to the proposals subject to conditions.

It is therefore considered that subject to mitigation, which would be secured through planning conditions, the proposed development would not give rise to significant ecological concerns and would comply with Policy EN 9.

8. Flood Risk (Policy EN 10)

Policy EN 10 sets out that new development in Flood Risk Zones 2 and 3a will be restricted to minor development, amongst other relevant uses.

Given the northern part of the site is situated in Flood Zones 2 and 3a a brief summary of a Flood Risk Assessment has been integrated in the Design and Access Statement, received by the Local Planning Authority on 6 November 2023.

The applicant has stated in the Flood Risk Assessment that the floor levels of the extensions would be no lower than existing floor levels and given that the dwelling and proposed extensions lie in Flood Zone 1, it is considered the proposal would not increase the vulnerability of its occupants. Officers consider the applicant's position acceptable in this respect.

Mitigation measures are being put in place, which comprise of making sure the floor levels are either no lower than existing floor levels or 300 millimetres above the estimated floor level, and use flood resistant materials up to at least 300mm above the estimated flood level.

In light of the above, it is considered the proposed development would not give rise to significant flood risk concerns and complies with Policy EN 10.

9. Highways (Policies CT 5 and CT 6)

Policy CT 5 sets out that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its location.

The proposal would not comprise of any alterations to the existing forms of access to the highway.

Norfolk County Council Highways Authority considers that the proposal would not affect the current traffic patterns or the free flow of traffic. Therefore, it does not wish to resist the grant of consent.

Policy CT 6 sets out that adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with the Council's parking standards, including provision for parking for people with disabilities.

In accordance with the Council's parking standards, the proposed development should provide a minimum of three and maximum of four car parking spaces. The existing ample parking areas near both the road and the dwelling can easily accommodate a minimum of three cars.

It is considered that for the reasons provided above, the proposed development would not give rise to significant highway concerns. Therefore, it complies with Policies CT 5 and CT 6.

10. Other Matters

Pre-commencement conditions

The recommendation proposes pre-commencement planning conditions therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such a

condition. Notice was served on the 17 November 2023 and agreed in writing by the applicant on the 17 November 2023.

11. Planning Balance/Conclusion

The principle of the proposal is acceptable and complies with relevant development plan policies considerations. Approval of the application is recommended subject to conditions and informative notes.

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

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

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

Reason:

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

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

- Drawing no. 001, Location Plan, dated 7 August 2023
- Drawing no. 002, Site Plan as Existing, dated 7 August 2023
- Drawing no. 020, Revision C, Existing and Proposed Elevations, received 27 October 2023
- Drawing no. 020, Revision C, Existing and Proposed Elevations (Rendered), received 7 November 2023
- Drawing no. 021, Revision A, Existing and Proposed Elevations, dated 11 August 2023
- Drawing no. 021, Revision A, Existing and Proposed Elevations (Rendered), dated 11 August 2023
- Drawing no. 022, Revision A, Existing and Proposed Elevations, dated 11 August 2023
- Drawing no. 022, Revision A, Existing and Proposed Elevations (Rendered), dated 11 August 2023
- Drawing no. 023, Revision A, Existing and Proposed Elevations, dated 11 August 2023
- Drawing no. 023, Revision A, Existing and Proposed Elevations (Rendered), dated 11 August 2023
- Drawing no. 024, Revision C, Existing and Proposed Elevations, received 27 October 2023
- Drawing no. 024, Revision C, Existing and Proposed Elevations (Rendered), received 27 October 2023
- Drawing no. 025, Existing Sections, dated 7 August 2023

- Drawing no. 026, Revision A, Proposed Sections, received 6 November 2023
- Drawing no. 027, Revision A, Proposed Sections, received 6 November 2023
- Drawing no. 028, Revision A, Proposed Sections, received 6 November 2023
- Drawing no. 029, Revision A, Proposed Sections, received 6 November 2023
- Drawing no. 030, Revision C, Site Plan and Apple House, received 27 October 2023
- Drawing no. 031, Revision C, Site Plan and Apple House with Downtakings, received 27 October 2023
- Drawing no. 032, Revision B, Plans as Proposed, received 27 October 2023
- Drawing no. 032, Revision B, Plans as Proposed with Downtakings, received 27 October 2023
- Drawing no. 033, Roof Plans as Proposed, received 6 November 2023

Reason:

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

3. Before their first use on site details of all external materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application.

Reason:

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

4. 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 scale 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 vehicle and pedestrian areas
- 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:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policies EN 1 and EN 2 of the adopted North Norfolk Core Strategy.

5. The landscaping works shall be carried out in accordance with the approved details and implementation programme before any part of the development is brought into use in accordance with the agreed implementation programme.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policies EN 1 and EN 2 of the adopted North Norfolk Core Strategy.

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:

In the interests of the visual amenities/residential amenities of the area and to avoid light pollution in accordance with Policies EN 1, EN 2 and EN 9 of the adopted North Norfolk Core Strategy.

7. Development including any demolition and site clearance or preparatory work, shall not commence until the scheme for the protection of the retained trees and hedges has been implemented in full accordance with the approved Arboricultural Impact Assessment (OMC Associates, 9 May 2023) and Arboricultural Method Statement (OMC Arboriculture, 30 August 2023), received on 7 August 2023 and 4 September 2023, respectively.

The protection measures shall be retained and maintained during the period of construction works/building operations on the site.

Within the fenced area(s) the following shall not occur:

- i) no soil, fuel, chemicals or materials shall be stored, or
- ii) temporary buildings erected, or
- iii) plant or vehicles parked, or
- iv) fires lit, or
- v) cement or other contaminating materials or substances mixed, or
- vi) no equipment, machinery or structures shall be attached to or supported by a retained tree, or
- vii) no alterations to ground levels or excavations made

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

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

Reason:

To protect 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.

8. The development hereby approved shall be carried out in strict accordance with the mitigation and enhancement measures outlined in the Ecological Impact Assessment (Glaven Ecology, June 2023), dated 7 August 2023. The mitigation and enhancement measures shall include the provision of:
- a) Two integrated bat boxes to be installed on the new extension, on the western and eastern aspects
 - b) One bat box to be installed on a suitable tree within the garden
 - c) Installation of one integral swift box style bird nest box/brick into the extension
 - d) Installation of two bird boxes around the garden boundaries

The specific details of all of the required mitigation and enhancement measures aforementioned, including dimensions, location and construction methodology together with a scaled plan or drawing illustrating the requirements, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The mitigation and enhancement measures shall be carried out prior to first use of the development hereby approved and thereafter retained in a suitable condition to serve the intended purpose.

Reason:

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

9. 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 alteration to the dwelling and annex (including the insertion of any further windows or rooflights) shall be undertaken and no building, structure or means of enclosure within the curtilage of the dwelling shall be erected.

Reason:

In the interests of the visual amenities of the area and to ensure a satisfactory relationship with neighbouring dwellings, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy, as amplified by paragraphs 3.3.9 to 3.3.11 of the Design Guide.

10. The detached annex building shall not be occupied as living accommodation except by a dependent relative (or other member of the household) of the occupants of the dwelling known as the Orchard House. Except insofar as the building is so used as living accommodation, the building shall not be used other than for purposes ancillary to the use of the Orchard House as a dwellinghouse.

Reason:

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

11. No use of the development hereby approved shall take place until details of the Visible Light Transmission (VLT) glass indicated on the dwelling and annex proposed plans and elevations have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the manufacturer specifications of the glass (target VLT).

The development shall not be occupied until such time as glazing has been installed in accordance with the approved details. Such glazing shall be retained thereafter in accordance with the approved details.

Reason:

To ensure that the development minimises light pollution and the potential impact on biodiversity in accordance with Chapters 12 and 15 of the National Planning Policy Framework and Policies EN 1, EN 2, EN 4 and EN 9 of the adopted North Norfolk Core Strategy.

NOTES TO APPLICANT

1. The applicant/developer is advised that the lighting details referred to in the conditions should comply with the Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution and the relevant CIBSE and CIE publications to which it refers. For further guidance the applicant/developer is advised to contact the District Council's Environmental Protection Team (telephone 01263 516085).
2. The applicant/agent is advised that any removal of asbestos from the site should be in accordance with the Control of Asbestos Regulations 2006, under which the applicant/agent has a duty of care. Holders of this duty must prevent escape of the waste whilst it is under their control. For further help and advice in respect of asbestos removal the applicant/agent is advised to contact the Health and Safety Executive (HSE) on 0845 345 0055 (www.hse.gov.uk/asbestos/).
3. In addition any waste materials should be disposed of in the correct manner. The applicant is advised to contact the Environment Agency at Cobham Road, Ipswich, IP3 9JE which is the Waste Regulatory Authority. Further information can be found at:

<http://www.hse.gov.uk/asbestos/essentials/building.htm>
<http://www.hse.gov.uk/asbestos/>
<http://www.hse.gov.uk/asbestos/basics.htm>
<http://www.hse.gov.uk/asbestos/essentials/>
4. 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).

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TRUNCH – PF/23/0613: Construction of two-bedroom detached dwelling, cartshed garage and associated works at The Roost, Mundesley Road, Trunch for Mr and Mrs Jeliff

Minor Development

Target Date: 7 December 2023

Extension of Time: 15 December 2023

Case Officer: Rob Arguile

Full Application

RELEVANT CONSTRAINTS

Countryside LDF

Landscape Character Assessment (Tributary Farmland)

Conservation Area

EA Risk Surface Water Flooding + CC – SFRA

Within the Zone of Influence of multiple habitats sites for the purposes of the Norfolk GIRAMS

RELEVANT PLANNING HISTORY

None.

THE APPLICATION

The application seeks planning permission for a two-storey side dwelling, a cartshed garage and associated works.

REASONS FOR REFERRAL TO COMMITTEE:

At the request of the Assistant Director – Planning, due to the strategic policy considerations and previous planning decisions within Trunch

CONSULTATIONS

Trunch Parish Council - Objection

- It is designated countryside, and the proposed plan would not meet any of the exceptions stated in Core Strategy policy SS 2.
- It would overlook the cottages next door
- Not in keeping with the existing properties, which are either farmhouses, barns or cottages which have been converted from the original buildings and not new build.
- Concerns about highway access

NNDC Landscape Officer - No Objection

With regards to protected species, advise that the findings of the Preliminary Ecological Appraisal (PEA) submitted in support of the application are acceptable, as are the mitigation and compensation measures proposed.

With regards to trees, the supporting Arboricultural Impact Assessment, Tree Protection Plan and Method Statement are considered to be acceptable. Whilst the proposed development would require the removal of one young copper beech tree (T24), the indicative landscape scheme proposed would enhance biodiversity and landscape features.

Highways Authority (NCC) - No Objection

Whilst it is acknowledged that a widened access and over a longer distance would be preferable, given the fact the access already exists, coupled with the relatively low speed/low traffic environment, it is accepted that if this cannot be provided, an objection to the proposals could not be substantiated.

Conservation and Design - No Objection

With its open grassland, the existing site not only has a relatively unspoilt appearance, but it helps to create a comfortable transition out of the built envelope into the wider landscape. Although by no means plain and unsightly, the proposed dwelling does not appear to be a particularly noteworthy composition. Nor is it obviously rich in visual interest and innovation. It therefore seems unlikely to lift the standards of architecture locally. Beyond this, however, it is considered rather less clear cut as to whether the proposals would actually result in real and demonstrable harm being caused to the heritage asset. This is primarily due to the withdrawn, back land nature of the site, and the fact that the development would be largely self-contained rather than visible from public vantage points. Also, however, this part of the village already comprises an informal, loose knit arrangement of buildings which are set within their own grounds, and which extend back from Mundesley Road to varying degrees. The development therefore basically reflects this established form and character.

The proposed dwelling would not unduly step outside the confines of the built envelope or, block any important views into and out from the designated area, and would not affect the setting of any of the listed buildings along Mundesley Road, and be built using compatible materials

Furthermore, it is considered that the site is large enough to accommodate an appropriately designed dwelling whilst also preserving the overall significance of the designated heritage asset and the transition out into the wider landscape. Therefore, it is considered that this application is not contrary to section 16 of the NPPF or to Policy EN8 of the LDF Core Strategy.

Environmental Health - No Objection

REPRESENTATIONS:

Eleven representations has been received **objecting** on the following grounds:

- Not in keeping with the AONB or Conservation Area
- Would extend the footprint of the village
- Change of countryside land to building land, not comparable to converting an existing farm building
- Potential to adverse impacts upon trees and wildlife

- Significantly detrimental impact on the spatial character, architectural characteristics and integrity of the conservation area and the AONB
- Limited access along the track, leading to intensification and further damage
- likely to generate additional traffic, noise, and air pollution, which will impact negatively on the health and wellbeing of those living nearby
- Site is within the 'Countryside' as identified by Core Strategy Policies SS 1 and SS 2
- Lack of facilities within Trunch, following closure of shop, closest bus stop being a third of a mile away and reliance of the occupier on private car
- Potential to set a precedent for development of other agricultural land
- Two bedrooms limits its use as a family home, confining a future use to a potential holiday home

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 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.

RELEVANT POLICIES

North Norfolk Core Strategy (September 2008):

Policy SS 1 - Spatial Strategy for North Norfolk

Policy SS 2 - Development in the Countryside

Policy SS 4 - Environment

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

Policy EN 4 - Design

Policy EN 6 - Sustainable construction and energy efficiency

Policy EN 8 - Protecting and Conserving the Historic Environment

Policy EN 9 - Biodiversity & Geology

Policy EN 10 - Development and Flood Risk

Policy CT 5 - The Transport Impact of the 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)

National Planning Policy Framework (November 2023):

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 5: Delivering a sufficient supply of homes
Chapter 9: Promoting sustainable transport
Chapter 11: Making effective use of land
Chapter 12: Achieving well designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving and enhancing the historic environment

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION

- 1. Principle**
- 2. Design and appearance**
- 3. Amenity**
- 4. Ecology**
- 5. Heritage**
- 6. Highways**

1. Principle (Policies SS 1, SS 2 and SS 4)

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the development plan unless 'material considerations' indicate otherwise.

The site lies outside of the built-up part of the village of Trunch, approximately 0.65km to the northeast of the centre of the village. The site is located within the 'Countryside' as defined by Policy SS 1. In areas designated as countryside Core Strategy Policy SS 2 states that development will be limited to that which requires a rural location and is for one or more of a number of specified types of development. Proposals for a new market dwelling however are not included within this. These policies are aimed at securing sustainable locations for new dwellings taking into consideration the need to travel for basic services, especially by car. This is bolstered by Policy SS 4 which seeks to ensure that development should be located to reduce carbon emissions and adapt to future climate change.

The National Planning Policy Framework requires Local Planning Authorities to identify a five-year supply of specific deliverable sites to meet housing needs. At the current time the council is unable to demonstrate that it has 5 years' worth of deliverable sites. The Council's September 2023 5 Year Land Report identified a deliverable supply of 4.13 years. Planning applications will

therefore be considered in line with paragraph 11(d) of the NPPF which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Under paragraph 11 of the NPPF, for decision making, a lack of five year housing land supply (5YHLS) would result in the policies most important for determining housing (in this case Policies SS 1, SS 2) being considered out of date. However, in respect of this recent appeal decisions by the Planning Inspectorate, Inspectors have dismissed appeals for new dwellings within 'countryside' locations.

Under appeal reference: (APP/Y2620/W/22/3306909) for a new dwelling in Stibbard, the Planning Inspector stated that the Core Strategy Policies are broadly consistent with the aims of the National Planning Policy Framework to deliver sustainable development in rural areas. This was also confirmed in November 2023 under appeal reference: (APP/Y2620/W/23/3317906) for two bungalows in another 'Countryside' location.

In consideration of adding to the housing supply of the district, recent appeals have established that a single dwelling would have limited impact. The Planning Inspector stating that the *"contribution to the undersupply position would not be very significant in so far as only one dwelling is proposed"* (APP/Y2620/W/22/3306909) and *"a very limited contribution towards addressing the minor shortfall in Council's 5YHLS."* (APP/Y2620/W/23/3323366). This latter appeal decision was for the conversion of a barn to single dwelling in the 'Countryside' close to the Blakeney Settlement Boundary.

The Council is not expecting to get to adoption of the new Local Plan (if the Inspector finds it Sound) till about September 2024. Within this plan, Trunch is identified as a 'Small Growth Village' following its review in 2021. It is acknowledged that the Council has previously allowed new dwellings within the centre of Trunch in the last few years. However, as this proposal lies outside the centre of the village, journeys to and from the site would be dependent on private car. This would be exacerbated by the lack of pedestrian path alongside the road and absence safe walking or cycling routes along Mundesley Road.

Under a December 2022 appeal decision appeal reference: (APP/Y2620/W/21/3282107), for one new dwelling in the field directly behind this proposal site the Inspector stated that *"It is likely that most day-to-day needs of residents are met in other, better served settlements"* and *"the site is poorly located with regards to access to services and facilities, and it is likely that future occupiers of the proposed development would have a significant level of reliance on the private car"*. It is acknowledged that under the new Local Plan, whilst Trunch itself is included as a 'Small Growth Village' the proposal site is still outside of the proposed settlement boundary. Therefore, being located within the 'Countryside' for the current and emerging local plan. However, with above in mind it is noted that the emerging local plan does have very limited weight in the assessment of this proposal and doesn't displace the full weight given to existing Development Plan policies.

In respect of the previously allowed decisions in Trunch, it is important to state that this proposal is situated outside the established built-up area of the village on the periphery. Taking in to account the previous approvals of PF/20/0730, PO/20/0904, PO/20/2005, PF/21/3330 and PF/21/1469, these are all considered to be a lot more central within the settlement than the

proposal in question. With the vast majority of these being approved on existing residential land or adjacent to it. All of these other approvals are contained within the more built-up area of the village. For example, PO/20/2005, was within the garden area of an existing dwelling. PO/20/0904 also was within the garden area of an existing dwelling following the demolition of an outbuilding. This proposal lies outside the built-up envelope of the village and is on a parcel of land which has no association with a residential use.

In relation to the proposal being an exemption to the above criteria (para 80 of the NPPF), it has not been demonstrated that the proposal would be “*exceptional quality, in that it, is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*”.

With all of the above in consideration given the recent appeal decisions it can be concluded that in this instance the principle of the proposal would not be policy compliant in respect of the para 11 and 80 of the NPPF, Policy SS 1, Policy SS 2 and Policy SS 4 of the Core Strategy.

Further consideration is given to the implications of paragraph 11 of the National Planning Policy Framework as part of the balancing exercise which is set out within the conclusion below.

2. Design and Appearance and Landscape (Policies EN 2, and EN 4)

Policy EN 4 of the Core Strategy requires that all development will be designed to a high quality, reinforcing 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 and appearance of the new dwelling takes the form of a two-storey barn style building. The dwelling's footprint is a cross shape with the central section housing a bedroom, ensuite and wardrobe on the first floor. As this is the only part of the dwelling which has a first floor, the other rooms are on the ground floor including another bedroom and living areas. The building will be constructed using vernacular materials such as red brick and flintwork for the north and south gable ends. The joinery will be coloured uPVC. There will also be sections of glazing on the south side and a rooflight to serve the upstairs ensuite.

It is considered that the overall scale, design and appearance of the proposed dwelling is acceptable in terms of the surrounding context and the size of the application site. It will be constructed of similar scale to the dwellings around it. With only part of the dwelling having two stories and not a whole first floor, this helps to keep the scale down. The proposal also includes a cart shed style garage within the corner of the plot located near to the entrance. This element of the proposal is also considered acceptable in its appearance as it will also be of a suitable size and constructed using similar materials those for the proposed dwelling.

In relation to trees on site, a report was requested by the Landscape Officer, which is considered acceptable. Whilst a young Copper Beech tree would need to be removed, the proposed landscaping scheme would compensate for this and could be secured through a condition. It is considered the proposed development could be implemented without any other significant impacts upon trees and in accordance with Policy EN 4.

On this basis the scale, design and appearance of the proposed dwelling is considered appropriate and in accordance with Policies EN 2 and EN 4 of the Core Strategy.

3. Amenity (Policy EN 4)

Policy EN 4 requires that development 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.

On the first floor the bedroom window would have a view to the fields to the north and additionally the amenity land which forms part of 'Rooster Barn'. However, Rooster Barn is a holiday home and not in full time occupation. Following the conversion of the building under PF/04/0087, a condition restricts the building to holiday use and not to be used as for full time occupation. Therefore, the proposed building would have a view over the amenity area of this building from the first-floor bedroom window. With this in mind it, is considered that there would be a minor level of overlooking between the proposed dwelling and 'The Roost', but not considered detrimental to the scheme as a whole, as Rooster Barn will not be permanently occupied.

On the south elevation on the first floor there is an ensuite bathroom window, which would be obscure glazed. There are no windows on the end elevation of 3 Malthouse Cottages, therefore it is unlikely there would be any material privacy issues in this situation.

It is noted that there is potential for noise and disturbance during the construction of the dwelling should permission be granted. Given the small scale of the proposed development and the fact that this impact would only be temporary, it is not a material consideration to which significant weight could be attached.

Given the above, it is considered that on balance, the proposal is unlikely to have a significantly harmful effect on the residential amenity of the occupiers of nearby dwellings in respect of loss of light, overbearing impacts, disturbance and privacy. Therefore, the proposal accords with the requirements of Policy EN 4.

4. Ecology (Policy EN 9)

The application is supported by Preliminary Ecological Appraisal the conclusions of which are accepted. With the mitigation and enhancement measures proposed within it, it is considered there would be no harm to protected species or biodiversity in general. In the event that permission was granted these measures could be secured through a condition.

On that basis it is considered that the proposal complies with Policy EN 9 of the Core Strategy and Section 15 of the NPPF

Recreational impacts on designated sites

The site lies within the Zone of Influence of a number of European sites. The proposed net gain of one dwelling would trigger the requirement for a financial contribution towards the strategic mitigation package in accordance with the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). The developer contribution is currently set at £210.84 per dwelling and is index linked with inflation. The required contribution has been secured and as such the proposal complies with Core Strategy Policy EN 9.

5. Heritage Impact: (Policy EN 8)

The site lies within the Trunch Conservation Area. In respect of the impact upon this, whilst the proposed dwelling itself would not enhance the character and appearance of the of conservation area it is considered it would at least preserve it as is required under the council's statutory duties under Section 72 of the Listed Building and Conservation Areas Act (1990). No objection has been raised by the Conservation and Design Officer. This is because it is considered that the proposal would not block important views out of the village, it would be constructed using compatible materials, remain within the confines of the built envelope and not affect the setting or directly impact any listed buildings within the village. The overall scale and design of the proposed dwelling is considered to be suitable for its surroundings and would reflect the loose form and nature of the surrounding dwellings. Public views of it would also be limited given the site's location.

It is therefore considered that the proposal complies with Policy EN 8 of the Core Strategy and Section 16 of the NPPF.

6. Highways (Policy CT 5 and Policy CT 6)

In relation to the comments received from Highways there are no objection in relation to highway safety. However, it is requested that the applicants should upgrade the entrance along highways verge where necessary, in the event of an approval being granted.

In relation to the parking provision, this would accord with the current adopted standards in appendix C of the Core Strategy which for a two-bedroom dwelling as proposed the requirement is 1-2 cars. The proposal includes the provision of a two-bay car parking garage and a suitable turning area for entrance and exit to the site in a forward gear.

In conclusion the proposal is acceptable in terms of Policies CT 5 and CT 6 of the Core Strategy.

Conclusion and Planning Balance

Whilst the proposed dwelling would not give rise to adverse impacts in relation to matters of Design and Appearance, Landscape, Amenity, Ecology, Heritage or Highway Safety, the location of the proposed market dwelling, within the defined countryside policy area would conflict with the aims of Core Strategy Policies SS 1 and SS 2.

In the absence of a deliverable five year housing land supply, the tilted balance under NPPF paragraph 11 (d) ii would be engaged.

In conclusion the Local Planning Authority, when taking into account the above material considerations and tilted balance would **REFUSE** the application on the basis that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits based on the following grounds:

- The proposal is outside of the established built up from of the village located 0.65km from the centre.

- The occupiers would be greatly if not solely reliant on the private car for all journeys to and from the dwelling, to reach everyday basic services and facilities. This is likely to be exacerbated by the lack of safe pedestrian pathway along Mundesley Road
- The creation of one dwelling would have negligible benefit upon housing delivery for the LPAs housing supply.
- There has not been a demonstrated public benefit for the creation of a single dwelling, that would outweigh the harm.
- Unlike the majority of other approval decisions within Trunch, the proposal lies on land that is not residential nor associated with an existing property.

RECOMMENDATION:

REFUSAL on the following grounds:

The site lies within the countryside policy area. The acceptable forms of development listed under Policy SS 2 does not include new market dwellings.

The proliferation of development in a poorly accessible and remote location which would result in a high reliance on the private car for most journeys and provide limited opportunities for future occupiers to access services and facilities by safe modes of sustainable transport makes this location unsuitable for a new dwelling. The proposal would therefore be contrary to Policies SS 1 and SS 2 of the North Norfolk Core Strategy.

It is considered that there are no material planning considerations submitted by the applicant which would outweigh the conflict with Development Plan Policies. As such, the proposal is considered to be contrary to Policies SS 1 and SS 2.

Final wording of reasons to be delegated to the Assistant Director - Planning.

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SHERINGHAM – PF/23/1172 - Demolition of existing dwellinghouse and construction of a replacement dwellinghouse at 68 Cliff Road, Sheringham, NR26 8BJ

Minor Development

Target Date: 28 July 2023

Extension of time: TBC

Case Officer: Darryl Watson

Full Planning Permission

RELEVANT SITE CONSTRAINTS

Agricultural Land Classification - Urban

Areas Susceptible to Groundwater SFRA

Adjacent to Undeveloped Coast

Landscape Character Assessment - Type: CS1 (Coastal Shelf)

Residential Area LDF

Settlement Boundary LDF

Mineral Safeguarding Area

Within the Zone of Influence of multiple habitats sites for the purposes of the Norfolk GIRAMS

RELEVANT PLANNING HISTORY

EF/23/1788: Certificate of lawful development for proposed erection of two storey dwelling following implementation of planning permission PF/20/1751 dated 17/12/2020 - Permission not required - Lawful

PF/20/1751: Two storey detached dwellinghouse - Approved

PF/17/1813: Erection of two-storey detached dwelling - Approved

CDA/17/1813: Discharge of Conditions 4 (sectional drawings), 5 (biodiversity details), 7 (surface water drainage) of planning permission PF 17/1813 – Details approved

THE APPLICATION

Proposes that the existing dwelling would be demolished and replaced by a primarily two storey dwelling with a narrow single storey section on its southwest side. The building would have a wider and longer footprint than that of the existing which would necessitate cutting back the bank on the southeast and south sides of the site, with stone filled gabion baskets proposed to retain it. The front elevation would be sited slightly further forward (approximately 2.2m) than the existing dwelling. The outdoor amenity area would be to the front (northwest side) of the dwelling, comprising a decked area with outdoor in-ground pool adjoining the dwelling, with the area next to the front boundary a simple lawned area.

The dwelling would be a contemporary box design with the front elevation comprising large areas of glazing (sliding doors/windows) framed by masonry with a brick and flint horizontal strip between the ground and first floor. The first floor glazing would be set back behind a covered balcony. External walls of the two storey section would be finished in render with those of the single storey section finished in red brick. The building would have a virtually flat

roof concealed by parapets, with a Sedum 'green roof' finish with PV panels set at a shallow angle mounted centrally on it.

Pedestrian and vehicle access arrangements would be as existing, with 3 parking spaces in total (2 surface spaces and 1 within the garage block).

Since the application was first submitted, amendments have been made in response to officer comments. These include:

- Confirmation of the render finish colour (to be silver pearl or equivalent)
- Omission of the posts and glass infill to the front (north-western) boundary and replaced by Holm Oak instant hedging 1.5m high
- Roof finish to be a sedum blanket extensive green roof system
- Positions of the proposed fixed external light fittings confirmed on the site plan
- Existing stepped brick wall along part of the front boundary to be retained
- Revision to the retaining wall/gabions layout to further omit the gabions beyond the proposed end of the decking area which also includes the omission of the fire pit
- Revision to the fenestration to the south-eastern (rear) elevation
- Submission of an arboricultural report which in summary, confirms the existing hedges to both the south-east and north-eastern boundaries would not be affected by the construction of the retaining/gabion walls such that they can be retained in their entirety.
- Revision to the proposed dwelling floor plans, elevations to ensure that the proposed two-storey element of the dwelling is 8.5 metres from the side facing wall of no. 64/66 Cliff Road

REASONS FOR REFERRAL TO COMMITTEE:

At the request of Cllr Withington for the following reasons:

"This has been a very controversial application in the local area and also for the Town Council. The areas of concern cover the following points

- *The modern and square design is felt to be out of character with the area, which although has a number of different styles residents feel these are all characteristic of Sheringham unlike the proposal*
- *In regard to this its location on the furthest eastern boundary of and entrance to Sheringham has resulted in concerns that this design will be detrimental to visual entry into the town*
- *Although not in the AONB the proposed application is part of the popular climb up to Beeston Hill (Bump) and is perceived by many of those concerned as impacting detrimentally on this area which has outstanding views and leads in to the AONB.*
- *There are also concerns in regard to the route to the Coastal Path and AONB which requires the bank to be undercut to accommodate the proposed design. As a result there are concerns about potential damage to the path as a result of the bank being undermined and also the appearance and drainage issues.*
- *The massing of this development is also of concern along with the overlooking of properties to the rear who despite being on Nelson Road feel they are impacted negatively by this proposed development.*
- *Environmental concerns have also been raised in regard to the demolition of this relatively*

modern building with its carbon footprint and material waste. The new construction will unnecessarily add to the carbon footprint of the area unnecessarily”.

REPRESENTATIONS:

Six received from five nearby addresses raising **objections** on the following summarised grounds:

Effect on the character and appearance of the area

- Proposed building would be out of keeping with, and totally dominate, the area.
- Stark appearance with unsympathetic design and materials
- Scale, height and mass would be substantially larger than that of the existing dwelling
- Footprint almost three times that of the existing dwelling
- Overdevelopment and prominent ‘block’ design is unattractive and out of character for the area
- Whilst the height of the proposed building would be similar to that of the ridge height of the existing dwelling, the flat roof design would mean the entire building would be at this height, thus significantly increasing the mass of the development
- Adverse impact on the landscape from the coastal path and Beeston Bump which is an AONB. No other examples of this style of architecture in Sheringham for miles around so it will stick out like a sore thumb
- Dwelling and associated landscaping is contrary to NPPF as it does not reflect the character of the AONB

Effect on living conditions

- Overbearing impact on neighbouring properties
- Would dominate adjacent dwellings due to bulk and mass, and would be overbearing
- Noise and disturbance from more occupants
- Flat roof could be used for social activities and gatherings
- Overlooking of 3 Nelson Road due to large windows at first floor in rear elevation affecting privacy particularly if hedge is removed or reduced in height
- Demolition and construction works would be disruptive to guests of nearby B&B. Request that noisy work is not carried out early morning and given the lack of turning the developer should liaise with neighbouring owners about turning in their driveway
- Terrace / outdoor entertaining space with outdoor kitchen, pool etc. has potential to cause noise and disturbance in the evening which would affect neighbours. First floor terrace will encourage people to gather also resulting in noise and disturbance

Effect on protected species and biodiversity

- Site has been stripped of its vegetation with substantial clearance in October 2022
- Site is ecologically sensitive with wildlife on and around it
- Land that surrounds and encompasses the site has been left for at least 5 years and allowed to develop into a dense habitat of grasses and shrubs. It provides a rich biodiversity and bats, deer and common lizards have been sighted
- Applicant has had negligible regard to matters of wildlife habitat and biodiversity
- Proposed glass panels to the front boundary would restrict movement for wildlife and would be unsightly

Drainage

- Drainage system which serves nos. 64, 66 and 68 Cliff Road was not designed for dwelling of the size proposed, with concerns that the development would overload it
- Inadequate provisions to mitigate risk of surface water flooding
- Digging into the bank bordering the coastal path could undermine it and exacerbate problems of flooding during heavy rain. An increase in hard surfacing would also add to this.

Other issues raised

- Proximity of fire pit to coastal path is a fire risk
- Proposed materials are not suitable for an exposed coastal location, so will corrode and fail
- Nothing wrong with the existing dwelling, demolition is unnecessary and would create waste undermining national policy aim of net zero
- Planning statement is incorrect in stating that there are no heritage assets in the locality as the coast and coastal path are heritage assets and the coast is an AONB. Natural England and the Norfolk Coast Partnership should be invited to comment
- Lack of communication with owner of adjacent property
- Siting of large structure close to cliff edge has potential to exacerbate slope instability problems which was an issue raised by the Coastal Management Team in respect of a recent application at Vincent Road nearby
- Inaccuracies on planning application form

CONSULTATIONS:

Landscape (NNDC) - No objection with regards to biodiversity and advise that a protected species survey is not required. With regards to landscape impacts, suggested a number of amendments that could be made to improve the proposals in this respect, which have subsequently been incorporated in the amended plans received.

County Council Highways - No objection with condition requiring on-site parking to be provided in accordance with the details submitted and retained thereafter.

Sheringham Town Council - Object due to concerns regarding drainage and, the impact the proposed building would have on the surrounding area as the design is not in keeping with neighbouring properties

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

SS 1 - Spatial Strategy for North Norfolk
SS 3 - Housing
SS 12 - Sheringham
EN 2 - Protection and enhancement of landscape and settlement character
EN 4 - Design
EN 6 - Sustainable Construction and Energy Efficiency
EN 9 - Biodiversity and geology
CT 5 - The transport impact of new development
CT 6 - Parking provision

National Planning Policy Framework (NPPF):

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

Supplementary Planning Documents

North Norfolk Design Guide SPD (2008)

North Norfolk Landscape Character Assessment SPD (2021)

OFFICER ASSESSMENT

Site description

The site is located at the eastern end of Cliff Road where it terminates as an unmade track serving a number of properties including no. 68. It forms the edge of the developed area in this part of the town and the northeast side of the site adjoins the designated Settlement Boundary. The site is occupied by a modest dwelling with two floors, the first being within the roof space. The dwelling is sited on the rear (southeast) part of the site with a garden area to the front extending up the front boundary of the site. It has no particular value in architectural or townscape terms. Currently the dwelling is unoccupied.

The northeast and south sides of the site are steeply banked rising up to about 4m higher than the ground level of the dwelling and topped by hedges. The banks are covered by a mix of vegetation including Ivy and appear to be largely unmanaged. A block of three garages are

adjacent to the front section of southwest boundary one of which is allocated to the dwelling, with the others serving the neighbouring property at 64 and 66 Cliff Road. Access to them is via a shared driveway and turning area which also provides access to a surface parking area serving the dwelling and a pedestrian access to the dwelling.

The Beeston Hills Putting Green is to the north of the site on the opposite side of Cliff Road. To the east is open land (Beeston Regis Hills) which rises towards Beeston Bump. The southwest side of the site is adjacent to nos. 64 and 66 Cliff Road, which comprise a dwelling and holiday let. The southeast side adjoins part of the rear garden to Ashbourne House which is a B&B at 1 Nelson Road. The immediate surrounding area is characterised by mix of dwellings, including flats, and holiday accommodation / B&Bs, with buildings of a mix of ages and styles. The closest properties, 64/66 Cliff Road and Camberley House (62 Cliff Road) and block of flats at Victoria Court are of a relatively large domestic scale.

The Norfolk Coast Path runs up from the sea front/promenade and adjacent to the front boundary of the site and wraps around its north east corner before turning east towards Beeston Bump.

Main issues for consideration:

- 1. Whether the proposed development is acceptable in principle**
- 2. The effect on the character and appearance of the area**
- 3. The effect on the living conditions of the occupiers of neighbouring dwellings**
- 4. Whether the proposed development would result in harm to protected species**
- 5. The effect on highway safety**

1. Principle

The site is within Sheringham's Settlement Boundary and within a designated Residential Area where Policy SS 3 indicates appropriate residential development will be permitted. The proposed replacement dwelling raises no issues in terms of principle of development. The proposal therefore complies with Core Strategy policies SS 1, SS 3 and SS 12. To be acceptable overall however, the proposal must also comply with all other relevant Core Strategy policies unless material considerations indicate otherwise.

2. Character and appearance

Despite comments in the representations to the contrary, the site is not within the Norfolk Coast AONB, the boundary of which is approximately 1km away to the south and west. Nevertheless, the effect of the proposed development on the character and appearance of the surrounding area is still an important consideration. Significant weight also has to be attached to the extant planning permission PF/20/1751 for the erection of a two storey dwelling to the (front) north of the existing dwelling.

The footprint of the proposed dwelling would be larger than that of the approved dwelling, however, the plot coverage would only be approximately 39 sq.m greater than the combined footprint of both the existing and approved dwelling, if the latter was to be built. The roof of

the proposed dwelling would be slightly lower than the ridge height of the existing dwelling and about 0.6m higher than the approved dwelling. Because it would sit back into the site with its front elevation only slightly further forward (about 2.2m) than that of the existing dwelling, it is considered that the proposed dwelling would have less impact than the combination of two dwellings on the site, which in any event was considered to be acceptable in this respect. Whilst the overall massing would be greater than that of the existing dwelling, it is considered it would be satisfactorily contained by the steep slope and height of the northeast and southeast boundaries of the site and would sit comfortably next to the dwelling to the west which has a similar mass but with a higher pyramidal roof with a ridge approximately 3.5m higher than the roof of the proposed dwelling.

The site is visible from the coastal path and the elevated stretch to the east of the site gives extensive views of the south and west of the town with a rural landscape beyond and, the coastline. As the dwelling would be set back into the site, it is considered there would be no harmful effect views of the coast from the path where it turns to wrap around the north east corner of the site before joining Cliff Road. Holm Oak 'instant hedge' would now be used along the front boundary instead of the glass panels originally proposed which is considered to be more appropriate for the site's location.

From slightly further east where the path is more elevated, there would be views of the upper section and roof of the proposed dwelling partially obscured by the existing boundary hedge as is the case with the current dwelling, with the noticeably higher roof of the dwelling to the west sitting immediately behind in this view and part of the roof of Camberley House sitting slightly further forwards. In the longer views from the east, it is considered that intervening landscape features would generally limit views of the upper section of the proposed dwelling and that where it is seen, it would merge into the roofscape of this part of the town. The 'green' Sedum roof covering would also soften the appearance of the roof. Overall it is considered there would be no material harm in this respect.

With regards to the appearance of the proposed dwelling, whilst it is acknowledged that its contemporary form and style differs from the immediately adjacent buildings, the area generally contains a mix of buildings in terms of age and style, with no prevailing character. As the dwelling that could be built on the front part of the site is also contemporary in style with a boxy form, this type of design approach has been established in principle. Furthermore, in the views from the east in particular, the proposed building would be seen in the context of the large 3 storey white building at 1-9 Sea Cliff off Vincent Road.

For the reasons stated, it is considered that the proposed development would not have an unacceptable effect on the character and appearance of the surrounding area. It therefore complies with policies EN 2 and EN 4.

3. Living conditions

The closest dwelling to the site is Beeston Hills Lodge (64 & 66 Cliff Road) which occupies the adjacent plot to the southwest. The rear part of the property is a holiday let known as Cliff Cottage. The side elevation of these properties runs adjacent to the common boundary set back approximately 3.8 metres from it. Within this elevation there are windows at ground and first floor serving habitable rooms (bedrooms and a study). There is a blockwork wall of varying height and a timber fence along the common boundary. No windows are proposed in

the side elevation of the proposed dwelling facing 64 and 66 Cliff Road, with the closest part being single storey set on the same line as the side elevation of the existing dwelling.

This side elevation would however, be approximately 3 metres longer than that of the existing dwelling, extending further back into the site. As a result, it would face a ground floor window in the side elevation of no. 66 which serves a bathroom which is a non-habitable room. The side elevation would face two further first windows in the side elevation of no. 66 which serve bedrooms and currently have a limited outlook over the rear of the application site. These bedrooms are also served by other windows in the south and west elevations. The main two storey side elevation of the proposed dwelling would however, be set back 3.7 metres from the line of the side elevation of the single storey section such that there would be a separation distance of 8.5 metres between it and the facing windows in the side of no. 66 Cliff Road. This complies with the amenity criteria in the North Norfolk Design Guide in terms of separation between a secondary window and blank elevation.

The two storey section of the proposed dwelling would be approximately 0.4m lower than the ridge of the existing dwelling and would sit on a similar line. As the roof of the existing dwelling rises up from the side elevation which is set back approximately 1m from the common boundary, whereas the two storey section of the dwelling is set back as described above, it is considered the proposed development would have no greater overbearing or overshadowing impacts than the existing relationship, nor would it result in any material loss of outlook from 64 and 66 Cliff Road.

The rear boundary of the site adjoins part of the side boundary to the extensive rear garden of Ashbourne House, 1 Nelson Road which is used as a B&B. The garden rises up quite steeply to the east and in the area close to the site boundary there is a summerhouse and raised deck area along with other outdoor seating areas. The more formal area is at a lower level adjacent to rear of the property. The application site sits at a lower level and along the common boundary there is a hedge approximately 2.5m high and a low post and rail fence. There is a first floor window in the rear elevation of the existing dwelling facing the common boundary from which there would be an oblique view across part of the garden of Ashbourne House as the boundary hedge does not run to the rear of 64 Cliff Road.

It is considered that the proposed development would have no material overshadowing or overbearing impacts on the garden of Ashbourne House. With regard to overlooking, two first floor windows are proposed in the rear elevation of the proposed dwelling serving a kitchen area and study/playroom/bedroom. These windows have been reduced in size compared to what was originally proposed and it is intended to retain the hedge which can be secured through a condition. It is considered that with the hedge retained at a suitable height there would not be any unacceptable overlooking of the garden to Ashbourne House. In the event that the hedge were to die for example, it is considered that a standard 2m high fence would provide adequate screening which can be included as part of the condition. Notwithstanding this, Officers consider there would be reasonable levels of privacy given the separation distance of approximately 30m to the part of the garden to Ashbourne House, and the fact that the views would be very oblique and with other intervening vegetation.

The occupiers of 3 Nelson Road have raised concerns regarding loss of privacy and whilst views from the proposed dwelling would be more direct, the combination of screening and separation distance (approx. 29m) are such that it is considered there would be no significantly harmful privacy impacts.

Some of the representations have referred noise and disturbance from the terrace/outdoor amenity area and first floor balcony which would be to the front of the dwelling, as is the garden to the existing dwelling. The application is to replace an existing dwelling within a residential area with another dwelling and has to be considered on that basis. Whilst the proposed dwelling would have more bedrooms than the existing, there is no evidence to suggest that there would be any material difference to noise levels experienced by local residents, as it would be dependent on who occupied/used the dwelling over which there could be planning controls.

For the reasons stated it is considered that the proposed development would not result in any significantly detrimental effects to the living conditions of nearby occupiers and therefore it complies with Core Strategy policies EN 4 and EN 13.

4. Protected species

In response to the representations received, the Landscape Officer has advised that a protected species survey is not required. Representations suggest that the site had been allowed to become overgrown, but that it was subsequently cleared in October 2022, which in itself would not have required any approval in terms of planning controls as it was simply clearing a domestic garden. It is likely that this would have reduced the protected species/biodiversity value of the site.

The cutting back of the bank on the northeast and south sides of the site would necessitate works to retain it. The application plans indicate gabion basket stone filled retaining walls. It is however, unclear if any significant amount of concrete would also be required. As this is an unsustainable and polluting building material with potential for pollution events to occur during construction through its use, a condition stipulating the need for a Construction Environment Management Plan, as attached to the previous permissions (PF/17/1813 and PF/20/1751) for a dwelling, is considered to be reasonable and necessary. This would ensure that any impacts on biodiversity, including nesting birds, from further site clearance works are mitigated for in accordance with policy EN 9 of the Core Strategy.

5. Highway safety

No changes to the current access arrangements are proposed which is via a short section of unmade road off the end of Cliff Road. The highway authority consider that the proposal would not materially affect the current traffic patterns or the free flow of traffic and on that basis, have no objections. On-site parking provision proposed would comply with the current adopted standards in Appendix C of the Core Strategy. The proposed development is therefore considered to comply with Core Strategy policies CT 5 and CT 6.

Other considerations

- *Effect on habitats sites from recreational impacts* – the site is within the Zone of Influence of a number of designated habitats sites for the purposes of the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). This is a strategy agreed between the Norfolk planning authorities and Natural England which enables growth by implementing the required mitigation to address adverse effects on the

integrity of habitats sites arising from increased levels of recreational use, through growth from all qualifying development, either alone or in combination.

As the proposed development is to replace an existing dwelling, it is not qualifying development for the purposes of GIRAMS on the basis that there would be no new overnight accommodation. Whilst the dwelling would be larger in terms of having more bedrooms than the existing, the difference in terms of recreational impacts on the relevant habitats sites would not be material. As such, a contribution towards mitigation is not required and it is considered there would be no adverse effects on the integrity of the habitats sites in relation to recreational impacts. Therefore the proposed development does not conflict with the aims of the Conservation of Species Habitats Regulations 2017 (as amended) and Policy EN 9 of the Core Strategy

- *Coastal slope instability* – with regards to the application referred to in the representation (PF/22/0562 relating to a site on Vincent Road), in that case the building proposed was sited approximately 8 metres from the top of the slope, whereas the front elevation of the proposed building would be approximately 58 metres from the top of the slope, sitting only slightly forward of the line front elevation of the existing dwelling. Furthermore the dwelling which could be built under planning permission PF/23/1751 would be closer to the edge of the slope than that now proposed, but would still be approximately 43 metres back from it.

It would be necessary to cut back the existing embankments on the northeast and southeast sides of the site to accommodate the larger footprint of the proposed development. This land is not identified as having instability issues and paragraph 183 of the NPPF indicates that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability. Paragraph 184 advises that responsibility for securing a safe development rests with the developer and/or landowner. In situations where there may be doubt as to the stability of land, and applicants do not submit sufficient information, planning conditions may be imposed requiring that development is not commenced before a satisfactory investigation and remedial measures are undertaken if identified as being necessary. It is therefore considered that this issue can be dealt with by a condition requiring a land stability report.

- *Drainage* – whilst concerns have been raised in this respect including whether the existing system is adequate, the proposed development would be a replacement of an existing dwelling and would be likely to have less impact than if the other dwelling was built such that there would be two dwellings on the site. Furthermore, a suitable surface water drainage scheme was approved under conditions attached to planning permission PF/17/1813 and which was included as part of the approved plans for the dwelling approved under PF/20/1751. As such it is considered suitable drainage arrangements could be provided and it is recommended these are secured through a condition.

Conclusion and planning balance

The proposed development is considered to be acceptable for the reasons stated above and in compliance with relevant policies in the North Norfolk Core Strategy. It is considered the proposal would not result in any material harm to the character and appearance of the

surrounding area and the impact would be less than if the permission for the dwelling on the front part of the site was built out. There would be no harmful effects on living conditions protected species or highway safety. Concerns relating to the stability of the two banked sides of the site can be dealt with through conditions. APPROVAL is therefore recommended subject to conditions

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 relating to the following matters

- Time limit for implementation
- Approved plans
- External materials
- Design details
- Surface water drainage
- Protection and retention of boundary hedges
- Construction Environment Management Plan
- Landscaping
- Boundary treatments
- Retention of outdoor amenity area to front of dwelling
- Land stability report and remedial measures if identified as being necessary
- Parking

Final wording of conditions and any others considered necessary to be delegated to the Assistant Director – Planning

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DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – DECEMBER 2023

1. INTRODUCTION:

- 1.1 This report briefly sets out performance in relation to the determination of planning applications in Development Management the period between **30 Oct** and **01 Dec 2023**.
- 1.2 At the time of writing this report, data for November 2023 was not yet available. The Committee will be provided with an update prior to the meeting setting out the figures for the number of cases decided and percentage within time set against the relevant target and summary of 24-month average performance.
- 1.3 The tables will 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 will set out the number of cases registered and validated within the specified months.

2. S106 OBLIGATIONS

- 2.1 A copy of the list of latest S106 Obligations is attached. There are currently 10 S106 Obligations being progressed. One has been completed and can be removed from the list.

3. RECOMMENDATIONS:

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

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SCHEDULE OF S106 AGREEMENTS

UPDATE FOR DEVELOPMENT COMMITTEE:

07 December 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.	

PF/17/0680 & RV/22/0855	Land North Of Rudham Stile Lane & East Of Water Moor Lane Fakenham Norfolk	Variation of conditions 2, 3, 4, 5, 6, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 26, 28, 30, 37, 38, and 40 of outline planning permission PO/17/0680 (Outline planning application (all matters except primary means of access reserved for future approval) for residential development of up to 950 dwellings (Use Class C3), employment development (Use Classes B1/B2/B8), a primary school and children's nursery (Use Class D1), a hotel (Use Class C1), local retail (Use Classes A1/A3/A4/A5) and associated public open space and infrastructure) regarding the highways works associated with Condition 31i. (site access and roundabout from the A148 and associated works to Wells Road) and 31v. (scheme for the A148/A1065/Wells Lane (Shell Garage) including lane widening and road markings) are proposed to be undertaken directly by the Highway Authority and not the applicant. As such, these works are to be specifically excluded from the requirements and triggers indicated in the conditions that are proposed to be amended (See-Schedule of Condition amends) Amendments 21 March 2022)	CP030 - Fakenham	Russell Williams	TBC	TBC	Fiona Croxon	13791	Draft s106 Unilateral Undertaking is circulating. Applications on hold due to Nutrient Neutrality.
PF/22/2626	Land Off Purdy Street Salthouse Norfolk	Erection of six dwellings with associated access, parking and landscaping	CP081 - Salthouse	Jayne Owen	Delegated	27/04/2023	Fiona Croxon	22380	Document agreed but still awaiting viability appraisal and pending applicant taking an option on the site.
PF/22/1928	Land South Of Sheringham House Cremers Drift Sheringham Norfolk	Full Planning Application: Revised scheme for the erection of 62. no retirement dwellings, access, roads, open space, parking areas and associated works	CP085 - Sheringham	Geoff Lyon	Committee	20/07/2023	Mary-Lou Clark	22577	S106 Obligation substantially completed pending inclusion of recession clause (requested by applicant).
PF/23/1065	Land To The North Of Church Road West Beckham NR25 6NY	Erection of 5 dwellings (affordable homes) with associated access, parking and landscaping	CP113 - West Beckham	Jamie Smith	Committee	14/09/2023	Fiona Croxon	22985	S106 Obligations substantially agreed pending applicant taking an option on the site.
PF/23/1113	Land South Of Ashburton Close, Wells-next-the-Sea Norfolk	Erection of 23 dwellings with associated landscaping, vehicular access and parking provision.	CP112 - Wells-next-the-Sea	Jayne Owen	Delegated	TBC	Fiona Croxon	22792	Completed
PO/23/0596	Land Off Overstrand Road Cromer Norfolk	Erection of up to 118 dwellings and up to 60 units of specialist elderly care accommodation with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point (Outline with all matters reserved except for access)	CP022 - Cromer	Russell Williams	Committee	TBC	Fiona Croxon	TBC	Awaiting a draft s106 Agreement from the applicants.
PF/23/1578	Land To The East Of Sheringham Road West Beckham Norfolk	Erection of 5no. bungalows (affordable) with associated new access, parking and landscaping	CP113 - West Beckham	Mark Brands	Committee	TBC	Fiona Croxon	TBC	Draft section 106 Agreement is being negotiated. However the applicant has no conditional contract as yet with the site owner

PF/22/1829	Agricultural Barns Church Lane Hindolveston Norfolk	Conversion of Barn 7 from agricultural barn to dwelling and associated external works	CP046 - Hindolveston	Darryl Watson	Delegated	TBC	Fiona Croxon	TBC	Undertakings are being drafted.	
PF/22/1834	Agricultural Barns Church Lane Hindolveston Norfolk	Erection of single storey dwelling to replace agricultural building (Barn 6) with extant permission for conversion to a dwelling	CP046 - Hindolveston	Darryl Watson	Delegated	TBC	Fiona Croxon	TBC	Undertakings are being drafted.	
PF/21/2942	Beeston Hall Farm Cromer Road Beeston Regis Norfolk	Conversion of agricultural buildings to 5 residential dwellings, construction of 5 new build dwellings and renovation and remodel of existing Farmhouse	CP010 - Beeston Regis	Jo Medler	Delegated	TBC	Fiona Croxon	TBC	Draft section 106 Agreement is agreed but we are awaiting a title update	

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OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 07 DECEMBER 2023

APPEALS SECTION

NEW APPEALS

BODHAM – ENF/23/0169 - Appeal against Enforcement Notice against Change of Use of the land for the stationing of a static caravan for residential purposes. Change of Use of land for stationing of motor vehicles, vans, and body of Luton Van. Operational development consisting of the siting of a container.

Land North Of Hurricane Farm Bungalow, Church Road, Lower Bodham, Norfolk

For Mr David Gay

WRITTEN REPRESENTATION

CORPUSTY & SAXTHORPE - PF/22/2767 - Erection of roof over walled garden to provide domestic outbuilding (studio/gym) - part retrospective with amendments to reduce size and scale of building to allow for external courtyard area

1 Manor Farm Barns, Norwich Road, Corpusty, Norwich, Norfolk NR11 6QD

For Mr Walsh

Householder Appeal Service (HAS) (Fast track)

FAKENHAM – PF/22/2647 - Construction of 1 No. 2 Bedroom house

Land Off North West Of Garden Court, Norwich Road, Fakenham, Norwich

For Mr H C Moss

WRITTEN REPRESENTATION

HINDRINGHAM – PF/22/2657 - Demolition of existing dwelling and erection of two-storey detached dwelling

Banes Cottage, Blacksmiths Lane, Hindringham, Fakenham, Norfolk NR21 0QA

For Mr C Tucker

WRITTEN REPRESENTATION

ROUGHTON – CL/23/1650 - Lawful Development Certificate for use of land for siting of static caravan, and use of static caravan as a dwelling.

Static Caravan At Woodview, Thorpe Market Road, Roughton, Norwich, Norfolk NR11 8TB

For Mr Alexander Brackley

WRITTEN REPRESENTATION

SLOLEY – PF/23/0929 - Retention of garage (retrospective) with external alterations

The Old Workshop, Sloley Road, Sloley, Norwich, Norfolk NR12 8HA

For Mr & Mrs Harper-Gray

Householder Appeal Service (HAS) (Fast track)

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 – Date of Inquiry is 16 April 2024 – Committee Room NNDC

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 - Date of Inquiry is 16 April 2024 – Committee Room NNDC

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

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

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

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

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

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

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 – RV/22/2149 - Variation of Condition 2 (approved plans) and Condition 4 (colour finish to external cladding) of planning permisison 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

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

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 – **APPEAL DISMISSED**

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 – **APPEAL DISMISSED**

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 - **APPEAL DISMISSED**

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