

Development Committee



Please contact: Lauren Gregory

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

TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 3 January 2024

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 11 January 2024 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-WyEzg>

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

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

Emma Denny
Democratic Services Manager

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

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

All other Members of the Council for information.

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



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

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

Chief Executive: Steve Blatch

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

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

A G E N D A

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

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. MINUTES

(Pages 1 - 22)

To approve as a correct record the Minutes of a meeting of the Committee held on Thursday, 7th December 2023.

5. ITEMS OF URGENT BUSINESS

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

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

6. ORDER OF BUSINESS

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

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

7. DECLARATIONS OF INTEREST

(Pages 23 - 28)

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

OFFICERS' REPORTS

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

(Pages 29 - 48)

9. WALCOTT - PF/23/2259 - DEVELOPMENT OF 23 DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING, LAND ON

(Pages 49 - 80)

OSTEND ROAD, OSTEND ROAD, WALCOTT FOR FLAGSHIP HOMES

10. **SHERINGHAM - RV/23/2222 - 37 SUITE APARTMENT HOTEL (CLASS C1) WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING WITHOUT COMPLYING WITH CONDITIONS 3 (USE FOR HOLIDAY ACCOMMODATION PURPOSES ONLY), 5 (REQUIRING ACCOMMODATION TO BE MADE AVAILABLE FOR COMMERCIAL HOLIDAY LETTING FOR AT LEAST 140 DAYS A YEAR), 6 (INDIVIDUAL LETS NOT TO EXCEED 31 DAYS IN CONTINUOUS DURATION) AND 7 (NO INDIVIDUAL TO LET ANY OF THE UNITS FOR MORE THAN 31 DAYS IN ANY CALENDAR YEAR) OF PLANNING PERMISSION PF/22/1660 TO ALLOW AMENDMENTS OF HOLIDAY OCCUPANCY DETAILS AT LAND TO EAST OF THE REEF LEISURE CENTRE, WEYBOURNE ROAD, SHERINGHAM FOR MORSTON PALATINE LIMITED** (Pages 81 - 106)
11. **BINHAM - PF/23/1513 - ERECTION OF TWO-STOREY DETACHED DWELLING (AMENDMENT TO DESIGN OF DWELLING ON PLOT 1 PREVIOUSLY APPROVED AS PART OF PLANNING PERMISSION PF/15/1221 AND PF/19/0002) AT 10 WALSINGHAM ROAD, BINHAM, NORFOLK FOR MR RUPERT YOUNG.** (Pages 107 - 112)
12. **MORSTON - PF/23/1764 - USE OF LAND FOR STATIONING OF A FOOD AND BEVERAGE TRAILER FOR NO MORE THAN 56 DAYS PER ANNUM FOR A TEMPORARY PERIOD OF 5 YEARS (RETROSPECTIVE) AT NATIONAL TRUST INFORMATION CENTRE, QUAY LANE, MORSTON, HOLT NR25 7BH FOR NATIONAL TRUST** (Pages 113 - 122)
13. **NORTH WALSHAM - PF/23/2479 - ERECTION OF A PORCH AND SINGLE STOREY EXTENSION TO FRONT OF DWELLING AT 26 THIRLBY ROAD, NORTH WALSHAM, NORFOLK FOR MR & MRS HEINRICH** (Pages 123 - 128)
14. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**
- No update issued on this occasion. Next update will be provided for Thursday, 8th February Development Committee meeting.
15. **APPEALS SECTION** (Pages 129 - 134)
- (a) New Appeals
 - (b) Inquiries and Hearings – Progress
 - (c) Written Representations Appeals – In Hand
 - (d) Appeal Decisions
 - (e) Court Cases – Progress and Results
16. **EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt

information as defined in Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 7 December 2023 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present:	Cllr P Heinrich (Chairman) Cllr A Brown Cllr P Neatherway Cllr K Toye Cllr L Vickers	Cllr R Macdonald (Vice-Chairman) Cllr P Fisher Cllr J Toye Cllr A Varley
Substitute Members Present:	Cllr G Bull Cllr S Butikofer Cllr L Paterson Cllr L Withington	
Officers in Attendance:	Principal Lawyer (PL) Assistant Director for Planning (ADP) Development Manager (DM) Senior Landscape Officer (SLO) Senior Planning Officer – Mb (SPO-MB) Development Management Team Leader – (DMTL) Senior Planning Officer -BC (SPO-BC) Senior Planning Officer – JO (SPO-JO) Senior Planning Officer – RA (SPO-RA) Development Management Team Leader CR – (DMTL-CR) Monitoring Officer Democratic Services Officer – Regulatory	
Also in attendance:	Cllr T Adams Cllr C Ringer	

85 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr M Batey, Cllr A Fitch-Tillett, Cllr M Hankins, Cllr V Holliday, and Cllr G Mancini-Boyle.

86 SUBSTITUTES

Cllr G Bull, Cllr S Butikofer, Cllr L Paterson, and Cllr L Withington were present as substitutes.

87 MINUTES

The Minutes of the Development Committee meeting held Thursday, 9th November were approved as a correct record subject to minor typographical amendments to read “Members” instead of “Member’s” (p.5 vi) and to read “contended” not “contented” (p.6 xxi)

88 ITEMS OF URGENT BUSINESS

None.

89 DECLARATIONS OF INTEREST

- i. The Chairman noted Members had received considerable lobbying from the public in relation to the majority of items considered on the agenda.
- ii. Cllr A Varley advised he had been lobbied personally with respect of item 8, planning application PO/23/0596, by consequence of his role as Portfolio Holder for Climate Change & Net Zero, he confirmed he remained open minded about the application.
- iii. Cllr S Butikofer declared a non-pecuniary interest with respect of item 10, planning application PO/23/1526, she was known to the applicant.
- iv. Cllr L Withington affirmed that she had received extensive lobbying regarding item 14, planning application PF/23/1172.
- v. Cllr P Neatherway confirmed he had been lobbied with respect item 13, planning application PF/23/0613 and remained open minded.

90 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.

Officers Report

The ADP introduced the officer's report and recommendation for approval subject to conditions. It was noted that this was an outline application, the application included '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).

The ADP outlined the site's location, situated within the AONB and in the designated area of Countryside and Undeveloped Coast. The site was an allocated development site within the emerging Local Plan under policy C16. It was acknowledged that the draft Local Plan was at an advanced stage and due to be considered in the New Year.

Details of the relationship of the site with neighbouring properties was offered with images supplied from Overstrand Road, Northrepps Road and Park Road looking towards the site, as well as images from the site itself and the adjacent footpath running along the old railways line. Aerial images of the site dated 1999, 2007 and 2020 were displayed demonstrating the evolution of use and landscape.

An update was provided with respect of three topic matters. First, Norfolk County Council had since advised they were content to remove their objection to the application subject to conditions. Second, the Strategic Housing Team and the Council's independent viability consultant had reviewed the viability evidence provided by the Developer and were satisfied that the site could deliver 45% affordable housing. Finally, the ADP offered corrections to policies referenced within the report.

A Masterplan of the site was provided with a guide to where the envisioned

accommodation and residential care home would be located.

The key issues for consideration were;

- i. Whether the proposal was acceptable due to the site being part of an AONB,
- ii. Whether the fact that the Council was unable to demonstrate a 5-year Housing Land Supply (5-Year HLS) impacted the application
- iii. Whether the proposal was acceptable in detail

Matters relating to the AONB were addressed within the officer's report (paragraph 123 and 143). Officers deemed the application represented a major development within the AONB, and concluded, having gone through the assessment set out in paragraphs 176 and 177 of the NPPF, that development was justified.

With respect of the Council's lack of 5-Year HLS, the ADP considered that the proposal would increase the '5 Year' figure from 4.13 to 4.46, a significant advance, which would on balance, override the Countryside and Undeveloped Coast considerations within the Development Plan. He reflected that the AONB issue (as specified by the NPPF) was thought to be more significant than the development plan compliance matter.

The means of access to the site had changed during the course of the application following discussions with Norfolk County Council Highways. The Highways Authority had recommended conditions to the proposal and were satisfied with the application subject to conditions.

Biodiversity net gain had been a key concern for residents. The ADP confirmed that the applicant was committed to achieving 10% net gain, though noted this was not yet a legal requirement. Per legislation, the developer did not need to offer details of how they would achieve the 10% biodiversity net gain at this stage, though the applicant had demonstrated how this could be done including via 'off-site contribution(s)'. The applicant would be required to supply a biodiversity gain plan to the local planning authority, which must be approved, before commencement of the development.

Of the 50 representations received, the majority objected to the application. With regards comments about overlooking from the elderly care accommodation, it was noted that the applicant was happy to accept a condition that the accommodation could not be more than two stories plus any in-roof accommodation. The ADP was content that this, along with the boundary treatment, would minimise overlooking to properties on Northrepps road.

The ADP concluded that the application was a departure from the adopted Development Plan but was an allocation within the draft Local Plan. Whilst the application would represent a major development in the AONB it would make a significant contribution to the Council's 5-year HLS. There were no statutory objectors to the proposal, further there was a positive suite of planning obligations identified including 45% affordable housing, with matters of concern controlled and mitigated via condition. The ADP outlined the S106 obligations and conditions proposed, the full details of which were contained in the officer's report.

Public Speakers

Tim Adams – Cromer Town Council
Michael Wiggins – Objecting

Margaret Wage – Objecting

Mark Allbrook – Objecting

Victoria Richardson (on behalf of Gladman Dev Ltd) – Supporting

Members Debate

- i. Cllr T Adams relayed a pre-prepared statement on behalf of the Local Member, Cllr E Spagnola, who was unable to attend the meeting. Cllr E Spagnola outlined her primary concerns which related to matters of biodiversity and wildlife, healthcare, flooding, and affordable housing and requested that the Committee consider deferment of the application.

As Local Member and a nearby resident of the outlined site, she reflected on the tranquillity and richness of biodiversity in and around the location, and expressed her disappointment that the biodiversity enhancements were suggested for the other side of Cromer. She was critical of the timeline for development and questioned if and when trees would be felled.

The Local Member reflected that one of the key issues for local residents was the lack of GP appointments and the inability for residents to access their own doctor. She noted pressures on the NHS both nationally and locally, and issues relating to recruitment and retention of healthcare professionals to Norfolk, with North Norfolk being acutely affected. The Local Member argued that the impact of 296+ residents would place increased strain on already stretched services. Further, she sought assurance that S106 money would be dedicated for use in North Norfolk and would not be diluted into general NHS funds.

With respect of flooding, Cllr E Spagnola, advised that there were already issues with flooding on Northrepps Road after heavy rainfall. She expressed concern that the development of the site would further contribute to flooding as there would be a reduced ability for the land to absorb rainfall.

The Local Member welcomed the proposed 45% affordable housing contribution, however queried how 'affordable' the homes would be to local people given the known percentage of local people on temporary or low paid seasonal work. She sought confirmation that the 45% affordable housing provision would not be reduced.

- ii. The Chairman noted the site was allocated within the emerging Local Plan. The draft Local Plan had been subject to extensive discussions and consultations over many years, with alternate sites also considered and declined. The Council's inability to demonstrate a 5-year HLS was an important consideration, as it would allow developers the opportunity to consider development on unallocated sites. He acknowledged that it had been resolved by Cabinet (following recommendation from the Planning Policy & Built Heritage Working Party) that weight be attributed to the emerging Local Plan, particularly those policies which aligned with government policy. The Chairman reminded Members of the desperate housing issues in the area, with over 2500 households on the housing waiting list.
- iii. In response to the Chairman, the PL advised that the Council's legal team had not yet had opportunity to consider the S106 agreement and stated that

the 45% affordable housing provision was not guaranteed.

- iv. The Chairman asked the ADP the level of weight Members should afford to the emerging Local Plan, additionally whether delaying consideration of the application would have a detrimental impact to the Planning Inspectors consideration of the Local Plan may result in a rise in speculative applications from developers.
- v. The ADP stated that whilst it might be preferable to consider the application after adoption of the draft Local Plan, this wasn't possible as the applicant had applied which needed to be dealt with in a timely manner. This matter was further compounded by the Council's inability to demonstrate a 5-year HLS. The Local Plan was not likely to be adopted by the Planning Inspector till September 2024 at the earliest. To defer consideration of the application for this extended period of time ran the risk of the applicant submitting an appeal for non-determination, given the agreed timeline to determine the application expires at the end of 2023.

The ADP advised it was a material consideration for the Committee that the site was an adopted allocation in the draft Local Plan, but that this did not have the weight of the development plan. The existing development plan being 15 years old was a relevant factor, however the main policies outlined were still relevant with regards matters of Countryside and Undeveloped Coast and to a lesser degree AONB status. Another material consideration was the Council's housing target within the draft Local Plan, with the Council advocating for a lower target figure than the formulaic equation. Cromer had been identified as a principal area for allocated growth in the emerging Local Plan.

The ADP cautioned against extended deferral of the application and how this could be reasonably justified.

With respect of matters of affordable housing, the ADP confirmed that the 45% figure was that provided by the applicant and presented to Members for consideration. The planning obligation was for 45% and not another lower figure. Whilst the ADP couldn't offer a total guarantee the 45% would be achieved, he argued it would be difficult to refuse the proposal on affordable housing grounds given the application was policy compliant, and the Council's independent viability assessor was content with the developer's viability assessment.

The applicant had expressed some flexibility, and indicated they would be supportive of planning obligations regarding allotment and play. Further, in response to Cllr E Spagnola's comments, S106 contributions would be secured for the NHS with the majority of funding going to North Norfolk. It was noted that some funds would need to be allocated elsewhere as not all NHS services were provided in North Norfolk (i.e Surgical Procedures).

The ADP reflected that a number of representations referenced ground water, flooding and drainage concerns. He was content that the Lead Local Flood Authority would have raised an objection if they considered there were risks associated with the development. As the Lead Local Flood Authority had not objected to the proposal, he argued it would be challenging for members to object to the application on this basis.

He further noted concerns about pedestrian pavements in the locality and agreed that whilst the pavement on Overstrand Road were narrow, the applicant had agreed to increase the width of the pavement on the boundary side to the development, which the ADP considered was a substantial improvement.

- vi. The SLO (attending remotely) advised, with respect of habitat fragmentation, that a notable amount of green infrastructure would be retained on the site, and officers had pushed to ensure there would be a strong eastern boundary, as well as the retention of the grassland to the south. He considered that there would be a continued functionality of wildlife corridors between adjacent sites. Whilst there would be some loss to biodiversity, the SLO was assured that this was only the outline application stage and issues would be managed through reserve matters. The SLO confirmed that the habitat assessment underpinning the biodiversity metric was based on spring 2022, before the vegetation was cleared in September 2022. The primary loss was to shrub and grassland, which whilst disappointing could be recreated elsewhere. With regards representations made, he advised that Badger sets and Orchids had not, to his knowledge, been removed from the site.
- vii. The DM recognised this was a challenging application. Given the application was already in the planning system the legislation requiring 10% biodiversity net gain would not yet apply, as such the Council could only legally ask for a 1% net gain till the legislation came into effect. The DM reflected the applicant offering 10% biodiversity net gain was a benefit which should be given weight in the planning balance. Further, he noted that there would be no limitations on someone cutting and maintaining the grassland to its designation as a golf course.
- viii. Cllr L Paterson thanked officers for their hard work. He recognised the desperate need for affordable housing in the district and the lack of 5-year HLS, given these material factors he proposed acceptance of the officer's recommendation for approval.
- ix. Cllr J Toye acknowledged the wellbeing benefits open, green spaces bring, however considered this needed to be balanced against the benefits of additional housing. He expressed concern that whilst the draft Local Plan had been submitted for inspection, there was no guarantee that the Inspector would allocate the site, though it was highly likely it would be approved given the extensive consultation process. Cllr J Toye noted the lack of 5-year HLS and the pressures on development in the district by consequence of Nutrient Neutrality, imposed externally, which had resulted in available sites sitting undeveloped. With respect of comments raised, he stated that the Highways issues were pre-existing, and this was occurring irrespective of the proposal. Cllr J Toye considered that further exploratory work on the site was needed including more detailed investigations into matters of flooding, mineral concentration, and others. He expressed a preference to defer the application pending such exploratory work.
- x. Cllr L Withington agreed this was a challenging application, acknowledging the need for affordable housing but equally that weight should be given to the site's AONB status. She relayed her concerns about the fragmentation of habitats and habitat corridors by consequence of the proposal and remained unconvinced with the advice offered by the SLO. Referencing the submission from the Lead Local Flood Authority, Cllr L Withington

commented that she was unclear of the conditions which would be required to make the application satisfactory nor how these could be successfully implemented. She reflected that on other sites in the district developers had diluted the provision of affordable housing down following revised viability assessments, she sought assurance that the affordable housing figure detailed would remain unchanged. Cllr L Withington affirmed that without the 45% affordable housing provision, she was unsure if the proposal could be justified given the projected loss to the AONB and habitat corridors.

- xi. The Chairman reminded Members that each application must be considered on its own merits. Comparison with alternate applications in alternate locations where there was known contamination, was a separate matter.
- xii. The ADP confirmed the parameters of condition submitted by the Lead Local Flood Authority were detailed in paragraph 205 on page 59 of the agenda pack. He advised that officers were satisfied with these, and other conditions proposed.
- xiii. Cllr A Varley noted the suggestion that significant weight be attributed to the emerging Local Plan, but affirmed his concern that the draft Local Plan was not yet adopted and may well be revised. He further stated his disappointment about the proposed loss of biodiversity in the AONB. Cllr A Varley reflected this was a finely balanced application between ensuring protection of the special characteristics of the site and the benefits of 45% affordable housing but reiterated his concern about the decimation of the landscape and wildlife corridors. He was encouraged by the applicants 10% biodiversity net gain commitment, going above the legislative 1% figure, and proposed that the 10% biodiversity gain be conditioned should the application be approved.
- xiv. The ADP confirmed that the 10% biodiversity net gain would be added to the list of conditions.
- xv. Cllr L Vickers reiterated comments from the Portfolio Holder for Housing & People Services regarding the desperate need for affordable housing and extensive waiting list. Cllr L Vickers recognised that whilst there were negative aspects associated with the proposal, she placed weight on the provision of affordable homes and so seconded the officer's recommendation for approval.

The PL left the meeting at 10.55am

- xvi. Cllr K Toye expressed doubt about the deliverability of the 45% affordable housing provision and stated that she still was left with questions about the application and would therefore find it difficult to endorse the application at this time.
- xvii. The Chairman advised that it was difficult to absolutely guarantee the delivery of specific percentages of affordable housing on any site, however commented that this application was markedly different to others referenced where contamination was known.
- xviii. The DM confirmed that at the alternate site, referenced by Members, a viability assessment for the initial application had not been received. By contrast, this application and site had been subject to a viability assessment

which had been reviewed and supported by the Council's Independent Viability assessor. He was confident that the Council was in a stronger position than with the alternate application for the alternate site.

- xix. Cllr G Bull sought confirmation that, should the application be refused, whether there would be anything to stop the landowner returning the site to its former use as a golf course, therefore removing any of the current vegetation.
- xx. The SLO advised that the Environment Act allowed for the baseline conditions to be returned to the 30th January 2020 where the habitats have since been degraded.
- xxi. Cllr A Brown supported comments made by Members with respect of the challenges to the development site, however stated that the Council were obliged to implement planning policies in accordance with national guidelines. He expressed concern about the lack of information and reporting on drainage matters, and the ability of the developer to revise down affordable housing provision through an amended viability assessment. Cllr A Brown asked what the Local Authority could practically do to hold the developer to account with respect of the affordable housing provision.

The PL returned to the meeting at 11.01am

- xxii. The ADP advised that, subject to approval, before the outline permission was granted a S106 would be completed as part of the process stipulating 45% affordable housing, amongst others.
- xxiii. The Chairman stated that the meeting would be adjourned to enable the Monitoring Officer to discuss procedural matters with Planning Officers.

The meeting was adjourned at 11.04am and resumed at 11.32am.

The Monitoring Officer arrived at 11.32am.

- xxiv. The ADP advised that a query had been raised whether it was appropriate for the SLO to have contributed to the meeting remotely. The ADP offered the context as to why the SLO was unable to attend the meeting in person and confirmed that the guidance offered by the SLO, was not extensive, and did not differ from the contents of the published report or the opinion and guidance offered by the ADP. He confirmed he endorsed all the comments made by the SLO, and having discussed the matter with the Monitoring Officer, issued advise to Members to continue with the meeting and form a determination of the application.
- xxv. Cllr S Butikofer thanked officers for the clarification provided. She stated that she shared the views of Members and commented that the opportunity to secure 45% affordable housing was extremely tempting and something she would wish to support. However, based on prior events where the initial provision of affordable housing was reduced, and given that there was not guarantee the 45% could be provided, in addition to the site being located within the AONB, Cllr S Butikofer commented she was inclined to refuse the application.
- xxvi. Cllr J Toye sought clarification regarding the viability report and asked if there

was any headroom for the concerns identified by Members.

- xxvii. The ADP reiterated that officers were unable to offer a concrete guarantee but stated that the proposal was realistically as good as could be provided at this stage.
- xxviii. Cllr J Toye asked, if the application were to be deferred, if and when additional information identified as lacking by Members could be received. He argued that this information underpinned whether the application was permissible.
- xxix. The ADP advised that if the application remained un-determined, by January 2024 the applicant would have the right of appeal for non-determination. With respect of requesting additional information, this would require the quick turnaround of information from a number of statutory bodies and the agreement of the applicant. He commented that the applicant may be less likely to appeal the application should the proposal be deferred for consideration in January as opposed to much later in 2024. The ADP contended that there may be limited benefit of requesting additional information from the associated 3rd parties given each was satisfied with the application and level of detail provided, subject to conditions.
- xxx. Cllr P Fisher recalled the historic use of the site and the chemicals used to maintain it. He considered the loss of the habitat would be devastating, however stated that the loss of 54 affordable dwellings would also be devastating. Mindful of the Council's 5-year HLS and the potential for 'Wild Planning' he expressed his support for the officer's recommendation.
- xxxi. Cllr R Macdonald echoed the comments from Cllr P Fisher.
- xxxii. Cllr P Neatherway reflected on the concerns raised by Members and representations from the public. As it could not be guaranteed that additional information would be received in a timely manner, he concluded on balance to support the officer's recommendation.
- xxxiii. The Chairman invited the representative from Gladman to address comments raised at the meeting. The Chairman asked if the requested information could be provided in a rapid timescale for a potential January meeting.
- xxxiv. Ms Richardson – on behalf of Gladman Development Ltd (GDL)– stated that she would need to discuss matters with her colleagues. She affirmed that the statutory consultees were comfortable with the proposal and solutions provided, and that GDL had undertaken due diligence with respect of the application. She stated that should someone seek to reduce the level of affordable housing from the detailed 45%, they would require permission from the Council to do so. Ms Richardson confirmed that GDL were confident with securing 45% affordable housing as part of the S106 agreement which formed part of the proposal.
- xxxv. The Chairman noted that some information could be provided at an expedited rate.
- xxxvi. Mr Richardson advised that the information discussed would rely on GDL's external consultants being able to pull together information rapidly, which

was not guaranteed. The reports required months of work and associated testing for accuracy, and it would therefore be challenging to deliver the information requested in the timeframe identified.

RESOLVED by 8 votes for, 1 against and 4 abstentions.

That Planning Application PO/23/0596 be APPROVED in accordance with the Officer's recommendation.

The Monitoring Officer left the meeting at 11. 52am

91 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

Officer's Report

The SPO-MB introduced the officer's report and recommendation for approval subject to conditions. He outlined the site's location, adjacent to a public footpath on back lane, and detailed its relationship within the wider setting including with the previously approved application PF/23/1065 on Church Road. It was noted that the applicant had taken the conscious decision to split the development of 10 affordable dwellings across the two sites, located 731m apart, which was in conflict with the 1km prescribed distance as established in policy HO3.

The SPO-MB provided details of the proposed site plan, floor plans, elevations, landscape plan, and photos of the site and surrounding area, and set out the key issues for consideration. Officers considered that the material considerations, primarily the erection of 5 affordable bungalows provided a justified reason to depart from Local Plan policy HO3.

Public Speakers

Jasmine Whyard of Paragon Planning on behalf of Mr & Mrs Potter – Objecting
Ed Mumford-Smith – Supporting

Members Debate

- i. The Local Member – Cllr C Ringer – noted the significant level of local interest in this application. He expressed his general support for the development of affordable housing on rural exception sites and welcomed the ability for local people to live, contribute and enhance their local community. The Local Member stated that West Beckham was a village close to his heart and relayed his close familial links with the village. He acknowledged that affordable housing had been an issue in the community for many years and reflected on local demand. He affirmed that there was an undeniable need for affordable housing in West Beckham and considered that many of the objections raised talked the village down, particularly with respect of transportation links and employment opportunities. Cllr C Ringer noted that objections detailed the prevalence of second and holiday homes as a reason why the application was inappropriate, which he considered absurd and, if anything, was more reason to support the proposal.

The Local Member recognised that the application was in conflict with policy HO3 and expressed a preference for 10 homes being sited on Church Road as opposed to split by the developer across two sites. Cllr C Ringer reflected on historic highways issues which had contributed to the loss of life on the A148 and associated junction and stated that till Highways matters were resolved he would be resistant to additional housing in this location.

Cllr C Ringer spoke favourably of the design of the proposal and environmental credentials outlined and concluded that he would be supportive of the application if only it were located in a more appropriate location. The Local Member stated his preferred outcome would be for the developer to withdraw the application and to instead develop 10 homes on the Church Road site, something he would be keen to work with the applicant on.

- ii. The HSDM confirmed the severe need for affordable housing in the district. He cautioned that if it was decided that the application were unsuitable on the basis it was located 1km from the approved affordable housing site, then the 5 affordable homes proposed would be lost and would not be gained at Church Road. The HSDM urged the Committee to take a pragmatic approach and approve the application.
- iii. The DM reiterated the principle of development as detailed on p.76 of the agenda pack. He advised it was for the Committee, as decision maker, to form a planning judgement and to consider whether any material considerations justified reason for departure from the development plan.
- iv. Cllr A Brown agreed with Cllr C Ringer that the application was not located in a sustainable location and was in conflict with policy HO3. He advised he would abstain from voting on the application as he considered himself pre-determined.
- v. Cllr L Vickers asked for clarification, should the application be withdrawn and brought back to join with the Church Road application whether this would be in conflict with policy HO3?
- vi. The DM advised that technically moving the 5 properties to join with Church Road as a new application would be in conflict with HO3 given the existing permission.
- vii. Cllr S Butikofer gave weight to the type of property designation proposed, and commented bungalows were desperately needed within the affordable housing mix for those residents with mobility issues.
- viii. The PL advised that the settled S106 would guarantee 5 affordable houses.
- ix. Cllr L Paterson proposed acceptance of the officer's recommendation for approval.
- x. Cllr A Varley thanked officers for their report and to the Local Member for his comments. He welcomed of the provision of affordable houses, particularly bungalows which were needed within the local housing mix. In addition, he was encouraged by the environmental credentials of the scheme and of the commitment of the developer to climate change and net-zero targets. Cllr A

Varley seconded the officer's recommendation and asked that a condition be added to ensure the incorporation of the solar panels (detailed in the drawings) and EV charging.

- xi. Cllr J Toye reflected that it was often more viable for developers if there were multiple developments in close proximity, as this was more effective for maintenance purposes. He suggested, as an enhancement to the scheme, that the applicant engage in conversations with the landowner to open up a walkway between this and the Church Road proposal.
- xii. Cllr P Neatherway expressed his support for the application which would be in keeping with the local area.
- xiii. Cllr L Withington noted that the scheme was for social housing and recognised the need for genuinely affordable homes in the community. She affirmed her support for the proposal.

RESOLVED by 12 votes for and 1 abstention.

That Planning Application PF/23/1578 be APPROVED in accordance with the Officer's recommendation.

92 SHERINGHAM - PF/23/1172 - DEMOLITION OF EXISTING DWELLING HOUSE AND CONSTRUCTION OF A REPLACEMENT DWELLING HOUSE AT 68 CLIFF ROAD, SHERINGHAM, NR26 8BJ

Officer's Report

The DMTL introduced the officer's report and recommendation for approval subject to conditions. He outlined the site's location and relationship with neighbouring buildings, including Coastal Footpath and adjacent Putting Green, and provided details of the proposed and existing site plans, elevations, and floor plans.

It was noted that permission had been granted for an alternate scheme on the site, which was of modern style, and would be in addition to the existing dwelling, whereas the proposal sought for the replacement of the existing dwelling. The DMTL confirmed that the property, if built, would be at least 8.5m from 64/66 Cliff Road which would be policy compliant. Further, the proposal and existing planting scheme was not considered by officers to have a significant adverse impact on the amenity of neighbours including overlooking.

The Case Officer affirmed the key issues for consideration and provided update to the officer's recommendation to include the requirement for the applicant to complete a unilateral undertaking regarding the extant planning permission, and additional conditions on external lighting.

Public Speakers

Hannah Wessely – Objecting
Yvonne Fone – Supporting

Member's Debate

- i. The Local Member – Cllr L Withington – recognised this had been a controversial application in the local community and that the following

matters were at issue; the modern and square design of the proposal; visual prominence of the scheme in being the visual entryway to Sheringham from the Coastal Path; relationship and impact on the AONB (though not within the designated setting); undercutting of the bank and impact on the footpath; massing of the development and potential for overlooking; and environmental concerns. The Local Member recognised that the previously approved development was of modern design and established the principle for a modern dwelling on the site. Cllr L Withington and the Town Council considered the prior application for a smaller and more block like dwelling was better in keeping with the character and appearance of the local area.

- ii. The Chairman sought clarity regarding the extant permission and unilateral undertaking.
- iii. The DMTL confirmed that the unilateral undertaking would prevent the proposal from being built out whilst the existing building was in situ.
- iv. Cllr A Varley thanked officer's and the local member for their input. He recognised that whilst the site was not located within the AONB, it would have a notable impact on the special setting and the coastal footpath. His primary concern was on the prevalence of glass panels throughout the scheme and potential impact of light pollution emitted from the development. Cllr A Varley enquired if the use of 'smart glass' or other mitigations could be conditioned?
- v. The DMTL advised the existing dwelling already had extensive glazing, further the site was located within the built-up settlement with surrounding streetlighting, officers therefore considered it may not be reasonable to request 'smart glass' in this location.
- vi. Cllr J Toye asked if the unilateral undertaking included permitted development.
- vii. The DMTL confirmed there was no permitted development rights as the garden amenity area was to the front of the property.
- viii. Cllr J Toye proposed acceptance of the officer's recommendation for approval.
- ix. Cllr S Butikofer placed weight on the extant permission, she recognised the modern design may not be to everyone's taste and that this was a subjective matter. Cllr S Butikofer seconded the officer's recommendation for approval.

RESOLVED by 10 votes for, 1 against, and 2 abstentions.

That Planning Application PF/23/1172 be APPROVED in accordance with the officer's recommendation.

The meeting was adjourned at 12.56pm and reconvened at 1.36pm.

- 93 **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

Officer's recommendation

The SPO-BC introduced the officer's report and recommendation for approval. He outlined the site's location, situated in the designated Countryside, AONB, and Undeveloped Coast in policy terms and confirmed relationship of the dwelling with neighbouring properties. The Case Officer detailed site plans, existing and proposed elevations and floor plans, and provided images of the site including access.

The SPO-BC noted the key issues for consideration as detailed in the officer's report and reiterated his recommendation for approval subject to conditions.

Public Speakers

Justin Crookenden – Objecting
Daniel O'Connor – Supporting

Member's Debate

- i. The DM relayed a written submission from the Local Member – Cllr V Holliday – who was unable to attend the meeting. The Local Member noted there had been community objection to the application due to the scale of increase and use of glazing which were felt to erode the character of the village. She compared the application to two other schemes in Salthouse (PF/22/1009 and PF/22/0414) both of which officers felt it essential to reduce the amount of glazing because of the adverse impact on the AONB's dark skies, to keep window sizes in scale with vernacular design, and to avoid excessive massing of the proposed dwelling. The Local Member considered the landscaping scheme did not accord with the NPPF not the Core Strategy, and further objected to the visual intrusiveness of the large-scale glazing and impact on nocturnal skies. Cllr V Holliday contended the application did not comply with Local plan policies EN1, EN2, HO8, paragraph 176 of the NPPF, and emerging Local Plan policies ENV1, ENV2, ENV6 and ENV8.
- ii. Cllr G Bull asked that the images provided by the supporting speaker be re-shown on the screen. The supporting images were re-shown.
- iii. Cllr A Varley thanked the case Officer for his thorough report. He stated he was content with the application and the conditions detailed particularly with respect of dark skies, and so proposed acceptance of the officer's recommendation.
- iv. Cllr J Toye expressed concern regarding the view from the northern elevation and whether this elevation was in keeping with the street scene. In all other respects he was satisfied with the application, and so seconded the officer's recommendation.
- v. The Chairman asked if the annexe would be conditioned to ensure it only be used in conjunction to the principal dwelling.
- vi. The SPO-BC advised this had been covered off in condition 10.

UNANIMOUSLY RESOLVED by 13 votes for.

That Planning Application PF/23/1695 be APPROVED in accordance with the officer's recommendation.

94 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

Officer's report

The SPO- JO introduced the officer's report and recommendation for refusal of the outline application. She highlighted the key issues for consideration and advised that the application was contrary to policies SS1 & SS2, further the emerging local plan recognised the village was not suitable for small scale growth. With respect to the self-build nature of the development, officers did not consider the dwelling suitable having regard to the spatial strategy and access to services and amenity. The Case Officer advised a recent appeal decision had been appended to the agenda pack which had similarities with the application site. The applicant had referenced an occupational need for the dwelling to support the Thursford Entertainment, as such, Officers had considered the application against policies for essential rural workers dwellings and concluded that the development failed to accord with the tests raised NPPF, further the application was not submitted by Thursford Entertainment but by the general manager. The link between the proposal and the aforementioned business was not formalised, and no evidence had been supplied detailing the workers dwelling need.

The SPO-JO outlined the sites location and relationship within the local setting, indicative layout, appearance, planting, and provided images in and around the site.

Public Speakers

Sherri Eckworth – Thursford Parish Council
Ryan Astill – Supporting

Members Debate

- i. The Local Member – Cllr S Butikofer – expressed her support for the application following attendance to the site and implored the Committee to consider the relevant material considerations to depart from the officer's recommendation. The development whilst in the designated countryside setting, would be located in the heart of Thursford Village. Policy SS2 permitted the development of one new property in a rural location under specific circumstances where it can be demonstrated there is a need for a rural work to live in and around their place of work, this was supported by paragraph 80 of the NPPF. The Local Member questioned whether it was right to discriminate the local business which operates in a rural location simply because it was not a agricultural enterprise to which policy SS2 naturally applied as did policy HO2. Cllr S Butikofer recognised the application was for a third-generation owner, taking on the management and development of the rural business and evidence had been provided to

demonstrate that the applicant would be on call day and night, and would be on site in the busy winter season often till 1.00am returning again at 8.00am. The applicant was the primary first responder for the site, and the Local Member was supportive of a key holder being located on the site at all hours given the nature of the business. The applicant had a responsibility to the welfare of the numerous performers who took residence in the village during performance season, which gave further weight to the need for the development. The Local Member noted the applicant and their agent had detailed why they were unable to offer details requested by NNDC for the other dwellings housing essential works to Thursford Enterprise for GDPR reasons. She concluded by affirming the essential need for a workers residence to support the day-to-day function of the business, which contributed highly to the North Norfolk Economy. The development would contribute to rural and economic sustainability in supporting the rural business and critically from an environmental perspective, the development would reduce the number of car journeys to the site from the manager.

Cllr P Fisher left the meeting at 2.25pm

- ii. Cllr J Toye was conscious that the development could transfer in three years and accepted that personal circumstances should not influence planning decisions. However, he considered there to be a justified reason to depart from policy having listened to representations made and understanding the business need behind the development. He stated that he would have liked details of the environmental credentials of the development, though understood this was lacking as this was only an outline application.
- iii. Cllr L Withington expressed her support for the points made by the Local Member.
- iv. Cllr A Varley endorsed comments made by Members and agreed had the applicant had been for an agricultural worker dwelling for a similarly sized agricultural business, the application would have complied with policy and would have been recommended by officers. Cllr A Varley argued the applicant was key to the operation of the local business and the circumstances surrounding the business were a material consideration which justified departure from policy and the officer's recommendation.
- v. Cllr S Butikofer considered other applications in rural locations were considered for approval, and therefore this application could be open to interpretation. With respect of Cllr J Toye's comments about the environmental credentials of the development, Cllr S Butikofer considered the applicant would likely be amenable to offering details if requested.
- vi. The DM noted the former application, referenced by Cllr S Butikofer was policy compliant and therefore different considerations applied. Officers recognised the significant economic benefits Thursford Enterprise offered to the local economy. If the Committee were minded to approve the application, it would be important to clearly define the reasons which made this but not other market dwellings in the countryside acceptable. Whilst the site was not locationally isolated, it was functionally isolated. And therefore, not policy compliant. The Council would fail to meet its net-zero ambitions should it continue to permit development of dwellings in the countryside. The applicant had not put forward an occupancy restriction, which would allow for the applicant to re-sell the dwelling on the open market.

- vii. Cllr G Bull considered this was not a rural location and would be surrounded by other dwellings, he argued common sense needed to be applied and that this development be treated in the same manner as an agricultural worker dwelling.
- viii. Cllr A Brown proposed acceptance of the officer's recommendation for refusal. He noted the considerable economic benefit Thursford Enterprises brought to the local economy but disagreed with the assertion that the application be treated as an agricultural worker dwelling which was subject to assessments and restrictions. He noted the development could be sold on the open market if granted within 3 years which was a concern.
- ix. The Chairman seconded the officer's recommendation.
- x. Cllr L Paterson asked about the conditions attached to the application.
- xi. The DM advised no conditions had been applied and there was no restriction on re-sale after 3 years. If members were minded approving the application, they may wish to impose conditions.
- xii. The PL advised, subject to the applicant's agreement, that a S106 be conditioned that the permission be for the benefit of a particular occupant.
- xiii. It was noted the applicant was agreeable to this condition.
- xiv. Cllr A Brown considered the PL suggestion to be a material consideration which would justify the development as so withdrew his proposal.
- xv. The Chairman proposed and seconded the officer's recommendation.

THE VOTE WAS LOST by 2 votes for and 10 votes against.

- xvi. Cllr S Butikofer proposed acceptance of the application given the substantial material considerations which justified departure from policy on this occasion, this being the need of the Thursford Enterprise for the applicant to live in close proximity to the business.
- xvii. Cllr A Varley seconded the recommendation.
- xviii. The ADP noted discussions surrounding occupancy conditions which would need to be resolved by S106 agreement of by condition.
- xix. Cllr J Toye asked that design details be supplied.
- xx. The ADP confirmed detailed of the design would be contained in the reserved application.

RESOLVED by 12 votes for.

That Planning Application PO/23/1526 be APPROVED. Assistant Director for Planning to be given delegated authority with conditions.

Cllr L Withington left the meeting at 2.45pm

95 TRUNCH - PF/23/0613: CONSTRUCTION OF TWO-BEDROOM DETACHED DWELLING, CARTSHED GARAGE AND ASSOCIATED WORKS AT THE ROOST, MUNDESLEY ROAD, TRUNCH.

Officers Report

The SPO-RA introduced the officer's report and recommendation for refusal. He outlined the site's location, context of the site and surrounding area, existing and proposed site plans, and offered images in and around the site and access way. The Case Officer confirmed the site was contained within Trunch Conservation Area and was adjacent to the AONB and detailed historic applications in Trunch and their proximity to the development for context. Notably the site was located within the designated Countryside per policies SS1 and SS2 of the current and emerging Local Plan.

The proposal would utilise vernacular materials and no objection to the proposal had been raised by Conservation and Design Officers. Views of the dwelling would be limited given its location and it was considered the design was in keeping with the local setting.

The SPO-RA confirmed the key matters for consideration and reiterated that whilst the development did not give way to concerns over design, appearance, amenity amongst others, the issues at conflict were principle and sustainability of development given the Countryside location would give rise to car use dependency. It was noted the Council was unable to demonstrate a 5-year Housing Land supply and the tilted balance under the NPPF would need to be engaged. Officers concluded that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

Public Speakers

Richard Miles – Objecting
Ryan Astill – Supporting

Members Debate

- i. The Local Member – Cllr P Neatherway – stated he had attended the site and met with relevant parties and noted there were strong local feelings for and against the development, however Cllr P Neatherway was satisfied with the Officer's recommendation.
- ii. Cllr J Toye noted the application was referred to the Committee by the ADP and asked for reasons for the call in.
- iii. The ADP advised the application had been called to Committee as it was a finely balanced application and would benefit from a decision by the Development Committee.
- iv. Cllr J Toye considered there to be no material considerations to justify departure from policy and noted the sites close relationship with the AONB, and location within the settlement boundary for the emerging Local Plan for Trunch.
- v. Cllr A Brown proposed acceptance of the officer's recommendation. He

noted the officer's report and references to the weight a single dwelling would give in the tilted planning balance which was at odds with an application on 9th November. He requested this be clarified moving forward.

- vi. Cllr G Bull noted a caravan was in situ on site. The applicant confirmed the caravan was being occupied at present by herself.
- vii. Cllr L Paterson seconded the officers recommendation.

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

That Planning Application PF/23/0613 be REFUSED in accordance with the officer's recommendation.

Cllr A Brown left the meeting at 3.08pm

96 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.

Officer's Report

The DMTL – CR re-introduced the officers report and recommendation for approval, this application was referred to Committee following deferral to enable a site visit in November 2023. He confirmed the site's location, relationship with neighbouring properties, existing and proposed site plans and elevations, and provided images of the site.

The key issues for consideration related to matters of design and heritage impact of amenity. Officers recognised the proposed extension was large but considered on balance was acceptable and would not have a significant adverse impact to neighbours.

It was noted that the existing parking arrangements were not ideal and remained unchanged by way of the proposal. The predicated increase in car movements by way of the additional 2 bedrooms was not significant or sufficient enough reason for refusal.

Public Speakers

Marie Frazer – Objecting

Members Debate

- i. The Local Member – Cllr V Holliday – was unable to attend the meeting, however submitted a pre-prepared statement which was recited by the DMTL-CR. She acknowledged and shared in community objections to the scheme which centred on loss of light to, and the overlooking of, the neighbouring house and garden; overdevelopment of the site; light pollution; loss of biodiversity; and lack of parking. The Local Member considered the scale of the extension was contrary to policy EN4 and emerging policy HOU6 and would have a significant adverse impact on the neighbour's amenity. In addition, the proposal would result in only 105 sq m of amenity space which she believed was disproportionately small for the building footprint.

- ii. Cllr L Paterson asked if a Highways report had been provided.
- iii. The DMTL-CR confirmed as it was a Householder application the Highways Authority were not consulted and therefore an officer judgement was formed.
- iv. Cllr L Paterson expressed concern about the existing parking arrangement and argued the increased bedrooms would result in increased car movements. He considered the scheme would represent overdevelopment.
- v. The Chairman confirmed, having attended the site visit, the existing parking arrangement was not ideal but was not sufficient reason to object.
- vi. Cllr S Butikofer stated she was very familiar with the area and site having been the former County Councillor for the village. She agreed parking and gaining access to the road from driveways was particularly dangerous and noted the number of accidents along the road. Further, she had concerns over the scale of development and stated she would have preferred something akin to the neighbour's extension.
- vii. The DMTL-CR advised that officers had taken parking into consideration and had formed a balanced view that as the proposal was only for one additional parking space, this would not significant enough to justify refusal. It was not practical to consult the Highways Authority on every Householder application and therefore officers had formed their own view.
- viii. Cllr J Toye proposed acceptance of the officer's recommendation.
- ix. Cllr L Vickers seconded the motion.

RESOLVED by 7 votes for and 3 against.

That Planning Application PF/22/1530 be APROVED in accordance with the officer's recommendation.

97 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

Members noted the Development Management Performance Report and Section 106 appendix.

98 APPEALS SECTION

Members noted the Appeals Report.

99 AOB

- i. Cllr J Toye reflected that it had been a lengthy meeting and asked if it may be possible to better utilise reserve dates to avoid another 6-hour meeting in future. Further, he commented that it was challenging to properly study and consider lengthy agendas with the timescale provided and asked if more complex item agendas may be issued in advance of statutory deadlines.
- ii. The ADP advised agendas would not be published earlier than current timelines. He reflected that continuing past 1pm was a rarity and reserve

dates were used where appropriate. The ADP stated he would review procedures following the meeting.

- iii. The Chairman agreed that a review should take place and was minded for the wellbeing of public representatives for the later items. He acknowledged that it was often difficult to pre-emptively determine how long items may take.

100 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 3.36 pm.

Chairman

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Registering interests

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

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

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

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

Non participation in case of disclosable pecuniary interest

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

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

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

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

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

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

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

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

Table 1: Disclosable Pecuniary Interests

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

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

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

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

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

Table 2: Other Registrable Interests

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

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)



HAPPISBURGH – PF/22/2510 - Access track to Lighthouse Lane to serve existing public car park and new car park to allow for rollback of existing car park; ancillary works at Land off Lighthouse Lane Happisburgh for Happisburgh Parish Council

Major Development

Target Date: 7th March 2023

Extension of time: 18th January 2024

Case Officer: Mr Joseph Barrow

Full Planning Permission

BACKGROUND

This application was considered by the Development Committee at its meeting on 20 July 2023. The committee resolved to defer the application so as to enable further discussions to take place between the applicant and the local highway authority in seeking to resolve issues surrounding access to Lighthouse Lane and to secure potential improvements for the scheme.

This report is an update on the access and highways issues. The committee report and minutes to the previous meeting setting out all other matters and considerations is attached at **Appendix A**.

Further comments from Norfolk County Council Highways in respect of the proposed changes made to the proposals are awaited and will be reported verbally at the committee meeting.

OFFICER ASSESSMENT

Following the deferment, the application has been the subject of a thorough assessment by a highway consultant. Some of the options that were discussed by the committee at its meeting in July were considered as part of this, and either ruled out or brought forward depending on their feasibility and impact.

The improvements now proposed which would be secured either via conditions or a legal agreement are as follows:

- At least three passing places along Lighthouse Lane between the new access and the junction with Whimpwell Street;
- carriageway widening to the site frontage on the east side of Lighthouse Lane; and
- signage to encourage right turns out of the new car park access road.

Measures that were discussed at the previous committee meeting that have since been discounted following the consultants' review are:

- Reprioritising the Lighthouse Lane / Beach Road junction,
- Restrictive engineering of the junction from the new access road to Lighthouse Lane to prohibit left turning, and,
- The implementation of a one-way system from Beach Road, along the length of Lighthouse Lane, to Whimpwell Street.

As confirmed to Committee previously, this proposal does not involve a proposed increase in the amount of parking available within the car park, which would remain at 74 spaces, inclusive of disability accessible spaces, and powered two-wheeler spaces.

Without a suitable replacement car parking facility being secured, Officers consider it to be highly probable that visitors to the area and others wishing to access the nearby coastal footpath(s) and beach may well choose to park on-street where there are currently no parking restrictions in place. This scenario where the car park is not replaced needs to be weighed against the highway impacts that may arise from the proposed development. Previously, the Highway Authority's stance did not appear to have recognised the potential highway safety impacts resulting from the loss of an existing car park facility without any replacement.

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

The distance along Beach Road to the current car park access point is approximately 268 metres. This section of road has a generally straight alignment with consistent forward visibility, but minimal passing place provision or road width, creating a situation where passing vehicles often use agricultural accesses or residential driveways to pass.

The proposed route includes approximately 60 metres of Beach Road, before traffic would turn right down Lighthouse Lane for approximately 118 metres before the car park access road on the left-hand (eastern) side. The section of access route using Beach Road is the same as at present, but the overall route on public highways would be shorter. Lighthouse Lane is also capable of allowing carriageway widening across the car park site frontage, which is now included as part of the proposals.

It is acknowledged that the proposal could result in additional vehicle movements along the southern section of Lighthouse Lane, beyond the proposed new car park access point. Lighthouse Lane to the south of the proposed car park access, through to the Whimpwell Street junction, is substandard, with insufficient passing place provision, and at a distance of approximately 478 metres to that junction, increased vehicle use of it would be undesirable.

This section of highway is now proposed to benefit from at least three passing places between the new access point, and the junction with Whimpwell Street. Signage will also be installed to encourage road users to exit the car park towards Beach Road. These additional measures are considered to represent a significant improvement that would mitigate and increased usage of the southern section of Lighthouse Lane.

The other potential measures referred to above, that were discussed by the Development Committee at the July meeting, have been assessed but have been discounted due to their overall negative impact on either highway safety, residential amenity, or on feasibility grounds.

It is considered that the proposed development broadly complies with Core Strategy policy CT 5. Furthermore, paragraph 115 of the NPPF (Dec 2023) 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.*' Whilst the proposed development was considered to be acceptable previously, Officers consider that the additional improvements now proposed tip the balance further in favour of approval of the application.

Other considerations

The changes made to the scheme would also have some minor impacts upon the character and appearance of the area. The provision of passing places and the carriageway widening proposed would be a small change to the rurality of the surrounding area, but this slight change to character is considered to be offset by the highway benefits. Extensive landscape mitigation would be secured by condition.

Planning Balance and Conclusion

The proposed development would cause less than substantial harm to the grade II listed lighthouse and cottages which Officers consider would be outweighed by the public benefits arising from the development. Whilst the application was considered acceptable by Officers previously, the changes made to the proposed development would lessen the highway impacts further.

The proposal would also bring forward landscape and ecological enhancements, as well as community-wide benefits in terms of resistance and adaptation to coastal erosion constraints as well as tourism through continued beach and footpath access.

The proposed development is therefore considered to be acceptable and in compliance with the relevant Core Strategy policies listed in the appended report.

RECOMMENDATION:

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

1. Time Limit
2. Approved plans
3. Surface materials
4. Compliance with the drainage strategy
5. Use prohibition for the new parking spaces until such a time as they are necessary
6. Closure of the existing access point as soon as the new access is in use
7. Number of spaces not to exceed 74 as per the plan at any time
8. Car park opening hours with access gate to be closed when car park is not in use
9. Prohibition of overnight camping
10. Implementation of ecological mitigation and enhancement measures
11. Landscaping scheme to include provision of a mixed species native hedgerow with trees every 10m to the southern/western boundaries of the site
12. External lighting restriction
13. Any other highway conditions

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

HAPPISBURGH – PF/22/2510 - Access track to Lighthouse Lane to serve existing public car park and new car park to allow for rollback of existing car park; ancillary works for Happisburgh Parish Council

Major Development

Target Date: 7th March 2023

Extension of time: 27th July 2023 (TBC)

Case Officer: Mr Joseph Barrow

Full Planning Permission

RELEVANT SITE CONSTRAINTS:

Agricultural Land Classification: Grade 1

Countryside

Undeveloped Coast Constraint Area

Coastal Erosion Risk Areas:

Coastal Erosion Risk Area - 100 years

Coastal Erosion Risk Area - 50 years

RELEVANT PLANNING HISTORY:

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

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

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

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

THE APPLICATION

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

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

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

The site is approximately 1.3 hectares in area, and is used for agricultural purposes. The site is bound by dwellings (and initially, their gardens) to the north, Lighthouse Lane with the village of Happisburgh beyond to the west, further agricultural land and the grade II listed Happisburgh Lighthouse to the south, and the existing car park and Happisburgh beach to the east. Other than the

screening of the existing residential development to the north and west, the site is open in its appearance

REASONS FOR REFERRAL TO COMMITTEE:

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

PARISH/TOWN COUNCIL:

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

CONSULTATIONS:

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

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

Natural England: No objection.

North Norfolk District Council Business Development Officer: No objection.

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

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

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

Norfolk County Council Highway Officer: objection

- Believed to be an intensification of use and traffic generation due to the change from agricultural land.
- Visibility is unacceptable at the following junctions:
 - Lighthouse Lane / Beach Road
 - Beach Road / Whimpwell Street
 - Lighthouse Lane / Whimpwell Street
- The section of Lighthouse Lane between the proposed access and Beach Road fails to provide safe refuge for pedestrians, and the prevalence of parked cars for the nearby dwellings restricts adequate passing facilities.
- The southern section of Lighthouse Lane is too narrow with insufficient passing place provision.
- The proposed location of the new access would necessitate increased use of Lighthouse Lane, which, in many ways, is considered to be of a worse standard of highway safety than Beach Road.
- *"In summary, the LHA remain of the opinion that this location cannot be considered as suitable for development as it would significantly increase the likelihood of vehicles meeting, leading to cars reversing and manoeuvring not only in Lighthouse Lane itself but also at visibility restricted junctions i.e Whimpwell Street/Beach Road; Lighthouse Lane/Beach Road; and Lighthouse Lane with Whimpwell Street."*

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

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

3 representations in **support** also received.

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT POLICIES:

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

SS 1 – Spatial Strategy for North Norfolk

SS 2 – Development in the Countryside

SS 5 – Economy

EN 2 – Protection and Enhancement of Landscape and Settlement Character

EN 3 – Undeveloped Coast

EN 4 – Design

EN 8 – Protecting and Enhancing the Historic Environment

EN 11 – Coastal Erosion

EN 12 – Relocation and Replacement of Development Affected by Coastal Erosion Risk

EC 6 – Public Car Parking Provision

CT 5 – Transport Impact of New Development

CT 6 – Parking Provision

Material Considerations

North Norfolk Design Guide Supplementary Planning Document (2008)

North Norfolk Landscape Character Assessment SPD (2021)

National Planning Policy Framework (2021):

Chapter 2 – Achieving Sustainable Development

Chapter 6 – Building a Strong, Competitive Economy

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well Designed Places

Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

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

1. Principle and coastal erosion

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

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

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

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

In policy terms the site is located within countryside, however the car park serves the coastal service village of Happisburgh to which it is adjacent. Policy SS2 of the Core Strategy states that proposals for *'community services and facilities meeting a proven local need'* and *'recreation and tourism'* are acceptable in countryside locations.

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

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

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

the area, having regard to any special designations.

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

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

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

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

2. Design and Landscape Impacts

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

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

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

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

3. Residential Amenity

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

Firstly, it is not considered that the development would be harmful in terms of visual dominance, overshadowing, or privacy in terms of the location of the spaces and the new access road itself. The distances between the land to be developed and residential properties are sufficient to avoid these

concerns, with the landscaping buffers and visual screen further reducing disturbance from the proposed car park location.

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

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

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

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

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

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

4. Highway Safety

Core Strategy Policy CT 5 sets out that:

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

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all including those with a disability;
- the proposal is capable of being served by safe access to the highway network without

- detriment to the amenity or character of the locality;
- outside designated settlement boundaries the proposal does not involve direct access on to a Principal Route, unless the type of development requires a Principal Route
- the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan’.

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

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

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

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

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

Officers accept that the proposal could result in additional vehicle movements along the southern section of Lighthouse Lane. The part of Lighthouse Lane to the south of the proposed car park access, through to the Whimpwell Street junction, is undoubtedly substandard, with insufficient passing place provision, and at a distance of approximately 478m to that junction, increased use would be undesirable. The applicant has indicated that the access to the car park ‘...could be designed with a much-reduced bell mouth or no bell mouth on the southern side of the access track

to make southbound movements difficult. These measures would discourage the use of Lighthouse Lane to the south...'. Officers would welcome these measures together with appropriate signage to ensure traffic is directed to use the most appropriate routes.

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

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

5. Heritage

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

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

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

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

6. Ecology

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

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

Other considerations

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

Planning Balance and Conclusion

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

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

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

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

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

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

RECOMMENDATION:

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

1. Time Limit
2. Approved plans (including design of bell-mouth to car park)
3. Surface materials
4. Compliance with the drainage strategy
5. Use prohibition for the new parking space until such a time as they are necessary
6. Closure of the existing access point as soon as the new access is in use
7. Number of spaces not to exceed 74 as per the plan at any time
8. Car park opening hours with access gate to be closed when car park is not in use
9. Prohibition of overnight camping
10. Implementation of ecological mitigation and enhancement measures
11. Provision of a mixed species native hedgerow with trees every 10m to the southern boundary of the site
12. External lighting
13. Any other highway conditions

DEVELOPMENT COMMITTEE MINUTES

Minutes of the meeting of the Development Committee held on Thursday, 20 July 2023 in the Council Chamber - Council Offices at 9.30 am Committee Members Present:	Cllr P Heinrich (Chairman)	Cllr R Macdonald (Vice-Chairman)
Cllr M Batey	Cllr A Brown	
Cllr P Fisher	Cllr A Fitch-Tillett	
Cllr V Holliday	Cllr P Neatherway	
Cllr J Toye	Cllr K Toye	
Cllr L Vickers		

Substitute Members Present:	Cllr L Withington
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Officers in Attendance:	Development Manager (DM) Principle Lawyer (PL) Deputy Monitoring Officer Democratic Services Manager Senior Planning Officer – JB (SPOJB) Senior Planning Officer – MB (SPOMB) Planning Officer (PO) Trainee Planning Officer
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See Happisburgh Item 26 below

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

The SPO-JB introduced the Officers Report and recommendation for approval subject to an extensive list of conditions. He established the sites location and context within the wider setting, advising that coastal erosion threatened the access point to the existing car park which would render the current car park unusable. The SPO-JB noted the predicated 100 year coastal erosion estimate, the existing car park falling within the predicated eroded area.

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

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

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

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

Public Speakers

David Mole – Happisburgh Parish Council
Paul Sanders – Objecting
Frances Batt – Objecting
Jo Beardshaw – Supporting
Bryony Nierop-Reading – Supporting
Thomas Love – Supporting

Members Debate and Questions

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

History, and affirmed that parking and access must be maintained to ensure access to the beach.

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

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

- vi. Cllr K Teye stated that she would find it challenging to justify the scheme to the residents of Water Lane, who would be adversely affected by the application. She visited the area for the first time 2 weeks prior, and reflected on how lovely it was, sympathising with the objections of residents. Cllr K Teye affirmed that she would like to see the access lane improved, if this were not possible alternate locations should be investigated.
- vii. The Chairman acknowledged this issues surrounding access to Lighthouse Lane and asked if discussions could take place with Highways to seek improvements.
- viii. The DM advised, should Members be minded to approve the application, that it could be conditioned that the design of the Bell mouth is a matters to be agreed with the Highway Authority and the Local Planning Authority. He confirmed that there were countless examples across the country where road users were actively encourages using certain routes in a specific direction. It was noted the applicants willingness to work with both authorities to achieve the scheme. The DM commented that an appropriate signage strategy would seek to ensure road users followed the most appropriate routes and eliminate conflicts between drivers and pedestrians.
- ix. Cllr R Macdonald noted the repeated Highways Authority objections, and sought clarity how much weight should be attributed to their representation. In addition, he asked the viability of a one way system, which be considered to be a reasonable solution.
- x. The DM stated that, at present, a one way system was not a feature of the proposed application. A traffic regulation order (TRO) would need to be secured in order to have a one way system as this would result in a change to the highway network. Such a TRO may be objected to by residents of Lighthouse Lane who may not wish to be restricted in their movements. The

DM considered a TRO may go some way to alleviate traffic concerns, and commented it was a matter for the applicant to consider.

- xi. The Applicant advised a one way system had been considered, and acknowledged the access along Lighthouse lane was not without its issues. He commented that access between Beach Road and Lighthouse Lane could be improved, and contended this would be better than an alternate one way system which would take a significant amount of resource.
- xii. Cllr A Brown stated that the principle of re-siting the car park was supported by the Committee, however questioned the justification for the size of the car park and traffic management (which would be seasonably affected) leading to an intense usage of Lighthouse Lane. He affirmed that the junction from Beach road to Whimpwell Street was far superior than that from Whimpwell Street to Lighthouse Lane, and expressed his concern with the alternate route proposed. Cllr A Brown questioned which properties would be directly opposed the bell mouth entrance, and asked if consideration could be given to a chicane giving priority to the direction of traffic to the south. He asked whether the landowner may be minded to facilitate passing places along Lighthouse Lane to alleviate issues of Vehicles using the entrances of Residents' Properties as passing places.
- xiii. Cllr J Toye considered the irony of the situation that the area was subject to rapidly increasing coastal erosion, in part because of cars. Whilst there may be some community benefit from the income generated from the car park being spent locally, he was uncertain how much of the visitor economy affects the village. Cllr J Toye noted that policy EN12 related to the replacement of Community Facilities, had the application related solely to the relocation of the toilet facilities and the play park he considered this would satisfy this criteria, however he argued this was not relevant to the car park. He stated he was unable to support the continued use of cars in this areas which was contributing to coastal erosion.
- xiv. The Chairman advised, should Members have ongoing questions about traffic issues, that the application could be deferred, pending further investigation on this matter.
- xv. Cllr V Holliday agreed with Cllr J Toye and affirmed that the Council should be discouraging car use on the coast and coming up with innovative ways of managing this. She commented that she was really uncomfortable with continuing to provide coastal car parks, and that she was concerned about the local transport network. Cllr V Holliday noted the conflicting public views on the application, and the petition signed by 95 persons against the scheme.

- xvi. Cllr L Withington confirmed this was not an isolated issue and was indicative of challenges being faced along the coast, therefore, the approach set by the Committee would establish a precedent for other application's moving forward. Cllr L Withington noted that access to the beach was vital in ensuring continued coastal management, which she commented was key consideration. Like other Members, she was concerned about the Highways Authority objection and frustrated that solutions had not been provided to alleviate issues. Cllr L Withington proposed deferral of the application to enable further investigation of traffic issues and solutions.
- xvii. Cllr A Brown seconded a deferral.
- xviii. The Chairman asked that Members clearly articulate those aspects which they required further details of before the application was brought back to Committee.
- xix. The DM reflected on Members debate, and the concerns expressed about access on to Lighthouse Lane. He commented conversations could take place to explore options to improve access from Beach Road onto Lighthouse Lane to ensure this was made as safe as possible, but also to explore highway concerns and reasonably possible solutions more broadly to make the development acceptable in planning terms.
- xx. The SPO-JB advised that requesting a restrictive bell mouth which prohibits vehicular movements left, and further highway works to the south of such bell mouth, would be an interesting relationship to explore. Certainly, there was scope to improve the Highway network.
- xxi. Cllr L Withington asked if clarity could be provided by the coastal management team about the impact of the scheme on their work.
- xxii. The CWM confirmed that the public access ramp to the beach was intended to support recreational use, however it was also used in the management of the rock armour and debris on the beach. Whilst the beach could be accessed from cart gap to the south east, this was a much longer distance with added complications in transporting essential equipment. Erosion rates vary year on year, with an extreme of 13 metres being lost in one month in Happisburgh. The CWM advised that the loss of the car park with subsequently mean the loss of the adjacent play area. He noted that the Car Park had been placed in situ following community discussions in 2010-2011, where it was understood that there was a need to accommodate visitor services and associated infrastructure near the coast, which was the

attraction to visitors.

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

RESOLVED by 10 votes for

That Planning Application PF/22/2510 be deferred.

END

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WALCOTT – PF/23/2259 - Development of 23 dwellings with associated access, parking and landscaping, Land On Ostend Road, Ostend Road, Walcott for Flagship Homes

Major Development

Target Date: 17.01.2024

Case Officer: Bruno Fraga da Costa

Major Application

RELEVANT SITE CONSTRAINTS

Within the Countryside as designated within the North Norfolk Core Strategy

Within Coastal Plain Landscape Character Area as designated within the North Norfolk Landscape Character Assessment

Within Undeveloped Coast as designated within the North Norfolk Core Strategy

Within Coastal Erosion Risk Area 100 years

Risk of Flooding from Surface Water with Climate Change

Within multiple Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) Zones of Influence

RELEVANT PLANNING HISTORY

PF/20/1582

Development of 18 dwellings, comprising 16 two-storey dwellings for affordable rent (Site Plot A: 4no. 3-bed houses, 8no. 2-bed houses, and 4no.1-bed flats), and 2no. 4-bed detached houses for market sale (Site Plots B and C), with associated access, parking and landscaping

Approved 14.02.2022

THE APPLICATION

The village of Walcott is situated close to the coast and Ostend Gap is 110 metres from the coast at its nearest point from the application site. The application site is located on land to the north of Ostend Road. Vehicular access would be gained from the west of the site on to Ostend Road.

The application site is located on agricultural land to the south east side of the village and is situated between the properties of the Ostend Gap Coastal village to the north consisting of a mix of bungalows and houses built in the 1980's to 1990's, and a small group of about ten dwellings to the south, which are semi-detached, and some detached private houses. The site is a small agricultural field which adjoins other agricultural fields.

This application is for the construction of 23 homes, all of which are to be affordable rent.

REASONS FOR REFERRAL TO COMMITTEE

The application is being reported to Committee as requested by the Assistant Director of Planning.

CONSULTATIONS

Walcott Parish Council – Neither objects nor supports the application

North Norfolk District Council Conservation and Design – Has provided advice

North Norfolk District Council Landscape – Has provided advice

North Norfolk District Council Coastal Management – Has provided advice

North Norfolk District Council Strategic Housing – Supports the application

Norfolk County Council Highways Authority – Objects

Norfolk County Council Lead Local Flood Authority – Falls below LLFA threshold for providing detailed comments

Norfolk County Council Planning Obligations Co-Ordinator – Has provided advice

Environment Agency – No comments

Natural England – Has provided advice

REPRESENTATIONS

Public consultation of the application took place for a period of 21 days between 07.11.2023 and 28.11.2023. One letter of **objection** has been received as summarised below:

- The proposed development would impact on the house martins who nest on the houses of coast village;
- The proposal fails to comply with Policy EN 9 as it affects a European designated Site;
- The proposal is 230% larger than what is deemed acceptable by Policy HO 3;
- The proposal would not comply with Policy HOU 3 as there are no facilities within the local area and as such dependence on private vehicles which is not sustainable would be required;
- The proposal would not address concerns raised by Norfolk County Council therefore permission should not be granted;
- The proposal would not address Anglian Water and as such permission should not be granted;
- Objections to the installation of a boundary fence between the gardens of Coastline Village properties and the development.

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 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 (Housing Density)
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 EN 11: Coastal Erosion
Policy EN 13: Pollution and Hazard Prevention and Minimisation
Policy CT 1: Open Space Designations
Policy CT 2: Development Contributions
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)
Coastal Adaptation (September 2023)

National Planning Policy Framework (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 11: Making effective use of land
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding, and coastal change
Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving and enhancing the historic environment

Other material documents and guidance

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) (2021)

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.

OFFICER ASSESSMENT

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Housing Mix and Type
3. Landscape
4. Coastal Erosion
5. Design and Layout
6. Amenity
7. Energy Efficiency
8. Heritage
9. Biodiversity
10. Flood Risk
11. Environmental Considerations
12. Planning Obligations
13. Highways
14. Planning Balance/Conclusion

1. Principle (Policies SS 1, SS 2, HO 3)

Planning law requires that applications for planning permission must have regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan for the area consists of the North Norfolk Core Strategy (September 2008), the Site Allocations Development Plan Document (February 2011) and the Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010- 2026 (September 2011). At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making, but it is a material consideration in any subsequent determination.

National Planning Policy Framework and Housing Land Supply

Paragraph 82 of the National Planning Policy Framework (NPPF Dec 2023) sets out that in rural areas, Local Planning Authorities should support opportunities to bring forward rural exception sites that would provide affordable housing to meet identified local needs.

The NPPF is a material consideration in the decision-taking process. The NPPF sets out the Government's planning policy for England and places sustainable development at the heart of the decision-taking process incorporating objectives for economic, social and environmental protection. These objectives seek to balance growth and local community needs against protection of the natural, built and historic environment.

In providing for sustainable development, the 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 would therefore be considered in line with paragraph 11d) of the NPPF which states that where there are no relevant development plan policies, or where relevant policies are considered out of date, permission would be granted unless the application of policies in the NPPF that protect areas (e.g. Conservation Area's, Habitat sites) 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 NPPF taken as a whole.

This application would be assessed in light of this position, with further consideration given to the requirements of paragraph 11 set out within the planning balance section below.

Planning permission ref. PF/20/1582 was granted in February 2022 for the development of 18 dwellings, comprising 16 two-storey dwellings for affordable rent (4no. 3-bed houses, 8no. 2-bed houses, and 4no.1-bed flats), and 2no. 4-bed detached houses for market sale with associated access, parking and landscaping. This permission remains extant and was considered under the same policy backdrop. It is therefore a material consideration in the determination of the planning application to which significant weight should be attached.

The proposed development comprises of erection of 23 dwelling for affordable rent, associated access, parking and landscaping.

Policy SS 1 sets out that most of the new development in North Norfolk would take place in the towns and larger villages as defined as Principal and Secondary Settlements and a small amount of new development would be focused on several designated Service and Coastal Service Villages. The rest of North Norfolk, including all settlements that do not fall under the above criteria, would be designated as Countryside. Policy SS 2 limits development in areas designated as Countryside to that, which requires a rural location and accords with a list of particular uses, which includes affordable housing in accordance with the Council's 'rural exception site policy'

The site lies in Walcott, within an area designated as Countryside under Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy. The proposal falls under the category of affordable housing in accordance with the Council's 'rural exception site policy,' which is a type of development that is acceptable in principle in this location under Policies SS 1 and SS 2, subject to assessment against other relevant policy considerations.

Policy HO 3 permits proposals for affordable housing within the countryside providing that:

- the proposal would help to meet a proven local housing need for affordable housing as demonstrated in the Strategic Housing Market Assessment and waiting list information, and
- for schemes of 10 or more dwellings the site is situated within 100m of the boundary of a Principal or Secondary Settlement or one of the defined Service Villages or Coastal Service Villages, and
- the affordable housing provided is made available to people in local housing need at an affordable cost for the life of the property (the Council would ensure that any planning permission granted is subject to appropriate conditions and/or planning obligations to secure its affordability in perpetuity).

There is an identified need for affordable housing within Walcott as per the Council's housing list with 71 households with a local connection.

The site is situated 1.3 kilometres from Bacton which is a Coastal Service Village, and the closest defined settlement. As the application site is not within 100 metres of the defined settlement, and the scheme would consist of more than 9 dwellings, the proposal is not fully compliant with Policy HO 3.

Regarding criterion 3 of Policy HO 3, it is considered that subject to the tenure of the proposed housing being secured through a Section 106 Agreement it is considered the proposal would comply the requirements of criterion 3 of Policy HO 3.

Whilst the scheme is not fully compliant with criterion 2 of Policy HO 3, it is considered that planning permission PF/20/1582 which is still extant and could be implemented is a material consideration in the determination of the application.

In light of the above, the proposal would be considered contrary to Policy HO 3, and as such, it would represent a departure from the Development Plan. Consideration would need to be given to the existence of material considerations in favour of the proposal as part of the planning balance in order to justify any departure from policy which are considered further within this report.

Notwithstanding the above, the proposed development would comply with the remaining Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy.

2. Housing Mix and Type (Policies HO 1)

Policy HO 1 states that on schemes of five or more dwellings at least 40% of the total number of dwellings shall comprise not more than 70sqm internal floor space and incorporate two bedrooms or fewer and at least 20% of dwellings shall be suitable or easily adaptable for occupation by the elderly, infirm or disabled.

On a scheme of 23 dwellings, Policy HO 1 would require a minimum of 9 dwellings of two bedrooms or less, and 5 dwellings which would be either suitable or easily adaptable for occupation by the elderly, infirm or disabled.

The proposed development comprises of 57% (10) of dwellings that have 50sqm of internal floor space and incorporate one bedroom. Equally, it also comprises of 26% (6) of dwellings that are suitable or easily adaptable for occupation by the elderly, infirm or disabled.

Notwithstanding the above, the scheme comprises of 100% of dwellings for affordable rent and the housing mix and type is as follows:

- 8 – 1 bedroom, 2 people flats (34.8%)
- 2 – 1 bedroom, 2 people bungalows (8.7%)
- 8 – 2 bedroom, 4 people houses (34.8%)
- 4 – 3 bedroom, 5 people houses (17.4%)
- 1 – 3 bedroom, 6 people house (4.3%)

There are 71 households on the Council's housing list with a local connection (by residence, work or close family) to Walcott and the adjoining parishes. Of these, 63 households have the strongest bands A – C local connection. The size of properties required are 1 bedroom (54%), 2 bedrooms (27%), 3 bedrooms (14.3%) and 4 or more bedrooms (4.7%).

The Strategic Housing Team supports the application given that mix of property sizes broadly reflect the mix of local housing need.

In light of the above, it is considered that the proposal would comply with Policy HO 1.

3. Landscape (Policies SS 4, EN 2 and EN 3)

Protection and Enhancement of Landscape and Settlement Character

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

The site is situated within the Coastal Plain Landscape Character Area, which is characterised by an open, rural, flat landscape with low woodland cover with dispersed rural villages with fringe inter and post war holiday development. The landscape appears open due to loss of hedged field boundaries as a result of agricultural intensification with field edges marked by ditches or low banks. Reinstatement of hedgerows and management of ditched watercourses are cited as measures to enhance this landscape and to re-connect fragmented habitats.

The scheme's boundary treatments comprise of 1.8m high close board timber fencing that define garden areas. Previous landscape comments under planning permission PF/20/1582 stated that "the use of close board fencing should be avoided and mixed native hedging (instant hedging for immediate effect) used as much as possible to assist in reinstatement of lost hedgerows within this Landscape Character Area. As such, it is required that the boundary treatments be secured through condition to incorporate hedging into the designs, particularly on boundaries in public view. The soft landscape plan submitted by GDC Ltd sets out an acceptable species mix, all of which are suited to the coastal location.

The Landscape section consider that this proposed development can be accommodated within the immediate landscape setting, given the existing settlement pattern and type of housing. The scale and massing of the proposed build is appropriate, and the proposed materials, incorporating a mixture of dark grey and red pantiles on roofs and red brick with clad elements for some plots, would provide visual interest and allow the development to be readily assimilated with nearby dwellings.

Trees

The site is located between Ostend Gap to the east and Ostend Road to the south and west, in Walcott. It is bounded to the north and south by residential properties. Tree cover is very limited; only the southern boundary has trees located on it, which are under the ownership of the neighbouring properties. All trees can be retained and protected as set out in BS5837:2012 throughout the works. All buildings, garages, hard standing surfaces and drives have been positioned outside the Root Protection Area (RPA) of adjacent trees. Therefore, there are no tree constraints relating to this aspect of the development.

The Landscape Team considered that there would be minimal impacts on the trees within the site given no trees would need to be removed for development purposes.

Therefore, in light of the above, given that the proposal would not have significant effects on the landscape or trees, it is considered it would comply with Policy EN 2 of the adopted North Norfolk Core Strategy.

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 would not be significantly detrimental to the open coastal character would be permitted. Para. 3.3.10 explains that this designation is designed to minimise the wider impact of general development, additional transport and light pollution on the distinctive coastal area.

It is possible to accommodate the proposed development within the immediate landscape setting, given the existing settlement pattern and type of housing. The scale and massing of the proposed build is appropriate, along with the proposed materials.

In light of the above, it is considered that the proposal would comply with the requirements of Policy EN 3 of the adopted North Norfolk Core Strategy.

4. Coastal Erosion (Policy EN 11)

Policy EN 11 restricts new development, or the intensification of existing development or land uses unless it can be demonstrated that it would result in no increased risk to life or significant increase in risk to property. In any location, development proposals that are likely to increase coastal erosion because of changes in surface water run-off would not be permitted.

The proposed development predominantly falls outside Epoch 3 (indicative erosion up to 2105 as taken from the Shoreline Management Plan 6) of the Coastal Erosion Constraints Area (CECA) with only the car parking spaces of dwelling no. 18 situated within Epoch 3.

The Coastal Partnership Team have raised no objection to the proposal on the basis that the dwellings fall outside of Epoch 3.

Therefore, for the reasons provided above, it is considered the proposal would not result in increased risk to life or significant increase in risk to property and as such, it would comply with the requirements of Policy EN 11 of the adopted North Norfolk Core Strategy.

5. Design (Policy EN 4)

Policy EN 4 states that development would be designed to a high quality, reinforcing local distinctiveness. Development proposals would be expected to have regard to the North Norfolk Design Guide; incorporate sustainable construction principles contained in Policy EN 6; make efficient use of land while respecting the density, character, landscape, and biodiversity of the surrounding area; be suitably designed for the context within which they are set; ensure that any car parking is discreet and accessible; and where appropriate, contain a variety and mix of uses, buildings, and landscaping.

The site has been split into two sections (North & South) access to the North section would be from Ostend road to the West. All plots are designed to have required parking spaces relative to the size dwelling and are within the curtilage of the properties. There is also a large area of Public Open Space which breaks the built form. The five units to the south would have individual access from Ostend road to the south and have been positioned to continue the building line from the existing dwellings on Ostend road. The windows would be dark grey aluminium throughout the development. The dwellings would have combinations of red brickwork and dark grey fibre cement cladding to the first floor and roof tiles in red or black to maintain a variety. Properties within the northern section have rear garden distances of approximately 10 metres, while southern dwellings on Ostend Road have distances of 25 metres.

The Conservation and Design Officer neither objects to nor supports the application on the basis that they consider the proposal would not enhance the overall character and appearance of the area.

The proposed dwellings are all relatively modest in scale and each property has a garden which would be the same size as the footprint of the dwellings, which is considered adequate, with Plots 19-23 having larger rear gardens.

Officers consider that due to their lack of architectural interest and plain materials and curtilage treatments that comprise of hard boarders, it is considered that the proposal would result in a suburban form of development. Whilst the proposal would not enhance the character of the area, on balance it would not give rise to significant design concerns. Therefore, subject to conditions that secure the material detailing the proposed development would comply with Policy EN 4.

6. Amenity (Policy EN 4)

Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 3.3.10 of the Design Guide states that residents have the right to adequate privacy levels, nor should new development lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact. The location of the dwellings should take consideration of neighbouring amenity. The separation distances set out in paragraph 3.3.10 of the Design Guide should be taken into consideration in the design of the layout of the dwellings and its position within the masterplan in order to achieve satisfactory standards of amenity. 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.

The proposed dwellings are situated in excess of 30m from existing dwellings. Therefore, they comply with the recommended distances set out in the Design Guide that ensure a degree of privacy between adjacent properties. On that basis, it is considered that the proposal would not give rise to significant detrimental effects to the residential amenity of nearby occupiers. In respect to the relationship between the proposed dwellings, only the windows that serve the bathroom of 2b4p semi-detached houses of plots 2 and 3 that fall short of the recommended distances of the requirements of the North Norfolk Design Guide, which is 3m (whereas 2.7m is proposed). However, in this instance, obscure glazing could be installed to address these concerns.

In light of the above and subject to appropriate mitigation measures, it is considered the proposed development would not give rise to significant amenity concerns.

Future occupiers

Policy EN 4 states that new dwellings should provide acceptable residential amenity.

Paragraph 3.3.9 of the Design Guide states that dwellings should include refuse disposal and recycling storage facilities, drying areas and access to outdoor amenity space. Paragraph 3.3.10 states that private garden areas should be of adequate size and shape to serve their intended purpose. They should be free from shading and are recommended to be of an area equal or greater than the footprint of the dwelling they serve. This includes sufficient space for bin storage, washing lines as well as pleasant space for recreation purposes.

Drawing no. 0302, Revision P1 demonstrates the location of the refuse and storage points. Moreover, the proposed amenity areas of the dwelling are of generous sizes and are larger than the footprint of the dwellings. As such, it is considered that the proposal would afford acceptable amenity for the future occupiers of the proposed dwellings.

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

Open space requirements

Policy CT 2 states that on schemes of 10 or more dwellings where there is not sufficient capacity in infrastructure, services, community facilities or open space improvements which are necessary to make that development acceptable would be secured by planning conditions or obligations, and these must be provided within appropriate timescales.

In August 2020, the Council adopted the North Norfolk Open Space Assessment, a detailed study which provides the most up to date evidence of need, updated standards regarding the future provision of open space through developer contributions, and associated costs in line with the requirements of the NPPF. It provides the justified evidence to support the requirement for open space contributions in Policy CT 2. Table 21 of this assessment set out the type of open space and whether the provision of this would be sought on or off-site, based on the number of dwellings in each proposal.

Based upon the 'cost calculator' which sits behind Table 21, and which is based upon the findings of the assessment, this development should provide for onsite Amenity Green Space equivalent of 10sq.m. per person and Play Space (Children) equivalent of 1sq.m. per person. Off-site financial contributions should be provided for Allotments, Parks & Recreation Grounds, Play Space (Youth) and Natural Green Space. The off-site financial contribution required should be calculated in accordance with the Open Space Calculator set out below:

Number of dwellings	Enter number	Equivalent people	Open Space requirement	Required msq per person	Cost per msq	Total requirement (msq)	Cost of provision (£)	On site required?	Required quantity on site (msq)	Enter actual provision on site (msq)	% of requirement provided	Value of provision	Contribution required
1 bed	10	13	Allotments	6	25.22	242.40	£6,113	0	None		N/A	0	£6,113
2 bed	8	14.4	Amenity Green Space	10	22.85	404.00	£9,231	Y	404.00	1100	272.28	25,135	£0
3 bed	5	13	Parks & Recreation Grounds	11	104.91	444.40	£46,622	0	None		N/A	0	£46,622
4 bed		0	Play Space (Children)	1	190.49	40.40	£7,696	Y	40.40		0.00	0	£7,696
5 bed		0	Play Space (Youth)	0.6	129.06	24.24	£3,128	0	None		N/A	0	£3,128
TOTAL	23	40.4	Natural Green Space	15	22.84	606.00	£13,841	0	None		N/A	0	£13,841
				43.60		1,761	£86,632		444.40			25,135	£77,401

It is considered the proposal provides approximately 1100sqm of amenity green space which is sufficient to comply with the Open Space requirements of 404sqm. In accordance with the Open Space requirements, the proposed development should provide for 40.40sqm of On-Site Play Space (Children). No On-Site Play Space (Children) provision has been accommodated within the site. As such, it would have to be secured through Section 106 Legal Agreement. Regarding off-site financial contributions towards the other types of open space, these would be required and secured via a Section 106 Legal Agreement.

7. Energy Efficiency (Policy EN 6)

Policy EN 6 states that new development would 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, and subchapter 11.5 of the Design Guide should be taken into consideration in this respect.

The proposed development has dwellings facing north-south with habitable rooms facing south to benefit from solar gains. The use of Air Source Heat Pumps and Roof Mounted Solar Photovoltaic Panels would also be installed to reduce energy consumption.

It is considered that the proposed development is required to include onsite renewable energy technology to provide for at least 10% of predicted total energy usage. No Energy Consumption Statement has been submitted with the application and therefore the development has not demonstrated that at least 10% of predicted total energy usage would be generated on-site via renewable energy technologies. These details however could be secured by condition in this instance as the proposed use of Air Source Heat Pumps and Roof Mounted Solar Photovoltaic Panels should enable this policy requirement to be achieved.

Notwithstanding the above, subject to conditions that secure the appropriate 10% renewable technologies required for this type of development, it is considered the scheme would comply with Policy EN 6.

8. 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 would need to take into consideration the guidance contained within Chapter 16 of the NPPF as a material consideration.

The heritage assets closest to the application site are the Grade II listed, The Malthouse Farm which is situated 380m to the west and Grade I Listed All Saints Church which is located 650 to the southwest. By virtue of the separation distance of the application site to the listed buildings, it is considered that the proposal would not give rise to significant heritage concerns. Therefore, the proposal would comply with Policy EN 8 and the guidance contained within Chapter 16 of the NPPF.

9. 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.

NPPF Paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

A Preliminary Ecological Appraisal (BiOME Consulting, 21 April 2023)(PEA) which provides an update to the Preliminary Ecological Appraisal (BiOME Consulting, 10 July 2020) has been submitted with the application. The site formed part of an arable field, ploughed bare earth at the time of the survey. No potential issues in relation to protected species were identified. However, if vegetation is left to develop or crops are planted the site would then have the potential to support common species of nesting bird. If this occurs then site clearance works should ideally be completed outside the bird nesting season (1 March to 31 August), or, if works are required during the breeding season this must only be completed following checks by an appropriately experienced ecologist. Should an occupied bird nest or a nest in the process of being constructed be encountered during works, clearance must cease in this area and should only recommence once the birds have fledged, or the nest is abandoned.

The Landscape Section as assessed the information provided with the application and considered the results of the PEA acceptable, with the exception that no biodiversity enhancement is recommended. The proposal should demonstrate how it would achieve a net gain for biodiversity in accordance with Policy EN 9 and paragraph 174 of the NPPF.

In addition the Landscape Section considers that at least 1No. integrated swift box/brick per dwelling(e.g. 23 in total) would be expected as part of the overall enhancement package and should be installed in groups of 3-5. Additionally, integrated bat bricks/tubes should be included in 20%-25% of dwellings (e.g. at least 5no. in total).

Officers consider that in relation to matters concerning biodiversity, these would have to be secured through planning conditions along with the enhancement measures set out by the Landscape Section. On that basis, it is considered the proposal would comply with the requirements of Policy EN 9 in this regard.

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.

The GIRAM Strategy is a strategic approach to ensure no adverse effects are caused to European sites across Norfolk, either alone or in-combination from qualifying developments. Taking a coordinated approach to mitigation has benefits and efficiencies and ensures that developers and the Local Planning Authorities meet the Conservation of Habitats and Species Regulations 2017 (as amended).

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 of £210.84 (Index Linked) 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 23 net new dwelling, requiring a financial contribution amounting to £4,849.32 which would have to be secured through a Section 106 Legal Agreement. 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.

For the reasons provided, it is considered the proposal would comply with Policy EN 9.

10. Flood Risk (Policy EN 10)

Flood Risk

Policy EN 10 states that the sequential test would be applied rigorously across North Norfolk and most new development should be located in Flood Risk Zone 1.

Whilst the site lies in Flood Zone 1, it exceeds one hectare in area and therefore a Flood Risk Assessment has to be submitted with the application. The Flood Risk Assessment provided with the application states that the site layout has been designed to minimise the impact of a flood if it were to occur. Most of the dwellings (Plots 1-18) are located within a higher part of the site. No dwellings have been proposed adjacent to the surface water ponding within the rear garden of 8 Ostend Road, which floods in the low risk scenario, though does not pose a risk to the development. All proposed Finished Floor Levels (FFLs) are a minimum of 300mm above that of the expected water level for the 1.0% AEP plus 45% climate change event within the nearby network/storage.

The surface water drainage system which comprises of the attenuation basin is designed to fully accommodate up to the 1.0% AEP plus 45% CC event and would be safely stored within the attenuation on-site. The detention basin and swale are designed for the eastern and western parts of the site respectively in accordance with the CIRIA SuDS Manual requirements for health and safety of residents. Suitable maintenance provision has been provided. The maximum water depth for any storm event has been designed to be 1.3m.

The Lead Local Flood Authority has been consulted and given the proposal falls below their thresholds of 100 dwellings or 2 hectares in size no comments have been provided. Equally, the Environment Agency, has been consulted and by virtue that the application does not have any constraints that fall within the EA remit no formal comments have been provided.

In light of the above, Officers consider that the proposed development complies with Policy EN 10 in this respect.

Surface water drainage

Policy EN 10 states that appropriate surface water drainage arrangements for dealing with surface water runoff from new development would be required. The use of Sustainable Drainage Systems would be the preference unless, following an adequate assessment, soil conditions and/or engineering feasibility dictates otherwise.

Paragraph 175 of the Framework states that major developments should incorporate sustainable drainage systems unless there is evidence that this would be inappropriate. The systems should take account of advice from the lead local flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

The Planning Practice Guidance provides advice regarding sustainable drainage systems. The aim should be to discharge surface run-off as high up the following hierarchy of drainage options as reasonably practicable:

- 1) Into the ground (infiltration)
- 2) To a surface water body
- 3) To a surface water sewer, highway drain or another drainage system
- 4) To a combined sewer

This hierarchy follows the same order of priority of Approved Document H3 of the Building Regulations.

The proposed development provides a sustainable drainage system through an attenuation basin designed with an impermeable geomembrane base. Moreover, upstream flooding of the site would be directed towards the roads and permeable drives and into the detention basin for storage. Excess of water from the site are proposed to be directed away from the dwellings and into the on-site ditch. An exception has been made for the exceedance flows nearby Plots 19-23 which demonstrate the conveyance of water away from Ostend Road and towards the proposed permeable paving since the ground levels and permeable paving within this area form part of the drainage system.

In light of the above, it is considered that the proposal would comply with the requirements of Policy EN 10 in this respect.

Foul Water

The local sewer network is operated by Anglian Water (AW) and records indicate no AW surface water sewers present along Ostend Road or within the vicinity of the site. A 180mm foul sewer is present near the southern site boundary within Ostend Road from 8 Ostend Road and travels west to the western verge of Ostend Road. From this point it continues north along the site's western boundary and further connects to a nearby pumping station on the Coast Road some 580m from the development site.

The nearest foul points of connection are to AW manholes 4201 (located at 8 Ostend Road) and 3300 (located within the western verge of Ostend Road). The proposed gravity foul sewer connection from the site is to manhole 3300 as a gravity connection to manhole 4201 is considered unachievable without significant land raising of the site. Manhole 3300 has a cover level of 8.95m AOD and an invert level of 6.32m AOD.

Drawing no. 61783-PP-002, Revision A, Surface Water and Foul Drainage Strategy which is part of the Site Specific Flood Risk Assessment submitted with the application on the 17th October 2023 shows that a foul sewer connection is proposed to the existing Anglian Water network. Anglian Water have indicated that a gravity connection to manhole 3300 would be suitable and could accommodate the site's discharge flows. Construction of the sewer connection across Ostend Road has been made to minimise disruption to traffic with potential for thrust bore techniques.

Anglian Water confirmed that the development is within the catchment area of the Mundesley Water Recycling Centre and has the capacity to serve the needs of the proposed development. Moreover, given the foul water would connect to Mundesley, which discharges outside of the catchment of the River Bure, this development would not be caught by the Nutrient Neutrality advice. In light of the above, it is therefore considered that the proposal would comply with Policy EN 10.

11. Environmental Considerations

Policy EN 13 of the Core Strategy sets out that all development proposals should minimise, and where possible reduce, all emissions and other forms of pollution, including light and noise pollution, and ensure no deterioration in water quality.

Contamination

As the site comprises agricultural land, there is potential for contamination by previous land use and other factors such as filled land due to the nature of agricultural methods. There is no information provided regarding investigation into contamination and given the nature of the land involved and size of the development, further investigation is required. As such, subject to a condition that secures the investigation and remediation of potentially contaminated land, the proposed development would be considered acceptable.

Lighting

External lighting in new development should be limited to that necessary for security and consideration should also be given to ways of minimising light pollution using sensitive design details, for example, to avoid large, glazed areas. Subject to the imposition of a condition that secures external lighting, the proposed development would be considered acceptable.

In light of the above and subject to conditions, the proposal would comply with Policy EN 13.

12. Highways (Policies CT 5 and CT 6)

Policy CT 5 sets out that proposals should provide for safe and convenient access on foot, cycle, public, and private transport addressing the needs of all without detriment to the amenity or character of the surrounding area or highway safety.

Paragraph 115 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.

Pedestrian and vehicle access through Ostend Road

The site is split into two sections. Access to the North section would be from Ostend Road to the west. Each unit in the South section would have individual access from Ostend Road to the south. In order to achieve the access off Ostend Road, the road width is proposed to widen to 4.8m along with a 1.8m footway. Access for units within the south section of the site has been designed to continue the pattern of the existing street scene of 1-8 Ostend Road. This road width would also increase to 4.8m.

Norfolk County Council Highways Authority objected to the proposed development on the grounds that the proposal would result in an unsustainable development reliant on the use of the private car to access services in neighbouring villages. Moreover, the Highways Authority would also object to the provision of direct vehicle access from the 5 dwellings from Ostend Road to the south of the site as, whilst the localised carriageway widening has been proposed, the remainder of the section of Ostend Road is narrow and has no safe provisions for pedestrians. Furthermore, no provision for visibility splays from these plots have been provided and is likely to require third party land, and the provision of a 2m wide highway verge has also not been provided. Equally, there is no indication of the off-site footway.

Ostend Road has a 30mph speed limit and is of an adequate road width north of Ostend Gap. After this point, the road narrows to a single width carriageway typical of country lanes in the countryside. There are no streetlights or pathways. It is acknowledged that there are approximately 11 existing dwellings adjacent the application site and occupiers of these dwellings must walk along Ostend Road when they need to or would be reliant on travel by motor vehicle. The proposal would add a further five dwellings accessing directly onto Ostend Road.

It may therefore not be considered safe for existing pedestrians and pedestrians as part of this proposal to walk along this narrow road at night, or during the dull days of winter in order to reach community facilities or the bus stop at Ostend Gap as the verge is narrow either side. However, it is understood that local residents walk these lanes for recreational purposes despite the lack of pedestrian facilities.

Whilst it is acknowledged that additional traffic on these narrow roads would lead to an increase in traffic and an increase in pedestrians utilising roads without footpaths, the traffic in this area is limited and Officers consider, on balance, would not likely result in an unacceptable impact upon highway safety and nor would the residual cumulative impacts on the road network would be considered severe as set out in paragraph 115 of the NPPF.

Pedestrian and vehicle access through Ostend Road to the west

The proposed access to the 18 dwellings is accessed through a narrow part of Ostend Road to the west. The access is proposed to be widened to 4.8m along with a 1.8m footway.

Norfolk County Council Highways considers that visibility splays of 2.4m x 43m are required along the access onto Ostend Road to the west. Moreover the access road is long and straight which would not support the implementation of a 20mph zone or provide a safe environment for pedestrians. Furthermore, the turning head at the end of the estate road does not appear to meet the required dimensions and has not been tracked by a large refuse vehicle. Finally, the shared private drive serving plots 16-18 should have a size 5 turning area.

The average width of a vehicle is 2 to 2.4 metres wide, so two vehicles could pass each other on the proposed access road, and with care at the junction. There may be issues caused by the carriageway width of Ostend Road if a car is waiting to turn into the site as a car is wanting to leave at the same time, and in the same direction. These types of passing issues are common on roads within the wider network and, although an inconvenience, would not cause an unacceptable impact upon highway safety.

A condition could be secured to ensure there is also a Traffic Regulation Order placed on this part of Ostend Road which would reduce the speed of traffic to 20mph. This would significantly increase highway safety along this stretch of the highway and, whilst this would not overcome the objection of the Highway Authority, would, in the opinion of Officers create a betterment to the highway network in this area.

In light of the above, Officers consider that whilst there is a departure from Policy CT 5 of the adopted North Norfolk Core Strategy, the proposal is not considered to be contrary to paragraph 115 of the NPPF which is a material consideration on the determination of this application. Moreover, consideration should also be given to application ref. PF/20/1582 which has been approved and resulted in similar highway concerns, albeit for a lesser number of dwellings.

Policy CT 6 sets out that adequate vehicle parking facilities would 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.

The Council's car parking standards requires the following average in car and cycle parking spaces:

- 1 bedroom flats – 1 car parking space and 1 car parking space for each 4 units of flats
- 1 bedroom unit – 1.5. car parking spaces;
- 2 bedroom units – 2 car parking spaces;
- 3 bedroom units – 2 car parking spaces;
- None for individual houses with garages or rear gardens for a garden shed
- 1 resident cycle space per unit and 1 visitor cycle space per 4 units for flats and developments with communal parking.

The proposed development proposes the following car parking provision:

- 1 bedroom 2 people flats – 1 car parking space;
- 1 bedroom 2 people bungalows – 2 car parking spaces;
- 2 bedroom 4 people houses – 2 car parking spaces;
- 3 bedroom 5 people houses – 2 car parking spaces;
- 3 bedroom 6 people house – 2 car parking spaces;
- No dedicated cycling parking is provided within the development but each property has garden areas within which to park cycles

Whilst the proposal would not provide for 2 car parking spaces for visitors of the 1 bedroom flats, not does it provide for the required 10 cycle spaces, on balance, it broadly complies with the Council's car parking standards as a whole, and as such, it is considered it complies with Policy CT 6.

13. Developer Contributions (Policy CT 2)

Policy CT 2 requires that on schemes of ten or more dwellings, improvements which are necessary to make that development acceptable would be secured by planning conditions or obligations, and these must be phased so as to be in place in accordance with an agreed period or prior to the occupation of an agreed number of units. Planning obligations may also be required for maintenance payments, to meet the initial running costs of services and facilities and to compensate for loss or damage caused by development.

Section 106

Norfolk County Council Planning Obligations Co-Ordinator have set out a set of requirements that would need to be addressed in order to make the development acceptable in sustainable terms through the delivery of necessary infrastructure. The funding of this infrastructure would be through planning obligations/condition. The financial requirements (Index linked with inflation) below would need to be addressed in order to make the development acceptable in sustainable terms through the delivery of necessary infrastructure. A summary of Norfolk County Council infrastructure requirements can be found below:

i. Education

There is currently spare capacity within all Education sectors, therefore Norfolk County Council would not be claiming education contributions in this instance.

ii. Fire Service

The minimum requirement would be 1 fire hydrant on a minimum 90mm main, and hydrant(s) shall conform to BS750. However, the final number of hydrants required would need to be assessed when the mix and type of housing proposed for the development area and layout is made clear. Please note that the onus would be on the developer to install the hydrants during construction to the satisfaction of Norfolk Fire and Rescue Service at the developer's cost.

iii. Library Service

A development of this scale would require a total contribution of £2,300 (i.e., £100 per dwelling). This contribution would be spent on increasing the capacity of the library serving the development.

iv. Monitoring Fee

Norfolk County Council would seek a charge towards the administration of any S106 agreements. The charge would be levied at a rate of £500 per obligation. The monitoring charge would normally be payable on commencement of the development.

GIRAMS

GIRAMS tariff is expected to be £210.84 (Index linked) per dwelling. Therefore, a total contribution of £4,849.32 would be expected for this scale of development.

Open Space requirements

As stated above on Section 6 (Amenity) of the report, off-site financial contributions of approximately £77,401.00 (+ indexation) and on-site requirements of 40.40sqm of Play Space (Children) and 404sqm of Amenity Green Space would have to be provided through a Section 106 Agreement.

Affordable housing

An appropriate proportion of the affordable housing would have to be built to M4(2) and M4(3) standards. Moreover, 100% of the dwellings are affordable and would have an affordable rent tenure. Compliance with these requirements would also have to be secured through a Section 106 Agreement.

14. Planning Balance/Conclusion

Planning law requires that applications for planning permission must have regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise.

North Norfolk District Council is currently unable to demonstrate a 5 year housing land supply. Paragraph 11(d) of the National Planning Policy Framework (NPPF) states that where relevant policies are out of date, permission would be granted unless the application of policies in the NPPF 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 the NPPF taken as a whole.

Officers have found that there is no conflict with the NPPF protection of areas or assets of particular importance which provide a clear reason for refusal. The tilted balance as identified in paragraph 11(d)(ii) of the NPPF is likely to be engaged in this case.

Notwithstanding the above, the proposed development would represent a departure from Policies HO 3 (Affordable Housing in the Countryside) and CT 5 (The Transport Impact of New Development) of the adopted North Norfolk Core Strategy for the following reasons:

- The site is not located within 100 metres of the boundary of a Principal or Secondary Settlement, defined Service or Coastal Service Village;
- The proposed development would impact on the highway network by virtue of the unsuitable width of the southern section of Ostend Road to which access would be provided to plots 19 to 23 and lack of visibility splays to access and egress those plots with a motor vehicle;
- Moreover, the proposal would not provide for satisfactory visibility splays of 2.4m x 43m on the access off Ostend Road to the west of the site and given that that access road is long and strait a 20mph zone would not be able to be implemented. Furthermore, a turning head at the end of the road has not been tracked by a refuse

vehicle. Finally, the shared private drive that serves plots 16 to 18 would not have a size 5 turning area.

In considering the benefits of the proposal, the proposed development would have economic benefits through the generation of jobs, during both the construction, but also once the development has been completed through increased spending by residents helping to support local services.

The scheme would also provide social benefits. 100% of dwellings would be secured as affordable housing which would help to address the significant need for such housing in the area and wider district. The North Norfolk District Council Housing Strategy 2021-2025 considers that the district needs 100 new affordable homes each year. The proposal would contribute to these targets and the requirements of paragraph 60 of the NPPF which aims to significantly boost the supply of homes, and to meet the needs of groups with specific housing requirements.

The proposal would provide environmental benefits. It would accommodate open space along with the planting of trees. The open space provision would be above the Open Space requirements set out by the Council. Moreover, the concept masterplan submitted shows landscape planting and creation of habitats (SuDS, planting of trees) across the site.

Whilst Norfolk County Council Highways objects to the proposed development, officers are of the opinion that the scheme would not have an impact on both the highway safety and the wider road network nor this it results in unacceptable impacts on the highway safety or a severe impact upon the wider road network as required by paragraph 115 of the NPPF.

In this instance, having regard to the matters above, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits of the proposal.

Officers have also afforded weight to the extant planning permission (ref: PF/20/1582) which has already secured permission for 18 dwellings on this site.

RECOMMENDATION

It is recommended that the application be APPROVED subject to:

1. Securing S106 Obligations for the following::

- Affordable Housing (all affordable rent)
- GIRAMS tariff of £4,849.32 (Index Linked)
- Off-site financial contributions of approximately £77,401.00 (Index Linked) for Allotments, Parks & Recreation Grounds, Play Space (Youth) and Natural Green Space
- On-site requirements of 40.40sqm of Play Space (Children) and 404sqm of Amenity Green Space along with Management Plans for Open Space
- At least 1 fire hydrant on a minimum 90mm main, and hydrant(s) conforming to BS750 to be installed on the site
- Library contribution of £2,300 to increase the capacity of the library serving the development

2. **Imposition of the following conditions listed below and/or any considered necessary by the Assistant Director - Planning (Final wording of conditions to be delegated to the Assistant Director – Planning; and**
3. **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.**

Suggested Conditions:

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:
 - Design and Access Statement (R1000_P1, 3 October 2023), dated 17 October 2023
 - Planning Statement (Flagship Homes, 4th October), dated 17 October 2023
 - Drawing no. 0200, Revision P2, Accommodation Plan, dated 17 October 2023
 - Drawing no. 0250, Revision P6, Proposed Development Plan, dated 17 October 2023
 - Drawing no. 0302, Revision P1, Refuse Strategy, dated 17 October 2023
 - Drawing no. 0350, Revision P1, Site Location Plan, dated 17 October 2023
 - Drawing no. 3100, Revision P1, 1b2p Semi-Detached Bungalow Proposed Floor Plan, dated 17 October 2023
 - Drawing no. 3101, Revision P1, 1b2p Semi-Detached Bungalow Proposed Elevations, dated 17 October 2023
 - Drawing no. 3110, Revision P1, 1b2p Maisonette Flat Proposed Floor Plan, dated 17 October 2023
 - Drawing no. 3111, Revision P1, 1b2p Maisonette Flat Block Proposed Elevations, dated 17 October 2023
 - Drawing no. 3120, Revision P1, 2b4p Semi-Detached House Proposed Floor Plan, dated 17 October 2023
 - Drawing no. 3121, Revision P1, 2b4p Semi-Detached House Proposed Elevations, dated 17 October 2023
 - Drawing no. 3130, Revision P1, 3b5p Semi-Detached House Proposed Floor Plan, dated 17 October 2023
 - Drawing no. 3131, Revision P1, 3b5p Semi-Detached House Proposed Elevations, dated 17 October 2023
 - Drawing no. 3140, Revision P1, 3b6p Detached House Proposed Floor Plan, dated 17 October 2023

- Drawing no. 3141, Revision P1, 3b6p Detached House Proposed Elevations, dated 17 October 2023
- Site Specific Flood Risk Assessment (Richard Jackson, Engineering Consultants, June 2023), dated 17 October 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 the materials to be used in the construction of the external surfaces of 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 Policy EN 4 of the adopted North Norfolk Core Strategy.

4. Prior to the commencement of development, an investigation and assessment into the presence of contaminants affecting the site shall be carried out in accordance with details which shall have first been agreed in consultation with the Local Planning Authority. The findings of the assessment shall then be submitted to the Local Planning Authority in writing.

Unless otherwise agreed in writing by the Local Planning Authority, no development shall take place on those areas of the site which have been identified as potentially containing contaminants until a scheme to protect the exposure of future users of the site from hazards associated with the contaminants has firstly been agreed in writing by the Local Planning Authority, and secondly implemented in full.

Reason:

In the interests of public health and safety and in accordance with the requirements of Policy EN 13 of the adopted North Norfolk Core Strategy.

5. There shall be no commencement of the development hereby permitted until a Construction Traffic Management Plan has first been submitted to and agreed in writing by the Local Planning Authority in consultation with Norfolk County Council Highway Authority.

The Construction Management plan shall include details of:

- i) On-site parking for construction workers;
- ii) access arrangements for delivery vehicles;
- iii) temporary wheel washing facilities and;
- iv) a suitable access route

For the duration of the construction period all traffic associated with the construction of the development hereby permitted shall comply with the approved Construction Traffic Management Plan.

Reason:

In the interests of maintaining highway efficiency and safety, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

6. There shall be no commencement of the development hereby permitted until the necessary details for promoting or securing any necessary Traffic Regulation Order as may be needed for provision of the highways amendments hereby approved, along Ostend Road, Walcott and the proposed access road into the development have first been submitted to the Highway Authority.

Reason:

In the interests of highway safety, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

7. A) There shall be no commencement of the development hereby permitted until such time as detailed plans of the roads, footways, street lighting, foul and surface water drainage have first been submitted to and approved in writing by the Local Planning Authority.

Plans should include full details of the connection of the access road, hereby approved, with Ostend Road, Walcott.

B) Prior to the construction of the final dwelling all works related to the development hereby permitted shall be carried out on roads, footways, foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.

Reason:

For highway safety, to ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

8. The development hereby approved shall be carried out in strict accordance with the recommendations as set out in Section 4 of the Preliminary Ecological Appraisal prepared by BiOME Consulting (10 July 2020) and the updated Preliminary Ecological Appraisal (BiOME Consulting, 21 April 2023) received by the Local Planning Authority on 17 October 2023. The mitigation and enhancement measures shall include the provision of:

- a) Site clearance and removal of any woody vegetation to take place outside of the breeding bird period (March to August inclusive) or following a pre-commencement check for active nests by a suitably qualified ecologist,
- b) Any excavations to be filled in or covered at the end of each working day,
- c) Any temporarily exposed open pipe systems to be capped overnight,
- d) Installation of at least 5 No. bat bricks/tubes integrated into the new dwellings,
- e) Installation of at least 23 No. swift boxes integrated into the new dwellings,

The specific details of items d) and e) 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 the first use of the development hereby permitted and thereafter retained in a suitable condition to serve the intended purpose.

Reason

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

- 9.** There shall be no occupation of the development hereby permitted until the proposed access has been installed and the on-site car parking and turning areas have first been laid out in accordance with the approved plan and retained thereafter available for that specific use.

Reason:

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

- 10.** There shall be no occupation of the development hereby until the road and footways have first been constructed to binder course surfacing level from the dwellings to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.

Reason:

To ensure satisfactory development of the site and to ensure safe and convenient access for all users in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

- 11.** Each dwelling shall not be first occupied until the bathroom window(s) for that dwelling has/have been installed with obscured glazing with a degree of obscurity equivalent to Pilkington Level 5. The glazing shall thereafter be retained in accordance with this detail for each dwelling.

Reason:

To prevent undue loss of privacy to the properties in order to provide a sufficient level of residential amenity in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy and the guidance set out within the North Norfolk Design Guide SPD.

- 13.** Development shall not begin until a revised scheme including a plan indicating the positions, design, materials, planting and type of boundary treatment to be planted shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the building(s) are first occupied. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason:

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

- 14.** There shall be no erection, installation or construction of boundary treatments of the development hereby permitted unless they include provision for a 13cm x 13cm gap at ground level at intervals of 6 to 10 meters to facilitate commuting corridors for small

mammals including hedgehogs. This includes making gaps in the wire fencing which is proposed to be located between hedgerows.

Reason:

To improve and enhance biodiversity in accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraphs 179 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).

- 15.** There shall be no commencement of the development hereby permitted until the details of a scheme for providing at least 10 percent of the energy supply of the development secured from decentralised and renewable or low-carbon energy sources has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of a Noise Impact Assessment and appropriate noise mitigation measures in the event that air source heat pumps are proposed to satisfy this condition. The approved details and any necessary noise mitigation measures shall be provided and made ready for use within the relevant dwellings prior to the first occupation of such dwellings and shall be retained and operated as such thereafter.

The provision of at least 10 percent of energy supply through decentralised and renewable or low-carbon energy sources shall be implemented prior to first occupation of the development hereby permitted.

Reason:

In the interests of achieving the required level of renewable energy supply in accordance with Policy EN 6 of the North Norfolk Core Strategy.

- 16.** There shall be no external lighting on the site unless appropriate measures have been put in place to minimise intrusion into the night sky, protect residential amenity, reduce impact upon bats and minimise impact upon the landscape incorporating the following measures:

- 1) fully shielded (enclosed in full cut-off flat glass fittings)
- 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 in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of the visual amenities/residential amenities of the area and in the interests of highway safety and convenience, and to avoid light pollution in relation to wildlife, including bats, and the wider landscape, in accordance with Policies EN2, EN 9 and EN 13 of the adopted North Norfolk Core Strategy, as amplified by paragraphs 3.3.48 and 3.3.70 of the explanatory text.

- 17.** All proposed hedge planting shall be of mixed native species in a double row, staggered, with 45cm between rows at a density of 5 plants per metre. All hedge

plants shall be 30-45cm in height at the time of their planting and shall be suitably protected, each with a stake and guard.

Reason:

To assist in ensuring a successful planting scheme, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

- 18.** 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 in accordance with the approved Tree Protection Plan and Arboricultural Method Statement: Appendix 4 Tree Protection Plan by A T Coombes dated 19 September 2023 and received by the Local Planning Authority on 17 October 2023.

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/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. Failure to provide adequate protection could result in harm/damage to the trees/hedges identified to be retained on site.

- 19.** 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/hedges as approved shall be carried out in strict accordance with British Standard 3998:2010 Tree Work Standard 3998:2010 Tree Work - Recommendations.

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

Reason:

To protect trees 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 appearance of the area, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

- 20.** The soft landscape scheme as indicated on approved Soft Landscape plan 2782-23 dated 17/08/23 shall be fully implemented no later than the next available planting season following first occupation of the development or in accordance with an implementation programme which has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall thereafter be retained in accordance with the approved details.

Reason:

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

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

Reason:

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

- 22.** Notwithstanding the provisions of Classes A or B or E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, amending or re-enacting that Order with or without modification), there shall be no roof or first floor enlargement, no rear extensions, and no building erected within the curtilage of any of the terraced dwellings within the development hereby permitted, unless express planning permission has been first granted by the Local Planning Authority.

Reason:

The development of the site in the manner approved will necessarily result in a close knit group of dwellings where the siting, design and extent of any extensions/alterations must be controlled for the benefit of the residential and the visual amenities of the locality, and in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

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

Reason:

To ensure the GI RAMS tariff payments secured in relation to this development are made available and can be used towards the county wide strategic mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy, or successive strategy, which is aimed at delivering the necessary mitigation to avoid adverse effects on the integrity of European Sites arising as a result of the development.

This Decision refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.

- 24. A)** There shall be no commencement of the development hereby permitted until a surface water Management Strategy has first been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and Anglian Water. The submitted details shall:

- i) Include details regarding the materials and construction of the permeable paved driveways
- ii) Include details of drainage infrastructure to be used i.e., specification details of drainage diffusers, position of manhole covers, pipe work diameters, etc
- iii) provide information about the measures taken to prevent pollution of the receiving groundwater and/or surface waters
- iv) Incorporate installation of water efficiency and water saving devices such as rain saver systems where possible
- v) Include details of the area to be used and the methodology to create terraced gardens to retain and infiltrate surface water flooding
- vi) Include a timetable for implementation; and
- vii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the agreed details

B) There shall be no use of the development hereby permitted until the drainage scheme has been constructed in accordance with the approved details, as set out in Part (a) of this condition and has first been brought into use.

The system shall be retained and maintained and managed as such thereafter.

Reason:

To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policy EN 10 of the adopted North Norfolk Core Strategy and national guidance contained in Chapter 14 of the National Planning Policy Framework.

- 25.** No works shall commence until such time as detailed plans and elevations of the cycle storage have been submitted to and approved in writing by the Local Planning

Authority. The construction works shall then be carried out in accordance with the approved plans.

Reason:

To ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.

- 26.** The development hereby permitted shall not be occupied until such time as adequate facilities for the storage and collection of refuse and recycling have been provided in full accordance with detail which have been first submitted to and approved in writing by the Local Planning Authority.

The details submitted shall include details of the refuse collection vehicle access.

The scheme shall be provided and retained thereafter in full accordance with the approved details.

Reason:

To ensure the development has suitable storage facilities and access for refuse vehicle collection in accordance with Policies EN 4 and EN 13 of the adopted North Norfolk Core Strategy.

- 27.** At least 20 percent of the affordable housing would have to be built to in accordance with Building Regulations 2010 (as amended) – Access to and use of buildings Approved Document M in particular category 2 M4(2) and category M4(3).

Reason:

To ensure that the proposed development provides for the required proportion of dwellings that are suitable or easily adaptable for occupation by the elderly, infirm or disabled in accordance with Policy HO 1 of the adopted North Norfolk Core Strategy.

NOTES TO APPLICANT:

- 1.** The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application, to secure a policy compliant proposal that has been determined in the wider public interest at the earliest reasonable opportunity, in accordance with the requirements of the National Planning Policy Framework.
- 2.** The application site is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.
- 3.** Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent would be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 4.** Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals would affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building

over existing public sewers would not be permitted (without agreement) from Anglian Water.

5. Building near to a public sewer - No building would be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
6. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
7. The applicant/agent is advised that failure to comply with the pre-commencement conditions on this notice could result in the permission/consent being invalid.

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SHERINGHAM – RV/23/2222 – 37 suite apartment hotel (Class C1) with associated access, parking and landscaping without complying with conditions 3 (use for holiday accommodation purposes only), 5 (requiring accommodation to be made available for commercial holiday letting for at least 140 days a year), 6 (individual lets not to exceed 31 days in continuous duration) and 7 (no individual to let any of the units for more than 31 days in any calendar year) of planning permission PF/22/1660 to allow amendments of holiday occupancy details at Land To East of The Reef Leisure Centre, Weybourne Road, Sheringham for Morston Palatine Limited

Major Development

- Target Date: 22nd January 2024

Case Officer: Joe Barrow

Full Planning Permission

BACKGROUND

This application follows approval of planning permission PF/22/1660 on 20 September 2023 following consideration by the Development Committee at its meetings on 23 March 2023 and 25 May 2023.

The application seeks to vary/remove conditions imposed on the original planning permission relating to occupancy/use restrictions. In resolving to approve the original application, those conditions imposed were debated at length by the Development Committee.

This is an application made under section 73 of the Town and Country Planning Act 1990. Whilst this application refers to amendment of specific conditions, approval would result in an entirely new planning application. However, the Planning Practice Guidance states that “*in deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application*”. The grant of the original permission is a material consideration to be afforded significant weight.

In considering the proposal, the Development Committee could resolve to accept the proposed condition amendments (in full), refuse the proposed condition amendments (in full) or resolve to approve with a different set of planning conditions comprising some of the applicant's suggested amendments.

This report will focus on the impacts of the proposed condition changes. The committee report for the original application is attached at **Appendix A**.

RELEVANT SITE CONSTRAINTS

- Sheringham Settlement Boundary
- Employment Area
- Contaminated Land
- EA Risk Surface Water Flooding 1 in 1000 - (0.1% annual chance)
- Areas Susceptible to Groundwater
- Landscape Character Area – Coastal Shelf
- Approach Routes
- Sheringham Park
- Within the Zone of Influence of the following habitats sites for the purposes of GIRAMS
- Norfolk Valley Fens Special Area of Conservation North Norfolk Coast RAMSAR

- North Norfolk Coast Special Protection Area
- North Norfolk Coast Special Area of Conservation
- The Wash & North Norfolk Coast Special Area of Conservation
- The Wash Special Protection Area
- The Wash RAMSAR

RELEVANT PLANNING HISTORY

PF/22/1660 - 37 suite apartment hotel (Class C1) with associated access, parking and landscaping – Approved following resolution at May's Development Committee meeting

REASON FOR REFERRAL TO DEVELOPMENT COMMITTEE

At the request of the Director for Place and Climate Change.

THE APPLICATION

This application proposes changes to planning conditions imposed on planning permission PF/22/1660 that restricted occupancy/use of the development. For clarity, the conditions as approved are outlined in the table below in the column marked "current wording and reason" with the applicants proposed amendments in the column marked "proposed amendment". Changes to condition wording are italicised and highlighted in bold:

Condition number	Current wording and reason	Proposed amendment
3	<p>The units of holiday accommodation hereby permitted shall be used for holiday accommodation purposes only and shall not be used as the sole or main residence of the occupiers.</p> <p>Reason for condition To ensure the units are to be used for purposes falling under Use Class C1 in accordance with Policy EC9 of the Adopted North Norfolk Core Strategy.</p>	<p>The units of <i>aparthotel</i> accommodation hereby permitted shall be used for <i>hotel</i> accommodation purposes only and shall not be used as the sole or main residence of the occupiers.</p> <p>Reason for condition To ensure the units are to be used for purposes falling under Use Class C1 in accordance with Policy EC9 of the Adopted North Norfolk Core Strategy.</p>
4	<p>Prior to the first occupation of any of the units hereby permitted, a register of lettings, occupation and advertising shall be maintained in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved register shall thereafter be made available for inspection by the Local Planning Authority upon request.</p> <p>Reason for condition To ensure the units are to be used for purposes falling under Use Class C1 in accordance with Policy EC9 of the Adopted North Norfolk Core Strategy.</p>	No proposed change

Condition number	Current wording and reason	Proposed amendment
5	<p>The units of holiday accommodation hereby permitted shall be made available for commercial holiday letting for at least 140 days a year.</p> <p>Reason for condition To ensure the units are to be used for purposes falling under Use Class C1 in accordance with Policy EC9 of the Adopted North Norfolk Core Strategy.</p>	<i>Condition proposed to be removed</i>
6	<p>No individual let within the units of holiday accommodation hereby permitted shall exceed 31 days in continuous duration.</p> <p>Reason for condition To ensure the units are to be used for purposes falling under Use Class C1 in accordance with Policy EC9 of the Adopted North Norfolk Core Strategy.</p>	<i>Condition proposed to be removed</i>
7	<p>No individual(s) shall let any of the units within the development hereby approved for more than 31 days in any calendar year.</p> <p>Reason for condition To ensure the units are to be used for purposes falling under Use Class C1 in accordance with Policy EC9 of the Adopted North Norfolk Core Strategy.</p>	<i>Condition proposed to be removed</i>

In summary, the requested changes would vary condition 3 to allow broader hotel uses, rather than tourism only. Condition 4 is not proposed to be altered at all, with conditions 5-7 proposed to be removed completely.

PARISH/TOWN COUNCIL

Sheringham Town Council - ***strongly object*** to the application and the removal of any restrictions previously placed upon the development by NNDC. Sheringham Town Council wish for the conditions previously stipulated to remain in place and unchanged.

CONSULTATIONS:

No other consultation required given the nature of the application.

REPRESENTATIONS

None received.

HUMAN RIGHTS IMPLICATIONS

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

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

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

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application (in amended form) 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 (2008):

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 5: Economy

Policy SS 12: Sheringham

Policy EC 7: Location of New Tourism Development

Policy EC 9: Holiday and Seasonal Occupancy Conditions

Material Considerations

National Planning Policy Framework (Dec 2023):

Chapter 2: Achieving Sustainable Development

Chapter 4: Decision-making

Chapter 6: Building a Strong, Competitive Economy

OFFICER ASSESSMENT:

Assessment of Proposed Condition Amendments

This section of the report will focus solely on the impact that the applicant's proposed changes to the conditions would have on the acceptability of the scheme.

Condition 3:

The original condition wording seeks to ensure that the units within the approved development were used only for holiday/tourism purposes. The variation proposed seeks to loosen this restriction slightly to allow for more general 'hotel' uses, enabling, among other things, business stays for example.

On reflection, officers consider that the proposed amended wording is reasonable and compliant with condition tests. Even with the proposed change, the permission would ensure the development remains within the Class C1 (hotel) use that was approved.

Condition 5:

The original condition wording seeks to ensure that the units within the approved development are available for commercial letting for at least 140 days per calendar year. It is a condition

that works co-operatively with condition 4 (register of lettings) to enable ease of monitoring. North Norfolk District Council applies this condition consistently on planning permissions for tourism accommodation unless there are significant factors that would dictate otherwise.

In this case, Officers consider that there are no material reasons to remove this condition, with the 140 day threshold considered a reasonable minimum availability for accommodation of this type to ensure it remains in use for its intended purpose.

It is therefore recommended that this condition should be retained with no changes .

Condition 6:

The original condition wording seeks to control the length of time that any of the units can be let out to occupants under a single agreement. Following consideration of the original application by the Development Committee it was resolved to impose a 31 day restriction to ensure, amongst other things, a regular turnover of guests which will contribute to the vitality and viability of the North Norfolk economy.

After review of a number of appeal decisions relating to this type of accommodation and following liaison with the Council's Solicitor, Officers consider it reasonable to retain the original condition, but allow amendments to enable for a longer period in which a unit can let out under a single agreement.

On balance, Officers consider it would be reasonable to allow an increase from 31 days to 56 days (8 weeks) per calendar year which would allow for longer lets during the summer holidays but still provide the safeguards sought by the Development Committee to ensure that the scheme does not metamorphose into a non Class C1 use.

Condition 7:

The original condition wording seeks to control the length of time an individual person may stay in one of the units per calendar year, and would be enforced by the register required as part of original condition 4.

As with condition 6 Officers consider it would be reasonable and necessary to retain the original condition, but allow amendments to enable for a longer period. In light of Officer's suggested amendments to condition 6, a change from 31 days to 56 days is suggested which would similarly still provide the safeguards sought by the Development Committee to ensure that the scheme does not metamorphose into a non Class C1 use.

Conclusion and Summary

Officers consider that the suggested condition amendments proposed by the applicant would collectively diminish the controls of the Local Planning Authority to ensure that the development remains as a Class C1 Hotel and, as such the proposals, as submitted, could not be supported.

However, a scheme with some amendments in relation to Conditions 3, 6 and 7, as set out above, could be considered acceptable in planning terms under a resolution to approve with a different set of planning conditions comprising some of the applicant's suggested amendments.

Under the alternative proposed amendments suggested by Officers, no individual could stay at the site for more than 56 days per annum and, in line with the changes to Condition 6, those 56 days could be via one single let or multiple lets across different units provided that the

extent of stay at the site does not exceed 56 days per annum. On the basis of the above, a recommendation of approval can be given.

RECOMMENDATION:

Taking account of the above, it is recommended that conditions on this decision are varied, with none removed. These draft conditions are found below, with the exact and final wording to be delegated to the Assistant Director – Planning.

1. The development hereby permitted shall begin no later than 3 years from the date of the original permission (PF/22/1660).

Reason for the condition

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

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

Drg No. 1249 - 99 - Existing Site and Location Plan - Dated December 2021 - Received 07.07.2022

Drg No. 1249 - 100 Rev. B - Proposed Site Plan - Dated 24.09.2022 – Received 25.09.2022

Drg No. 1249 - 101 Rev. A - Proposed Ground Floor Plan - Dated 20.07.2022 - Received 05.08.2022

Drg No. 1249 - 102 - Proposed First Floor Plan - Dated November 2021 – Received 07.07.2022

Drg No. 1249 - 103 - Proposed Second Floor Plan - Dated November 2021 – Received 07.07.2022

Drg No. 1249 - 104 - Proposed Third Floor Plan - Dated November 2021 – Received 07.07.2022

Drg No. 1249 - 105 - Proposed Elevations Sheet 1 of 2 - Dated November 2021 - Received 07.07.2022

Drg No. 1249 - 106 Rev. A - Proposed Elevations Sheet 2 of 2 - Dated 20.07.2022 - Received 05.08.2022

Drg No. 1249 - 107 - Proposed Sections AA & BB - Dated December 2021 – Received 07.07.2022

Drg No. 1249 - 110 Rev. A - Proposed Landscape Plan - Dated 20.07.2022 – Received 05.08.2022

Drg No. 1249 - 115 - Construction Management Plan - Proposed Site Set Up – Dated December 2021 - Received 07.07.2022

Drg No. 22177-002 P2 - Exceedence Flows - Dated 27.10.2022 - Received 13.02.2023

Drg No. 22177-001 P5 - Drainage Strategy - Dated 13.04.2023 - Received 13.04.2023

Job No. 1249 - Construction Management Plan - Dated February 2022 – Received 07.07.2022

Job No. 1249 - Design and Access Statement Rev. A - Dated 28.07.2022 – Received 05.08.2022

Job No. 1249 - Energy Statement - Dated April 2023 - Received 16.05.2023

Doc Ref. 395277-RP-C002/P2 - Flood Risk Assessment, Surface Water, and Foul Water Drainage Strategy - prepared by Mott MacDonald - Dated 18.07.2022 -Received 08.08.2022

Doc Ref. GN21900_GI - Ground Investigation Report - Dated 06.06.2018 – Received 13.02.2023

Technical Note prepared by SLR - Dated 26.09.2022 - Received 03.11.2022

Reason for condition

For the avoidance of doubt.

3. The units of aparthotel accommodation hereby permitted shall be used for hotel accommodation purposes only and shall not be used as the sole or main residence of the occupiers.

Reason for condition

To ensure the units are to be used for purposes falling under Use Class C1 in accordance with Policy EC9 of the Adopted North Norfolk Core Strategy.

4. Prior to the first occupation of any of the units hereby permitted, a register of lettings, occupation and advertising shall be maintained in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved register shall thereafter be made available for inspection by the Local Planning Authority upon request.

Reason for condition

To ensure the units are to be used for purposes falling under Use Class C1 in accordance with Policy EC9 of the Adopted North Norfolk Core Strategy.

5. The units of holiday accommodation hereby permitted shall be made available for commercial holiday letting for at least 140 days a year.

Reason for condition

To ensure the units are to be used for purposes falling under Use Class C1 in accordance with Policy EC9 of the Adopted North Norfolk Core Strategy.

6. No individual let within the units of holiday accommodation hereby permitted shall exceed 56 days in continuous duration.

Reason for condition

To ensure the units are to be used for purposes falling under Use Class C1 in accordance with Policy EC9 of the Adopted North Norfolk Core Strategy.

7. No individual(s) shall let any of the units within the development hereby approved for more than 56 days in any calendar year.

Reason for condition

To ensure the units are to be used for purposes falling under Use Class C1 in accordance with Policy EC9 of the Adopted North Norfolk Core Strategy.

8. Prior to their first use on site details and samples of the materials to be used in the construction of the external surfaces of 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/samples. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application.

Reason for condition

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

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

Reason for condition

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

10. With regard to ground contamination, unless otherwise agreed in writing by the Local Planning Authority, the development shall proceed in accordance with the details approved under condition discharge applications CDA/18/1435 and CDB/18/1435 in respect of conditions 4, 5 and 6 of planning permission PF/18/1435.

Reason for condition

In accordance with the requirements of Core Strategy Policies EN 10 and EN 13 of the adopted North Norfolk Core Strategy in order to protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7.

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

Reason for condition

In the interests of amenity for future occupiers of the units in accordance with Policy EN 4 of the Adopted North Norfolk Core Strategy.

12. No use of the development hereby approved shall take place until details have been submitted to and agreed in writing by the local planning authority of all external lighting for the site, including any security or other intermittent lighting. Such details shall include specifications for the lighting proposed, its location and position within the site, height and levels of illumination proposed. The details shall also specify that any external lighting includes cowling, or other similar device, to ensure that the lighting only illuminates the site directly. The development shall be carried out in accordance with the details as agreed and retained as such thereafter.

Reason for condition

In the interests of amenity for local residents and to minimise light pollution into the adjacent Norfolk Coast AONB in accordance with Policies EN 1 and EN 4 of the Adopted North Norfolk Core Strategy.

13. The development hereby permitted shall not be occupied until such time as adequate facilities for the storage and collection of refuse and recycling have been provided in full accordance with details which have been first submitted to and approved in writing by the Local Planning Authority.

The details submitted shall include details of both refuse collection vehicle access and storage compounds. The scheme shall be provided and retained thereafter in full accordance with the approved details.

Reason for condition

To ensure and maintain appropriate provision of refuse facilities in accordance with Policy EN 4 of the Adopted North Norfolk Core Strategy.

14. Prior to the first occupation of the units of holiday accommodation hereby approved a statement demonstrating provision of at least 10% on-site renewable energy provision shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition

In response to the climate emergency declared by North Norfolk District Council and to ensure the provision of onsite renewable energy in accordance with Policy EN 6 of the Adopted North Norfolk Core Strategy.

SHERINGHAM - PF/22/1660 – 37 suite apartment hotel (Class C1) with associated access, parking and landscaping, Land To East Of, The Reef Leisure Centre, Weybourne Road, Sheringham for Morston Palatine Ltd

Major Development

- Target Date: 07 October 2022

- Extension of time: 02 June 2023

Case Officer: Joe Barrow

Full Planning Permission

BACKGROUND

The application was DEFERRED by the Development Committee on 23 March 2023 'to enable the receipt of drainage scheme proposals and information on energy use, and how the proposal would respond the Climate Emergency'.

Since the meeting, Officers have been working with the applicant to confirm renewable energy provision and sustainable construction practices to be incorporated within the proposal. Officers have also been in discussion with the Lead Local Flood Authority to resolve outstanding surface water drainage issues.

This report updates the Committee in respect of the matters for deferral.

RELEVANT SITE CONSTRAINTS

- Settlement Boundary LDF
- Employment Area LDF
- Contaminated Land
- EA Risk Surface Water Flooding 1 in 1000 - (0.1% annual chance)
- Areas Susceptible to Groundwater SFRA
- Landscape Character Area – Coastal Shelf
- Approach Routes LDF
- Open Land Area LDF
- Sheringham Park LDF
- Mineral Safeguarding Area
- Within the Zone of Influence of the following habitats sites for the purposes of GIRAMS
 - Norfolk Valley Fens Special Area of Conservation North Norfolk Coast RAMSAR
 - North Norfolk Coast Special Protection Area
 - North Norfolk Coast Special Area of Conservation
 - The Wash & North Norfolk Coast Special Area of Conservation
 - The Wash Special Protection Area
 - The Wash RAMSAR

RELEVANT PLANNING HISTORY

Adjacent Site (West):

PF/18/1435 – Splash Leisure Complex, Weybourne Road, Sheringham - Demolition of existing leisure and fitness centre, single storey office and existing skate park. Erection of two storey leisure centre to incorporate swimming pool, fitness suite, wet/dry changing facilities, reception, café, plant with car parking, erection of new skate park and associated landscaping. Approved 23.11.2018.

THE APPLICATION

The proposal is for the erection of a 4-storey, 37-bedroom apartment hotel.

The hotel would have a mix of rooms which would be let on a short term basis to paying guests, containing kitchen or kitchenette, bedroom, bathroom and living area. The proposal comprises:

- 10 no. one bed studios
- 18 no. one bedroom suites
- 6 no. two bedroom suites
- 3 no. accessible suites located at ground, first and second floor level

Limited on-site facilities would be provided for guests at ground floor level in the form of a lobby area, bar and launderette, with the main pedestrian entrance on the west elevation via an external courtyard. Car parking (45 spaces plus 3 disabled spaces) would be located to the rear (south) of the building, with the main vehicular access to Weybourne Road shared with The Reef Leisure Centre. A servicing corridor is proposed to the rear (east) elevation of the building.

The proposed building would be designed in an art-deco style, with the proposed materials palette to the exterior elevations comprising part white render and grey composite cladding with blue black engineering brick at ground floor level, with groynes projecting from the west elevation of the building into an external courtyard entrance.

SITE AND SURROUNDINGS

The site is located on the western edge of Sheringham, to the east of the recently constructed Reef Leisure Centre. The site was previously the construction compound for the Reef Leisure Centre and prior to that provided car parking for the previous Splash Leisure Centre on the site. Currently it is vacant land. The site area also includes an area of public realm to the main entrance of The Reef Leisure Centre. The car park serving the Reef Leisure Centre is located to the southwest of the site, beyond which is a skate park, cricket and football club. To the east is an established industrial estate. The site slopes gradually from east to west.

REASONS FOR REFERRAL TO COMMITTEE

The application is referred back to the Development Committee for consideration following deferral by members at the Development Committee meeting of 23 March 2023.

PARISH/TOWN COUNCIL

Sheringham Town Council - No objection.

Note that the hotel is for long term stays and that there will not be a traditional hotel in Sheringham.

CONSULTATIONS:

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

Norfolk County Council (Lead Local Flood Authority) – No Objection subject to the imposition of a condition to ensure the development is built in accordance with submitted Flood Risk Assessment.

The LLFA have reviewed the Drainage Strategy Plan and Surface Water Calculations (both dated 13 April 2023) and have removed their previous objection subject to condition.

Norfolk County Council (Minerals and Waste Authority) – No objection.

The site is not in a Mineral Safeguarding Area or a consultation area of a mineral or waste management facility.

Norfolk County Council (Planning Obligations Co-ordinator) – No comments received.

Norfolk Police Architectural Liaison Officer/Safety Officer – Advice.

Applicant should consider applying for Secured by Design for this leisure development.

Anglian Water – No objection.

Comments with regards to:

- Waste water – Runton Middlebrook Way Water Recycling Centre has capacity to take these flows
- Used Water Network – request a condition requiring an on-site drainage strategy. Owing to a lack of information, a full assessment cannot be made. Request a number of informatives regarding a connection to the Anglian Water network.
- Surface Water – Preferred method of surface water disposal would be via a sustainable drainage system (SuDS).

Norfolk Coast Partnership – Neutral.

Norfolk Fire and Rescue Service – No objection

Provided the proposal meets the requirements of current Building Regs 2010, Approved Document B.

Natural England – No comments received.

NNDC Conservation and Design Officer - No objection.

NNDC Landscape Officer – No comments submitted.

NNDC Environmental Health Officer – No objection, subject to conditions

Suggest conditions relating to the following:

- Land contamination
- Provision of refuse areas
- External Lighting Scheme
- Kitchen Extraction
- Details of plant/machinery/ventilation/heating/air-con
- Compliance with the submitted construction management plan

NNDC Economic and Tourism Development Manager – Supports.

Property Services - No comments submitted.

REPRESENTATIONS

Three letters of **objection** on the following grounds:

Traffic and Access

- Hotels have disproportionately higher levels of traffic. Access is opposite golf club, near that of The Reef and proposed care home. Narrow stretch of road – sole access to town from the West – will become heavily congested, disrupting bus service;
- Increased traffic from new development would severely compromise pedestrians walking to the Reef, the allotments and the cemetery, and dog walkers;
- More traffic would push cyclists onto coastal footpath, to detriment of footpath and legitimate users;

Design

- Another large development at the west end of Sheringham would adversely affect the peaceful nature of the area;
- Due to hotel's height and modern design, building would impose a 'Costa Sheringham' from coastal footpath and viewpoint at Skelding Hill in particular;
- Unlikely to benefit local residents, unlike The Reef and the care home;
- Out of keeping with nature of the town where most visitors stay in locally owned holiday lets and bed and breakfasts;
- Too high and out of character with area. Most buildings around the site are 1 or 2 storeys;
- The Reef is high, but is not a residential building. It should not be used for comparison;
- Structure will dominate and spoil the local area;
- Design ugly and not in keeping with local building styles. Will be an eyesore.

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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

to this case.

RELEVANT POLICIES:

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

Policy SS 1: Spatial Strategy for North Norfolk
Policy SS 4: Environment
Policy SS 5: Economy
Policy SS 6: Access and Infrastructure
Policy SS 12: Sheringham
Policy EN 1: Norfolk Coast Area of Outstanding Natural Beauty and the Broads
Policy EN 2: Protection and Enhancement of Landscape Character
Policy EN 4: Design
Policy EN 6: Sustainable Construction and Energy Efficiency
Policy EN 9: Biodiversity and Geology
Policy EN 10: Development and Flood Risk
Policy EN 13: Pollution and Hazard Prevention
Policy EC 7: Location of New Tourism Development
Policy EC 9: Holiday and Seasonal Occupancy Conditions
Policy CT 2: Developer Contributions
Policy CT 5: Transport Impact of New Development
Policy CT 6: Parking Provision

Norfolk County Council Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (September 2011):

Policy CS16 – Safeguarding mineral and waste sites and mineral resources

Material Considerations:

Supplementary Planning Documents and Guidance:

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

National Planning Policy Framework (NPPF):

Chapter 2: Achieving Sustainable Development
Chapter 4: Decision-making
Chapter 6: Building a Strong, Competitive Economy
Chapter 9: Promoting Sustainable Transport
Chapter 12: Achieving Well Designed Places
Chapter 14: Meeting the Challenge of climate change, flooding and coastal change
Chapter 15: Conserving and Enhancing the Natural Environment

Other material documents/guidance:

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

National Planning Policy Guidance (NPPG):

Climate Change (March 2019)

Government Strategy Documents:

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

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION

- 1. Whether the proposed development is acceptable in principle**
- 2. Whether the layout and design of the proposed development would be appropriate**
- 3. The effect on the character and appearance of the surrounding landscape, including the Norfolk Coast Area of Outstanding Natural Beauty,**
- 4. Highway matters – access and parking**
- 5. Environmental Impacts including noise, waste and contaminated land**
- 6. Flood risk and surface water drainage**
- 7. The effect of the proposed development on protected species and designated habitats sites**
- 8. Sustainable Construction and Energy Efficiency**

1. Principle

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

The site is located within the settlement boundary of Sheringham, which is defined under Policy SS1 of the Core Strategy (CS) as a Secondary Settlement. Under CS Policy SS 12 Sheringham is identified as a location for new residential, retail and commercial development and is important to the local economy as a major tourist destination.

CS Policy EC7 sets out a sequential approach to the location of new tourist accommodation, and proposals for new build tourist accommodation should be located within Principal and Secondary Settlements, being the sequentially preferable locations. The proposed development accords with this policy aim.

Other sites within Sheringham have been considered, but were discounted on the basis that none were available for development immediately, or of an appropriate size, or commercially feasible; compatible with surrounding land uses, with adequate access arrangements; or subject to other technical and land use designations that precluded the re-use of the site as a commercial apartment hotel.

Officers consider that occupancy of the hotel would need to be restricted by planning condition to ensure that the accommodation is not used or occupied by a person as a sole or main residence, and to restrict the occupancy period to be no more than 90 days in any 12-month period. It is also recommended that an up-to-date register and the length of stay of all guests is kept and made available to the Local Planning Authority on request. The purpose of such planning conditions would be to ensure the apartments are only occupied for holiday purposes / as short term lets, rather than as permanent residential accommodation falling under a different Use Class (C3), which could otherwise necessitate the need for affordable housing and further on and off-site infrastructure provision.

The proposed apartment hotel is acceptable in principle in this location subject to compliance with all other relevant CS policies, unless material considerations indicate otherwise.

2. Layout and Design

The proposed building would be of art-deco style, and comprise of a three storey element to the south, with a four storey element to the centre and north. The materials palette includes a mix of grey and black facing brick, white render, black aluminium fenestration, dark grey aluminium cladding, and a timber effect cladding. The building would have a roughly U-shape footprint, which would enclose a courtyard to the west, between the development and the Reef Leisure Centre.

A mix of hard and soft landscaping is proposed across the site comprising:

- A turfed area with 2no. Swedish Whitebeam trees between the building and highway to the north of the site,
- Hedge retention along the eastern site boundary,
- Hedge planting along the western site boundary, and around the proposed bin store and substation (sited within the car parking area),
- Defensive planting to the south-west corner of the building to restrict access to facades,
- Permeable paving across the development as previously approved, and,
- Timber clad installation within the courtyard providing seating and planting.

Officers consider that the development would sit comfortably within the site context and integrate well with the Reef Leisure Centre. The scale of the proposal broadly matches that of The Reef in terms of height, with a form and materials palette which would also integrate well. Landscaping and public space provision is of an acceptable standard also.

Whilst large in scale, the building proposed would be viewed within the context of the adjacent buildings, including the Reef, of similar height to the west, and industrial buildings to the east. In such a context the appearance and scale of the proposed hotel is considered to be broadly acceptable, and compliant with the aims of Policy EN 4 and the North Norfolk Design Guide. The result would therefore be an area of high design quality with a cohesive style, with buildings complementing each other and improving the visual perception of the area.

Taking the above into account, it is considered that the proposed development is acceptable in terms of layout and design, in accordance with CS Policy EN 4 and the North Norfolk Design Guide.

3. Character and appearance of the surrounding landscape (including AONB)

The site is located within the Coastal Shelf landscape character type as defined within the NNDC Landscape Character Assessment but is located outside of the Norfolk Coast AONB.

In the context of this application, Officers consider that land to the south of Weybourne Road (A149) has a distinctly different urban character and appearance compared with the north side of Weybourne Road which is distinctly more rural in character.

The proposed development is located between industrial land to the east, the Reef Leisure Centre to the west, with car parking and Sheringham Football Club located to the south and west, and residential land beyond that. To the north on the opposite side of the A149 Weybourne Road is land forming part of Sheringham Golf Course which is located within the Norfolk Coast Area of Outstanding Natural Beauty (AONB).

Taking into account site context, although undoubtedly large in size, Officers consider that the proposed aparthotel building has a broadly similar form and appearance to the recently completed Reef Leisure Centre. The proposal, along with adjacent development, would

provide a very strong edge to the area on the approach to Sheringham from the west, viewable from the AONB to the north and west.

Dark night skies are a stated feature of one of the defined special qualities of the Norfolk Coast AONB which is 'a sense of remoteness, tranquility and wildness.' In this respect consideration must be given to the site's immediate context on the edge of a built-up area, with light spill emanating from the industrial land to the east, the Reef itself and its car parking, and Sheringham Football Club.

It is not considered that internal illumination of the rooms would result in any material harm. It is however, recommended that a condition requiring details of any external lighting to be submitted and approved prior to installation, which should ensure that it does not result in any unacceptable impacts.

On balance, Officers consider that the development would sit comfortably within its immediate surroundings and would not have any significant harmful effect on view or experience of the AONB or Sheringham Park, or the wider landscape, given the prevailing development pattern in the area.

Taking account of the above, the proposed development is considered to be acceptable in terms of its effect on the landscape character and the AONB and as such in accordance with CS Policies EN 1, EN 2 and EN 4 and Sections 12 and 15 of the NPPF (2021).

4. Highway matters

The proposal includes the provision of car parking on land to the south of the hotel, comprising 49 spaces, including 3 disability accessible spaces (2 of which feature electric vehicle (EV) charging points), and a further 7 spaces with EV charging. This car park is to be accessed from a newly created access point to the south east corner of the Reef Leisure Centre's car park, with a single point of access (shared with The Reef) off the A149 to the north. The proposal also includes space for motorcycle parking.

Provision is made of cycle parking near the hotel's main entrance. The layout proposed would also allow for pedestrian access to the footpath network to the north of the site, and with it, bus stops on the A149 as well as a pedestrian link to Sheringham town centre. Overall, this level of parking provision for is considered to comply with the Council's adopted parking standards.

The highway authority has reviewed the submitted information and raises no objection with regards to highway safety or the effect of additional traffic on the surrounding highway network. They advise that the approved access to The Reef which the proposed development would utilise is appropriate to serve the site. No concerns are raised in relation to transport sustainability. The proposal is therefore considered to comply with CS Policies CT 5 and CT 6 and; Section 9 of the NPPF.

5. Environmental impacts

The application includes a construction management plan relating to noise, dust, and smoke which seeks to control levels of disturbance created during construction. Among other things, this document includes a traffic management plan, environmental and noise and dust monitoring, as well as good neighbour policies and procedures. Adherence to this can be secured through a condition

With regards to potential for land contamination, the applicants submitted a ground investigation report prepared for the adjacent planning permission at The Reef to the west. This report included investigation across the larger site as a whole, and has been considered as part of this application by the Environmental Protection team. Upon review, it is considered that more site-specific investigation would be required. It is recommended this be secured via planning condition.

With regard to waste, a bin storage area is proposed on the submitted site plan to the south west corner of the car parking area. Exact details of the provision of this area would be secured via condition, and it is anticipated that the layout as indicated would be appropriate.

It is not considered that the building would create harm in terms of noise disturbance once operational, and with controls such as the omission of balconies on sensitive elevations, it is considered that users of the hotel would not experience unacceptable noise disturbance themselves.

The proposed development is considered to be acceptable in terms of environmental impacts subject to conditions, and on that basis complies with CS policies EN 4 and EN 13 and Sections 12 and 15 of the NPPF (2021).

6. Flood Risk and Drainage

With regard to fluvial flood risk, the application site is located within Flood Zone 1 which has the lowest risk of flooding, and, as site area is less than 1 hectare, there is no ordinary requirement for a flood risk assessment. However, whilst, the site is within an area identified as being at low risk from surface water flooding, advice at paragraph 170 of the NPPF suggests, amongst other things, the incorporation of sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Surface water drainage has been extensively reviewed with ongoing engagement with the Lead Local Flood Authority (LLFA). Following deferral in March 2023, the applicant has submitted a Drainage Strategy Plan and Surface Water Calculations (both dated 13 April 2023) The LLFA have reviewed these documents and have removed their previous objection subject to the imposition of a condition to secure the construction of the development in accordance with the submitted details.

Subject to the imposition of conditions, the proposal would accord with CS Policy EN 10.

7. Effect on protected species and habitats sites

The application site is an area of previously developed land, between the recently The Reef to the west and industrial land to the east. It is considered to have a very low potential for protected species to be present.

Nonetheless, in line with paragraph 183(d) of the NPPF it will be necessary for the development to provide a net gain in terms of biodiversity and a condition is recommended relating to this using recognised metrics.

With regards to designated habitats sites, the Norfolk-wide Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) was formally agreed and adopted by the Norfolk Planning Authorities and Natural England in 2022. It ensures that developers and the Local Planning Authorities (LPA) meet with the Conservation of Habitats and Species Regulations 2017 (as amended).

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 either alone or in combination. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. It would result in the significant features of the sites being degraded or lost, and these internationally important areas losing significant important areas for birds, plants and wildlife generally and, therefore, their designations. All new net residential and tourism development are required to mitigate the effects of the development.

The application site is located in the Zone of Influence for recreational impacts from relevant development for a number of sites as listed in the constraints section above. A financial contribution of £185.93 per dwelling (or equivalent based on bedspaces for tourism accommodation) is identified in the GIRAMS that would provide appropriate mitigation for the indirect effects identified on designated habitat sites in Norfolk.

The proposed development would be provide new overnight accommodation and as such is a qualifying development for this purpose. A financial contribution amounting to **£2,665.00** is required to provide the necessary mitigation in accordance with the GI RAMS.

This contribution was made prior to the previous committee meeting at which this application was deferred. Consequently, the proposed development is considered to comply with CS Policy EN 9 and Section 15 of the NPPF (2021).

8. Sustainable Construction and Energy Efficiency

In response to matters raised by the Development Committee at the meeting in March, an energy statement has been submitted to the Council outlining various strategies/measures which the developer would look to undertake throughout the construction process and beyond.

The relevant policy in the Adopted North Norfolk Core Strategy is Policy EN 6. This policy states that all new development must demonstrate how it minimises resource consumption, minimises energy consumption compared to the current minimum required under part L of the Building Regulations, 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 energy sources, with the most appropriate technology for the site and surrounding area used.

It is also stated that development proposals over 1,000 square metres or 10 dwellings (new build or conversions) will be required to include on-site renewable energy technology to provide for at least 10% of predicted total energy usage. By 2013 this requirement will rise to at least 20%.

Section 4 of the submitted statement proposes the following measures, which use Part L of the building regulations as a baseline, and seek to exceed it:

- A 22,135kWh Photovoltaic array,
- air-source heat pumps,
- a building management system, and
- mechanical ventilation heat recovery
- Nine EV Charging points (7 x standards size and 2 x disability accessible charging spaces).

Upon review of this strategy, and in consultation with the Council's Building Control team, it is considered that the measures proposed which would be secured through conditions, would result in a development that would comply with Policy EN6 of the Adopted North Norfolk Core Strategy.

Summary and planning balance

This application is considered to be acceptable in principle, and would not result in any harmful effects on the character and appearance of the surrounding landscape, the Norfolk Coast AONB and the setting of Sheringham Park. There would be no negative impacts in terms of amenity. The layout of the site provides appropriate parking provision and the location is close to public transport links. The biodiversity of the site can be enhanced through measures to be secured through conditions.

There would be economic benefits during the construction of the development and thereafter by adding to the tourism offer in the District. The development would also provide some additional employment. These are matters which attract positive weight in favour.

Taking the above into account it is considered that with the imposition of conditions, the proposal complies with all relevant CS policies and is a sustainable form of development.

RECOMMENDATION:

APPROVAL subject to the imposition of conditions to cover the following matters and any others considered necessary by the Assistant Director – Planning

- 1) Time limit for implementation
- 2) Occupancy Restrictions (including type and duration of lettings)
- 3) Approved plans
- 4) Samples of materials
- 5) Landscaping
- 6) External lighting
- 7) Parking layout
- 8) Refuse areas
- 9) Construction parking
- 10) Land contamination
- 11) Biodiversity enhancement
- 12) Renewable energy and energy efficiency

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

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 25 May 2023 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present:	Cllr P Heinrich (Chairman)	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 L Vickers

Substitute Members Present:	Cllr T Adams
	Cllr L Withington

Officers in Attendance:	Development Manager (DM)
	Principle Lawyer (PL)
	Senior Planning Officer (SPO)
	Democratic Services Officer – Regulatory

6 SHERINGHAM - PF/22/1660 - 37 SUITE APARTMENT HOTEL (CLASS C1) WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING, LAND TO EAST OF, THE REEF LEISURE CENTRE, WEYBOURNE ROAD, SHERINGHAM FOR MORSTON PALATINE LTD

The SPO introduced the Officers report and recommendation for approval subject to

conditions. He noted was deferred at the 23rd March Development Committee meeting pending Members request for greater clarity on renewable energy provision and surface water drainage.

The SPO affirmed the sites location, the proposals relationship within its wider setting and context within the AONB. He detailed the proposed site plans and elevations, noting efforts made by the developer to marry the proposal with the adjacent Reef Leisure Centre with respect of scale and material pallet. Officers determined that the design was acceptable and would work well in conjunction with the Reef to nicely frame the entrance to Sheringham.

With regards to those matters cited as reasons for deferral, the SPO highlighted the additional information submitted with respect of surface water drainage. The Lead Local Flood Authority had reviewed the revised strategy and subsequently raise no objection to the proposal 'subject to a build-to condition being attached to any consent' which would ensure compliance with the submitted specification and details.

An Energy Statement had also been submitted following the March deferment, with the developer committing to a series of measures outlined in the Officers' report (p.32 of the Agenda), which Officers advised they were satisfied would ensure compliance with Policy EN6 of the Adopted North Norfolk Core Strategy.

The SPO reiterated the Officers recommendation subject to the outlined conditions, and any others considered necessary by the Assistant Director for Planning.

Public Speakers

None

Members Questions and Debate

- i. Cllr L Withington – Member for Sheringham North, speaking on behalf of the Local Members in the adjoining Sheringham South Ward, readdressed her concerns relayed at the March meeting. She affirmed that the local community remained concerned about the economic impact of the business model, and the loss of employment land which could offer greater employment opportunities. Cllr L Withington commented that Sheringham had a limited amount of designated employment land (6 hectares) which meant this land was especially precious.

In terms of design, Cllr L Withington stated the 'art-deco' design was not in keeping with the neighbouring Reef complex, which had been recognised nationally for its design merits, and would be out of character with the wider Edwardian seaside town, dominating the nearby golf course. Further, Cllr L Withington considered the important position the site forms as the physical and visual gateway to the Town and to the AONB.

Cllr L Withington expressed concerns over the practicalities of development and access to the site by HGVs across the porous Reef car park, and commented that this was not currently permissible due to concerns regarding potential damage to the surface. Further, any damage to the sub-system would be a considerable cost to the Council as land owner to put right. If developed access to the site would remain an issue, with concern that HGVs would therefore need to unload on the main road. Cllr L Withington reflected

on the development at nearby Westwood site and the lack of a traffic management plan which had resulted in disruption on the main road, especially as the site was located before the 30 mph zone.

- ii. The DM advised, with regards to the risk of traversing the existing Reef carpark by HGVs and potentially damaging the surface, that this was not a direct planning consideration, rather it was a civil matter between the Council (as owners of the car park) and the developer to agree how any remediation would be secured should the access way be damaged.
- iii. Cllr J Toye sought clarification about the 'building management system'. The SPO confirmed that the full details were available in the energy statement, aspects of which would include smart lighting i.e. automatic lighting not requiring human intervention.
- iv. Cllr G Mancini-Boyle spoke positively of improvements to the proposal's carbon footprint following deferment in March, however questioned the composition of disabled parking with two of the three spaces being also designated for electric vehicles. He asked if there was scope to increase the number to disabled parking spaces (not EV spaces), as he considered the proposed provision limited.
- v. The DM affirmed that the Council have adopted car parking standards, which the proposal accorded with. He confirmed that, at present, there was no policy on mandatory electric car charging, and those EV spaces offered by the applicant was on a voluntarily. The DM advised that neither Highways nor NNDC Officers had objected to the proposal with respect of parking matters.
- vi. Cllr A Fitch-Tillett proposed acceptance of the Officers recommendation, and stated she was content that the concerns raised at the March meeting had been addressed, particularly with respect of surface water drainage, but stressed the importance that conditions regarding surface water be tightly controlled. Additionally, whilst Cllr A Fitch-Tillett agreed that whilst the proposal was policy compliant, the provision of disabled parking and EV charging was limited.
- vii. Cllr V Holliday supported the representation made by Cllr L Withington with respect of the loss of employment land. She sought clarification over the status of the apartments and whether they would be classed as second homes, something which she contended would be a sad reflection on the district's housing stock. Further, Cllr V Holliday asked if consideration had been given to the use of 'smart' glazing, given the site was located next to the AONB. She concluded that the carbon footprint of the development did not align with NNDC's Carbon Neutrality pledge (with the potential to produce 17.76 tons of CO₂ per annum), and references to the development complying with these aspirations were disingenuous.
- viii. The DM advised that it would not be permitted for the apartments to be used as second homes, and that this expectation had been clearly communicated with applicant. The units would not have the individual amenity space expected for a dwelling, and would be designated use class C1 (for hotel use). With respect of the ownership model, the DM advised this would be complaint with policy in principle, and confirmed this model had been used elsewhere in the country. The use of proposed conditions would restrict the

number of letting days per person per annum to 31 days, which would ensure the properties were not used as primary or secondary residences. The DM set out the intention of the business model was for visitors to come to the area and by extension contribute to the local economy. He noted that any form of tourism coming into the district would have some form of carbon impact from travel, and therefore it would be highly unlikely to have a zero carbon position on tourism.

- ix. Cllr A Brown asked if there had been any further discussion over installing solar car ports.
- x. The SPO advised that the developer was largely content with their application, including solar array on the roof, and other measures outlined in the report. These measures ensured compliance with policy EN6 of the North Norfolk Core Strategy. The scope for a solar car port, whilst possible, did not form part of the proposal presented for consideration.
- xi. The DM noted that the solar car port being constructed at the adjacent Reef site, did not form part of the initial application and was a retrofit. He reiterated comments from the SPO, and affirmed that this was not included in the application.
- xii. Cllr A Brown stated that although he was minded to approve the application, it was disappointing that the site could not be developed for greater employment opportunities or for social housing. Further, he considered the design lacking, stating it did not make use of vernacular materials.
- xiii. Cllr T Adams asked if the occupancy restriction was a standard condition for this type of accommodation.
- xiv. The DM stated that whilst this type of accommodation was new to the district, perceived problems could be managed through appropriate conditions. He acknowledged Member's concerns that the model may encourage people to use the apartments as second homes, however Officers considered that the conditions would dissuade such action and would provide the Authority the tools ensure enforcement.
- xv. Cllr K Toye reflected on the site's immediate setting and considered the proposal would accord with the adjacent Reef Leisure complex, to construct a more traditional style building would not work in this setting. Cllr K Toye questioned the demand for this business model, noting the tourist accommodation offering in Sheringham was comprised largely of small hotels and B&B's.
- xvi. The Chairman affirmed that there was a growing demand for self-contained holiday accommodation, and that traditional B & B's were less popular with tourists.
- xvii. Cllr P Fisher asked how many jobs would be created through the proposal. He drew comparisons with Henries Garage in Sheringham which is of a similar foot print but which employs around half a dozen people. The DM advised 3 part-time positions were expected to be generated.
- xviii. Cllr L Withington was uncertain that the conditions would prevent individuals from using the apartments as second homes if they were able to stay in them

for 96 days.

- xix. The DM advised it would be conditioned that no individual could stay in the apartment for more than 31 days per annum. This would dissuade individuals from booking the apartments for continued periods.
- xx. Cllr V Holliday asked how the lettings would be monitored. The DM advised this would be a matter for the planning enforcement team. It would be conditioned that a register of lettings be maintained and made available to the enforcement team as required.
- xxi. The PL noted that on page 28 of the Agenda that the recommendation was for 96 days occupancy. The SPO confirmed that Officers had since reflected on the application and considered a 31 day condition more appropriate. This was more reasonable to control, aligned with other tourist accommodation conditions in the district, and reflected the intention for regular turnover. The DM confirmed that the condition would be for a maximum of 31 days occupancy per annum for any one individual.
- xxii. Cllr L Vickers asked if the developer was confident that the business model was viable with the 31 day restriction.
- xxiii. The DM advised that the applicant had applied for a C1 class hotel, and it was therefore expected that individuals would not stay on the site for long periods of time. Officers had received nothing from the applicant which expressed that they considered the application (and conditions) unviable.
- xxiv. The Chairman asked, should there be a breach of the occupancy, if it would be the owner of the apart-hotel site, or the owner of the individual units who enforcement would pursue. The DM advised this would be anyone with an interest in the land, and likely the apartment owner.
- xxv. Cllr A Brown expressed concern that the 31 day restriction may be open to abuse from individuals staying with family members who then change name of primary occupier every month. He asked how conditions would be applied and enforced to mitigate such issues.
- xxvi. The DM affirmed that should individuals abuse the process, then the enforcement team would investigate and take action accordingly. If individuals were using the apartments as a second home, this would constitute a material change of use and would be something the Authority would frown upon.
- xxvii. Cllr J Toye asked if it could be conditioned that vehicle registration plates were recorded for all those staying on site, as this would aid in monitoring whether the same person or persons were attending the site, effectively breaching 31 day condition.
- xviii. The DM advised he would seek to add this as a condition, and noted it was not unusual for hotels to take license plate details from guests on arrival.
- xxix. Cllr G Mancini- Boyle seconded the Officers recommendation.

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

That Planning Application PF/22/1660 be APPROVED in line with the Officers recommendation. Final wording of conditions to be delegated to the Assistant Director for Planning.

END

BINHAM – PF/23/1513 – Erection of two-storey detached dwelling (amendment to design of dwelling on plot 1 previously approved as part of planning permission PF/15/1221 and PF/19/0002) at 10 Walsingham Road, Binham, Norfolk for Mr Rupert Young.

Minor Development

Target Date: 8th September 2023

Extension of time: TBC

Case Officer: Miss Jamie Smith

Full Planning Permission

RELEVANT CONSTRAINTS

Conservation Area

Countryside

C Road

Areas Susceptible to Groundwater SFRA

Within the Zone of Influence of a number of designated habitats sites for the purposes of the Norfolk GIRAMS

RELEVANT PLANNING HISTORY:

PF/22/0196 - Two storey detached dwelling (previously approved under application ref. PF/19/0002) – Approved.

PF/19/0002 - Two storey detached dwelling (amendment to design of dwelling on plot 1 previously approved as part of planning permission PF/15/1221 for erection of twenty-eight residential units (Class C3) with associated highway, landscape works and new pumping station) - Approved.

PF/17/1053 - Amendments to design, external appearance, layout, and landscaping of approved scheme for (erection of 28 residential units (Class C3) with associated highway, landscape works and a new pumping station) by variation/removal of conditions 2, 3, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 19, 23, 24, 25, 26 of planning permission PF/15/1221 – Approved.

PF/15/1221 - Erection of twenty-eight residential units (Class C3) with associated highway, landscape works and a new pumping station - Approved.

THE APPLICATION

Seeks permission to erect one detached two storey dwelling, with garage, parking and garden area accessed from Walsingham Road in Binham. The application amends the design of the dwelling previously approved on this plot as part of planning permissions PF/15/1221 and PF/19/0002.

REASONS FOR REFERRAL TO COMMITTEE:

At the request of Cllr Butikofer given concerns regarding design, scale and impact upon the Conservation Area.

CONSULTEE COMMENTS – in relation to the amended scheme

Binham Parish Council - comments

- Support the changes by way of removal of the flue pipe on the west side of the proposed building for a chimney stack.
- Note that Solar PV units have been added to the south facing roof slope and have no objection to this addition.
- Support the re-orientation of the property away from 12 Walsingham Road?.
- Note that no further objection is raised by the Conservation and Design Officer (comments October 9th, 2023), however, the Parish Council are still concerned with the scale of the dwelling compared? to that approved under PF/19/0002 and that of the original application.
- The building extends beyond the boundary line of 12 Walsingham Road? resulting in overlooking.
- Whilst there is no objection to the proposed new house design, the change in relation to the house design on the remainder of the estate will create an anomaly in the streetscape.
- Support the Ward Member (email of 19 September 2023) in that the application should be considered a committee.

Conservation and Design – No objection subject to conditions.

Highways Authority - No objection subject to conditions.

REPRESENTATIONS –

Three representations were received following in respect of the originally submitted scheme setting out the following:

1 comment

- No objection to the principle of a building on this site but concern regarding the scale, proximity to neighbouring property and the schemes deviation to that of the original permission.

1 Objection on the following grounds.

- Intrusive design in the street scene.
- Garage has moved closer to the road.
- Cramped design.
- Highway safety concerns regarding position of garage.
- Aesthetically displeasing.

1 Supporting on the following grounds.

- Stunning layout.
- Makes a good use of the plot.
- Enhance the street scene.
- Interesting use of brick and flint.

No representations received in relation to the amended scheme which was subject to a full re-consultation and publicity (advertisement and site notice).

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 (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 8 Protecting and Enhancing the Historic Environment

Policy EN 9: Biodiversity and Geology

Policy CT 5: The transport impact on new development

Policy CT 6: Parking Provision

Material Considerations:

Supplementary Planning Documents

North Norfolk Design Guide (2008)

National Planning Policy Framework (2023):

Chapter: 2: Achieving sustainable development.

Chapter: 5: Delivering a sufficient supply of Homes.

Chapter 12: Achieving well-designed places.

Chapter 15: Conserving and enhancing the natural environment.

Chapter 16: Conserving and enhancing the historic environment.

OFFICER ASSESSMENT

Background

Application PF/15/1221 gained planning permission for the erection of twenty-eight residential units with associated highway, landscape works and a new pumping station. Revisions were

made under application PF/17/1053. The proportion of market and affordable housing at the site was approved at a 50% split with 14 market and 14 affordable dwellings (10 affordable rent and 4 shared ownership). The site was supported by a viability assessment and was subject to a section 106 agreement (the scheme was part of a group of five applications delivering affordable housing across the District, enabled by some market housing such as those at Binham).

Plot 1, to which the application relates was subject to a land swap deal and is now in private ownership as a market dwelling. Legal advice confirmed as part of approved application (PF/19/0002) that the granting of planning permission for this single market plot would not prejudice the delivery of the affordable housing across the wider site by issuing a separate decision for this plot.

MAIN ISSUES FOR CONSIDERATION

- 1. Principle of Development**
- 2. Design and impact on heritage assets**
- 3. Amenities**
- 4. Highways and parking**
- 5. Recreational impacts on designated habitats sites**

1. Principle of Development

The principle of a dwelling on this site has been accepted through the grant of planning permission ref. PF/15/1221 and revisions under planning permission ref. PF/17/1053.

Planning permission was later granted through applications PF/19/0002 & PF/22/0196 (the latter a resubmission of details contained within PF/19/0002 where the permission had expired) for the erection of a two-storey detached dwelling and garage.

There is currently an extant permission for a two-storey dwelling on the site. The proposed scheme is considered to accord with Core Strategy Policies SS 1 and SS 2.

2. Design and impact upon heritage assets

Concern was raised with regards to the scheme as originally presented. These related to the re-positioning of the dwelling on the site, along with the increase in the overall scale of the building including the extent of garage link, its proposed design features (including an external stainless-steel flue, its porch and three bay design) and the lack of subservience of the rear wing element. It was considered that these collective changes compared to the approved scheme would result in harm being caused to the overall significance of the Binham Conservation Area.

Amended plans have been received which re-orientate the building to align with that of the extant permission. This has resulted in an improved relationship with the existing built form along Walsingham Road. There has also been a reduction in the overall scale of the dwelling by way of its general width, the width of rear wing and the ridge height of the rear wing. The frontage design has been simplified along with a brick external chimney, as opposed to a stainless-steel flue and a reduction in the linkage element to the garage. Solar PV panels have also been included.

The Conservation and Design Officer raises no further design or heritage concerns in respect to the amended scheme. It is considered that the amended scheme is acceptable with regards to its design, layout, scale, and massing and as such accords with Core Strategy Policies EN 4 and EN 8 and sections 12 and 16 of the NPPF.

3. Amenity

The proposed dwelling is located in a similar position on the site to that previously approved. The layout, scale and orientation of the proposed dwelling in relation to neighbouring dwellings would not result in harm to the amenities of their occupiers with regards to privacy between dwellings, including future occupiers of the development, overlooking, overbearing or loss of daylight or sunlight.

The proposed dwelling would have sufficient amenity space commensurate with the size of the property footprint. Details of boundary treatments are shown on the site plan, comprising approximately 1.8 metre high fencing to the west and north, and mature hedgerow to the east, which is considered appropriate to ensure privacy for the private amenity space.

Overall, the proposal is considered to not give rise to significant overlooking, loss of light or overbearing impacts on the dwelling to the west. The proposed development is therefore considered to be acceptable in terms of Core Strategy Policy EN 4 and Section 12 of the NPPF.

4. Highways and Parking Provision

The Highways Authority raise no objections subject to conditions. The proposed development is considered to be acceptable in relation to highway safety and parking provision and complies with Core Strategy Policies CT5 and CT6 and, Section 12 of the NPPF.

5. Recreational impacts

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 either alone or in combination. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. All new net residential and tourism development are required to mitigate the effects of the development. Whilst the application is for a new dwelling, the extant permission (PF/22/0196) for one dwelling is considered to be a fall-back with significant weight as a material consideration in this respect.

As a result, it is considered that the requirement for a mitigation contribution would not be justified.

Conclusion And Planning Balance

The proposed development is considered to be acceptable and compliant with the relevant Development Plan policies as outline above. The design revisions have overcome the initial

concerns raised by officers, further to which it is considered that the proposed development would not result in any significantly detrimental impact upon neighbouring amenity. Sufficient parking can be accommodated within the site and the access is considered acceptable. Approval is therefore recommended subject to appropriate conditions.

RECOMMENDATION:

APPROVAL subject to conditions to cover the following matters:

- Time Limit – 3 years
- In accordance with approved plans
- Details of bricks/tiles
- Flint sample panel to be agreed.
- Joinery details to be agreed.
- First-floor bathroom window to west elevation window be installed with obscured glazing.
- Highways - vehicular access to be agreed with the LPA prior to occupation.
- Highways – provision of visibility splays.
- Highways – access and highways verge laid out and levelled prior to occupation.
- Removal of permitted development rights – no openings first floor east elevation.
- Front boundary treatment.

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

MORSTON – PF/23/1764 - Use of land for stationing of a food and beverage trailer for no more than 56 days per annum for a temporary period of 5 years (retrospective) at National Trust Information Centre, Quay Lane, Morston, Holt NR25 7BH for National Trust

Minor Development

Target Date: 11 October 2023

Extension of time: TBC

Case Officer: Darryl Watson

Full Planning Permission

RELEVANT SITE CONSTRAINTS

- LDF Countryside
- LDF Undeveloped Coast
- Heritage Coast
- Landscape Character Assessment - Type: OCM1 (Open Coastal Marshes)
- Norfolk Coast National Landscape (formerly known as Norfolk Coast Area of Outstanding Natural Beauty)
- Flood Zone 3A SFRA
- Flood Warning Area SFRA
- Areas Susceptible to Groundwater SFRA
- National Nature Reserve
- Agricultural Land Classification - Agricultural Land: Grade 3
- Mineral Safeguarding Area

The site is immediately adjacent to, but not within, the following designated areas

- Wetlands of International Importance - RAMSAR
- Special Area of Conservation
- Special Protection Area
- Site of Special Scientific Interest
- Candidate County Geodiversity Site
- County Wildlife Site - Morston Marshes

RELEVANT PLANNING HISTORY

The recent planning history is as follows, but this is not considered to be directly relevant to the consideration of the current proposal.

RV/23/1681: Variation of condition 1 (removal of buildings) of planning permission PF/18/0957 (Siting of portable buildings for use as catering store, secondary catering outlet and staff welfare/visitor welcome unit and temporary toilets; formation of waste compound and installation of window in rear wall of cafe building) as varied by RV/21/1565, allow buildings to be retained on site for a further 2 years until 1 August 2025 – Approved

RV/21/1565: Variation of condition 1 (requiring removal of the buildings on or before 1 August 2021) of planning permission PF/18/0957 to allow buildings to be retained on site for a further 2 years - Approved

NMA1/18/0957: Non-material amendment to planning permission PF/18/0957 to allow for use of concrete pad foundations for the approved portable buildings to enable them to be secured in case of flood risk and cutting back of a section of hedge to accommodate approved staff & welfare cabin - Approved

PF/18/0957: Siting of portable buildings for use as catering store, secondary catering outlet and staff welfare/visitor welcome unit and temporary toilets; formation of waste compound and installation of window in rear wall of cafe building - Approved

PF/16/1356: Installation of two pay & display machines (one is to replace existing machine) – Approved

THE APPLICATION

As amended, this is for the use of a small parcel of land at Morston Quay for the stationing of a food and beverage trailer for no more than 56 days in a calendar year which would be for 8 weeks - the 6 week school holiday period and a week either side of it. Permission is sought for a limited period of five years.

The trailer is on wheels and can be towed on and off the land. It would be transported to the site and remain in situ during operational periods after which it would be relocated to another National Trust property. It is 4.57m in length, 2.4m wide and 2.73m high with a metal framework coloured dark grey and has a flat roof. The sides are clad in a timber effect vertical boarding also coloured dark grey. There is a personnel door at one end and a serving hatch in one side. The supporting statement states the trailer requires no additional utility services, as it will operate using existing connections.

The proposed core opening hours for the trailer are 10.00 – 14.30/15.00 but the applicant advises that these could vary slightly with tides and demand.

As first submitted, permission was sought to use the land for stationing of the trailer for up to 120 days per year but this was reduced to 56 days following advice from Officers.

REASONS FOR REFERRAL TO COMMITTEE:

At the request of Cllr Holliday for the following reasons:

“This proposal is completely unsuitable for this highly protected location. It will commercialise and suburbanise what is meant to be a tranquil and wild area with a sense of remoteness. It will increase footfall. There already is a cafe at the Quay. I find this proposal does not conform to local plan policies EN 1, 2, 3, 4 and 9”.

Cllr Holliday also comments separately that *“I agree with the community that this proposal is completely unsuitable for this highly protected location. It will commercialise and suburbanise what is meant to be a tranquil and wild area with a sense of remoteness. I see from the application that it is considered not to have a negative impact on biodiversity or geological conservation – the site of the trailer itself is highly designated which is not highlighted. The proposed hours of operation will increase footfall as the Quay is only busy for the few hours around high tide, not all day. The increased staffing will require more corporate infrastructure all of which diminishes the natural surroundings. I have concerns around waste water run-off,*

waste volume and littering. I find this proposal does not conform to local plan policies EN1, 2, 3, 4 and 9”.

REPRESENTATIONS:

Three received from addresses in Morston in response to application as first submitted with **objections** on the following summarised grounds:

- Applicant is looking for profit where what the public really need is adequate and decent toilets in Morston, planning for which has gone on for nearly twenty years.
- Morston Quay is within the AONB and is a wildlife reserve and should stop being managed as if it were a stately home. As it is tidal, plants and animals should have time to rest. It is not in the interests of nature to have people eating and drinking from 9-5 on Morston Quay. The very fact that the proposed opening hours are 9-5 shows that no thought has been given to the area.
- The site is with the Open Coastal Marsh (OCM) landscape character type noted for its natural character as reflected in the high number of statutory designations covering the area. The proposed development would be harmful to the valued features and qualities of this landscape type
- The applicant appears to have embarked on a plan to comprehensively destroy the strong sense of remoteness, tranquility and wildness which, until recently, was characteristic of Morston Quay and the surrounding marshland. It has greatly expanded its operations with the reference made to development previously carried out in breach of planning permission or without permission. The imperative for these actions is the need to generate more income from the Morston Quay site.
- Poor maintenance of structures that have been built previously.

Further publicity was carried out following the amendment to the proposal, with **no further representations received**.

CONSULTATIONS:

Landscape (NNDC) - No objection.

Natural England – are not able to provide specific advice on the application and therefore has no comment to make on its details

Norfolk Coast Partnership - no comments submitted

Morston Parish Council - **Object** as this area is very heavily protected and it is considered that the proposal is an abuse of that protection and an inappropriate development for such a sensitive area. Concerns about over commercialisation – Morston Quay and Marshes are a unique area of land, marsh and wild life and should be retained as it is for the future. It should not be commercialised as Blakeney Quay has been. The National Trust already has a café which is big enough and there is under used space in the existing building if the NT believes more space is needed. The opening times on the trailer are not the same as in the planning request so are unlikely to require all the additional staff suggested.

Many find the van visually intrusive. The public are primarily at Morston for boat trips, not for food and drink. The footfall is pulsed with peak demand when several boats embark and

disembark at the same time. At these times queuing for refreshments and toilets is inevitable, some boats take 50 passengers at a time and there are 10+ working boats.

Having the van in situ for 120 days is excessive. The busiest time for visitors is the school summer holidays, which lasts no more than 60 days. Also, at that time of year, the weather is most likely to be suited to outdoor refreshments.

The PC state they have no idea of the NT's long term plans for the site and ask if the NT will want to make it more permanent and whether allowing it it easier to increase the commercialisation of the site and their buildings footprint.

Following amendment – the PC are still strongly opposed to the application which they consider does not comply with policies EN 1, 2, 3, 4 and 9. The points raised in the PC's earlier comments are reiterated.

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 (2008)

Policy SS 1 - Spatial Strategy for North Norfolk

Policy SS 2 - Development 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 9 - Biodiversity and geology

Policy EN 10 – Development and Flood risk

Material Planning Considerations:

Supplementary Planning Documents

North Norfolk Landscape Character Assessment SPD (2021) – *the site is within the Open Coastal Marshes landscape type*

National Planning Policy Framework (NPPF):

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 12 - Achieving well-designed places

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

Chapter 15 - Conserving and enhancing the natural environment

OFFICER ASSESSMENT

Site description

The site is within an area of grass adjacent to the north end of the Morston Quay car park and to the southeast of the National Trust Lookout building/visitor information point, which has a small takeaway café attached to it. Within the grassed area and adjacent to the west of the Lookout building there are a number of picnic tables. The Norfolk Coast Path runs to the north of the building and is at a slightly higher level than the site. Boats are stored on the land to the west of the site and the Lookout, and in a smaller area to the north. The main area of the car park is to the south with Quay Lane running along the northeast side. The surface is compacted ground/loose gravel. There is also parking to the east of Quay Lane adjacent to the hedge running north-south.

Main issues for consideration:

- 1. Whether the proposed development is acceptable in principle**
- 2. The effect on the character and appearance of the area and special qualities of the Norfolk Coast National Landscape (AONB)**
- 3. Whether the proposed development would have a significant effect on designated sites**

Background

Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) considers temporary use of land and gives planning permission for the use of any land for any purpose for not more than 28 days in total in any calendar year and the provision on the land of any moveable structure for the purposes of the permitted use. There are no limitations under Class B which would apply in this case to the proposal at Morston.

This is an important material consideration in terms of assessing the likely impacts of the proposal which is effectively for an additional 28 days per year over what can be carried out without the need for permission from the Council.

1. Principle

The site is within the area designated as Countryside under policy SS 1 of the Core Strategy. Development related to recreation and tourism is a type listed under Policy SS 2 that can be

acceptable in principle within this area. The proposed development is deemed to require a rural location as it would be related to an existing recreation / tourism site in the Countryside. The stationing of a food and beverage trailer is therefore acceptable in principle and complies with policies SS 1 and SS 2. Nevertheless, to be acceptable overall, it must also comply with all other relevant Core Strategy policies, unless material considerations indicate otherwise.

2. Character and appearance

Whilst the permission sought is for the use of the land, consideration of this issue is on the basis of the effect of stationing a trailer on the site. The trailer that was stationed on the site for a time during the summer of 2023 and which would be sited again, is as detailed above. If permission was granted any trailer that would fit on to the application site could be stationed on it. As such it is considered it would be appropriate to include a condition such that only a trailer of a size and appearance of that proposed could be stationed on the site.

Valued features and qualities the Open Coastal Marsh Landscape Character Type within which the site is located are listed in the North Norfolk Landscape Character Assessment SPD (LCA) are:

Natural character and nature conservation value:

Extensive natural and semi-natural habitats including coastal saltmarsh, coastal sand dunes and mud flats are relatively rare and provide internationally important biodiversity and geodiversity, reflected in the high number of statutory designations. The natural character provides a contrast to the intensely managed farmland which occupies the inland areas.

Relative absence of human settlement and intervention:

The general absence of settlement and human intervention provides a strong sense of remoteness, tranquillity and wildness (and dark skies at night).

The sense of openness, large skies, and quality of coastal light:

These characteristics provide a sense of space and long views.

Recreational value

The beaches, footpaths, bird hides and boat moorings provide significant recreational value and enable managed enjoyment of the landscape by visitors.

Many of the Valued Features and Qualities of the Open Coastal Marshes are also considered to contribute positively to Key Qualities of Natural Beauty of the Norfolk Coast AONB

Forces for change / detractors listed in the LCA as include

Recreational pressure from boating activities including organised boat trips

The development of boat trips (to Blakeney Point and the seal grounds) has encouraged large numbers of cars to Morston. The parking of cars on the hard is highly visible from this Type. These effects can detract from the wild/ natural character of the Type

Recreation-related development

Features such as hides, lighting, small car parks, golf courses, camping and glamping facilities and other human related interventions can have an adverse impact on the 'wild' and natural

character of the landscape, as can large numbers of people in the landscape which can cause erosion of habitats and disturbance to species.

Whilst the valued features and qualities of the wider landscape in this area are acknowledged, because of the site's location close to the edge of the car park, the immediate context in which the trailer would sit and be seen are parked cars, the Lookout and boats stored on the land. This, in combination with its small scale, appearance - which would ensure the trailer assimilates well with nearby buildings (the Lookout and temporary cabins to the south), and the fact that it would only be stationed on the site for a limited period during the peak summer months when the car park would be most heavily used, is such that it is considered any harm would be negligible.

In views westwards from the coast path and open landscape, existing landscape features would provide screening. It is not until a point closer to the Lookout that the trailer would be readily visible where it would be seen in the context of the nearby Lookout, with stored boats beyond. Similarly, in the opposite view on the approach along the coast path from the west, the trailer would be seen with the Lookout and parked cars and stored boats. On the approach from Morston via Quay Lane in the northwards view the trailer would be seen against parked cars in the foreground, the Lookout and stored boats.

With regards to Policy EN 3 as the proposal is to be used in association with an existing tourism site, it is deemed to require a coastal location. It is considered it would not, on balance, harm the open coastal character for the reasons stated above.

It is considered that the proposed development would not result in any material harm to the valued qualities and features of the Open Coastal Marshes landscape type or the special qualities of this part of the Norfolk Coast National Landscape (AONB). It is therefore considered acceptable in terms of compliance with Core Strategy policies EN 1, EN 2 and EN 3.

3. Designated sites

Morston Quay is part of Blakeney National Nature Reserve which is internationally important for its habitats. The Reserve's features of interest include subtidal sandbanks, saltmarsh, intertidal mudflats and sandbanks, shallow inlets and bays and seal colonies. It is outside, but immediately adjacent to, the boundary of other designated sites as listed in the constraints section above.

Because of the site's location adjacent to the car park and at the main visitor entrance to Morston Quay, within an area where there are existing picnic tables, existing levels of human activity/footfall are high during peak seasons. People visiting the boat trips that operate from the Quay add to this. Visitor pressure in sensitive locations such as this can be a concern, however; because of its scale, specific siting and temporary nature, it is not considered the trailer would be an attractor or visitor destination in its own right that would draw more visitors to the site. It is therefore unlikely that the stationing of the trailer would result in a material increase in what the applicant has advised are the c.100,000 annual visits to Morston, and given that the trailer would only be on site for an additional 28 days when the permitted development allowance is taken into account.

The applicant estimates that 140 visitors/ tourists used the trailer each day it was open during 2023 who otherwise would not have been served due to the queue at the existing takeaway kiosk being too large. Those visitors were already on site for the seal trips or walking the coast. Morston Quay is a popular tourist destination as is much of the North Norfolk coast and amenities are needed for visitors and users of the coast path. The applicant states that the current kiosk is limited and queues that form lead to complaints which impact the experiences of visitors to Morston.

On balance it is considered the small scale and temporary nature of this additional facility would not result in harm to the special interest features of the area for the reasons stated and as such complies with Core Strategy policy EN 9

Other considerations

- Concerns raised in representations about how the applicant (the National Trust), manages the site and maintains their existing structures are not material to the consideration of the current application. Neither, if there have been any, are previous breaches of planning control unless they are directly related to what is being considered now. In this case there are none.
- Flood risk – the proposal is minor development in relation to flood risk. Whilst the site is in flood zone 3A it is considered, because of its scale and temporary nature, it would not raise significant flood risk issues, and in this respect the permitted development right for the temporary use of land is not subject to prior approval by the local planning authority in respect of flooding. The proposal is a ‘less vulnerable’ use in terms of flood risk and such uses are compatible with flood zone 3A. The proposed development is therefore acceptable in terms of Core Strategy policy EN 10.
- Mineral safeguarding area – whilst the site is within this area, as it is a temporary development, consultation with the County Planning Authority is not required as set in appendix C of the Norfolk Minerals and Waste Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026
- It is considered some weight in the overall planning balance should be given to the fact that the applicant has stated that the operation of the trailer *“presents an opportunity for the property to generate charitable income, which will be utilised to fund essential infrastructure projects and conservation efforts”*. With regards to such projects, it is likely that proposals for a building to provide new visitor welcome area, staff office, replacement toilets including a changing places facility and catering store will come forward relatively shortly, with a pre-application enquiry (ref IS2/23/2144) relating to this currently under consideration.

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 landscape or have any harmful effect on designated sites. 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:

- Limited period permission (5 years)
- Litter bin provision
- Only a trailer of the type specified in the application to be stationed on the land
- Opening hours

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

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North Walsham – PF/23/2479 - Erection of a porch and single storey extension to front of dwelling at 26 Thirlby Road, North Walsham, Norfolk for Mr & Mrs Paul & Jude Heinrich

Householder Development
Target date: 12th January 2023
Case Office: Nicola Wray
Full Planning

RELEVANT SITE CONSTRAINTS:

Located within the North Walsham settlement boundary
Located within the North Walsham Residential area

RELEVANT PLANNING HISTORY:

Application PF/17/1641

Description Erection of single storey front extension and conversion of attached garage to facilitate the creation of a self-contained attached annexe and replace a front elevation window with French doors.

Decision Approved – 01.11.2017

Application PF/09/0281

Description Erection of replacement front porch

Decision Approved – 11.05.2009

Application PF/07/1197

Description Erection of single storey and rear extensions

Decision Approved – 12.09.2007

THE APPLICATION:

Seeks permission to erect a porch and single storey extension to front of the existing dwelling.

REASON FOR REFERRAL TO COMMITTEE:

The applicant is a North Norfolk District Council Councillor (Member) and a committee decision is required in line with part 4(d), Chapter 6, Paragraph 6.2 of the Councils Constitution.

PARISH/TOWN COUNCIL:

No comments

CONSULTATIONS:

None requested

REPRESENTATIONS:

None received

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT POLICIES:

North Norfolk Core Strategy (September 2008)

Policy SS 1 (Spatial Strategy for North Norfolk)

Policy SS 10 (North Walsham)

Policy EN 4 (Design)

Policy CT 5 (Transport Impact of New Development)

Policy CT 6 (Parking Provision)

Material Considerations:

Supplementary Planning Documents and Guidance

North Norfolk Design Guide (2008)

North Norfolk Landscape Character Assessment (2018)

National Planning Policy Framework (2023)

Chapter 2 (Achieving sustainable development)

Chapter 4 (Decision-making)

Chapter 9 (Promoting sustainable transport)

Chapter 12 (Achieving well-designed places)

Chapter 15 (Conserving and enhancing the natural environment)

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION

1. **Principle of development**
2. **Impact on the character of the area and design**
3. **Residential Amenities**

- 4. Highways and Parking**
- 5. Other matters**

1. Principle of Development

Policy SS 1 states that majority of new development will be within either the Principal Settlements, Secondary Settlements, Service Villages or Coastal Service Villages of North Norfolk. It further states that any settlement not specified as being within one of defined settlements or villages will be designated as being within the Countryside. North Walsham is specified within SS 1 as a Principal Settlement where the majority of new development will take place. The site falls within the Settlement Policy Boundary and designated Residential Area of North Walsham whereby extensions to existing dwellings are acceptable in principle subject to compliance with all relevant Local Plan Policies.

2. Impact on character of the area and design

Policy EN 4 amongst other matters requires all development to be designed to a high quality, reinforcing local distinctiveness, ensuring appropriate scale and massing, whilst having regard to the North Norfolk Design Guide.

Chapter 3.6 of the North Norfolk Design Guide Supplementary Planning Document (SPD) provides guidance in relation to extensions to existing dwellings. This includes ensuring that the scale of any extension does not harm the architectural character of the original building, ensuring that it remains dominant. Form, detailing and materials should be compatible with the original building and breaks or setbacks from elevational planes can ensure subordination is successfully achieved.

The scale of the development is relatively minor, with the proposed footprint being 8.91sqm made up of the flat roof extension and porch. The porch has a pitched roof which, Officers consider, would fit in well with main dwelling and the street scene. The flat roof extension, whilst is small and would be recessed between the pitch roofs of an existing gable and the proposed porch. Officers note that there is an existing flat roof at the east end of the dwelling.

The materials the proposal would match those already found within the existing dwelling, including concrete pantiles and buff facing brick. The proposed materials would match the existing materials on the dwelling and would be in keeping with the rest of the street scene.

The proposal would therefore adhere to Policy EN 4 of the North Norfolk Core Strategy and relevant aspects of the North Norfolk Design Guide.

3. Residential Amenities

Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. The North Norfolk Design Guide (2008) sets out more specific guidelines on what constitutes overshadowing, overlooking and loss of privacy.

Whilst the proposal does increase the amount windows, and visibility from the proposed porch, it would be a marginal increase and there would be no significantly adverse impacts upon the amenities of neighbouring properties.

It is therefore considered that the proposal would adhere to Policy EN 4 of the North Norfolk Core Strategy.

4. Highways and Parking

Policies CT 5 requires development to provide safe, convenient access for all modes of transport and safe access to the highway network. Policy CT 6 requires development to provide adequate parking facilities to serve the needs of the proposed development.

Officers consider that the proposal would not materially increase parking requirements for the property. It is therefore considered that the proposal would conform to Policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

5. Other Matters

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

The application is a householder extension and is therefore exempt from the tariff.

Conclusion

The proposal has been found to be compliant with the aims of Policies SS 1, EN 4, CT 5 and CT 6 and it would be recommended that the proposal be approved subject to the conditions outlined below.

RECOMMENDATION:

APPROVAL subject to the imposition of the following conditions (and any others subsequently considered necessary by the Assistant Director – Planning):

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as may be required by specific condition(s):
 - Location Plan; Drg Title 26 Thirlby Road North Walsham, Undated, Received 15.11.2023
 - Existing Plans & Proposals; Drg Title Proposed Extension to 26 Thirlby Road North Walsham For Mr and Mrs Heinrich, Dated August 2023, Received 15.11.2023.

Reason for Condition: For the avoidance of doubt.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted must be of a similar appearance to those used in the construction of the exterior of the existing building.

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

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

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OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 11 JANUARY 2024

APPEALS SECTION

NEW APPEALS

HOLT – PA/22/2683 - Installation of a 15m lattice mast comprising 3 no antennas together with 4 no ground-based cabinets and ancillary development thereto for radio base station
Land At Riverside Farm, Riverside Road, Letheringsett, Norfolk
For Cornerstone & Telefonica UK Ltd
WRITTEN REPRESENTATION

STIFFKEY – RV/22/1002 - Variation of Condition 1 (approved plans) for Planning Permission RV/21/2924 to allow larger windows on first floor of south east elevation; addition of solar thermal collectors and solar photovoltaic panels on roof; addition of rooftop terrace; installation of Power Wall with electric vehicle charging points; installation of air source heat pump; installation of exterior lighting
Red Lion, 44 Wells Road, Stiffkey, Wells-next-the-sea, Norfolk NR23 1AJ
For Mr Chris Cooke
WRITTEN REPRESENTATION

INQUIRIES AND HEARINGS – IN PROGRESS

NORTH WALSHAM – ENF/20/0088 - Appeal against Enforcement Notice for Occupation of the site , bungalow structure and operating an LGV from within the site
Sewage Works, Marshgate, North Walsham NR28 9LG
For Mr Luke Jackson
INFORMAL HEARING – Awaiting date for Hearing

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

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)

EAST BECKHAM – ENF/22/0289 - Appeal against Enforcement Notice Re: Material change of use of agricultural to land to storing of machinery and creation of a bund

Land North Hwrc, Holt Road (a148), East Beckham, Norwich, Norfolk NR11 8RP

For Mr Eamon Denny

WRITTEN REPRESENTATION

FAKENHAM - ENF/21/0002 - Appeal against Enforcement Notice - Material change of use of the Land for the siting of a static caravan to provide overnight accommodation for security staff

Unit 4, RS Car Sales, Hempton Road, Fakenham. Norfolk NR21 7LA

For Mr Shaun Brooker

WRITTEN REPRESENTATION

FAKENHAM – PF/21/3158 - Siting of a static caravan to provide overnight accommodation for a security staff

RS Vehicle Hire, Hempton Road, Fakenham NR21 7LA

For RS Vehicle Hire Shaun Brooker

WRITTEN REPRESENTATION

FAKENHAM – CL22/1552 - Certificate of Lawful Development for existing use of land for storage purposes (Class B8)

Unit 4, RS Car Sales, Hempton Road, Fakenham. Norfolk NR21 7LA

For Mr Shaun Brooker

WRITTEN REPRESENTATION

FAKENHAM – 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

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

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

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

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)

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

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

For Mrs Avril Lill

WRITTEN REPRESENTATION

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

BARTON TURF & IRSTEAD – BA/22/2206 - Change of approved roof material, variation of condition 2 of permission BA/2022/0030/HOUSEH. Broads Authority planning application reference BA/2022/0309/COND.

Shoals Cottage, The Shoal, Irstead, Norwich, Norfolk NR12 8XS

For Mr & Mrs Bob Parks

Householder Appeal Service (HAS – Fast Track) – **APPEAL ALLOWED**

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 – **APPEAL DISMISSED**

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 - **APPEAL DISMISSED**

WELLS-NEXT-THE-SEA – LA/22/0276 - Internal and external works associated with 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 - **APPEAL DISMISSED**

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