

Development Committee



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TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 20 September 2023

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 28 September 2023 at 9.30 am.**

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

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

PUBLIC SPEAKING:

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

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

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

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

Emma Denny
Democratic Services Manager

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

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

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A G E N D A

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

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. 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.

5. 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.

6. DECLARATIONS OF INTEREST

(Pages 1 - 6)

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

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

(Pages 7 - 20)

8. WEST RAYNHAM - PF/23/1004 - DEMOLITION OF EXISTING

(Pages 21 - 32)

WORKSHOP AND CONSTRUCTION OF NEW DWELLING AT WEST RAYNHAM AUTO CLINIC, MASSINGHAM ROAD, WEST RAYNHAM, FAKENHAM, NORFOLK, NR21 7AJ

9. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:-

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

PRIVATE BUSINESS

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Registering interests

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

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

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

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

Non participation in case of disclosable pecuniary interest

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

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

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

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

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

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

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

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

Table 1: Disclosable Pecuniary Interests

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

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

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

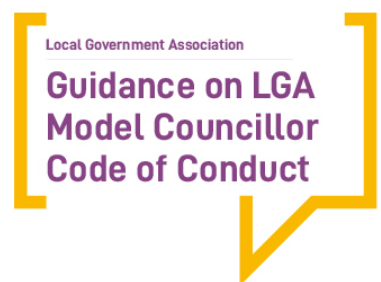
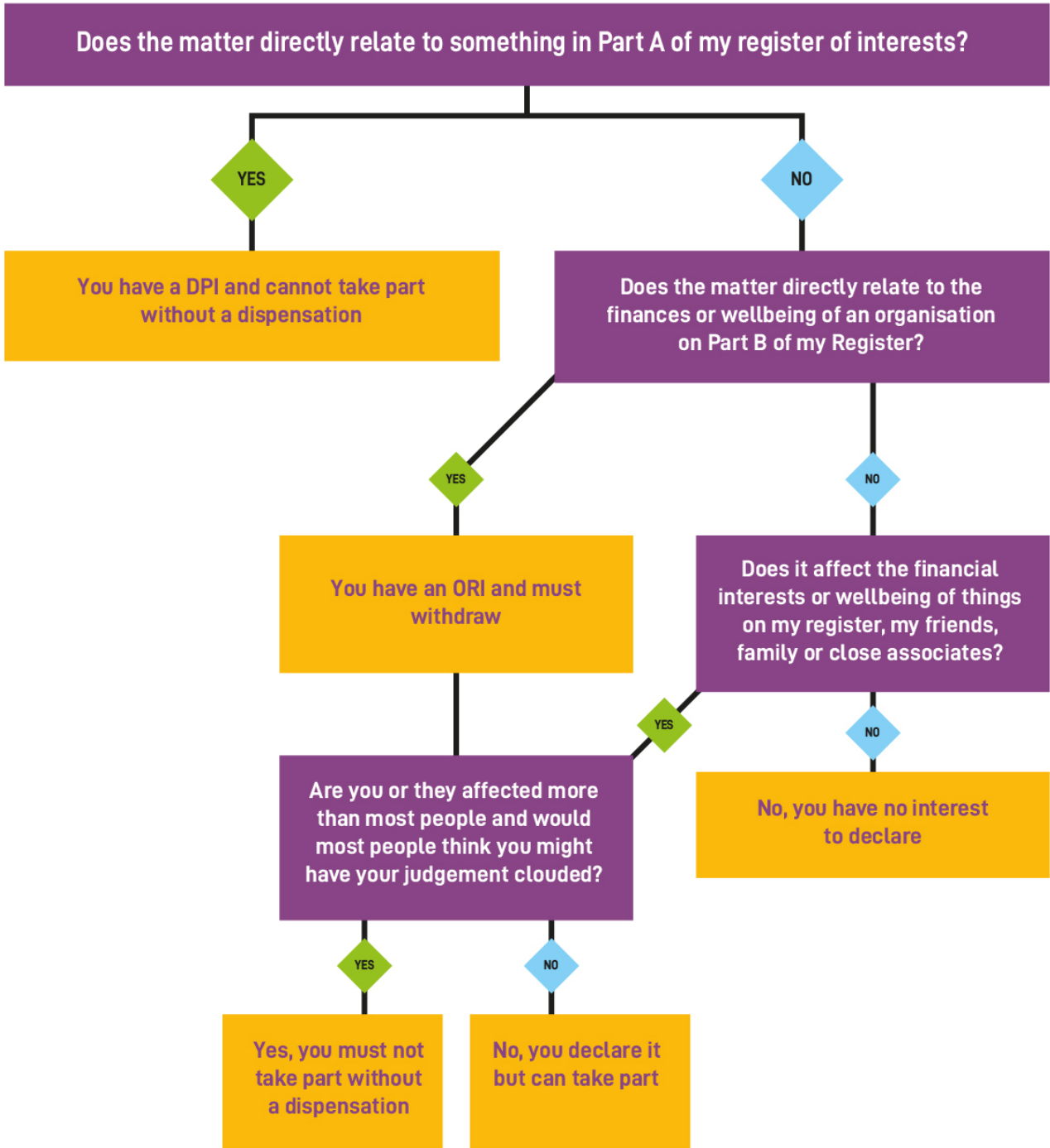
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none">a) any body of which you are in general control or management and to which you are nominated or appointed by your authorityb) any body<ul style="list-style-type: none">(i) exercising functions of a public nature(ii) any body directed to charitable purposes or(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)



CROMER – PF/23/1761- Demolition of former bandstand and storage building; Redevelopment of former tennis courts consisting of erection of 2no. public toilet buildings, community food hub, community shed building, community horticultural hub building, 2no. curved walls with canopy for entertainment space, multi-use space for pop-up market stalls/leisure activities and associated on-site car/cycle parking, associated fencing, planting and vehicular and pedestrian access points at North Lodge Park Overstrand Road, Cromer.

Other Minor Development

Target Date: 4th October 2023

Case Officer: Miss A Walker

Full Planning Permission

RELEVANT SITE CONSTRAINTS:

Within Settlement Boundary of Cromer

Within Cromer Conservation Area

Open Land Area

Public Realm Area

RELEVANT PLANNING HISTORY:

PF/22/3010

Demolition of former bandstand and storage building; Redevelopment of former tennis courts consisting of erection of 2no. Public toilet buildings, community shed building, polytunnel and associated fencing containing horticultural hub, 2no. curved walls with canopy for entertainment space, multi-use space for pop-up market stalls/leisure activities and associated on-site car/cycle parking, vehicular and pedestrian access points.

Withdrawn 15/08/2023

PF/16/0552

Removal of existing shelter, re-location of shelter for use as band-stand and erection of storage shed to North Lodge Park, Cromer

Approved 05/07/2016

QF/85/1898

Retail craft shop deemed permission

Approved 10/01/1986

THE APPLICATION

The application seeks the demolition of former bandstand and storage building and the redevelopment of former tennis courts. The proposal consists of the erection of two new public toilet buildings, a community food hub, a community shed, a greenhouse and potting shed/store with associated fencing to contain a community horticultural hub, two curved walls with a canopy above for an entertainment space, a multi-use space for pop-up market stalls/leisure activities and associated on-site car/cycle parking, vehicular and pedestrian access points at North Lodge Park, Overstrand Road, Cromer.

A similar application was previously submitted (Ref. PF/22/3010) and considered at Planning

Committee in June 2023 where some heritage concerns were raised by members and a decision of deferment was reached. The application was subsequently withdrawn and resubmitted as PF/23/1761 with several design alterations. Whilst the premise of the scheme largely remains the same, the main differences since the previous submission are the omission of the Polytunnel in the horticultural hub, this has been replaced with a secure tool store, indoor potting area and greenhouse structure. The food hub, was previously formed from two clad shipping containers, this has been amended to a much smaller timber clad cabin with sedum roof. All the proposed structures will all have vertical timber cladding with sedum roof coverings and the greenhouse area glazed. For the fullness of the report all matters are considered below taking into account these changes.

REASONS FOR REFERRAL TO COMMITTEE:

This application has been referred to the Development Control Committee at the request of the Assistant Director of Planning, having regard to the fact that the previous application for a similar development proposal was before members for consideration in June this year.

PARISH/TOWN COUNCIL:

Cromer Town Council – No response received.

CONSULTATIONS:

NNDC Landscape Officer – **No objection**, subject to the following comments (written comments as per PF/22/3010, with verbal update confirming position as part of current application):

‘The proposed re-use and animation of this redundant area of North Lodge Park is to be welcomed in principle.

The Park is a valued green space within the town and is designated as Open Land Area within the Local Plan. Policy CT 1 Open Space Designations states that ‘development will not be permitted on Open Land Area except where it enhances the open character or recreational use of the land’. The Landscape section considers that the flexible community use proposed and the enhancement of a neglected area of the park would comply with this policy requirement.

The two circular toilet pods are bulky structures that do not make efficient use of space and dominate the whole area, particularly overpowering the covered entertainment space. These could be re-designed to be more unobtrusive and occupy far less space, e.g. tucked in behind the existing hedge.

The community shed is a large structure, but with a sedum roof and timber cladding as proposed, will be relatively well assimilated into the south-east corner amongst mature vegetation. The proposed fencing around the horticultural enclosure is appropriate, as is the proposed timber cladding to the food hub.

The enhanced landscape planting in the form of semi-mature trees with under-planting along the south site boundary with Overstrand Road is appropriate. If there is no revision

forthcoming of the design of toilet pods, then there should be increased landscape planting around the structures to soften their impact in the wider park, especially on the north side of both pods.

Hard and soft landscape proposals and external lighting details should all be secured by condition.'

Norfolk County Council (Highways) – **No objection**, comments resubmitted from application PF/22/3010 (which remain relevant):

Initial concerns that the proposed uses would engender an increased use of the narrow, historic, gated access to 'Carriage Drive' which has restricted width, a very tight turning radii and it would be shared with pedestrians who regularly and predominantly use this route.

Increased vehicle movements increases the likelihood of:

- kerb/footpath overrun,
- the risk of conflicts with pedestrians and/or other vehicles within the narrow access,
- vehicles stopping, waiting or reversing onto the C634 Overstrand Road which affects the free flow of traffic and highway safety

The revised proposal to only permit a maximum vehicle size on the site for the pop up markets, are at a scale which could fall under permitted development (28 days) and would also be limited under the terms of the Market; permitting only relevant vehicles at specified times and marshalling this access would significantly reduce any potential impacts.

Subject to adequate management of the above, I would find an objections difficult to substantiate.

NNDC Conservation and Design Officer – **Advice:**

'When judged against the previously submitted scheme, Conservation & Design can broadly welcome;

- I. The reduced size of the community container;
- II. The removal of the polytunnel;
- III. The principle of replacing it with a bespoke designed greenhouse, and
- IV. The greater consistency which would stem from using the same vertical boarding throughout.

At the same time, however, the new larger greenhouse would in practice exacerbate the relatively high concentration of structures previously identified. In addition, despite the cladding having been re-orientated, there are still outstanding concerns about the appropriateness of having utilitarian-looking buildings in such a sensitive setting (i.e. the community shed and portakabin hub).

As a result, it remains the case that harm would be caused to the appearance and character of the park, and thus to the setting of the Grade II listed North Lodge Building, and to the overall significance of the Cromer Conservation Area.

In terms of quantifying the level of this harm, clearly the magnitude has been further reduced through the changes made. Therefore, whilst it must still be regarded as 'less than substantial' for NPPF purposes, it has unquestionably been lessened on this spectrum. As we know, however, great weight must still be given to the conservation of heritage assets irrespective of the level of harm. Therefore, due consideration still needs to be given to the balancing exercise

required under para 202 of this document. However, with the scheme potentially offering a persuasive package of public benefits, it would be understandable if the residual heritage harm were to be set aside in this case.'

Economic Growth Team – **Support Application**, subject to the following comments:

'In consideration of PF/22/1761 the Economic Growth Team supports this application. It is recognised that there are potential economic benefits that would be derived by such a proposal such as supporting local businesses and community groups.

It is also recognised that it would provide an additional draw to the eastern end of Cromer, boosting footfall for businesses located on Church Street.'

REPRESENTATIONS:

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

Highways

- Increased vehicle movements within the park.
- There must be adequate separation of pedestrians and vehicles.
- All non-essential vehicle entries and exits to North Lodge Park should be prohibited.
- A new pedestrian access across the Carriage Drive, will create two blind access points from behind hedges. This increases the danger, especially to children.
- No account is taken of the number of vehicles that already routinely access North Lodge Park.
- This proposal introduces parking by stealth to North Lodge Park.
- 11 parking spaces are described however there are many more vehicles already using this area, and the entirety of the park.
- A parking warden or camera enforcement and formal parking penalties should be enforced for the entire North Lodge Park. This is the only vehicle deterrent that will ensure traffic safety for park users.

Design/ Heritage Impact

- The toilet and changing spaces pods are of poor design.
- The design of the toilets will encourage vandalism.
- These new toilets with their flat Perspex roofs will be costly to maintain and are potentially an eye-sore.
- The two toilet blocks will do nothing to preserve or enhance the character of North Lodge Park.
- The conservation report concluded the public benefit may outweigh this harm, but no attempt has been made to measure, quantify and justify the public benefit save that the applicant states it exists.
- The previous application was refused because the harm it would cause to Heritage Assets outweighed the benefits. This application is not materially different.
- No intention to resurface the area.

Landscape

- The applicant should seek to improve the quality of the proposal rather than camouflage unsightly inappropriate structures with plants and bushes.
- The previous application that this one replaces included the same landscape proposals. The previous application was refused.

Intended use

- The proposal would develop this 'Open Space' with activities some of which have limited or no recreational or sport benefit (for example, the food hub).
- The proposed development does not follow the guidelines in dealing with land with an "Open Space" designation
- Authorities are required to evaluate public benefit before developing 'Open Space'. No attempt has been made to do this, it is simply accepted that there will be a benefit because the applicant says so.
- The Portakabin proposed to provide the 'food hub' is similar in appearance to previously refused shipping containers. Whilst their use may be temporary but the structures are likely to remain for decades.
- These temporary structures are also relatively expensive and therefore unlikely to be removed quickly or easily.
- Security fences will also restrict access to the 'Open Space' limiting its benefit to a select few, rather than the whole of the community.

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 5 Economy

Policy SS 6 Access and infrastructure

Policy SS 7 Cromer

Policy EN 2 Protection and enhancement of landscape and settlement character

Policy EN 4 Design

Policy EN 5 Public realm

Policy EN 8 Protecting and enhancing the historic environment

Policy EN 9 Biodiversity and geology

Policy EN 13 Pollution and hazard prevention and minimisation

Policy CT 1 Open space designations

Policy CT 3 Provision and retention of local facilities and services
Policy CT 5 The transport impact of new development
Policy CT 6 Parking provision

Material Considerations:

Supplementary Planning Documents and Guidance:

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

National Planning Policy Framework (September 2023):

Chapter 2 Achieving sustainable development
Chapter 4 Decision-making
Chapter 6 Building a strong, competitive economy
Chapter 8 Promoting healthy and safe communities
Chapter 9 Promoting sustainable transport
Chapter 12 Achieving well-designed places
Chapter 15 Conserving and enhancing the natural environment
Chapter 16 Conserving and enhancing the historic environment

Other relevant documents/considerations

National Design Guide (September 2019)

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

- 1. Principle and Site History**
- 2. Design and Heritage Impacts**
- 3. Landscape and Visual Impacts**
- 4. Residential Amenity**
- 5. Highway Safety**

1. Principle and Site History

The application seeks to redevelop the disused former tennis courts and bandstand area in North Lodge Park, with two new public toilets, a community shed, a greenhouse, potting shed and secure store with associated fencing, a canopied entertainment space, community food-hub, a multi-use space and associated on-site car/cycle parking, vehicular and pedestrian access points.

The site lies within the settlement boundary of Cromer, which is designated as a 'Principal Settlement' by Policy SS 1 and SS 7 of the Adopted North Norfolk Core Strategy where development is supported in principle subject to compliance with all relevant core strategy policies.

North Lodge Park is located to the eastern end of Cromer town centre and is designated as

Open Space and Public Realm. Core Strategy Policy CT 1 requires that development will not be permitted in Open Space designations except where it enhances the open character or recreational use of the land. Similarly, Policy EN 5 states that within areas designated as Public Realm proposals will be expected to enhance the overall appearance and usability of the area. Whilst the proposals would not be considered to contribute to the open character of the park, given the built form proposed. The proposals would introduce a number of recreational uses to the land, such as community gardening and outdoor entertainment including those which have been identified as being of interest locally, would serve a number of different community groups and be of interest to a number of demographics. Larger, better quality tennis facilities are provided within Cromer at the Lawn Tennis & Squash Club leaving the former courts at the North Lodge largely redundant for tennis/sports purposes for a significant number of years.

Given the dilapidated appearance of the former tennis courts and bandstand building, which have stood unused for a significant time, the proposal to upgrade and bring the area back into active recreational use would be considered to enhance the sites appearance and revitalise this underutilised part of the park. Consequently, it is considered that the proposals would comply with Policies CT 1 and EN 5 in that the development would enhance the recreational use, overall appearance and usability of the land.

Policy CT 3 provides support for new or improved community facilities within Principle and Secondary Settlements. Cromer is a Principal Settlement with parks being an important local facility. The proposed redevelopment and improvements to the former tennis courts are therefore also supported by this policy in principle.

2. Design and Heritage Impacts

Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 (LBCA) states that with respect to any buildings or other land within a conservation area, in the exercise of relevant functions under the Planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this instance the whole site falls within the Cromer Conservation Area and as such the statutory duty imposed by Section 72 is engaged. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) places a duty on Local Planning Authorities to have special regard to the desirability of preserving a Listed Building, or its setting, or any features of special architectural or historic interest it possesses. This application site falls within the '*setting*' of a number of Listed Buildings.

A site layout plan has been provided in support of the application, along with elevations and visualisations which give an idea of some of the potential uses for the multi-use area. The proposal is made up of several different elements.

Public Toilets

Two new public toilets are proposed as part of the redevelopment to the North-West of the site with one unit being a Changing Places & Accessible toilet facility and the other a Male & Female toilet facility. Both toilets are single storey and circular in design, clad with vertical cedar cladding with an overhanging circular flat roof. The Male and Female toilet block

features a glazed polycarbonate roof and the Changing Places block would use a sedum covering with roof lanterns providing natural light.

The structures, whilst contemporary in their aesthetic, are considered compatible to their surroundings in terms of scale and materials. Conservation and Design Officers consider the structures would also have a stylish simplicity which is what one would expect within a park. The materials palette in time, would also have a recessive quality and would be compatible and respectful of their historic setting. Following consultation from C&D Officers the toilet blocks were moved further into the site, enclosing them within the driveway hedge.

Entertainment Space

The concept of creating an entertainment space is considered entirely appropriate within this parkland setting. The former bandstand currently occupying the site is considered an *accessory* to the 'principal' Grade II listed North Lodge building and is not of special architectural or historic interest. The proposed entertainment space is again modern in design, with two curved walls clad with vertical cedar cladding set on a brick plinth and a canopy supported by four metal stays. Following a consultation response from Conservation and Design, the original plans for the entertainment space as submitted under PF/22/3010, were reduced in height and length an amendment which has been welcomed in order for the structure to complement the existing parkland buildings which are relatively modest and subservient in scale and do not challenge the primacy of the main listed building.

Multi-Use Area

The remaining central area of hardstanding is to remain and made good to allow it to play host to a number of flexible community uses. The applicant has provided visuals to demonstrate an example of such uses and includes outdoor exercise classes and sports, concerts and a pop-up market. Improving the appearance of the hardstanding which is currently run down would visually enhance the area and the accessibility of the site. The pop-up market is intended for occasional use, with a maximum of two pop-up markets per month akin to the number allowed under permitted development. A small amount of parking has been provided on the site to allow vendors to set up stalls and bring goods to the site. The details of how this will be managed have been provided within a Traffic Management Plan for the site.

Horticultural hub

A horticultural hub is proposed along the eastern boundary of the site for the applicants to create a community-based plant growing operation, involving local groups using the growing and nurturing of plants to aid well-being and mindfulness. The Hub is formed by a secure store, indoor potting area and bespoke greenhouse measuring approximately 10m x 6m. The store and potting area would have a sedum blanket roof whilst the greenhouse area to the front would be glazed. A screen wall extending from the building would provide further sheltered area for potting/ planting. The hub would be enclosed with 1.8 high 'V' Mesh Security fencing. Additional planting has been added along the eastern boundary of the site to soften the visual impact of the horticultural within the wider park setting. Whilst there is considered to be some heritage harm resulting from this element of the proposal and having regard to the NPPF, such harm is considered to be 'less than substantial' (given the alterations made since PF/22/3010 officers consider it has unquestionably been lessened on this spectrum) and would need to be weighed against the public benefits accruing from the scheme.

Community Shed

There are some concerns about the scale and appropriateness of the structure, which is a large timber shed measuring c.12.5 metres long with a gable width of c.8.5 metres, it would therefore be a comparatively large structure within its setting with a very functional appearance. However, the roof has been softened visually with a lightweight sedum blanket to help reduce its impact. Sedum roofs are often very heavy and would need appropriate structural support and the agent has confirmed that this lightweight version could be supported by the shed structure. Officers consider the shed would therefore be relatively well assimilated into the south-east corner amongst mature vegetation. The shed has been screened to the south and east by additional planting and therefore as with the horticultural hub, whilst there would be some heritage harm resulting from this structure, it would be at the lower end of the scale and would need to be weighed against the public benefits accruing from the scheme.

Community Food Hub

The Food hub is proposed to be a 3mx 4.8m portakabin, measuring approximately 2.6m tall. The cabin would be over-clad with vertical timber cladding and a sedum roof to match the other structures on the site. It would be located within the south-west corner of the site and would be used as a food bank for local people to collect food from. Whilst the portakabin would be utilitarian in appearance, the timber cladding would soften over time to give it a more recessive appearance as it silvers and the sedum roof would assimilate well with the other structures proposed and nature of the park.

Summary

Whilst the amendments made to the scheme have been positive and have reduced the impact of several elements within the park, there is still a comparatively high concentration of structures proposed. It is apparent therefore that some level of harm would still be caused to the appearance and character of the park, and thus to the overall setting of the Grade II listed North Lodge Building, and to the overall significance of the Cromer Conservation Area.

In terms of quantifying the level of this harm, it must still be considered 'less than substantial' for NPPF purposes and Conservation and Design Officers consider that it has unquestionably been reduced on this spectrum following revisions. However, great weight must still be given to the conservation of heritage assets and the harm identified will need to be weighed in the planning balance against public benefits.

3. Landscape and Visual Impacts

The Park is a valued green space within the town and is designated as Open Land Area within the Local Plan. Policy CT 1 Open Space Designations states that 'development will not be permitted on Open Land Areas except where it enhances the open character or recreational use of the land'. Officers consider that whilst the proposal would not enhance the parks open character it would facilitate a number of recreational uses for the community on an underutilised part of the park. Therefore it is considered that enhancing the usability of this neglected area of the park for recreational purposes would comply with this policy requirement.

In terms of Landscaping and wider visual impacts of the scheme, the hard landscaping would remain the same, with the current surfacing made good where disturbed and jet washed. The

applicant has stated that when further funding becomes available, a new porous surface to replace the existing would be laid. The details of which can be controlled by condition. Landscape officer consider that the proposed structures with sedum rooves and timber cladding as proposed, will be relatively well assimilated into the park amongst the mature vegetation.

In terms of soft landscaping, additional boundary planting is proposed along Overstrand Road and the site plan shows a central circular planting bed and beds surrounding the entertainment area to be maintained by the Friends of North Lodge Park. Officers consider enhanced landscape planting in the form of semi-mature trees with under-planting along the south site boundary with Overstrand Road is appropriate and would help deliver biodiversity net gains within the park. A condition requesting details of hard and soft landscaping proposals and controlling external lighting would be appended to any subsequent approval.

Therefore given the enhanced recreational use of the land, the appropriate use of materials and subject to securing further details of the proposed planting scheme, the proposal is considered to comply with policies EN 2, EN 4 and CT 1 of the Adopted Core Strategy.

4. Residential Amenity

Core Strategy Policy EN 4 supports development proposals where they would not have a significantly detrimental impact upon the residential amenity of nearby occupiers. There are several private properties within the park and a number along Overstrand Road who overlook the Park.

Policy EN 5 requires that within areas designated as Public Realm proposals will be expected to enhance the overall appearance and usability of the area, the proposed alterations and improvements including the provision of accessible Public toilets are considered to have both public and operational benefits by increasing the sites usability and enhancing the facilities available.

Given the intended uses, the frequency of use and the hours of operation there is not considered to be any significant detrimental impact in terms of noise, lighting, overlooking or overbearing.

As such, it is considered that subject to the proposed conditions, the proposed development would broadly comply with the requirements of Policies EN 4, EN 5 and EN 13 of the adopted North Norfolk Core Strategy in respect of protecting residential amenity.

5. Highway Safety

Highways access to the site would be via Carriage Drive from Overstrand Road with vehicular access to the site controlled with 1.2m high five bar lockable gates. Seven Parking spaces are shown on the site plan which are intended to be used for occasional pop-up markets to be held in the multi-use area. The Traffic management Plan submitted states the parking would not be for general use and would only be available to stall holders when setting up and vehicles would have to remain until the event has finished. Vehicular access will be restricted to arrival before 8.00 am, and leave after 4.00pm (depending on the duration of market) where vendors

will be encouraged to arrive and depart within a limited time slot of 30 minutes and vehicle movements during these times are proposed to be marshalled.

As first presented under the previous application (PF/22/3010), Highways officers were concerned that the proposed uses would engender an increased use of the narrow gated access to 'Carriage Drive' which has restricted width, a very tight turning radii and it would be shared with pedestrians who regularly and predominantly use this route.

However, this scheme proposes to only permit a maximum vehicle size on the site for the pop up markets, which are proposed at a scale and frequency which could fall under permitted development. Traffic movements would also be limited under the terms of the submitted Traffic Management Plan, permitting only relevant vehicles at specified times and marshalling the access on entry, exit and parking. Highways Officers consider that this would significantly reduce any potential impacts subject to adequate management.

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

Conclusion and Planning Balance

Harm has been identified in terms of impact on the setting of heritage assets (North Lodge) and the Cromer Conservation area given the concentration and appearance of structures within the Parkland setting. However, there are a number of public benefits associated with the proposal including:

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

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

In all other respects, subject to conditions, the development is considered to accord with the relevant policies of the adopted Development Plan as listed above. No consultees have raised objections to the proposals.

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

RECOMMENDATION:

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

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

Reason for the condition

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

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

Drawing Number 'EX01', entitled 'Existing Plans & Elevations', received on 15/08/23

Drawing Number 'PL01 H', entitled 'Proposed Site Plan & Elevations', received on 15/08/23

Drawing Number 'PL02', entitled 'Proposed Plans & Elevations to W.C's', received on 15/08/23

Drawing Number 'PL03 D', entitled 'Proposed Plans & Elevations to Entertainment Area & Horticultural Hub', received on 15/08/23

Drawing Number 'PL04 B', entitled '3D Visuals', received on 15/08/23

Traffic Management Plan, received on 15/08/23

Design, Access & Heritage Statement (Revision B), received on 15/08/23

Reason for condition

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

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

Reason for condition

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

4. Prior to replacement of the hardstanding details shall be submitted to and approved in writing by the Local Planning Authority. The hardstanding shall be installed and retained thereafter in accordance with the approved details.

Reason for condition

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

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

Reason for condition

To ensure that the development minimises light pollution and reduces glare, in the interests of highway safety, and to minimise the potential impact on biodiversity in accordance with Chapters 12 and 15 of the National Planning Policy Framework, and Policies EN 2, EN 9, EN 13 of the adopted North Norfolk Core Strategy.

6. The pop-up market use proposed shall only be held a maximum of twice per month in any given calendar year and shall only be open to members of the public between the hours of 07:30 and 17:00.

Reason for condition

In the interests of Highway Safety and residential amenity in accordance with Policies CT 5, EN 4 and EN 13 of the adopted North Norfolk Core Strategy.

7. The means of vehicular access to and egress from the development hereby permitted shall be carried out in accordance with the Traffic Management Plan received on 15/08/23.

Reason for condition

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

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

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

Proposed Soft Landscape Details

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

Proposed Hard Landscape Details

- e) Surface materials for vehicle and pedestrian areas
- f) Boundary treatments, including fencing, walling, etc

Implementation and Retention

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

Reason for condition

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

8. No development shall commence until a Tree Protection Plan and Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason for condition

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

9. No removal of hedgerows, trees or shrubs, or works to, or demolition of, buildings or structures that may contain breeding birds shall take place on or between the 1st March to 31st August, inclusive, in any calendar year unless an absence of nests is confirmed following a pre-commencement check by a suitably qualified ecologist.

Reason for the condition

In accordance with the requirements of paragraphs 174 & 175 of the National Planning Policy Framework (September 2023), Policy EN 9 of the adopted North Norfolk Core Strategy and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

10. Prior to demolition of the existing bandstand the soffits shall be removed by hand.

Reason for the condition

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy in order to safeguard protected species.

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

WEST RAYNHAM – PF/23/1004 - Demolition of existing workshop and construction of new dwelling at West Raynham Auto Clinic, Massingham Road, West Raynham, Fakenham, Norfolk, NR21 7AJ

Minor Development

Target Date: 30th September 2023

Extension of time: 30th September 2023

Case Officer: Mrs Ana Nash

Full Planning Permission

RELEVANT SITE CONSTRAINTS:

LDF Countryside

Contaminated Land

Landscape Character Area – Rolling Open Farmland – Holkham to Raynham

Nutrient Neutrality

GIRAMS

RELEVANT PLANNING HISTORY:

DE21/10/0332

Conversion of Building to Residential (advice given)

DE21/11/0136

Dwelling (advice given)

THE APPLICATION:

The proposal seeks to demolish a car repair garage known as 'West Raynham Auto Clinic' and erect a detached two-storey, four-bedroom dwelling on the land. The proposed plan indicates a building constructed of red brick and horizontal timber boarding designed with a double-pitch pantile roof. The proposed building would be set back into the site with a rear and eastern side garden. At the front, there would be a gravelled area designated for parking and turning, with the capacity to accommodate a minimum of three vehicles.

The West Raynham Auto Clinic is a local business situated close to the main entrance to the former RAF West Raynham site (now known as West Raynham Business Park). The site is positioned at the eastern end of a row of three residences along Massingham Road. It stands at the intersection of Massingham Road and Station Road. The car repair garage to be demolished is currently attached to a dwelling known as 'The Old Store' which would be retained. A timber fence demarcates the shared boundary with The Old Store.

To the south of the auto clinic lies the West Raynham Business Park, which houses approximately 13 businesses, a solar farm, and the former RAF West Raynham, an area of significant heritage value featuring around 13 Grade II listed assets. A number of residential dwellings are located at the former RAF base.

REASONS FOR REFERRAL TO COMMITTEE:

At the request of the Cllr Housden owing to wider policy elements and broader principles, design elements could be addressed with applicant. Recommends a Committee site visit.

PARISH/TOWN COUNCIL:

Raynham Parish Council: Support this application but would strongly recommend that a survey is carried out to identify any possible contamination in the ground to satisfy health and safety concerns.

CONSULTATIONS:

Ward Councillor: No objection.

Conservation and Design (NNDC): No objection. The proposed development would not affect the setting of the recently listed former RAF buildings to the south.

Environmental Health (NNDC): No objection, subject to condition

Landscape (NNDC): No objection, subject to further information provided by the applicant that can demonstrate compliance with nutrient neutrality requirements.

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

REPRESENTATIONS:

To date one **objection** has been received. The key points raised are as follows:

- Will the party wall be made good after the demolition?
- What will happen to septic tank that is currently shared by both properties?

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

Under 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 - Infrastructure

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

Policy EN 4 - Design

Policy EN 9 - Biodiversity & Geology

Policy EN 13 - Pollution and Hazard Prevention and Minimisation

Policy CT 5 - The Transport Impact of New Development

Policy CT 6 - Parking Provision

National Planning Policy Framework (September 2023):

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 12 - Achieving well-designed places

Chapter 15 - Conserving and enhancing the natural environment

Supplementary Planning Documents:

North Norfolk Design Guidance (2008)

North Norfolk Landscape Character Assessment (2021)

OFFICER ASSESSEMENT:

MAIN ISSUES FOR CONSIDERATION:

- 1. Principle of development**
- 2. Design and amenity**
- 3. Landscape**
- 4. GIRAMS**
- 5. Nutrient Neutrality**
- 6. Environmental Considerations**
- 7. Highways and Parking**
- 8. Other Matters**

1. Principle of development

Policy SS 1 of the adopted North Norfolk Core Strategy sets out the spatial Strategy for the North Norfolk District, which seeks to direct the majority of new development to the towns identified as Primary and Secondary Settlements, with a smaller amount of new development focused on designated Service Villages and Coastal Service Villages to support rural sustainability.

Consequently, beyond the named settlements, Policy SS 1 designates the rest of the district as countryside, where development will be carefully managed to protect the rural character and ensure that development which needs a rural location can be facilitated. Policy SS 2 of the Core Strategy identifies a list of the types of development requiring a rural location and specifies that proposals that do not correspond with one of these identified development types will not be permitted. The only newly built residential development permitted in a countryside location is affordable housing, or housing required to meet the needs of full-time workers in agriculture, forestry or other essential workers connected with the land. This does not include new market housing, based on the policy seeking to avoid housing becoming widely dispersed and leading to a dependency on travel by car to reach essential services, seeking to ensure a more sustainable development pattern. Furthermore, Policy SS 4 of the Core Strategy requires development proposals to contribute to the delivery of sustainable development and, amongst other requirements, seeks to locate development where it would reduce carbon emissions.

West Raynham is not identified as a Service Village and, for policy purposes, is designated as countryside, benefiting from very few facilities and services (a primary school - 2.6 miles away and a village hall - 2.5 miles away) with very limited other local services that would, in turn, support the rural economy. The site itself is not well served by public transport or pedestrian footways; this being the case, future occupants of this development would, be heavily reliant on private cars to access essential services and facilities. Regarding public transport, Sanders Coaches provides one bus route (service no. 22A) between North Elmham – Litcham – Fakenham, with around eight daily stops and passes through West Raynham. The limited public transport service makes this rural community functionally remote from key service provisions, such as employment, retailing and service provisions that larger settlements can provide, along with a lack of pedestrian facilities and street lights. Although the location is not physically isolated, it sits at the end of a row of three houses and is functionally remote from basic services.

Paragraph 79 of the National Planning Policy Framework (NPPF) states that proposals for new housing in rural areas should be located in sustainable locations where it will enhance or maintain the vitality of rural communities, an approach which currently adopted Core Strategy policies are in general conformity with. Given the lack of a basic level of accessible local services/facilities, it is not considered that a single dwelling in the location proposed would contribute in any meaningful way to maintaining or enhancing the vitality of the local rural community and, as such, would not comply with the requirements of Paragraph 79 of the NPPF.

In accordance with legislation, material considerations should also be taken into account. The National Planning Policy Framework (NPPF) (2021) is a material consideration. Since the pre-application was submitted the District Council is no longer able to demonstrate a 5-year housing land supply. The 'tilted balance' would therefore apply under paragraph 11 d) of the NPPF, which supports the presumption in favour of sustainable development and reads as follows:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [footnote 8], granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [see footnote 7]; or*
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

In relation to para 11.d) i) Footnote 7 states *“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change’.”*

In this particular case, the tilted balance would not apply, in line with Paragraph 11 d)(i) as above, owing to an identified conflict with the Conservation of Habitats and Species Regulations 2017 (as amended). The applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance and in relation to nutrient enrichment (further detailed in the 'GIRAMS' and 'Nutrient Neutrality' sections of the officer report further below). Paragraph 181 of the NPPF is clear in stating that Special Protection Areas and Special Areas of Conservation, along with Ramsar sites, should be given the same protection as habitats sites. Paragraph 182 further states that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

To cover all routes, even in the event that it were deemed that the tilted balance did apply, given the sites location and for the reasons outlined above, it is not considered to be in a sustainable location. The proposal would therefore be contrary to policies SS 1, SS 2 and SS 4 of the adopted North Norfolk Core Strategy, which have been found to be sound and up-to-date and Paragraphs 8, 11 and 79 of the NPPF. In light of this, the adopted Development Plan policies are applicable, and an application would be determined in accordance with those policies.

Regarding economic and social benefits, this proposal would provide one new dwelling, and a modest contribution to the housing supply shortfall. The proposal would provide limited short-

term economic benefits through labour and supply chain demand required during construction. There are not considered to be any meaningful environmental benefits given the unsustainable location and conflict with environmental objectives (discussed further below). The limited identified benefits do not, in this instance, outweigh the strategic policy conflict.

2. Design and amenity

Policy EN 4 of the North Norfolk Core Strategy requires that all development must be designed to high quality, reinforcing local distinctiveness. Design that fails to have regard for the local context and does not preserve or enhance the character and quality of an area will not be acceptable. Development proposals are expected to have regard to the North Norfolk Design Guide, be suitably designed for the context in which they are set, and ensure that the scale and massing of development are sympathetic to the surrounding area.

The design of the proposed new dwelling envisions a red brick and horizontal timber boarding appearance, complemented by a pitched pantile roof. The building would be set back into the site with a gravelled area to the front with parking and turning provision for a minimum of three car spaces to the southeast of the proposal.

The scale of dwelling is considered to be oversized for the available plot, in the context of the existing neighbouring single-storey dwellings and taking account of the prominent positioning of the site on the corner of the road. The proposed height of the new dwelling would be approximately 8 metres, creating a notable disparity when compared to the neighbouring property, which stands at approximately 4.7 metres in height. It is recognised that there is a two-storey dwelling further to the west, but this particular plot is considered to be more prominent with a much closer relationship to existing dwellings. In the context of what is already present in the site (a single-storey garage business), the proposed dwelling is larger in width and with a longer ridgeline, which would accentuate the disproportionate appearance adjacent to the existing dwellings.

As such, it is considered that the proposed development would be contrary to policy EN 4 of the adopted North Norfolk Core Strategy.

3. Landscape

The site is part of a wider rural landscape identified as Rolling Open Farmland within the 'Landscape Character Assessment' published in June 2009. The LCA defines this area as being one of 'Rolling Open Farmland' (ROF1), which, amongst other characteristics, recognises the presence of *'larger isolated farmsteads and minor gentry houses'*. However, it requires that to maintain landscape character, properties (if accepted) should be of a *'scale and location which respect the individual form of the settlement in which they are located (i.e. development should not 'stand out' but rather should be almost unnoticeable and unremarkable...'* and with landscaping that *'actively blends with existing features rather than tries simply to screen new development'*. In essence, any new dwelling should be mindful of maintaining, complementing and, where possible, enhancing its immediate landscape setting.

Policy EN 2 (protection and enhancement of landscape and settlement character) states that a proposal must demonstrate that the scale, design and materials protect, conserve and, where possible, enhance the distinctive settlement character. Although there are concerns in respect of scale and appearance as outlined above in the context of the immediate locality and street-scene, it would be difficult to argue any significant harm to the wider landscape, further to which no objection have been raised by the Landscape team.

Accordingly, it is considered that the proposed development complies with the requirements of Policy EN 2 of the adopted north Norfolk Core Strategy.

4. GIRAMS

The site is located within the Norfolk Valley Fens Special Protection Area Zone of Influence, Breckland Special Protection Area (SPA) Zone of Influence, Breckland Special Area of Conservation (SAC) Zone of Influence, North Norfolk Coast Special Area of Conservation (SAC) Zone of Influence, and the Wash Special Protection Area (SPA) Zone of Influence. The Council has agreed to the Norfolk Wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). The Strategy aims to deliver strategic mitigation necessary to avoid likely significant effects on the North Norfolk Coast Marine Protected Area and Natura 2000 from planned residential and tourism growth forecast across Norfolk.

Proposals for new residential development and holiday accommodation will only be permitted after it has been demonstrated that there are no adverse impacts on the integrity of nature sites. All new net residential and tourism developments are required to mitigate the effects of the development. To accord with Policy EN 9 of the adopted Core Strategy and Section 15 of the NPPF, a tariff to all net new residential and tourism-related growth is required in order to contribute to the mitigation of any adverse effects. The GIRAMS mitigation strategy is a requirement in order to comply with the Habitats Regulations – the required tariff payment has not been received.

Accordingly, the applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance.

In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of policies SS 4 and EN 9 of the North Norfolk Core Strategy and approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

5. Nutrient Neutrality

The proposed development comprises a new dwelling (overnight accommodation) that falls within the catchment of the River Wensum Special Area of Conservation and is likely to have an adverse impact on European Designations requiring mitigation in relation to nutrient enrichment.

The applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination, on the integrity of European Sites arising as a result of the development, including in relation to nutrient enrichment. In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposed development is contrary to Policies SS 4, EN 9 and EN 13 of the adopted North Norfolk Core Strategy and approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

6. Environmental Considerations

Concerns have been raised by a third party objecting to the proposed use, raising the issue as to what will happen to the septic tank within the site used by both properties. The applicant proposes to connect to the existing mains drainage system, which is considered to be an acceptable arrangement, along with the directing of surface water to soakaway. The matter of what would happen to the existing septic tank would be subject to agreement between the applicant and third party. A risk assessment for the demolition phase, to be undertaken by a qualified, competent professional to investigate the site for possible contaminated site, would also be required.

7. Highways and Parking

Policies CT 5 and CT 6 require that the development is capable of being served by safe access to the highway network and that there are adequate parking facilities to serve the needs of the development.

Based upon the parking standards contained in Appendix C of the North Norfolk Local Development Framework Core Strategy and Policy CT 6, the development would require the following levels of car parking.

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

Regarding parking, it is anticipated that the North Norfolk Parking standards can be adhered to, which mandate a minimum of three spaces and a maximum of four spaces for a four or more-bedroom unit. The dimensions of the front garden designated for parking purposes appear adequate, and as such, there are no anticipated issues concerning parking availability and manoeuvring provisions within the proposed scheme. The Highways Authority have offered no objection to the proposal with regards to access or parking arrangements.

Accordingly, the proposed development complies with the requirements of Policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

8. Other Matters

Core Strategy Policy CT 3 requires that proposals resulting in the loss of sites which currently or were last used for important local facilities or services will not be permitted unless an alternative provision is made or it is demonstrated that there is no reasonable prospect of retention. The vehicle repair business is not considered to be an important local facility or service for the purpose of Policy CT 3 with alternative provision available in West Raynham and further away in Fakenham.

9. Conclusion

The proposed development would be contrary to the strategic planning objectives of the Council in respect of Policies SS 1, SS 2 and SS 4 and Paragraphs 8, 11 and 79 of the NPPF in being located within an unsustainable location, with no sufficient identified benefits to outweigh the policy conflict identified.

In addition, the proposed dwelling, owing to its scale, design and contrast with adjacent properties, along with the prominent position, is contrary to the design objectives of Policy EN 4.

Finally, the applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance and in relation to nutrient enrichment, contrary to Policies SS 4, EN 9 and EN 13.

In view of the unresolved matters relating to impacts to habitats sites under the Habitats Regulations, these would amount to clear reasons for refusing the development and which would disengage the titled balance under NPPF paragraph 11 d) i). There are no material considerations advanced in favour which would justify a departure from Development Plan policy.

RECOMMENDATION:

REFUSAL FOR THE FOLLOWING REASONS:

Context:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

SS 4 - Environment

EN 4 - Design

EN 9 - Protection and Enhancement of Landscape and Settlement Character

EN 13 – Pollution and Hazard Prevention and Minimisation

National Planning Policy Framework (NPPF) (2023) Paragraphs 8, 11 and 79

The Conservation of Habitats and Species Regulations 2017 as amended

Detailed reasons:

1. It is considered that the proposed development would be located in an unsustainable location with a lack of basic day-to-day facilities/services and sustainable connections to such facilities/services, resulting in future occupiers of the proposed dwellings being heavily reliant on private vehicles in order to gain access to services/facilities in larger settlements. It is not considered that a single dwelling in the location proposed would contribute in any meaningful way to maintaining or enhancing the vitality of the local rural community, nor would it contribute to the delivery of sustainable development, nor reduce carbon emissions.

Consequently, with no adequate benefits to outweigh the identified policy conflict, it is considered that the proposed development is contrary to the requirements of Policies SS 1, SS 2 and SS 4 of the adopted North Norfolk Core Strategy and paragraphs 8, 11 and 79 of the National Planning Policy Framework.

2. It is considered that the proposed dwelling, taking account of its length and two-storey form, would be disproportionate in scale, accentuated by its prominent corner position, to the detriment of the overall street-scene.

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

3. The Local Planning Authority considers that the proposed development falls within Group Area Zones of Influence and affects European Designations as set out in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy.

The applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance.

In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of policies SS 4 and EN 9 of the North Norfolk Core Strategy, and approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

4. The proposed development comprises overnight accommodation that falls within the catchment of the River Wensum Special Area of Conservation and is likely to have an adverse impact on European Designations requiring mitigation in relation to nutrient enrichment.

The applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination, on the integrity of European Sites arising as a result of the development including in relation to nutrient enrichment.

In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of policies SS 4, EN 9 and EN 13 of the North Norfolk Core Strategy and approval of the application would conflict with the legal requirements placed on the

Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

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

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