

Development Committee



Please contact: Democratic Services

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

TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 26 February 2025

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 6 March 2025** 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 **Reception on 01263 513811** or by emailing reception@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. 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 K Bayes, Cllr J Boyle, Cllr S Bütikofer, Cllr N Dixon, Cllr T FitzPatrick, Cllr W Fredericks, 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. MINUTES**

Please note that the minutes of the meetings of the Development Committee held on 23 January and 06 February will be presented for approval at the next meeting on 03 April 2025.

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 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

- 8. SHERINGHAM - PF/24/1229 - ERECTION OF 41 RETIREMENT LIVING APARTMENTS WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING, ANCILLARY FACILITIES, AND ASSOCIATED WORKS AT LAND AT, THE ESPLANADE, SHERINGHAM, NORFOLK** (Pages 7 - 34)
- 9. HIGH KELLING - PF/24/1892 - CHANGE OF USE OF EXISTING** (Pages 35 - 54)

BUILDINGS FROM CARE HOME TO 35 DWELLINGS WITH ASSOCIATED LANDSCAPING, BICYCLE STORAGE AND REFUSE AND RECYCLING STORAGE AT PINEHEATH CARE HOME, CROMER ROAD, HIGH KELLING, HOLT, NR25 6QD

10. **FAKENHAM - PF/24/1079 - ERECTION OF A DRIVE-THRU RESTAURANT, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS, INCLUDING CUSTOMER ORDER DISPLAYS AT LAND TO THE REAR OF LIDL, FAKENHAM, NR21 8JG** (Pages 55 - 70)
11. **SHERINGHAM - PF/24/2541 - PROPOSED CHANGE OF USE FROM A SHOP (CLASS E) TO A HOT FOOD TAKEAWAY (NO SPECIFIED USE CLASS), INSTALLATION OF EXTRACTION FLUE AT SHOP 1, 37 HIGH STREET, SHERINGHAM, NORFOLK, NR26 8DS** (Pages 71 - 80)
12. **HOLT - PF/24/1760 - CHANGE OF USE EXISTING DETACHED OUT-BUILDING IN REAR GARDEN TO FOOD PROCESSING ROOM AND COOKING ROOM FOR BUSINESS USE AND ERECTION OF EXTENSION TO HOUSE REFRIGERATION (PART RETROSPECTIVE)** (Pages 81 - 88)
13. **CROMER - PF/24/2307 - ERECTION OF DWELLING (PART RETROSPECTIVE) AT 16 HARBORD ROAD, CROMER, NORFOLK, NR27 0BP.** (Pages 89 - 96)
14. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 97 - 100)
15. **APPEALS SECTION** (Pages 101 - 108)
16. **EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution, if necessary:-

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

PRIVATE BUSINESS

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Registering interests

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

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

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

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

Non participation in case of disclosable pecuniary interest

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

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

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

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

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

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

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

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

Table 1: Disclosable Pecuniary Interests

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

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

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

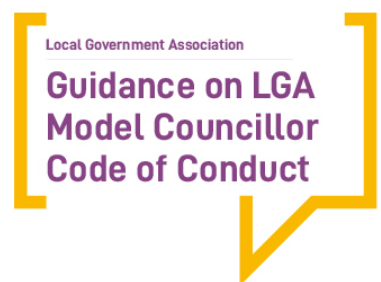
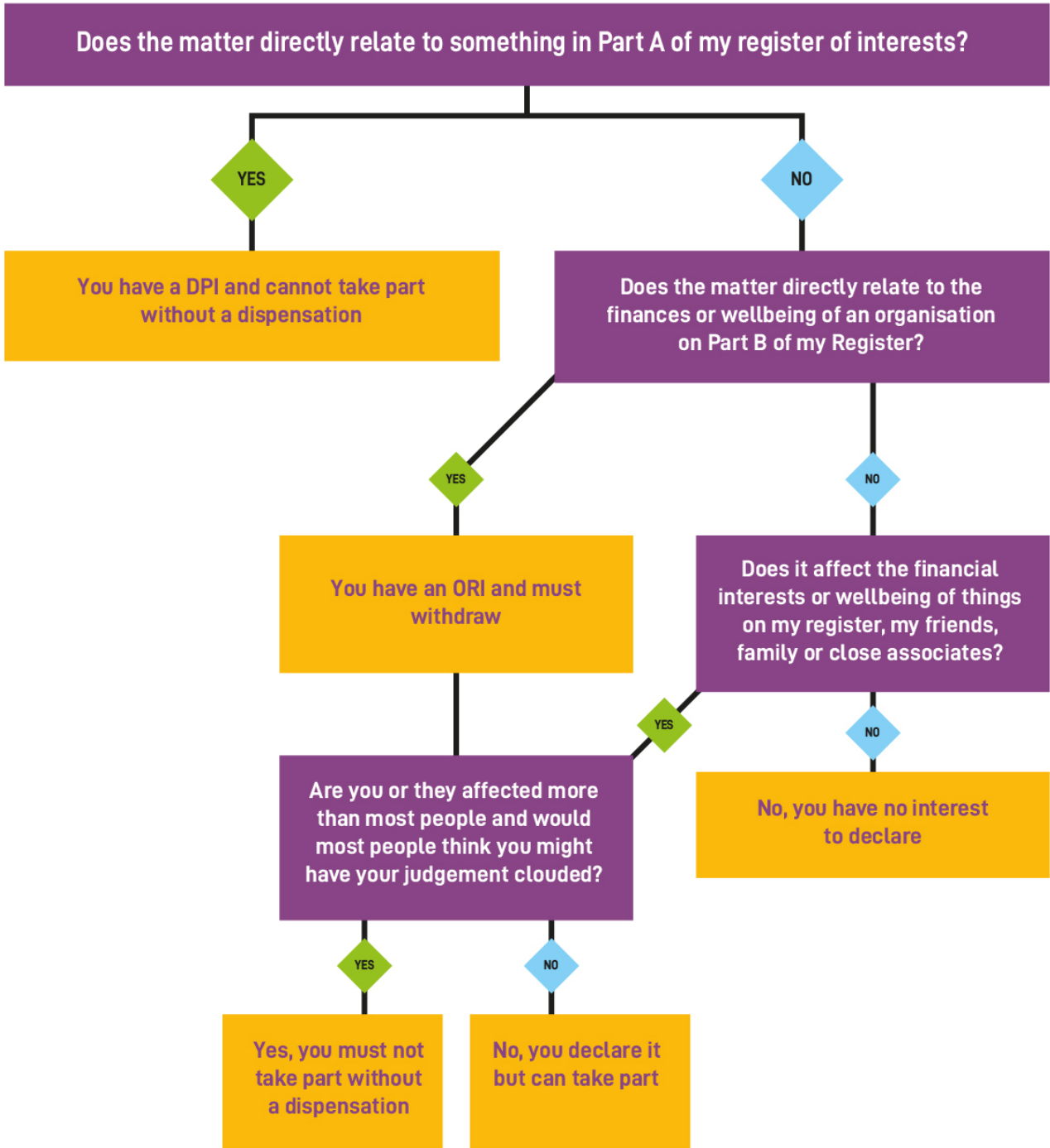
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
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SHERINGHAM - PF/24/1229 - Erection of 41 retirement living apartments with associated access, car parking, landscaping, ancillary facilities, and associated works at Land at, The Esplanade, Sheringham, Norfolk

Major Development

Target Date: 14 March 2025

Extension of time: 14 March 2025

Case Officer: Darryl Watson

Full Planning Permission

RELEVANT SITE CONSTRAINTS

- Within Sheringham's Settlement Boundary and a designated Residential Area for the purposes of the Core Strategy
- Adjacent to the Sheringham Conservation Area Extension (*the CA boundary adjoins the site's south boundary*)
- Within the Coastal Shelf Landscape Type for the purposes of the North Norfolk Landscape Character Assessment SPD
- Sheringham and Beeston War Memorial on The Boulevard to the south-east of the site is a grade II listed structure
- Within a Mineral Safeguarding Area
- Within an area Susceptible to Groundwater (SFRA - Classification: < 25%)
- Within the defined setting Sheringham Park as shown on the Core Strategy Proposals Map
- Within the Zone of Influence of a number of European habitats sites

RELEVANT PLANNING HISTORY

CL/20/0626: Certificate of Lawfulness for existing operation - implementation of planning permission ref no 01/77/0968/F dated 1st August 1977 (for the erection of 55 flats and 55 garages) and as subsequently varied by planning permission 01/80/1549/F dated 7th October 1980 (varying condition 4 of 01/77/0968 to stage the infrastructure to coincide with completion of each block of flats), with the remaining 31 flats and garages to be built - Lawful

PF/17/1742: Variation of condition 2 of planning permission PF/13/1203 to allow car park to be used as a private car park through the months of November to March - Approved

PF/13/1203: Continued use of land as car park from April to October – Approved

PF/08/1561: Continued use of land as car park from April to October - Approved

PF/03/0359: Use of land for car park from April to October - Temporary Approval

PF/02/0128: Use of land as temporary car park - Temporary Approval

PF/01/0645: Use of land for temporary car park between 1 May and 31 October 2001 - Temporary Approval

PF/00/0668: Use of land as temporary car park between 1 May and 30 September 2000 - Temporary Approval

PF/99/0306: Use of land as temporary car park between 1 April and 30 September 1999 - Temporary Approval

HR/80/1549: Amendment to condition 4 of planning permission 77/0968 to stage the infrastructure to coincide with completion of each block of flats - Approved

HR/77/0968: Erection of 55 flats and 55 garages - Approved

THE SITE

The site is located at the junction of The Boulevard and The Esplanade with a frontage to both, the longer being to the former. It has an area of approximately 0.26 Ha, is L shaped wrapping around the rear of the adjacent Upcher Court block and slopes slightly, falling by approximately 2 metres from the north boundary to the south. The site currently has open boundaries to the road and is surfaced is compacted gravel with areas of scrub, unmanaged vegetation and some self-set trees. It is located within Sheringham's settlement boundary and a designated Residential Area for the purposes of the North Norfolk Core Strategy. The character of the area is predominantly residential with a mix of mainly blocks of flats fronting The Esplanade and houses to the south.

The site is adjacent to but not within the Sheringham Conservation Area Extension with the south boundary of the site adjoining the CA boundary. The War Memorial to the south of the site on the roundabout at the junction of The Boulevard and St Nicholas Place is grade II listed. The north and east site boundaries are open. The south runs along the common boundary with 12 St Nicholas Place along which there is a painted blockwork wall. The northern section of the west boundary is adjacent to the garden area to the front of Upcher Court and its east flank elevation. Part of the site extends west to the rear of Upcher Court and is adjacent to the blocks of garages serving it.

The site was formerly occupied by part of the Grand Hotel which was demolished in 1974. Planning permission was granted in 1977 for a development of 55 apartments in three blocks with separate garages on the former hotel site. Two of the blocks were built (Upcher Court) on the west and middle part of the site, but the third containing 31 flats, which would be on the current application site, was not. The planning permission for the third block is, however, extant as confirmed by the Lawful Development Certificate (ref. CL/20/0626) issued in 2020.

Other than intermittent use as a car park with number of limited period planning permissions granted as detailed in the planning history above, the site has remained undeveloped for around 50 years. It is considered that the site constitutes '*previously developed land*' according with the definition in Annex 2 of the NPPF

THE APPLICATION

Proposes a four-storey building comprising 41 'retirement living' apartments (24 x 1-bed and 17 x 2-bed) including a communal lounge for homeowners, guest suite, mobility scooter store with charging points and landscaped garden areas is proposed. The building's main frontage would be to The Boulevard, with a shorter frontage to The Esplanade

Vehicle access to the site and its car parking would be via the existing access from St Nicholas Place that serves the lock up garages for the flats at Upcher Court. It is proposed to resurface the access and widen it to 5.5m so it is wide enough for two cars to pass. A total of 29 car parking spaces are proposed which would be for residents, staff and visitors. The main area (22 spaces) would be to the rear of the building and would include EV charging points. A further 7 spaces would be located adjacent to the rear boundary of 12a St. Nicholas Place where an existing row of garages would be removed. Pedestrian access for residents would be at the rear of the building via the car park and from some entrances on the front elevation to The Boulevard.

Each of the upper floor apartments in the front sections of the building would have a balcony and most of those on the ground floor would have patio areas. All residents would also have access to outdoor amenity area within the two small communal gardens.

The design of the building has been amended since the application was first submitted. As originally submitted the building had a flat roof. Following amendments a pitched, gabled roof is now proposed with other amendments including removal of wraparound balconies on the northeast corner; use of a darker red brick to the ground floor sections of the main elevations with a string detail above; roofline broken up more; use of contrasting light brick to stairwell sections; double gable to south and west elevations; areas of hit and miss projecting brick detailing added.

The application includes a range of relevant reports and supporting information. Community engagement was undertaken by the applicant prior to the submission of the application. This included engagement with the residents of neighbouring apartments in Upcher Court and meeting with the Directors of the Upcher Court Residents Association.

BACKGROUND

McCarthy & Stone (the applicant) are a specialist retirement house builder and have developments elsewhere in the North Norfolk District including Cromer, North Walsham and nearby in Sheringham (Beaumaris Court). The supporting Planning Statement states that 60%-70% of residents of McCarthy & Stone developments are 78 years old or over and 30% are 80 or over. Most residents (85%-90%) are single or widowed, with 75% of households being single females.

It is a condition of the sale on a long lease basis that occupancy in these types of development is by persons over 60 years of age. In the case of occupancy by a couple, one person must be over 60 and the other over 55 years of age.

REASONS FOR REFERRAL TO COMMITTEE:

The Assistant Director Planning has requested that the application is reported to the Development Committee for reasons relating to the scale of the development and the prominence / significance of the site.

REPRESENTATIONS

Application as first submitted

56 received

51 objecting on the following grounds

Scale, height, massing, siting and appearance of the building and its effect on the character and appearance of the area, including the setting of the conservation area and listed War Memorial

- Overdevelopment of the site
- Excessive height and bulk / scale of the building. It is too big for the site. Would be overbearing, higher than neighbouring buildings and visually dominating. Development is greater than approved scheme with 31 flats to be built whereas 41 are proposed.
- Design is not in keeping with the area, looks like student flats or more suited to a city environment. Could be anywhere. Architecture / design is not good enough. Needs to

be more in keeping with the heritage of the town. Materials such as black bricks, railings and design do not blend in

- Does not fulfil the National Design Guide's key characteristics.
- Projecting balconies close to the pavement edge add to the cliff-like appearance.
- Building would overpower / dominate the street scene.
- Three floors with the top set back and with more green space would be appropriate.
- Existing flats are not an attractive feature of the town.
- Incongruous aesthetic which should not be consistent with the adjacent 1970s buildings. Would add to the problem of the existing poorly designed sea front buildings and will not enhance it.
- Building too close to the site boundaries/footpath. Should be set back with grass frontage. Does not follow established building lines.
- Loss of view towards the arch and sea front.
- Site needs developing, but appearance of the building is not good.
- Something akin to other M&S developments in North Norfolk would be better.
- Uninspired design that should take inspiration from the Grand Hotel that once occupied the site. This prime location deserves something better.
- Would dominate setting of the war memorial and surrounding gardens and people's experience of it.
- Bears no relation to surrounding Edwardian and more historic buildings nearby in the adjacent conservation area.
- Mansard style roof would fit better with Upcher Court. Flat roof makes building boxier and dominating.
- Lack of green space and landscaping. Strip of land for planting seems inadequate for it to grow and for when it matures
- Too many flats for the site, too dense
- Will blight the approach to The Esplanade and arch /sea front and will create a canyon narrowing views
- Gateway / prime site warrants a more sympathetic and visually pleasing design.
- Access to car parking from The Boulevard would break up the building's frontage.
- Corner of The Boulevard and The Esplanade was previously intended to have an area of greenery which would soften the approved building's façade. North elevation sits too far forward of the established building line and should be set back like Upcher Court.

Insufficient parking and shortcomings of the access

- Lack of parking for both the residents of the development and their visitors.
- Will lead to overspill parking by residents leading to congestion particularly in the summer and taking up valuable visitor parking spaces detrimental to tourism.
- Should be left as a car park.
- Extent of vehicle usage of access is underestimated. Access would be used by service vehicles for both existing and the new development which needs to be taken into account. Would serve 67 properties.
- Access point is already congested, and its narrowness leads to difficulties due to limited sight lines.
- Adverse effect of extra traffic.
- Older people still drive / use cars.
- Access off The Boulevard should be used which was to serve the approved scheme.
- Track is poorly maintained and in a poor state of repair.
- Likely to attract younger people than usual meaning car ownership will be higher.
- The final phase of Upcher Court was to be served from The Boulevard and the flats were sold on that basis.
- Inappropriate to have the entrance at the back of the block where there is no drop-off point. Should have entrance from the east side.

No need for further retirement accommodation in the town

- Others are recently built and under construction in the town, so a healthy supply and the market is saturated. Some nearby over 50s apartments remain empty and unsold.
- Increased pressure on public services, doctors, dentists from people moving from outside the area

Effect on living conditions

- Loss of daylight and sunlight to adjacent flats
- Balconies on northwest corner would lead to overlooking of Upcher Court flats
- Loss of privacy
- Would encroach on adjacent garden area in front of Upcher Court
- Loss of outlook /line of site from adjacent flats at Upcher Court

Should provide affordable homes.

- Site should be developed with affordable homes.
- Should not be exclusively for over 60s. Local families and first-time buyers should be given the opportunity to live in the town.
- Needs to be something for younger people.

Other concerns/comments.

- Could be used for holiday flats or purchased for second homes.
- Will not free up housing in the town as claimed as likely to attract people from outside the area, which would not be restricted.
- Can sewers cope with additional loading?
- Only one lift – needs two.
- Access for fire appliances and emergency vehicles to gain access to rear of western block of Upcher Court could be compromised.
- A construction management plan will be needed given the nature of the site, its constraints and to avoid nuisances with traffic, parking, noise and dust etc during construction.
- Site has been left derelict for too long and needs to be developed, but building is too high and too close to the road.
- Loss of biodiversity
- Economic benefits may be overstated if people are moving from within the area as they would already be spending within it.

5 supporting/commenting

- Good to see site developed, would be good for Sheringham.
- Building would be in keeping with others on The Esplanade
- One lift would be insufficient.
- Supportive of additional retirement accommodation but design of the building needs to be improved. Third floor needs a re-think. Something like Beaumaris Court with the inclusion of green spaces would be better.

Application as amended

24 received with **objections** on largely similar grounds to those raised previously.
Comments include:

- Still hideous, not an improvement, changes do not address fundamental issues and concerns.

- Exactly the same as before but the pitched roof makes the building bigger. Other changes are minor and cosmetic.
- Pitched roof could have improved the design if it had replaced a storey of the building. Makes the building more dominant and bulkier.
- Should be a storey lower
- Original proposal was acceptable and preferable, the pitched roof makes the building higher than Upcher Court, thereby more imposing and reducing light
- Doesn't deal with insufficient parking and concerns about traffic using the access track have not been addressed.
- Doesn't address impact on services.
- Possible effect on foul drainage – there have been recent problems with this.
- Site should be used to build houses for young people.
- No objection to development of brownfield, vacant land.
- Potential noise from EV chargers
- Trees on south boundary could block sunlight

CONSULTATIONS

Sheringham Town Council:

Application as first submitted

Object on the following grounds:

Design- whilst intended to be in keeping with the adjacent 1970s buildings, these detract from the street scene and offer no design benefit. A contemporary design would be acceptable, but the proposal would not make a positive contribution to the street scene.

Scale/massing – whilst intended to reflect that of the buildings on The Esplanade, given the building's location on St Nicholas Place it would have an unacceptable overbearing visual impact on the street scene, in particular in relation to the War Memorial and the view from North Street to the sea.

Impact on the Conservation Area – there are concerns about the impact of the development on the adjacent conservation area and the War Memorial. Whilst the developer claims that the requirements to pay “*special attention to the desirability of preserving or enhancing the character or appearance of the area*” do not apply, there are multiple examples of appeals that have upheld refusals for proposed developments on the edge of, but outside, a conservation area.

Car parking – the 29 spaces proposed are wholly inadequate and any overflow would spill on to surrounding streets which are already heavily congested year-round but particularly in the summer months. There are parking restrictions on The Esplanade that prevent overnight parking

Eligibility - given the high proportion of second homes in the town and the impact this has on local people and housing availability and affordability, there is concern that making the units available to anyone would further negatively impact local people. A previous similar development at Beaumaris Court had only 25% local occupancy. In support of the local community, STC would like to see a tiered approach similar to those used in determining eligibility for affordable housing, should the development go ahead.

Second Home Ownership - should the development go ahead, STC request that restrictions be introduced to prevent the use of the units as second homes.

Application as amended

Object – original objection still stands as the revised plans have in no way addressed the concerns previously raised.

Strategic Housing NNDC - Comment with regards to specialist retirement housing that research carried out in 2012 for Norfolk County Council identified an unmet need in North Norfolk for 686 sheltered flats (market sale) in 2020 which will rise to an unmet need for 1130 by 2041. On a smaller scale there is an unmet need of 119 sheltered flats (shared ownership) in 2020 rising to 196 in 2041. The changes in unmet need reflect a growing older population and assume a static supply of sheltered housing.

With regards to affordable housing, there is a high need for it in Sheringham. There are 1,251 households on the Council's housing list who have stated they require housing in Sheringham, 227 of these households are in the highest housing need bands. There are 388 households aged over 60 years on the housing list for Sheringham, including 159 single people and 129 couples/2 adult households.

Whilst it is recognised that it is difficult to make affordable housing for rent work in McCarthy and Stone developments because of high service charges, it should be possible to include some shared ownership homes for which there is an unmet need in the district

As the development is for C3 use, Core Strategy policy HO2 which requires 45% of the homes to be affordable, is applicable. The applicant has stated that it is not viable to provide an affordable housing contribution as part of the development and has submitted a financial viability assessment to demonstrate this which should be reviewed by the Council's independent viability consultant

County Council Highways - No objection - concerns raised previously in relation to the proposed access arrangement onto St. Nicholas Place without improvement have been addressed. The revised plans now include the access within the application red line, with a proposal to widen the access to 5.5m which would benefit all users.

Whilst there would be an increase in activity, the measures presented would mitigate the Highway Authority's concerns in respect to the provision of a safe and suitable means of access allowing support for the proposals.

The proposed parking provision is consistent with other McCarthy & Stone developments of this type and is therefore acceptable.

Historic Environment Service - Comment that the conclusions of the archaeological desk-based assessment submitted with the application are accepted. Based on currently available information it is considered that the application would not have any significant impacts on the historic environment in terms of below-ground archaeology. No conditions for archaeological work will therefore be required.

NCC Flood & Water Management (LLFA) - No objection subject to conditions, these include a pre-commencement condition relating to the proposed combined sewer diversion and for the development to be carried out in accordance with Flood Risk Assessment and relevant drainage plans.

Anglian Water – No Objection

Affected assets – **no objection subject to a condition**. A 300mm combined sewer crosses the site. To ensure this can be maintained, it is proposed to be diverted, and the route is considered to be acceptable. This should be subject of a planning condition.

Wastewater treatment – **comment** that the relevant water recycling centre can accommodate flows from the proposed development.

Used water network – **comment** that the sewerage system at present has available capacity for the flows from the proposed development. A number of related informatives are requested.

Surface water disposal – **no objection subject to conditions** the proposed surface water to discharge into the Anglian Water combined sewer at a maximum discharge rate of 2.9l/s is acceptable. A condition is required to ensure that the surface water strategy is implemented in accordance with relevant drainage layout plan and that no hard-standing areas are to be constructed until the works have been carried out in accordance with the drainage strategy.

Conservation and Design (NND) - Objection

Application as first submitted

Object

Note that the site is situated within the immediate setting of the Sheringham Conservation Area, which is a designated heritage asset afforded protection under the Planning (Listed Buildings and Conservation Areas) Act 1990. The site is also within the setting of the grade II listed Sheringham and Beeston War Memorial located on the roundabout between The Boulevard and The Esplanade. Given the proximity to several parts of the conservation area boundary, as well as the listed war memorial, any development here will inevitably have an impact on the setting of these heritage assets.

Whilst outside of the boundary of the conservation area, impact on setting remains a key consideration when assessing an application for its impact on any heritage assets. The NPPF defines setting as: *“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”*. Paragraph 201 (now, 208) of the NPPF, requires local planning authorities to identify and assess the significance of any heritage asset that may be affected by a proposal, which includes its setting. Para 206 (213) states that *“any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”*. Proposals within the setting should look to preserve those elements which make a positive contribution to the asset in order to be treated favourably (para 212, now 219).

The war memorial and its associated ornamental garden is an attractive focal point in this part of the conservation area with views through to the seafront and open sky possible by virtue of the gap site and the wide, planned avenues. Although the proposed development would be appreciated in the wider setting of the war memorial, the argument that any development on this site will harm said setting is not convincing. Whilst any building of the scale proposed would be visible from the memorial, and the quality of design will have an impact, the principle of infilling this site is not necessarily going to result in harm. It is noted that at the time the memorial was first unveiled in 1921, the Grand Court Hotel would have still been located on the corner of The Esplanade, occupying part of the application site. Therefore, the open views to the seafront that are currently enjoyed from the memorial and surrounding gardens were not actually designed views at the time, and those that will be available following development would be dissimilar to those that were possible in 1921.

To the south of the site The Boulevard is the main avenue connecting the older part of Sheringham with its newer and more spacious “garden suburb”, together with St Nicholas Place and North Street which form a large part of the conservation area around the site. The area is largely characterised by large late Victorian and Edwardian, three-storey semi-detached dwellings, set back from the road with mature front gardens. Designs are generally conservative and follow a similar pattern, usually symmetrical, using red brick and often plain tiles for the roofs, tall chimneys, sometimes with mullion and transom windows and rendered top storeys. The “garden suburb” feel lent to this area by the array of mature trees, large private gardens and other mature vegetation all contribute to reinforcing the sense of a rural

seaside town. To the north of the site, the conservation area is characterised by the ornamental cliff top gardens along The Esplanade along with the Marble Arch that allows access down to the beach and although the boating pond and an inter-war shelter are outside the boundary as it stands, they all form part of the seaside leisure frontage of the town and are appreciated as a whole.

Given its position on the seafront, its open nature by virtue of it being on a corner with wide roads surrounding it, this is a very sensitive site, in a very sensitive location. The site as it stands is arguably a detractor from the surrounding area, as such there is a once in lifetime opportunity to enhance this part of Sheringham and have a positive impact on the setting of the conservation area. Whilst the principle of development here is accepted, given the extant 1970s permission, there are serious concerns that the proposals do not represent an enhancement, and instead would result in harm to the setting of the conservation area.

Whilst the general footprint and principle of four storeys has to be accepted to a degree, the proposal appears to have just taken the previous design and given it a contemporary spin, pushing the site to its limits in terms of scale, perpetuating what is considered to be an inappropriate form of development by current standards. The previous design did at least manage to achieve four storeys without being quite as oppressive in scale, with more variation in the roofline, as well as more animation and relief in the elevations. The built form was not hard up to the site boundary all the way around, with one block set further back behind some green space, and the corner of the plot also given over to some green space, somewhat softening the impact of the development. Despite some of the merits of the extant scheme it is considered that given current policy and guidance, that it should be referred to quite so closely in shaping the future development of the site.

Along The Esplanade there are a mixture of different styles of blocks of flats, most of which are modern purpose-built structures, and one of which is a former hotel, but the majority are limited in architectural value. It is considered that the site offers a real opportunity to introduce a structure that contributes to local distinctiveness and takes cues from the prevailing architectural character in the wider area. The building that has been presented has no ties to the local context, it is largely ambiguous in character, and examples of this design could be found in many towns and cities across the country. This suggests that the design and form is not best suited to a seaside town on the North Norfolk coast and that there is a need to be making the most of an unusual opportunity to improve the townscape through high level design.

The proposed design has changed very little from pre-application stage, the building retains its monolithic quality that would dominate the immediate area. The minor changes made to the plans do not do a great deal to help the large structure settle into its context. The steps in elevations are fairly modest in reality and the ridgeline changes are somewhat negligible, so it will be perceived from most vantage points as a single big wall of development. The elevations are all rather flat, lacking relief and modelling, the lightweight balconies do little to break through the elevation and are likely to read more as insubstantial visual add-ons rather than intrinsic design features.

In line with guidance in the North Norfolk Design Guide (2008), a flat roof is rarely an ideal solution, however, it has to be recognised that on occasion there may not be a suitable alternative. The flat roof has however, been presented in a very overt way being unrelieved, with no significant changes in level, no overhang, and no means of capping making the whole building appear lumpen and angular which is only exacerbated by the sheer scale of the building as it rounds the corner. If a flat roof is the only solution available, it at least needs to be better disguised - options include an edged roof, and perhaps the introduction of gables. Regardless of the solution proposed the roof needs more significant variation in levels as well as a proper capping detail.

The corner of the building nips hard on the corner of the plot around The Esplanade, it sits much closer to the boundary edge than most of the existing built form, and because of the corner plot this has a wider impact. The building needs to sit further back from the boundary edge, allowing more space for landscaping to soften the impact of development, and the corner block also needs a better focal point that helps it turn the corner and sit more comfortably on the plot. From the corner, the building should step down as it moves inland, as the 1970s scheme did, in more obvious diminishing returns. In its current form the scheme is not appealing from a design perspective, and it would be difficult to argue it would enhance the setting of the conservation area nor to a lesser degree, the setting of the war memorial. From the volume of objections that there is a general consensus locally that reflects many of these concerns with a recurring theme that this design is not appropriate for the context and will be incongruous in the street-scene.

Para 203 (now 210) of the NPPF encourages local planning authorities to take account of “*the desirability of new development making a positive contribution to local character and distinctiveness*” when determining applications. Great weight must always be given to a designated heritage asset’s conservation, which includes development within the setting (para 205, now 212). If harm is concluded, it must be accompanied by clear and convincing justification and if less than substantial, should be weighed against the public benefits of the proposal (Paras 206, 208 now 213, 215).

It is considered that the proposed development would result in ‘less than substantial’ harm to the setting of the Sheringham Conservation Area, and as such is not in accordance with the requirements of the NPPF, nor Core Strategy policies EN4 and EN8. The harm to the setting of the conservation area could be mitigated to an extent by good design, but the scheme as presented is not considered to represent the high quality of design expected in a sensitive location.

Application as amended **Objection**

Whilst amendments to the scheme have made some improvements to the quality of the design, fundamentally there is a concern that the issues raised initially have not been fully addressed.

Visually, the most obvious change to the design is at roof level, with the flat roof having become a pitched roof. It is considered that this does somewhat improve the proportions of the building in isolation, reducing the lumpen quality it had previously and giving some slight variation in the roofline. However, in giving the building a pitched roof, the overall scale of the building is unfortunately emphasized further. The variation added by having a slight drop in the ridge line in places is essentially lost within the sheer volume of built form. Similarly, the two southernmost blocks have been slightly reduced in height, but in reality, the reduction is so subtle as to make very little difference to the overall sense of scale.

As well as having been given a gable end following the addition of the pitched roof, the corner block has also been slightly stepped in which does relieve some of the pressure on the immediate surroundings. This in conjunction with the removal of the wraparound balcony has helped to create a better focal point on the corner, which is perhaps slightly less oppressive than the original scheme. In addition, the suggestion of changes to materials has been taken on board, which again helps to soften the building to a degree, along with alterations to the brick detailing. Overall, these changes do go some way to giving the building slightly more grounding in the local context and livening up the large expanse of flat elevations.

Ultimately, despite the welcome changes to the design, the fundamental concern that the scale, form, massing and character of the building are inappropriate in the context remain outstanding. Although the scheme has moved forward in design terms, it is still concluded that the building lacks any meaningful connection to the local context. It remains fairly ambiguous in character and would not be out of place in many large cities across the country. As

highlighted previously, it is considered the design and scale combine to create a building with a fairly industrial character, which does not comfortably fit into a rural seaside town on the North Norfolk coast. Even with the changes to the roofline, footprint and materials, the building retains its monolithic quality that would dominate the immediate area. From ground level, in particular from the war memorial, the ornamental gardens and Marble Arch as well as The Esplanade immediately surrounding the site, the variation in the roofline would be difficult to perceive.

Para 210 of the NPPF encourages local planning authorities to take account of “*the desirability of new development making a positive contribution to local character and distinctiveness*” when determining applications. Great weight must always be given to a designated heritage asset’s conservation, which includes development within the setting (para 212). If harm is concluded, it must be accompanied by clear and convincing justification and if less than substantial, should be weighed against the public benefits of the proposal (paras 213 & 215).

Despite some positive changes, it is considered that the proposed development would still result in ‘less than substantial’ harm to the setting of the Sheringham Conservation Area, and as such is not in accordance with the requirements of the NPPF, nor CS policies EN4 and EN8.

Environmental Health - Comment

With regards to:

Potential land contamination – site is clean with no exceedances recorded and as such no further works are necessary

Noise – recommend conditions regarding sound insulation, details of kitchen extraction and of any plant, machinery, ventilation, air conditioning and extraction equipment prior to its installation.

Refuse – recommend conditions requiring facilities for the storage and collection of reuse and recycling to be provided prior to occupation of the development, in accordance with details that have first been approved by the local planning authority.

Landscape (NNDC) - No objection

Trees – the supporting arboricultural information submitted with the application and recommendations within it are acceptable and appropriate. Several small self-set sycamore trees will be removed, and one sycamore (T10) will be protected throughout the construction works.

The tree planting specified would go some way to softening the street scene. Concerns raised over some of the species originally selected which may not be suitable for the coastal conditions have now been satisfactorily addressed. Similarly, the hedging species have been improved in line with officer recommendations.

Conditions to secure the delivery of the planting are recommended along with the requirement for Habitat Management and Monitoring Plan to secure the ongoing establishment of the planting. An external lighting condition is also recommended.

Protected species - The application is supported by a comprehensive Preliminary Ecological Appraisal and its conclusions drawn and recommendations are accepted. The justifications for the proposed development to have no impacts upon designated sites, other than recreational impacts which will be addressed through payment of the GIRAMS tariff are also accepted.

The proposed landscaping will lead to significant biodiversity gains at the site, though the installation of features including integrated bat bricks/boxes, integrated swift bricks/boxes and

bird boxes within newly planted areas which will provide further ecological interest at the site. No quantities are provided within the recommendations, though it is considered that 4No. bat bricks/boxes, 20 No. swift bricks/boxes and 4 No. open-fronted bird boxes would be appropriate. These can be secured through a condition.

A Construction Environmental Management Plan (CEMP) (biodiversity) should also be sought as recommended, which again can be dealt with by a condition.

Biodiversity Net Gain a comprehensive assessment of the baseline and post-development habitats has been undertaken. The proposed development would lead to a small loss of habitat units and small gain in hedgerow units (the two are not interchangeable). Landscape planting is proposed as part of the scheme, and it would be considered unfeasible for sufficient habitats to be created onsite to deliver a 10% gain in habitat units. Therefore, 0.17 habitat units will need to be provided offsite. The delivery of 10% BNG can be detailed within the Biodiversity Gain Plan required prior to commencement to comply with the statutory biodiversity gain condition.

Climate & Environmental Policy (NNDC) - No comments

Norfolk County Council - Planning Obligations Co-Ordinator - Comment - requests the provision of a fire hydrant which can be secured through a condition. No requirement for education or library contributions due to age restricted nature of the proposed development

Historic England - Not offering advice. Suggest the views of the Council's specialist conservation and archaeological advisers are sought

SMB Property Consultancy - independent financial viability assessor - Comment

The report submitted by the applicant provides a detailed explanation of the appraisal and inputs and assumptions used together with supporting evidence including a formal valuation report in support of the benchmark land value adopted. The viability report is considered to be comprehensive with clear explanation of the assumptions made and inputs used. It is advised that the methodology of the appraisal is sound.

Whilst all the assumptions and inputs are not necessarily agreed with, it is considered to be a fair assessment of the viability of the development and is one that provides a fair return to both the developer and landowner. The assessment has been undertaken in accordance with the requirements of the NPPF, Planning Practice Guidance and the RICS Professional Standard.

It is considered that that the applicants have made the case in justification that the proposed development is unable to support the delivery of affordable housing or other developer contributions.

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT POLICIES:

North Norfolk Core Strategy

SS 1 - Spatial Strategy for North Norfolk

SS 3 – Housing

SS 4 – Environment

SS 6 - Access and Infrastructure

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 6 - Sustainable construction and energy efficiency

EN 8 - Protecting and enhancing the historic environment

EN 9 - Biodiversity and geology

EN 10 – Development and Flood risk

EN 13 - Pollution and hazard prevention and minimisation

HO 1 - Dwelling mix and type

HO 2 - Provision of affordable housing

HO 7 - Making the most efficient use of land (Housing density)

CT 2 - Developer contributions

CT 5 - The transport impact of new development

CT 6 - Parking provision

Material Considerations:

National Planning Policy Framework (NPPF)

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 - Achieving well-designed places

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

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

Supplementary Planning Documents and Guidance

North Norfolk Design Guide (2008)

North Norfolk Landscape Character Assessment (2021)

OFFICER ASSESSMENT:

Main issues for consideration:

- 1. Whether the proposed development is acceptable in principle**
- 2. The design and appearance of the proposed development and its effect on the character and appearance of the area and the setting of heritage assets**

3. **The likely highways and parking impacts of the proposed development**
4. **The effect on the living conditions of the occupiers of nearby dwellings**
5. **Whether there is a need for the proposed development**
6. **Developer contributions**
7. **Flooding risk and drainage**
8. **Energy efficiency**
9. **Ecological impacts**
10. **The effect of the proposed development on trees**
11. **Whether the proposed development makes effective use of land**

1. Principle

Sheringham is designated as a Secondary Settlement for the purposes of the Spatial Strategy set out in policy SS 1 of the Core Strategy (CS) and as such is a location where new development is directed. As the site is within the Settlement Boundary and a designated Residential Area, where policy SS 3 states that appropriate residential development will be permitted, the proposal is considered to be acceptable in principle. Furthermore, the extant planning permission for the final block of the Upcher Court apartments is a material consideration which Officers consider would attract significant weight in the planning balance.

2. Character and appearance, heritage assets

CS policy EN 4 seeks to ensure that all development is of a high-quality and reinforces local distinctiveness, stating that design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. Proposals are expected to have regard to the North Norfolk Design Guide and amongst other things, incorporate sustainable construction principles, make efficient use of land, be suitably designed within their context, retain important landscape and natural features and incorporate landscape enhancements and ensure appropriate scales.

CS policy EN 8 requires that development preserves or enhances the character and appearance of designated assets and their setting through high quality, sensitive design. It should be noted that the strict 'no harm permissible' clause in the policy is not in full conformity with the NPPF. As a result, in considering the proposal, regard must be had to the guidance in Chapter 16 of that document as a material consideration.

Whilst CS policy EN 2 is primarily a landscape policy, it does require that development proposals should demonstrate amongst other things, that their location, scale, design and materials will protect, conserve and, where possible, enhance, the special qualities and local distinctiveness of the area, distinctive settlement character, and the setting of, and views from, Conservation Areas.

Chapter 12 of the NPPF relates to achieving well-designed places and the need to create high quality, beautiful and sustainable buildings and places. Paragraph 135 for example, advises amongst other things, that planning decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing appropriate innovation or change (such as increased densities). Paragraph 139 states that "*development that is not well designed should be refused especially where it fails to reflect local design policies or government guidance on design...*"

Paragraph 212 of the NPPF advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost from amongst other things, development within their setting and that this should have a clear and convincing justification. Setting of a heritage asset is defined in Annex 2 of the NPPF as being “*the surroundings in which a heritage asset is experienced. Its extent may not be fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*”.

The southern extent of the site adjoins the boundary of the Sheringham Conservation Area Extension (CAE) designated in 1995 which extended the original conservation area designated in 1975, westwards. The CAE boundary is also opposite about half the length of the site's frontage to The Boulevard. The east end of The Esplanade and part of its north side extending up to and just beyond the slope to the seafront and 'Marble Arch' are also with the CAE. Currently there is not a character appraisal for the conservation area or the CAE.

There is an extant permission for a four-storey building on this site which was the remaining part of the Upcher Court (UC) development. Whilst the applicant is not advancing this as a fall-back argument - i.e. it would be built out if the current application was not approved, the extant permission does set some parameters in terms of scale, height, massing, appearance and siting that are considerations to which appropriate weight should be given.

In general, the scheme with permission would reflect the style/appearance of the existing flat blocks, with the top floor contained within a mansard roof and incorporating some projecting balconies and windows. Compared to the current proposals in respect of siting, the building was set back off the corner of The Boulevard and The Esplanade allowing for a square area of open space. The northern end of the east elevation (to The Boulevard) was close to the back edge of the footway with the southern elevation set back further behind an amenity/landscaped area. Roughly central in the elevation was a ground floor drive-through access to the rear car park. At this point there was also a drop in the ridge line with the southern end sitting lower. The block fronting The Esplanade sat forward of the block to the west sitting just back from the footway and was slightly higher than the east elevation.

It is estimated that overall, the proposed building would be approximately 2.5m higher than the extant scheme. The east elevation would have a generally continuous ridgeline with slightly lower (approx. 0.6m) sections above the stairwells. Some modulation to the elevation would be provided by two recesses and with the northernmost section stepped back. Officers have tried to secure a reduction in the height of the southern end of this elevation, but as this would result in the loss of units, the applicant advised that this would make the development unviable due to the costs involved in bringing the site forward. Amendments have been made to the design and appearance of the proposed building since the application was first submitted as detailed above including the replacement of the flat roof with a pitched roof but this comes at the cost of increasing the building's height by approximately 3.0m to 14.5m at ridge level.

As noted in the Conservation & Design officer's comments above, these amendments have resulted in improvements to the building's design/appearance. Nevertheless, concerns remain regarding the appropriateness of its scale, form, massing and appearance. With its 28m long frontage, limited modulation and virtually continuous ridge to break up its bulk, the east elevation would be a continuous wall of building in the streetscene. Although shorter at 18m, the south elevation would similarly be quite bulky and when seen with east elevation, would emphasise overall mass of the building. In other respects, the overall appearance of the building would be fairly homogenous, with a repetition in the fenestration across the elevations for example. Despite the inclusion of panels of brickwork detailing there would still

be some quite large areas of blank brickwork on end elevations in particular, that would be seen in public views.

Paragraph 207 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The application is supported by a Built Heritage Assessment (BHA) which includes a setting assessment which identifies assets affected; assesses the contribution that setting makes to the significance of the asset and assesses if, and to what extent, any anticipated changes to setting as a result of a development might affect the asset's significance.

The BHA acknowledges the site forms part of the wider setting of the CAE and the War Memorial and concludes amongst other things that:

- *“despite its proximity to both, the site does not meaningfully contribute to the heritage significance of either identified heritage asset as part of their physical setting that could contribute to their significance. Furthermore, whilst the open aspect of the Site affords views towards the war memorial and the edge of the Conservation Area (Extension) from the north-west, these views are unplanned, incidental and incorporate elements of the surrounding suburban townscape. They do not contribute to the significance of the War Memorial or the character and appearance of the Conservation Area (Extension).*
- *The construction of the proposed development would result in change in the wider surroundings of the War Memorial but would not alter the experience of the asset nor that of the Conservation Area (Extension). Prevailing views that provide the clearest and best appreciation of these heritage assets would be wholly preserved. Fundamentally, the Site currently forms, at best, a neutral component of the setting of these assets, and also does not comprise a historically significant element of their setting. On this basis, the construction of the proposed development would not change any element of the setting of these heritage assets that contributes to their significance.*
- *the proposed development is considered to result in no harm to the significance of any identified designated or non-designated heritage asset through alterations to their setting”*

The site is on the cusp of the area of the generally larger scale 3 – 4 storey 1960/70s buildings that front the south side of The Esplanade and the late 19th/early 20th century buildings within the adjacent Sheringham Conservation Area to the south. The proposed building would be seen in the context of both. The appearance of the buildings fronting The Esplanade reflect the period during which they were constructed and are not of the architectural quality of those found within the Conservation Area. Historically, the site was occupied in part by the Grand Hotel, which was a substantial 5 storey Victorian building, which historic mapping shows was set back from The Boulevard. Since the demolition of the building 50 years ago, the site has been vacant other than intermittent use as a car park. Its current undeveloped, wasteland appearance makes no meaningful contribution to the setting of the conservation area from within it with views across to the blocks of flats on the west leg of The Esplanade. Nor does it contribute to the setting of the War Memorial.

The amendments to the proposed design of the development through replacing the flat roof with pitched roof have increased the building's height by approximately 3.0m to 14.5m at ridge level. Based on the submitted streetscene drawing, this would be approximately 2.5m higher than top of the roof of the immediately adjacent block of UC to the west and similarly higher than the building with extant permission. It would, however, be approximately 5.2m lower than the former Burlington Hotel (now known as Burlington Place) at the eastern end of The Esplanade, within the conservation area. In the long views east and along The Esplanade, the building would be seen within the context of generally 3 storey buildings. It is considered that this, in combination with the width of the street and the openness to the north, means that

the building could be absorbed into the streetscene without appearing as a significantly out of scale or incongruous element within it and would not harm the setting of the conservation area. Similarly, its appearance would be acceptable within this context. The bulk of the double gable on the west elevation that would sit forward of UC would be apparent in some views from the west and northwest but would be seen in the context of the gable end of Burlington Place. It is also noted that the building line on the south side of The Esplanade is varied.

In the view southwards along The Boulevard into the CAE, because of the width of the road including footways (15.5m) providing separation, it is considered that the proposed building would not have an overbearing visual effect on the houses opposite or to the south, or appear significantly out of scale in the streetscene. The same can be said of the opposing view. Whilst the building would close off the view across to the west part of St Nicholas Place this is not considered to be a key view and any development of a reasonable scale on the site would be also be likely to close it or reduce it. Any harm to the setting of the conservation area in this view would be minimal and there would also not be any material harm to the setting of the War Memorial.

In the areas to the east of The Boulevard such as Morris Street and Augusta Street, which have a tighter grain with terraces of two and 3 storey houses, it is unlikely the building could be seen in public views, such that there would be no effect on the setting of this part of the conservation area. Similarly in the areas to the west such as the western leg of St Nicholas Place, other than some glimpsed views through gaps in between buildings, it is unlikely the building would be seen.

The building would, however, be seen in the long vista northwards from The Boulevard at its junction with Church Street. In this view and travelling north-westwards, the War Memorial is a focal point with buildings including the UC flats as a backdrop. The proposed building would sit within this context and given its similar height to the adjacent flats, it is considered the impact on the setting of the CAE and War Memorial would be neutral. It is also noted that the Memorial was erected in 1921 well before the demolition of the Grand Hotel so it was never intended to have an open view behind it. Whilst the view toward the sea front and some of the wind shelters on The Lees would be lost, it is considered this is not significant in terms of the setting of either asset.

Standing within the central part of the roundabout and on the northeast side of The Boulevard where it meets the roundabout, the proposed building would largely replace the UC flats in views. Because of the closer proximity to CAE at this point, the overall scale and mass of the building would be apparent which it is considered would result in some harm. Given the scale of the UC flats in the existing view and the parameters set by the development with extant permission, it is considered the harm would be less than substantial. In the views from these points, the development would result in the loss of views to The Lees and the shelters as would any building on the site to a varying degree. The only other part of the CAE where the building is likely to be visible is in a view northeast through the gap between 12 and 14 St Nicholas Place where it would sit behind number 12. It is considered that with trees within gardens proving some filtering when in leaf, the overall harm would be limited and less than substantial.

Other than effect on these relatively small areas of the CAE, the conclusions of the BHA that the development would not result in harm to the significance of any identified designated or non-designated heritage asset are considered to be reasonable.

In conclusion, it is considered that on balance, given the mixed context in the immediate surrounds, the scale, height, massing and appearance of the proposed building is acceptable, such that the proposal is in general accordance with CS policies EN 2 and EN 4. However, given that less than substantial harm has been identified above there is conflict with Policy EN

8, and the harm must be weighed against the public benefits that the development would provide in accordance with paragraph 215 of the NPPF. This is included within the conclusion and planning balance section of the report below.

3. Highways and parking

Access and effect on surrounding road network

Policy CT 5 requires development to provide safe and convenient access for all modes of transport, including access to the highway network. Paragraph 116 of the NPPF states development “*should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network following mitigation would be severe...*”.

Access to the parking serving the development would be via the existing track that runs along the east side of 14 St Nicholas Place, serving that property and the garaging serving UC. It is also used by refuse vehicles serving UC and other service vehicles. Currently the access is approximately 4.5m wide and is unsurfaced. It is proposed to widen it to 5.5m to allow two cars to pass within it and it would be surfaced, which would also benefit UC residents. Bin collection for the proposed development would be on-street from The Boulevard.

Visibility splays that can be achieved out of the access to St. Nicholas Place are considered to be adequate for the increased usage resulting from the development and noting the fact that westwards, St. Nicholas Place is a no-through road connecting to Links Road. The submitted Transport Statement notes that whilst cars parked on-street can impede visibility, this should not have a significant impact due to generally low traffic speeds in the vicinity.

Whilst concerns were raised previously by the Highway Authority in relation to the proposed access arrangement onto St. Nicholas Place without improvement, this has been addressed and they now have no objection. The measures proposed would mitigate the increase in activity, and it is considered that subject to conditions to secure the relevant works, the development would be provided with a safe and suitable means of access in accordance with CS policy CT 5.

With regards to transport sustainability, the site is well located with good pedestrian access to the town centre and its range of facilities and services. Much of the town centre is within 5 minutes walking time and the southern end, including the railway station and bus stops on Station Road served by regular services, within 10 minutes walking time. It is about 13 minutes to Sheringham Medical Practice.

The Transport Statement and its supporting research suggests that additional vehicle trips generated by the development would be slightly lower in the morning peak compared to TRICS data but slightly more (8 per hour compared to 6) over the 12-hour period (07:00–19:00). It is however, considered that the proposal would not have a significant impact on the operation and safety of the local highway network. As such, and with no objection from the Highway Authority, the proposed development is considered to comply with CS policy CT 5 in this respect.

Parking provision

Policy CT 6 requires adequate vehicle parking facilities to be provided by a developer to serve the needs of the proposed development, in accordance with the Council's parking standards, including provision for people with disabilities. In exceptional circumstances, these standards may be varied where appropriately justified. For dwellings the current adopted parking

standards at Appendix C of the CS require 1.5 space per 1 bedrooomed unit and 2 spaces for 2- or 3-bedroom units. There is a separate standard for sheltered housing, but it is considered that because of its specialist nature, the proposal does not neatly fall within either.

Upon adoption of the new Local Plan the 'Norfolk County Council Parking Guidelines for new developments in Norfolk' (2022) would apply, but it is considered that some, albeit limited, weight can be attached to them now. In relation to retirement accommodation for the over 55's it states, "*many residents are car owners and parking should be provided for each unit unless there is an evidence base to support a reduction in the standard*". The standard is 1 space per dwelling for a 1-bedroom unit and 2 for a 2-bedroom unit. To accord with this, 55 spaces would be required for the proposed development.

Evidence to support the amount of parking proposed is provided within the submitted Transport Statement. This is based on research carried out for 14 of the applicant's completed developments. Amongst other things, it identifies that vehicle ownership across the developments surveyed is approximately 0.5 vehicles per unit and that there is an average parking demand (residents and visitors) of 0.52 spaces per unit. This equates to 21 spaces for the proposed development whereas the provision would be 0.73 – other recent developments by the applicant in the district provide a useful comparison and have parking levels below that now proposed. For example: Beaumaris Court, South Street, Sheringham - 30 apartments with 19 parking spaces (0.63); Justice Court, Holt Road, Cromer – 34 flats with 19 spaces (0.55). The evidence also suggests that parking provision for residents in the applicant's developments generally exceeds the level of vehicle ownership and that peak parking demand is well below the provision of parking spaces. Consideration must also be given to the site's location within easy walking distance of the shops, facilities and public transport options in the town centre.

Parking space dimensions would accord with the NCC standards, and the provision would include 3 accessible spaces. In addition, 6 spaces for mobility scooters are proposed, and whilst no dedicated cycle parking would be provided this is based on supporting evidence.

Concerns relating to parking in the representations are noted, and it is acknowledged that on-street parking demand in the surrounding area particularly, where there is no charge, is high particularly during summer months and holiday seasons. This is likely to continue irrespective of whether or not the development went ahead. If it did, it is considered it would be unlikely to materially exacerbate existing problems. The use of the site for car parking was only ever intermittent and not a permanent facility. Based on the information supporting the level of parking proposed which is also accepted by the Highway Authority, it is considered that the proposal is acceptable in terms of CS policy CT 6.

4. Living conditions

CS Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 135 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

Paragraph 3.3.10 of the North Norfolk 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 extant planning permission is also a consideration in this respect.

Nearby occupiers

The flats in the eastern half of the block of UC which is immediately adjacent to the site's west boundary, are the closest dwellings to the proposed development. Because of this proximity the occupiers of those flats would be the most affected by it. These flats have a sitting/dining room to the front served by two windows in the front elevation facing The Esplanade and a single smaller window in the east elevation facing the site. The kitchens in these flats are also served by a window in the east elevation. In the rear of the flats there are two bedrooms served by windows in the south elevation. Some of the upper floor windows also have balconies.

The west elevation of the proposed building would extend forward of the line of the front elevation to UC towards The Esplanade. It would sit back approx. 4m from the line of the east elevation of UC. Because of its height and proximity, the proposed building would severely limit the outlook north-eastwards from the easternmost of the windows in the front elevation to the living room and the window in the east elevation in particular. Whilst outlook to directly north would be unaffected, it would also have an overbearing impact on the existing flats and result in the loss of direct sunlight during the early part of the day.

With regards to the effect on the kitchen window, the west elevation of the proposed building would be stepped back where a small courtyard garden would be located. The kitchen windows in UC would face this space with a separation distance of approx. 14m to the facing elevation. Irrespective of whether it provides space for dining, a kitchen is classed as a secondary space for the purposes of the NNDG. This recommends a minimum separation distance of 8.5m between windows serving them and a blank wall in the case of conventional single and two storey dwellings. In the case of larger buildings such as blocks of flats the distance should be increased by 3m for each additional storey. The separation distance between UC and the proposed building would therefore fall slightly short and there would be some loss of outlook, daylight and early morning sun to the kitchens in UC.

For the reasons explained, it is considered that the proposed development would have a harmful effect on the living conditions of the occupiers of the adjacent flats in UC. The development subject of the extant planning permission would, however, have a comparable effect with part of it fronting The Esplanade similarly sitting forward of the adjacent flats but slightly closer to the line of their east elevation and slightly lower in height. The development similarly included an amenity area adjacent to east elevation of the UC flats but was larger and deeper than that proposed. The facing wall of the development would also have been 4 storeys but again slightly lower than that of the proposed development. As such whilst there would be some impact on the kitchen windows in UC it would be slightly less than that of the now proposed development.

The south elevation of the proposed building would sit back slightly further from the site's southern boundary than the development with extant permission. It would sit closer to the line of UC's east elevation and again would be slightly higher. Whilst this would result in greater overshadowing, as the windows in the rear of UC face south they would still receive good levels of sunlight for much of the day. As with the extant permission, windows in the south elevation, some with balconies, would overlook the parking areas and would be at 90° to those in the rear of UC. This would result in some co-overlooking between the proposed development and UC, but this would be broadly similar to that with the scheme with extant permission. It is considered the proposed development would not result in any material loss of privacy to UC occupiers in this and other respects.

An assessment of noise from car movements associated with the proposed car park and increased use of the access, is included in the submitted Noise Assessment. This concludes that there would be a negligible increase in ambient noise levels at the nearest receptors

including the dwellings adjacent to the access, but not to a level that would be harmful to living conditions.

A Construction Management Plan is considered necessary and reasonable given the scale of development, the proximity to existing dwellings as well as to ensure deliveries and parking do not cause problems during construction.

In conclusion, it is considered this is a very finely balanced issue. There would clearly be harm to the living conditions of the occupiers of UC, particularly in terms of the impact on their living rooms described above. Nevertheless, because the impacts would be broadly comparable to that of the development with extant permission, it is considered that refusal would be difficult to justify. Therefore, whilst the proposed development does not comply with CS policy EN 4, the extant permission is a material consideration which Officers consider would attract significant weight in the planning balance. Further consideration on this is provided within the planning balance section of the report.

Future occupiers of the development

All the apartments would have an internal floor area that complies with the nationally described space standard, which exceeds the requirements within the North Norfolk Design Guide. The applicant has confirmed each apartment would meet the M4(2) Building Regulation standard which relates to accessible and adaptable dwellings.

The apartments with windows in the north and east elevations would have a good outlook over The Esplanade and The Boulevard and would receive good levels of daylight/sunlight. Those within the rear of the building would have an outlook across the parking area and should receive acceptable levels of sunlight and daylight for a proportion of the day. Windows in one of the apartments (repeated on each floor) would have windows that face south into the courtyard garden. The bedroom window would face the blank wall of a projecting rear section with a separation distance of approx. 9.8m, which would comply with the separation distance recommended in the NNDG for a two-storey building but not for four storeys as proposed. Whilst this would reduce the outlook, as the room would be used primarily for sleeping it is considered to be acceptable. Outlook from the living room window would, however, not be curtailed and being south facing would receive good levels of sun/daylight. Levels of privacy in all apartments would be acceptable.

With regards to outdoor amenity space, ground floor apartments would have small patio areas and those on the upper floors would have either a walk-on or Juliet balconies. All occupiers would have the use of the small garden areas, and the seafront and beach are a very short walk away.

A Noise Assessment (NA) is included with the application. Road traffic from The Esplanade is identified as being the main source of noise which could affect the development. Recommendations to provide mitigation to ensure noise levels within habitable rooms comply with relevant maximum internal levels are included within the NA. These can be secured through a condition.

For the reasons stated, it is considered that the development would provide acceptable living conditions for its future occupiers and as such complies with CS policy EN 4

5. Need

Some representations consider there is not a need for additional 'retirement' accommodation given the amount already approved / under construction. The Government's objective is to

significantly boost the supply of homes and paragraph 161 of the NPPF refers to the overall aim should be to meet an area's identified housing need. The comments from the Council's Housing Strategy and Delivery Manager refers to the unmet need for specialist retirement housing in North Norfolk for 686 sheltered flats (market sale) in 2020 which will rise to an unmet need for 1130 by 2041. On a smaller scale there is an unmet need of 119 sheltered flats (shared ownership) in 2020 rising to 196 in 2041.

In the supporting text (para 3.2.4) to the Housing policies in the CS, reference is made to the numbers of elderly people being expected to rise and *"it is considered that the impact of such growth will be especially in a popular retirement location such as North Norfolk"* and *"this trend is likely to continue and accordingly provision needs to be made for the particular requirements of older people..."* Similarly, paragraphs 7.2.7 - 7.2.12 of the draft North Norfolk Local Plan refer to the ageing population and that the over 65 population is the fastest growing across the district, with the higher age cohort over 80 years of age projected to grow at the fastest rate. It also states that *"provision of specialist housing for older people can reduce health and social care costs, improve quality of life and free up general needs housing for younger households"*.

How much under-occupied housing would be freed up within either Sheringham itself or the wider NN district by people moving from their current home to the development is difficult to quantify. This is because of the likely variables and because priority for occupation of the proposal would not be given to existing residents of NN. Nevertheless, it is reasonable to expect some existing NN residents would move in to the development. The applicant has provided additional information to show that 70% of residents of Beaumaris Court came from the local area and a similar percentage of residents of Justice Court in Cromer moved from an NR postcode and from North Norfolk. Even if only 50% of the units in the proposed development were occupied as such, 20 houses could be freed up, although they may not necessarily be affordable.

An aim of CS policy HO 1 is to ensure developments include a proportion (at least 40% on schemes of five or more dwellings) of smaller dwellings (below 70m² floorspace) and a proportion (20%) that are suitable or easily adaptable for occupation by, amongst others, the elderly. Twenty-four of the apartments (58%) would have a floorspace below 70m² so the development would exceed this requirement and all would be suitable for occupation by the elderly.

The policy also supports the provision of purpose built accommodation for the elderly in appropriate locations within selected settlements (i.e. not within the Countryside area), and well served by public transport and local services, provided it does not detract from the character of the surrounding area. As such, the proposal would accord with relevant Development Plan policy.

6. Developer contributions

CS Policy SS 6 requires development to be supported by and have good access to, infrastructure, open space, public services and utilities. Policy CT 2 states that for 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 will be secured by planning conditions or obligations.

Because of the size and location of the site it is accepted that it would not be feasible to provide the required different types of open space on site. Based on the current version of the Council's open space calculator a total contribution of £108,833 is required to provide this off-site through, for example, upgrading existing facilities.

Other than the provision of a fire hydrant, which can be secured through a condition, the County Council have confirmed that because of the age restricted nature of the development, contribution towards education and libraries are not required.

With regards to affordable housing, CS Policy HO 2 requires that, where it is viable to do so, for schemes of 10 or more dwellings in Secondary Settlements, not less than 45% of the total number of dwellings proposed are affordable. Whether or not retirement housing should make provision for affordable housing is a frequent cause of contention, but as a Class C3 use and given the need for affordable housing in the district, it is appropriate to seek some provision either on site or through a contribution to off-site provision.

In this case, the applicant has advanced an argument that it is not financially viable for the development to provide affordable housing or any other contributions. On that basis, a Financial Viability Assessment (FVA) was requested. The submitted FVA has been assessed by the Council's Viability consultant who has confirmed that it has been carried out in accordance with relevant guidance including that in the Planning Practice Guidance and the RICS Assessing Viability in Planning guidance. They agree that the applicants have made the case in justification that the proposed development is unable to support the delivery of affordable housing or other S106 requirements (save for the GIRAMS contribution). On that basis of the above, it is considered that sufficient evidence has been provided by the applicant to justify their viability case. The proposal would therefore accord with the requirements of Policy HO 2.

7. Flood risk and drainage

The site is within Flood Zone 1 which has a low probability of flooding from rivers and the sea so complies with CS policy EN 10 in this respect. It is also not at risk from surface water flooding, with some of the surrounding area at low risk i.e. between 0.1% and 0.5% each year. Groundwater flood risk is also low.

CS policy EN 10 requires the provision of appropriate surface water drainage arrangements for dealing with surface water run-off from new development, with a preference for sustainable drainage systems (SUDs) unless it is demonstrated that they are not feasible due to soil conditions or engineering feasibility. Paragraph 182 of the NPPF advises that applications which could affect drainage on or around the site should incorporate SUDs to control flow rates and reduce runoff and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible. SUDs provided as part of proposals for major development should take account advice from the Lead Local Flood Authority.

The surface water discharge hierarchy has been followed. Because of the site's size and location, the use of 'soft engineered' surface features such as swales are not a viable option. The information submitted with the application has demonstrated that infiltration is not possible due to ground conditions. As such discharge to the combined sewer is proposed which, following discussions, is now considered acceptable to Anglian Water based on the proposed maximum discharge rate. The Lead Local Flood Authority have also removed their previous objections now that an appropriate method of surface water discharge has been agreed.

The proposed development is therefore considered acceptable in terms of CS policy EN 10.

CS policy SS 12 indicates development will not be permitted in Sheringham unless it has been demonstrated that there is adequate capacity in sewage treatment works. Anglian Water have confirmed there is capacity in this case.

8. Energy efficiency

CS Policy EN 6 requires that new development must demonstrate how it minimises resource and energy consumption using the most appropriate technology for the site and surrounding area. Major developments such as is proposed, are required to provide on-site renewable energy technology to deliver at least 10% of the predicted energy usage from renewables and must be supported by an Energy Consumption Statement (ECS).

To achieve the policy requirements, a 'fabric first' approach is proposed to reduce the overall energy demand for heating and cooling through fabric improvements which in turn would reduce carbon emissions. The submitted ECS indicates that this approach would exceed the minimum Building Regulations (BR) requirements in terms of insulation effectiveness.

For space heating electric panel heaters are proposed with water heating by an air source heat pump hot water cylinder. Mechanical ventilation with heat recovery would be used in the apartments, reducing the need to use the main heating system by providing background heating. In communal areas, lighting would be on sensors. The ECS suggests that the measures proposed would result in a 54.6% reduction in the amount of CO₂/year against the notional amount such that current BR requirements would be exceeded. The applicant's preferred option to meet the 10% renewable requirement is with roof mounted PV panels.

With regards to water efficiency, the proposed measures would result in a level of water usage per person per day lower than BR requirements

On the basis of the ECS and the securing of the proposed measures through conditions, it is considered that the proposal complies with policy EN 6

9. Ecology

Protected species

The application is supported by a Preliminary Ecological Appraisal (PEA) which the Landscape Officer considers to be comprehensive with works undertaken being satisfactory, as are the conclusions drawn and recommendations made within it. The PEA did identify the need for a Preliminary Roost Assessment (PRA) of the garages which would be demolished. This was carried out and no bats or evidence of their presence was identified and the building was considered to have low bat roosting suitability. None of the trees on site supported potential roosting features.

The Landscape Officer considers the proposed landscaping would lead to significant biodiversity gains at the site. The installation of features including integrated bat bricks/boxes, integrated swift bricks/boxes and bird boxes within newly planted areas will provide further ecological interest. No quantities are provided within the PEA's recommendations, though it is considered that 4 bat bricks/boxes, 20 swift bricks/boxes and 4 open-fronted bird boxes would be appropriate. These can be secured through a condition.

Recommendations in the PEA also include securing a Construction Ecological Management Plan (setting out the safeguards and appropriate working practices that will be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation) and, a Landscape and Ecology Management Plan (setting out the detailed establishment and management of all on-site compensation and enhancement measures). These are accepted.

For the reasons stated above, the proposal is considered to comply with Policy EN 9 in this respect.

Recreational impacts

Norfolk local planning authorities (LPAs) have worked collaboratively to adopt and deliver a Green Infrastructure and Recreational Impact Avoidance and Mitigation (GIRAM) Strategy to ensure that the cumulative impacts of additional visitors, arising from new developments of housing and tourism to European sites, will not result in any likely significant effects which cannot be mitigated. The application site is within the Zone of Influence of a number of such sites with regards to potential recreational impacts.

In line with the RAM strategy a mechanism has been secured to ensure the appropriate financial contribution per dwelling prior to occupation as part of this proposal at the time planning permission is approved. It is considered that the proposed contribution (£9067.97) is sufficient to conclude that the project will not have an adverse effect on the integrity of the above identified European sites from recreational disturbance, when considered alone or 'in combination' with other development. As such the proposal complies with CS policy EN 9.

Biodiversity Net Gain

A comprehensive assessment of the baseline and post-development habitats has been undertaken. The proposed development would lead to a small loss of habitat units and small gain in hedgerow units. Landscape planting is proposed as part of the scheme, and it would be considered unfeasible for sufficient habitats to be created onsite to deliver a 10% gain in habitat units. Therefore, 0.17 habitat units will need to be provided offsite, either by the developer, purchased from a habitat bank or purchased as statutory credits. The delivery of 10% BNG can be detailed within the Biodiversity Gain Plan required prior to commencement to in order to comply with the statutory biodiversity gain condition.

10. Trees

A tree survey, tree constraint and tree protection plans have been submitted with the application. On the site itself there are 3 small, self-set Sycamores which would be removed. As they have little, if any amenity value and have been assessed as being of low quality, there is no conflict with CS Policies EN 2 and EN 4 which amongst other things aims to protect and retain distinctive landscape features, such as trees. Tree planting as proposed would off-set the loss of these trees and result in an increase in the number of trees on the site, which along with other planting would also help to soften the street scene.

Other than a Sycamore adjacent to the site's south boundary, within the grounds of 12 St Nicholas Place, which would be suitably protected during construction works, trees in adjoining properties would not be affected by the proposed development.

Subject to conditions to secure and maintain the landscape scheme including the proposed tree planting, and the tree protection measures, the proposed development is considered to comply with CS policies EN 2 and EN 4 and, paragraph 136 of the NPPF which emphasises the importance contribution that trees make to the character and quality of urban environments.

11. Effective use of land

Chapter 11 of the NPPF emphasises the need to make effective use of land. Paragraph 125c) states “*planning...decisions should give substantial weight to the value of using suitable brownfield land in settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused*”. The site is considered to comply with the definition of brownfield land in the NPPF as noted above.

With regards to density, paragraph 129 of the NPPF advises that planning decisions “*should support development that makes efficient use of land*” but account should be taken of, amongst other things, the desirability of maintaining an area’s prevailing character (129c) and the importance of securing well designed, attractive and healthy places (129e)

CS policy HO 7 indicates proposals for residential development will be permitted provided that the development optimises the density of the site that protects or enhances the character of the area.

In Secondary Settlements, the indicative density is not less than 40 dwellings per hectare (dph). As the proposed development has a density of 157 dph, this requirement would be exceeded by some margin, making very efficient use of the land. Nevertheless, because of the concerns relating to the design aspects of the building and its effect on the character of the area, it is considered the proposal is not fully compliant with the aims of CS policy HO 7 and paragraph 129 of the NPPF.

Other considerations

Need for two lifts – this is not a matter which is a material planning consideration, and the development would need to comply with the relevant Building Regulations requirements in this respect.

Use of apartments as second homes or holiday lets – this would not be restricted in terms of a covenant for example, as part of the sale of an apartment. Given the nature of the development and the fact that residents pay service charges, it is unlikely the apartments would be used as second homes. The restriction on the minimum age of the occupants is also likely to deter their use for holiday lets. Whilst a condition could be attached to prevent holiday use, it is considered it would not be reasonable or necessary, so would not meet the relevant tests. Such conditions were not imposed on the permission for the Beaumaris Court development for example.

Access to garage courts associated with Upcher Court and for refuse vehicles and fire appliances – this would not change as a result of the development. Some parking by visitors to UC may have taken place on part of the land to be used for the car park for the development but this would have been on an informal basis being private land.

Ground conditions – both Phase I (desktop) and Phase II (ground investigation) Site Appraisals have been carried out and submitted with the application. In summary, they demonstrate that the site is clean, requiring no remediation and its development is generally low risk. It is not suitable for soakaway drainage to deal with surface water disposal.

Planning Balance and Conclusion:

Paragraph 11 (d) of the NPPF requires that planning decisions should apply the presumption in favour of sustainable development. Because the Council cannot currently demonstrate a five-year supply of deliverable housing sites, the development plan policies which are most relevant for determining the application are considered to be out of date. In such

circumstances paragraph 11d) indicates that planning permission should be granted unless

- i) the application of policies in the NPPF that protect areas or assets of particular importance (which includes designated heritage assets) provides a strong reason for refusing the development proposed; or
- ii) 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The proposed development is acceptable in principle for which there is an identified need. It would provide a safe access along with an appropriate level of car parking. Whilst not providing affordable housing or contributions to open space, the case why has been justified. There would be no harm to trees, protected species or below ground heritage assets. There would be suitable arrangements for surface water drainage from the site

The main concerns relating to the development are the effect on the living conditions of the occupier of the closest flats in Upcher Court and the less than substantial harm to the significance of a designated heritage asset (Sheringham Conservation Area Extension) as a result of the proposed building's appearance, scale, form and massing.

The main benefits are

Economic – these would be provided through the construction of the development with work for local contractors, trades people and suppliers. There would also be a small level of permanent employment upon completion - approximately 5 FTE posts including a manager and support staff. Occupiers of the development would contribute to the local economy by spending within the town and the wider District.

Social – the development would make a modest contribution to the District's housing land supply and help in meeting an existing and growing need for suitable housing for the ageing population. This in turn would free up some general needs and under occupied housing for younger households. It would allow older people to continue to live independently reducing health and social care costs

Environmental – the development would involve the reuse of a brownfield site in a very sustainable location and making very efficient use of the land. The building would be energy efficient and make use of renewable energy sources. The landscaping of the site would deliver biodiversity gains

On balance, Officers consider that the benefits of the proposal are not outweighed by the adverse impacts of the development when assessed against the policies in the NPPF taken as a whole. As such, the Officer recommendation is one of approval.

RECOMMENDATION:

APPROVAL subject to:

1. **The completion of an agreement under section 106 of the Town and Country Planning Act 1990 to secure:**
 - **£9067.97 GIRAMs tariff payment to ensure that the development would not**

have an adverse effect on the integrity of the relevant European Sites from recreational disturbance, when considered alone and 'in combination' with other development; and

- 2. The imposition of appropriate conditions including those summarised below (plus any amendments to these or other conditions considered to be necessary by the Assistant Director of Planning); and**
- 3. If the Section 106 Obligation is not completed and the permission is not issued within 3 months of the date of this Committee meeting then the Director for Planning and Climate Change will consider whether the application resolution remains appropriate and in doing so will take account of the likelihood of the Section 106 being completed and permission issued in the near future (i.e. within another month) and will consider whether there are any potential / defensible reasons for refusal at that time. If he reaches that view – i.e. that the application should potentially be refused - then the application would be reported back to Committee.**

Suggested Conditions:

- Time limit
- Development in accordance with approved plans
- Samples of external materials
- Large scale design details
- Landscaping
- Construction management plan
- Refuse and recycling bin storage
- Sound insulation
- Details of plant and machinery etc
- Energy consumption reduction scheme
- Ecological mitigation/enhancement measures
- BNG Implementation
- Habitat Management and Monitoring Plan
- Tree protection measures
- Notification of commencement for GIRAMS
- Occupancy age restriction
- Sewer diversion
- Surface water strategy/drainage scheme implementation
- External lighting
- Fire hydrant

HIGH KELLING – PF/24/1892 – Change of use of existing buildings from care home to 35 dwellings with associated landscaping, bicycle storage and refuse and recycling storage at Pineheath Care Home, Cromer Road, High Kelling, Holt, NR25 6QD

Major Development

Target Date: 24 December 2024

Extension of Time: 14 March 2025

Case Officer: Mark Brands

Full Planning Permission

RELEVANT CONSTRAINTS

North Norfolk Coast Area National Landscape is located north side of main Cromer Road

Located within the countryside

Trees on site covered by Tree Preservation Order.

Cromer Road is a Principal Route

GIRAMS Zones of Influence (various)

Landscape Character Area – Wooded Glacial Ridge

THE APPLICATION

Seeks planning permission for the conversion of the existing care home buildings to form 35 dwellings, with associated landscaping, bicycle storage and refuse and recycling storage. The site occupies an area of 1.23 hectares, surrounded by woodland. The site is accessed via a private driveway to the south of Cromer Road, shared by 2 residential properties, and screened from public view with the woodland surrounding the site. Woodland to the north of the application site is within the applicants control as well as a proposed new pedestrian path connecting to Cromer Road. The site is set partially within open countryside, with farmland to the east of the site, Bodham Common to the south of the site (mixed woodland), with Selbrigg Pond County Wildlife Site in the valley below. There is a public right of way to the west and east of the site, leading south and connecting in Bodham Common, To the east of the site beyond a track is an agricultural field.

The site operated as a care home from the early 1990s to 2017, the original building was built in 1911 as a sanatorium, before becoming a nursing home then a care home. The built form comprises 5 blocks. The original building is a large detached two and a half storey block, constructed in brick and render with pitched and hipped roof (Block B). The buildings to the west comprise a single storey former classroom with a former physiotherapy room and flat in between the original building with classroom to the west (Block A), with corridor connecting these blocks. There is an outbuilding to the north of the main block used as plant, storage and laundry facilities (Block D). To the east of the main building is a U-shaped single storey building comprising 12 former assisted living bungalows, these buildings are the most recent development on the site, dating from 2015 (Block C).

In Block A the proposals seek to refurbish and convert the classroom to provide three 1-bed dwellings, convert the physiotherapy block to form two semi-detached 2-bed dwellings. In Block B, the proposal is for refurbishment and conversion of the existing dilapidated original building to provide eight no. 1-bed, eight no. 2-bed, two no. 3-bed dwellings (including some limited extensions), removing the linking corridor connecting these structures and conversion of existing 12 bungalows (Block C) to provide ten no. 1-bed and two no. 2-bed dwellings. The building to the north (Block D) would be retained for ancillary purposes to serve the development as plant rooms and refuse store).

Further details / amendments received during the course of the application

Received 8 January 2025
Baseline Map
BNG Areas Sketch

Received 18 December 2024
Applicant response letter, open space assessment

RELEVANT PLANNING HISTORY

DE21/22/2789
Conversion & change of use of existing buildings, with minor extension to form 36 residential units, carparking & amenity space
Advice Given 05/07/2023

DE21/21/1762
Conversion & change of use of existing buildings, with minor extension to form 36 residential units, carparking & amenity space
Advice Given 10/09/2021

DE21/18/0018
Demolition of care home and assisted living bungalows and erection of a 150-unit residential care community comprising 45 one-bed, 57 two-bed, 28 two-bed plus study, and 20 three-bed units, with health facilities and carpark
Advice Given 19/08/2019

PM/14/0328
Reserved Matters - Erection of extension to provide twelve supported residential units
Approved 20/05/2014

PO/08/1193
Outline planning - Extension to Care Home to Provide Four, Two-Person and Eight, One-Person Single-Storey Units
Approved 12/09/2012

PO/06/0821
Erection of single-storey extension to provide supported accommodation of the elderly and erection of detached gatehouse and wardens lodge
Refused 18/08/2006

PO/05/1905
Erection of twelve sheltered housing units
Withdrawn 30/01/2006

PF/03/0085
Erection of extensions for additional bedrooms
Approved 05/03/2003

PF/93/1662
Alterations to existing building to provide additional bedrooms
Approved 15/02/1994

PF/90/0299
Change of use to nursing home
Approved 15/05/1990

REASONS FOR REFERRAL TO COMMITTEE

The item was called into Committee by the Assistant Director of Planning. The item was called in on 14 October 2024 and the grounds for call-in are:

“This is a major application for 35 new homes – and as such is at a scale where Committee determination is considered appropriate – irrespective of the Policy issues that might arise and the comments that might be received on the application.”

CONSULTATIONS:

Kelling Parish Council – Object (summarised points)

- Absence of affordable housing
- Detrimental effect on residential amenity of existing residents
- Conflict between pedestrians and vehicles
- Vehicular movement projections inaccurate
- Junction with the highway dangerous given traffic on Cromer Road and reduced visibility
- Sewage concerns
- Would result in an isolated segregated community
- No improvements to paths accessing village amenities
- Existing paths not appropriate, crossing road impossible during peak times
- design encourages car dependency and isolation.
- Contrary to local policies and NPPF

Environmental Health – No objections (subject to conditions)

Landscape (NNDC) – Comments – Not considered to have significant impacts on protected landscape. No trees are being removed, sufficient mitigation in place to protect existing trees ecological impact assessment appropriate, however some changes needed in the mitigation and enhancements to meet best practice. Further BNG information / clarification required.

Ward Councillor (Councillor Vardy) - *I echo the comments by High Kelling PC on this application. It will provide dangerous access and egress to the revised development. I am unsure of county highways position on this, but I do think that it should be put before a committee if it gets to that stage. There are several material planning considerations*

Adjacent ward Councillor (Councillor Ringer)

*I attended Bodham Parish Council (neighbouring parish, indeed, the boundary is alongside the proposed site). The affordable housing was mentioned again so I wondered whether there had been any movement on this? One thing suggested was that they make a financial contribution towards exception housing (in lieu of affordable homes on site) but that this **MUST** be conditional on it being exception housing built either in High Kelling or a surrounding parish (Bodham, Kelling, Weybourne).*

I will leave them to submit their own comments, but I did wonder whether the suggestion above

could be given some additional consideration.

Strategic Housing NNDC – Comments – Local affordable housing need, where viable would be a requirement for affordable housing (evidence provided demonstrating not viable to do so), loss of care home and care provision, compatible housing mix with inclusion of smaller units and suitable / adaptable units.

County Council Highways (Cromer) – Comments – Concerns over use of Manual for Streets (MfS) over Design Manual for Roads and Bridges (DMRB) visibility requirements, and traffic generation figures, with reduction daily vehicular movements not considered the case when using other TRICS data for dwellings (which would result in additional vehicle generation totalling 210 daily movements).

Officer comment:

There have been further discussions of these comments regarding the use of TRICS subcategories for developments that are predominantly flats and it is expected that these comments will be updated, recognising the lower vehicular movements for flats is the appropriate measure used in the transport assessment, such that the conversion would not materially affect highway safety.

NCC Flood & Water Mgmt (LLFA) – Comments (see standing advice)

NCC Planning Obligations Co-Ordinator – Comments – Currently spare capacity within all education sectors, contributions only sought for libraries, monitoring fee and provision of fire hydrant.

REPRESENTATIONS

8 representations have been received comprising 6 **objections** and 2 **neutral** comment. The main objections are summarised (full public comments can be viewed on the public website):

- Highway safety concerns (additional traffic, insufficient capacity, speed of traffic on A148 and proximity to other accesses, no additional traffic management proposed)
- Highway safety concerns for pedestrians over pedestrian crossing works
- No actual commitment to provide pedestrian crossing improvements
- Overdevelopment of the site
- Loss of C2 care home use
- Conflict with emerging local plan
- Waste water / drainage concerns
- Concerned over PROW restrictions / lack of recognition in plans of this network
- Concerned used for second homes
- No inclusion of affordable housing
- Inappropriate housing mix

Redevelopment of the site supported to prevent further deterioration, and illegal activity

HUMAN RIGHTS IMPLICATIONS:

Art. 8: The right to respect for private and family life.

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

Having considered the above matters, 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 2 (Provision of Affordable Housing)
Policy HO 3 (Affordable Housing in the Countryside)
Policy HO 9 (Conversion & Re-use of Rural Buildings as Dwellings)
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 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 13 (Pollution and Hazard Prevention and Minimisation)
Policy CT 2 (Developer Contributions)
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:

National Planning Policy Framework (December 2024):

Chapter 2 (Achieving sustainable development)
Chapter 4 (Decision-making)
Chapter 5 (Delivering a sufficient supply of homes)
Chapter 6 (Building a strong, competitive economy)
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)
Chapter 17 (Facilitating the sustainable use of minerals)

Supplementary Planning Documents:

North Norfolk Design Guidance (2011)

North Norfolk Landscape Character Assessment (2021)
North Norfolk Landscape Sensitivity Assessment (2021)
North Norfolk Open Space Assessment (2019)

Other relevant documents

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

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

1. Principle of development
2. Loss of Community Facility
3. Design and amenity
4. Housing mix
5. Highway Impact
6. Developer contributions
7. Landscape
8. Ecology
9. Flooding and drainage
10. Energy
11. Planning Balance and Conclusion

1. Principle of Development

Creation of dwellings within the countryside

The spatial strategy for North Norfolk is set out within Policy SS 1. This states that the majority of new development within the district will take place in the towns and larger villages dependent on their local housing needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints. The policy lists principle and secondary settlements as well as service and coastal service villages. The rest of North Norfolk is designated as 'Countryside' and development will be restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy.

The supporting text to Core Strategy Policy SS 1 explains that new market housing in the countryside is restricted in order to prevent dispersed dwellings that lead to a dependency on travel by car to reach basic services and to ensure a more sustainable pattern of development.

Core Strategy Policy SS 2 permits certain types of development within the countryside, including through the re-use and adaption of buildings for appropriate purposes, in accordance with the conversion policy HO 9. This includes converting buildings that are worthy of retention due to its appearance, historic, architectural or landscape value, buildings are capable of conversion without substantial rebuilding or extension and protects / enhances the character of the building and its setting and of an appropriate scale in terms of number of dwellings for the proposed location.

The core building (Block B) was erected in 1911 as a sanatorium for children. The layout was later altered when this became a nursing home, then again to serve as a care home. The core building is of a post Edwardian design and the architectural style is also present elsewhere in High Kelling, vaguely echoing the butterfly-plan arts and crafts houses found locally. There is

therefore some local interest and merit to retain and convert to residential units. The NPPF also supports the reuse and adaptation of buildings for habitable uses, the buildings are screened within a wooded setting. Only modest external works would be required, including demolition of the corridor link, removal of external fire escapes, and extension at first floor level on the eastern side of the main building of the setback, to match the ground floor outline. The proposals indicate there would not be significant rebuilding or extensions required to facilitate the conversion.

The site is locationally set apart from the main settlement most notably by the A148 Cromer Road. This limits the site's ability to provide an integrated and cohesive relationship with the village. The proposals seek to address this aspect, by promoting connectivity through the site to the wider Public Rights of Way (PROW) network and crossing points at Cromer Road with a new pedestrian access leading to the site.

While this is a large-scale conversion, which creates a significant number of new dwellings, officers recognise that the site has considerable scope to accommodate major development proposals. The site is expansive and will provide appropriate amenity and parking provision whilst limiting any adverse local impacts. The key issue is the impact of the conversion on local highway safety. Officers otherwise find the principle of the proposed conversions at this site acceptable in principle under Policies SS 1 and HO 9.

Housing land supply position

The Local Authority cannot currently demonstrate a 5-year housing land supply, which is a material planning consideration in the determination of the application. National Planning Policy Framework (NPPF) Paragraph 11 d) (often referred to as the "tilted balance") sets out that:

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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".*

Officers consider that the tilted balance is engaged by these proposals.

2. Loss of the Community Facility

Core Strategy Policy CT 3 includes 'small scale health care facilities' within its definition of 'Community Facilities and Services' and seeks to promote provision of community facilities in appropriate (i.e. sustainable and accessible) locations, and prevent the premature loss of important local facilities where their continued use is still a viable prospect.

On a different site within the district, appeal decision (APP/Y2620/W/21/3272150) confirmed the policy is relevant to care homes, and has compatibility with provisions in the NPPF, most notably paragraph 97 that requires policies and decisions to guard against the unnecessary loss of valued facilities and services, and where possible ensure these are retained.

Policy CT 3 sets out that development proposals that would result in the loss of sites or premises currently, or last used for, important local facilities and services will not be permitted unless:

- *alternative provision of equivalent or better quality is available in the area or will be provided and made available prior to commencement of redevelopment; or*
- *it can be demonstrated that there is no reasonable prospect of retention at its current site; and if it is a commercial operation, that a viability test has demonstrated that the use is no longer viable and that all reasonable efforts have been made to sell or let the property at a realistic price for a period of at least 12 months.*

The application is accompanied by a marketing and commercial report. The supporting documentation sets out the care home has been closed since 2017. Significant investment would be required to bring the site back into use from its current dilapidated state. The supporting documentation acknowledges the shortfall of care accommodation in Norfolk but provides example of potential oversupply in the vicinity of the Holt area with 2 recent new care homes providing 132 new bedrooms. Within 10 miles of Holt, there are some 412 beds of such provision, expected to rise to 470 following refurbishments with a current spare capacity of 19%.

Significant investment would be required to bring the site back into use as a care home. Currently the room sizes are limited to around 10-12sqm, none are ensuite to serve the former registered capacity of 44 (the main care home building). Markets now dictate larger rooms and provision of ensuite accommodation. The changes and alterations required would result in a reduction of the number of rooms provided on site i.e., to increase the room size and enable such facilities to be provided. The net effect reduces the number of rooms to 25-27 (main building). Such a scale of care home, assuming 90% occupancy could reasonably expect a surplus of £175k per year, and a market valuation of £1.1 million. The costs estimated at bringing this site back into its former use has been put at £3.75 million. Given the level of investment required to bring the site back into use this has been considered through the supporting documentation as not providing a viable opportunity to reuse the site as a residential care facility.

Regarding the marketing requirement of the policy, the site has been marketed by a specialist broker, Redwoods Dowling Kerr since May 2022, promoting the site through its database of established care home providers, with marketing details sent to 1,002 names on their database, and an additional 54 potential purchasers who have contacted the company in the past 18 months to register an interest in purchasing a care home. The site was also marketed via their website, including with sale boards at the site.

The marketing report sets out that this has been marketed as “open to offers”, given the nature and context of the site to encourage interested parties. However the market response has been disappointing with lower interest than expected. Four offers were made in the 23 months of the marketing. These offers were discounted as none would have proceeded to retaining the care home use of the site and were either subject to planning permission for redevelopment and change of use of the site for residential purposes, or with unclear intentions and evidence to demonstrate an appropriate background and business plan to bring the site back into use.

The duration and scope of the marketing is considered satisfactory. Offers were made for the site but none would have resulted in the current care home use being retained. As such the Local Planning Authority is satisfied the reuse of the site for care home purposes could not be secured and that the marketing campaign and its outcomes will satisfy the requirements of policy CT 3.

3. Design and amenity

Policy EN 4 states that all development will be of a high-quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. Proposals will be expected to have regard to the North Norfolk Design Guide, incorporate sustainable construction principles, make efficient use of land, be of suitable design for their context and be of an appropriate scale. Additionally, important landscape and natural features should be retained, and proposals should incorporate landscape enhancements.

There should be clear distinctions between public and private spaces, create safe places, and accessible to all. Proposals should also incorporate footpaths and green links, ensure that parking is discreet and accessible and where possible, contain a mix of uses, buildings and landscaping. Proposals should not have a significantly detrimental effect on the residential amenity or nearby occupiers. Paragraph 135 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

The works required to facilitate the conversion for residential use are relatively modest. Main changes relate to the removal of the corridor link, first floor extension of the set back to east side of the main building, and removal of fire escapes to the main block. The first-floor flats would be served by 3 sets of staircases. Other alterations are more modest, relating to fenestration changes (entrance doors for the new dwellings at ground floor level), omission of entrance porch, additional and changes to the windows arrangement of the main and west blocks. Given the limited nature of the external works required, the proposals are considered a broadly sympathetic design to the existing built form.

The North Norfolk Design Guide states that residents should have the right to adequate privacy levels and that new development should not lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact.

The application is accompanied by a daylight and sunlight report, assessing the internal lighting levels expected from the proposed development against the existing nature of the site and surrounding mature woodland. Regarding daylight, 98% of the main habitable rooms achieve the target lux levels to 50% of the rooms assessment area. For sunlight the assessment shows 30 (86%) of the 35 flats will meet or exceed the target of 1.5 hours of sunlight which is considered of a good level given the fixed nature of the orientation and windows. The report sets out that acceptable levels of daylight and sunlight would be obtained and meets the expectations set out in national guidance, ensuring acceptable daylight and sunlight levels to future occupants within the scheme.

The layout of the units shows most of the units will be dual aspect with some limited use of obscure glazing to protect residential amenity where there is closer proximity to neighbouring windows etc. New separate staircases are proposed to serve the flats on the first floor. The internal layout arrangement is considered suitable and rationalised, minimising communal corridors and landings, amongst other things, to ensure the internal space is best utilised as living accommodation and by mostly avoiding flats in the main block being only single aspect. All the units would have appropriate extent of internal living accommodation, with the sizes adhering to national minimum described space standards.

The design of the proposed dwellings following redevelopment is considered to result in a good visual design, respecting the character and existing built form on the site, accords with

local design considerations, mix, amenity and space standards as set out in the Local Plan and Design Guide.

In respect of Design and Amenity, Officers consider that the proposal accords with Core Strategy Policy EN 4.

4. Housing Mix

Policy HO 1 states that all new housing developments shall provide at least 40% of the dwellings as having two bedrooms or fewer, with internal floor spaces not more than 70 sq m. Policy HO 1 also states that 20% of the dwellings to be provided shall also be provided as accessible and adaptable for occupation by the elderly, infirm or disabled.

The housing mix comprises 35 dwellings, comprising 21 no. 1 bed (60%), 12 no. 2 bed (34%) and 2 no. 3 bed (6%). The scheme would deliver a significant number of smaller units which will address a locally identified need for such accommodation. The proposals include 94% 2 beds or fewer and 58% having an internal floorspace of less than 70sqm. There are 5 units meeting wheelchair M4(3) building regulation standards, additionally, 23 units would comply with M4(2) accessible and adaptable building regulation standards. The mix and composition are considered appropriate with its inclusion of smaller units including for wheelchair user dwellings and accessible and adaptable units.

Core Strategy Policy HO 2 sets out that where it is viable to do so, that on all schemes of 10 or more dwellings (including conversion of existing buildings HO 9), affordable housing provision shall be included within the proposals. The application is accompanied by a Financial Viability Assessment, evidencing it would not be viable to include the provision of affordable housing as part of the proposed development. The Local Planning Authority has sought to confirm this, and the findings in the report have been corroborated by an external consultant, confirming that it would not be viable to deliver affordable housing on the site or request commuted sums.

The proposals are considered acceptable from a design and amenity perspective, according with policy EN 4, and Section 12 of the NPPF, and of a suitable mix and demonstrated to the satisfaction of the Local Planning Authority that it is not viable to provide affordable housing on the site.

5. Highway Impact

Core Strategy Policy CT 5 (The Transport Impact of New Development) states 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 location.

- 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.

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

Paragraph 109 of the NPPF sets out that transport issues should be considered from the earliest stages of development proposals so that, amongst other matters, the potential impacts of development on transport networks can be addressed, opportunities to promote walking, cycling and public transport use are identified and pursued, and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.

Paragraph 110 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. It also recognises that transport solutions will vary between urban and rural areas.

Paragraph 115 states amongst other matters that development should ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location, and that safe and suitable access to the site can be achieved for all users.

Paragraph 116 sets out 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 117 of the NPPF continues by setting out that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and facilitate access to high quality public transport where possible. Development should also address the needs of all users, be safe, secure and attractive avoiding conflict between transport users, allow for efficient delivery/access and be designed to enable charging of ultra-low emission vehicles.

The proposals include 59 parking spaces (including 7 blue badge spaces), 35 EV charging points and secure covered cycle storage for 64 spaces. This would ensure appropriate parking provision and cycle storage on site commensurate with the requirements of future residents.

Visibility splays of 2.4m by 43m can be achieved along Cromer Road within land owned by the applicant and highways to comply with Manual for Streets (MfS) standards. The Highway Authority considers that a different standard should be applied known as the Design Manual for Roads and Bridges (DMRB) given the speed of traffic and recent appeal in the vicinity, which would require greater visibility splay requirements. The applicant has failed to achieve the enhanced visibility required under this guidance. However, Officers recognise this is an existing access serving the former care home site rather than an entirely new access point and this is a material consideration which attracts weight in the decision making process.

The Transport Assessment (TA) sets out that should the care home be brought back into use; it would have the potential to generate a large number of trips. The existing use was forecast to generate 167 daily total vehicle trips (TRICS). The proposals to convert the site to flats is forecast to generate 88 total daily vehicle movements (2-3 trips per unit). This would result in a reduction of 79 daily trips. The Transport Assessment concludes that the number of vehicular movements associated with the proposed development would have a positive effect on the surrounding highway network as the trip rates and servicing demands are reduced compared to the former use as a care home.

There were initial concerns raised by the Highway Authority over the expected daily movements used as they considered there would be a notable increase in vehicular movements to and from the site that would otherwise be expected from the site remaining as a care home use. Following further discussions over the TRICS subcategories used, pedestrian and visibility improvements, the Highway Authority have verbally indicated they would be content with the assessments carried out including use of the lower daily movement thresholds expected for predominantly flat schemes as used in the supporting documents.

On this basis, Officers consider that the evidence provided by the applicant in their TA is acceptable in demonstrating that the proposed development is predicted to generate less vehicular movements than the existing use. As such, in the absence of evidence to the contrary, the proposed development would result in fewer vehicle movements being generated and therefore an objection on grounds related to intensification of use could not be justified.

Notwithstanding Officer assessment, the Highway Authority's final comments on the scheme are still awaited and the Committee will be orally updated should a response be received between this report being published and the date of the Development Committee Meeting.

The application indicates proposed pedestrian improvements on Cromer Road including a separate footway from the site to the bus stop on the southern side of Cromer Road, limiting any potential conflict between vehicles and pedestrians by providing a new dedicated pedestrian link.

There are multiple amenities within 2km walking distance of the site, including a post office, local store, doctor's surgery and school. Additionally Holt, further west, offers a wider range of services and amenities within a 3km cycling distance.

As this is a conversion proposal, Officers recognise the location of the development is fixed which means that addressing locational sustainability considerations and integrating the site with the existing community is more challenging, especially with the main road separating the site from High Kelling / main routes westwards towards Holt. However, the proposals provide reasonable measures to ameliorate the disadvantages of the site through promotion of more sustainable modes of transportation. This approach is supported by local policies and the NPPF, recognising such limitations around developments in the countryside.

Officers consider that the proposal, subject to securing appropriate mitigation, would comply with Core Strategy Policies CT 5 & CT 6.

6. Developer contributions

Core Strategy 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, mitigation will be secured by planning conditions or obligations, and these must be provided within appropriate timescales.

The published National Model Design Code sets out that new development should contribute towards the creation of a network of green spaces and facilitate access to natural green space where possible.

The North Norfolk Open Space Assessment provides the most up to date evidence of local need. It provides the justified evidence to support the requirement for open space contributions in Policy CT 2 of the Core Strategy.

Based on the mix of housing tenures, sizes and types shown within the submission, there would be an on-site requirement for amenity green space, play space for children and off-site contributions where required for allotments, parks and recreation, play space (youth) and natural green space.

Figure 1 below shows the open space supply in High Kelling across the different open space types (a positive figure indicates sufficient space for that type whilst a negative figure indicates a shortfall).

Fig. 1 - Open space supply from the North Norfolk Open Space Assessment

Parish	Allotments	Amenity Greenspace	Parks and Recreation Grounds	Play (Child)	Play (Youth)	2016 Population
High Kelling	-0.30	1.85	-0.56	-0.05	-0.03	507

The applicant has completed the open space matrix as set out at Fig.2 below.

Fig. 2 - Applicant's open space matrix

Type of Open Space	Requirement (sqm)	Required on site?	Amount proposed (sqm)	Financial contribution from proposal	Financial value		
					Baseline requirement	Proposed	Net exceedance (proposed-baseline)
Allotments	324.60	-	67	£6,497	£8,186	£1,690	-£6,496
Amenity Green Space	541	Yes	1,338	Nil	£12,362	£30,573	+£18,211
Parks and Recreation Grounds	595.10	-	0	£62,432	£62,432	£0	-£62,432
Play Space (Children)	54.10	Yes	307	Nil	£10,306	£58,480	+£48,174
Play Space (Youth)	32.46	-	294	Nil	£4,189	£37,944	+£33,755
Natural Green Space	811.50	-	1163	Nil	£18,535	£26,563	+£8,028
Total	2,358.76		3,169	£68,929	£116,010	£155,250	+£39,240

Table 1: Financial values of Proposed Development compared with baseline policy requirement, NNDC's Open Space Calculator (2023).

A table of S106 financial and non-financial contributions expected from the development is set out below.

Contribution Description	Amount (index linked)	Cost Per Dwelling (approx.)	Agreed to be paid by the applicant?
Parks and Receptions Grounds and Allotments (Off-site)	£68,928	£1,969.37	Yes
GIRAMS Tariff*	£7,740.95	£221.17	Yes
Library Contribution	£6,475	£185	Yes
Fire Hydrant (one)	On-site provision	-	Yes
NCC S106 Monitoring Fee	£500 per obligation	-	Yes

*This contribution is mandatory in order to satisfy Habitats Regulations

Assessment of requirements

There are deficiencies of allotments, parks and recreation grounds and youth and child play spaces provision in High Kelling. There are on site contribution requirements for amenity green space and child play space, for which there is an overprovision. There is also on-site provision of youth play space and natural green space, which would usually be required as an offsite contribution. There is a shortfall of allotment, parks and recreation provision, and this forms the basis for the off-site contributions. On balance, Officers consider that limiting the off-site contributions for allotments, parks and recreation space is considered proportionate. This is because of the overprovision of on-site investment and significant overprovision from baseline requirements for child and youth play space and natural green space which would result in a notable benefit. The site is open and accessible for local residents and there are viability constraints of developing the site.

The proposals will offer an appropriate combination of on-site and off-site infrastructure, services, community facilities and open space improvements. However, the scheme does not meet the precise requirements for the development under Policy CT 2 of the Core Strategy and is therefore regarded as a departure from Development Plan policy. Whilst this would weigh against the grant of planning permission, this departure would need to be weighed in the planning balance against other material considerations in favour of the proposal.

7. Landscape

Policy EN 2 seeks amongst other matters to ensure that development be informed by, and is sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area, distinctive settlement character and the setting of, and views from, Conservation Areas.

The proposals are considered to not have a significant detrimental impact on the protected National Landscape especially given the intervening woodland separating the site from the designated area on the north side of Cromer Road.

The site is subject of two Tree Preservation Order's – area Order TPO/16/0917 that extends across the entire site and woodland Order TPO/06/0743 that wraps around the built form of the former care home and is described as mixed broadleaf and conifer species woodland.

The trees contribute to the high arboricultural and landscape value of the site. No trees are proposed to be removed, some shrubs would be lost to accommodate the car parking, but there would be appropriate shrub and tree planting across the site to mitigate this loss. The details set out there would be no dig specifications in the root protection areas for new and upgraded areas of hardstanding for the retained trees. The details set outlined the arboricultural report and considered appropriate and demonstrates there would not be a significant impact on protected trees from the proposed development.

There would be communal play and amenity spaces, dynamic and naturalistic play environments through formal play equipment and interaction with nature. Play environments include western play area including climbing frame, birds nest swing and meadows, southern meadow with trails between wildflowers and a playhouse and open lawn for informal play and sports and eastern grove garden mound slide, play swale utilising natural materials

There would be mixed scrub, ground cover planting, meadow planting, green roofs (cycle and refuse stores), mixed native hedge, in addition to additional tree planting across the site. The tree planting strategy seeks to build on the woodland setting, with areas of copse tree planting, woodland edges and clusters of tree planting to help embed the proposals into the existing woodland setting.

Silver birch and European Hornbeam planting to the northern part to complement existing woodland character. Field Maple along the east west connection across the site with a more uniformed formality to mark and east west route through the site to promote this connectivity. To the south of the site, Horse Chestnut, Beech, Alder Blackthorn, small-leaved lime to the amenity areas

The Landscape Design Report sets out access routes around the site, including pedestrian connectivity to existing PRoWs to the east and west of the site, and the A148 to the north. This will assist in reducing the creation of informal pathways through the surrounding woodlands.

Subject to the imposition of conditions, Officers consider that the proposal would accord with the aims of Core Strategy Policy EN 2.

8. Ecology

The application is accompanied by an Ecological Impact Assessment, a summary of the findings of which is as follows:

- No impacts upon designated sites were foreseen.
- Site habitats primarily comprised of buildings, artificial unvegetated unsealed surfaces, woodland, other neutral grassland and modified grassland/vegetated garden land.
- Bat surveys of the building recorded a maternity roost of common pipistrelle (peak count 31 individuals), five individual day roosts for common pipistrelle (2 locations), soprano pipistrelle (1 location) and brown long-eared bat (2 locations), and a single hibernation roost for brown long-eared bat.
- Nesting wood pigeon and spotted flycatcher were recorded using the building, and a tawny owl nest was recorded within woodland to the northeast of the care home.
- Hedgehog are considered likely to use the site. It was considered there was a low risk of use of the site by badger, reptiles and amphibians.
- Avoidance and mitigation measures are recommended to reduce the risk of harm to habitats and protected species.
- Recommended biodiversity enhancements include the creation of log piles, and the provision of bat (two integrated, three on trees), bird (two swift, one tawny owl) and hedgehog (two) boxes

Officers are generally satisfied with the assessment and recommendations, however the enhancements measures set out in the report are not considered appropriate. It is recommended that a minimum 15 Swift boxes/ bricks are provided, grouped into 3-5 boxes per location. Additionally, no provision has been made for the potential loss of nesting opportunities for Spotted Flycatcher. Officers set out that there should be at least 2 boxes suitable for these to be included as part of the mitigation and enhancement package. These however can be secured through condition of a Biodiversity Enhancement Strategy.

Biodiversity Net Gain (BNG)

The application is subject to mandatory 10% BNG enhancement requirements. In terms of area habitats, the scheme would not result in any loss of 'very high' or 'high' distinctiveness

habitats. The site comprises developed land, introduced shrub, other neutral grassland, other woodland, mixed and modified grassland

More details, justification and clarification have been received following the comments from the landscape section on the habitat types, and Officers are satisfied with the baseline conditions used for the site. The results show that there is potential for the site to achieve a 43.03% net gain in habitat units, meeting the statutory requirements to achieve Biodiversity Net Gain on the site, subject to final details to be secured through standard BNG notes and conditions to secure the BNG requirements

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 North Norfolk by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. It would result in the significant features of the sites being degraded or lost, and these internationally important areas losing significant important areas for birds, plants and wildlife generally and, therefore, their designations. All new net residential and tourism development are required to mitigate the effects of the development.

This Strategy recommends a tariff approach to ensure funds are collected and pulled together to deliver the Recreational Impact Avoidance and Mitigation (RAMS) package proposed. This reflects the entirety of Norfolk including all partner Local Planning Authorities and would see a common tariff amount for all net new dwellings in the county (£221.17) 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.

A Shadow Habitats Regulations Assessment has been carried out, with the only potential pathways of impacts which could not be screened out comprised alone and cumulative recreational impacts, most notably upon North Valley Fens SAC. The Appropriate Assessment considered the provision of natural greenspace onsite and financial contributions towards parks and recreation grounds, combined with the presence of alternative walking areas as close to the site and equally accessible as Norfolk Valley Fens SAC/Holt Lowes SSSI, would minimise the risk of adverse effects on the integrity of these sites. Payment of the GIRAMS tariff would be sufficient to safeguard habitats sites from impacts associated with the proposed development. Officers are satisfied with the assessment and adopts it as its own HRA.

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

9. Flooding and drainage

Core Strategy Policy EN 10 seeks to direct most new development to areas of lower risk of flooding (Flood Zone 1). A site-specific flood risk assessment is required for development proposals of 1 hectare or greater in Flood Zone 1. Moreover, in relation to surface water drainage, the Policy sets out that appropriate surface water drainage arrangements dealing with surface water run-off from the new development will be required.

The site is located within Floodzone 1, with a low probability of flooding, low groundwater flood risk and very low to low surface water flood risk across the site. Safe access/egress is available

at all times. An area intended for proposed parking would be across an isolated low risk area, reflecting an existing shallow depression, which can be raised to adjacent ground level, or vehicles could be moved out of this low flood risk area given the hazard would be very low. The site is suitable for infiltration SUDS such as soakaways and pervious surfaces etc. There would not be an increase in runoff rate or runoff volume as a result of the proposed development.

The development would accord with the aims of Core Strategy Policy EN 10.

10. Energy

Policy EN 6 requires all new development to demonstrate how it minimises resource and energy consumption by and encouraged to incorporate on site renewable energy sources. On developments of 10 dwellings or more (including conversions) there will be a requirement on site renewable energy technology to provide for at least 10% of predicted total energy usage.

Paragraphs 165 - 168 of the NPPF set out that the supply of renewable and low carbon energy production should be supported in decision making and local plans. The local plan and the NPPF support the principle of such schemes that make a positive contribution towards more sustainable energy generation and reducing greenhouse gas emissions.

The application is accompanied by Energy and Sustainability Statement setting out the energy efficiency and sustainable approaches that would be pursued redeveloping the site.

It has been estimated that the proposed development will achieve a reduction of at least 47.7% in the predicted energy usage through fabric and services efficiencies. A further 60.7% reduction through the use on-site low or zero carbon technology in the form of air source heat pumps. This results in a total of 79.4% reduction in energy use.

The proposed redevelopment would incorporate sustainable principles and ensure the delivery of an energy efficient scheme, with on-site renewable energy technology to include solar and air-source heat pumps. Final details to demonstrate policy compliance would be secured via condition.

Subject to the imposition of conditions, the proposal would accord with Core Strategy Policy EN 6.

11. Planning balance and conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise.

The Local Authority cannot currently demonstrate a 5-year housing land supply, which is a material planning consideration in the determination of the application. The tilted balance under NPPF paragraph 11 d) is therefore engaged.

The application will deliver significant material planning benefits including the addition of 35 dwellings. This would make a positive contribution to the Council's current housing supply shortfall. It has been demonstrated that affordable housing is not viable to provide on the site, and it has been sufficiently demonstrated there is no reasonable prospect that the current care home use on the site can be retained. The reuse of the building and bringing a disused site

back into use, whilst addressing the shortfall in the local housing supply, would attract significant positive weight in the planning balance.

There are deficiencies in total open space provision under Policy CT 2, as set out in the report. However, the open space provided on-site within this development and the off-site financial contributions would make a positive contribution to addressing the local deficiencies.

There would also be some modest contributions to the local economy during the construction phase and after occupation, with additional people to support the areas services and facilities. There would be no wider landscape or ecological impacts subject to conditions and delivery of BNG on site, attracting modest positive weight.

Highway safety concerns over visibility limitations are noted, however it is anticipated there would be a reduction in traffic generation by converting the site to residential use as compared with the site when operating as a care home. Members are requested to note that at the time of compiling this report officers await final written confirmation from the Highway Authority is awaited. Subject to written confirmation from the Highway Authority that the proposals would not give rise to unacceptable highway impacts, there could be no reasonable grounds to resist the proposals on highway safety matters under the provisions within paragraph 116 of the NPPF.

When undertaking the planning balance and applying the “tilted balance”, Officers consider that there are no individual or cumulative adverse impacts which significantly and demonstrably outweigh the benefits in this case to indicate that development should be refused. In other words, the proposal would accord with NPPF, para 11 d ii such that the development should be approved.

RECOMMENDATION

DELEGATED APPROVAL subject to:

- 1. No substantive objections being received from the Highway Authority; and**
- 2. The completion of an agreement under section 106 of the Town and Country Planning Act 1990 to secure:**
 - £68,928.00 (index linked) towards Off-Site Parks and Recreation Grounds (£62,432.00) and Allotments (£6,496.00)**
 - £7,740.95 GIRAMs tariff payment (index linked) to ensure that the development would not have an adverse effect on the integrity of the relevant European Sites from recreational disturbance, when considered alone and ‘in combination’ with other development;**
 - £6,475.00 Library Contribution (index Linked)**
 - NCC S106 Monitoring Fee; and**
- 3. The imposition of appropriate conditions including those summarised below (plus any amendments to these or other conditions considered to be necessary by the Assistant Director of Planning); and**
- 4. If the Section 106 Obligation is not completed and the permission is not issued within 3 months of the date of this Committee meeting then the Director for Planning and Climate Change will consider whether the application resolution remains appropriate and in doing so will take account of the likelihood of the Section 106 being completed and permission issued in the near future (i.e. within**

another month) and will consider whether there are any potential / defensible reasons for refusal at that time. If he reaches that view – i.e. that the application should potentially be refused - then the application would be reported back to Committee.

Suggested Conditions:

- Time limit
- Development in accordance with approved plans
- material details
- Landscaping
- Construction management plan
- Refuse and recycling bin storage
- Parking provision
- Details of plant and machinery etc
- Energy consumption reduction scheme
- Ecological mitigation/enhancement measures
- European Protected Species Licence
- BNG Implementation
- Habitat Management and Monitoring Plan
- Tree protection measures
- Notification of commencement for GIRAMS
- External lighting
- Fire hydrant

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FAKENHAM – PF/24/1079 - Erection of a drive-thru restaurant, car parking, landscaping and associated works, including Customer Order Displays at land to the rear of Lidl, Fakenham, NR21 8JG

Minor Development

Target Date: 11.07.24

Extension of Time: 13.03.25

Case Officer: Jamie Smith

Full Planning Permission

RELEVANT SITE CONSTRAINTS

The site is located in the designated Settlement Boundary in planning policy terms

The site is designated as an Employment Area in planning policy terms

The site may contain contaminated land

The site lies within an area considered to have a risk of surface water flooding as defined by the Environment Agency (EA)

The site falls within the Zone of Influence of a number of European sites

The site is location in the Nutrient Neutrality area

RELEVANT PLANNING HISTORY

PF/22/0111 – Lidl, Holt Road, Cromer - Extension to food store with associated car park reconfiguration – Approved.

PF/07/0744 - Former Rainbow Supermarket, Holt Road, Fakenham – Erection of A1 Retail Food store, Non-Food Retail Units and Pharmacy and Associated Access and Services – Approved.

THE APPLICATION

Site Description:

The site is located to the rear of the Lidl supermarket car park off Holt Road, Fakenham. It is currently fenced off and unused, albeit with an extant 2007 planning permission covering the site. Industrial/commercial land uses, including buildings are present immediately adjacent to the eastern and western boundaries of the site, and further south. There is a section of land to the north of the site for which planning permission for an extension to the existing Lidl store including increased car parking provision was granted in 2022 (PF/22/0111).

Proposal

This application proposes a new McDonald's restaurant and drive-through. The restaurant would comprise a single storey building with drive-through lanes, customer parking, landscaping and associated works including customer order displays (COD). Access would be via the existing access to Holt Road serving the Lidl store. Holt Road is one of the main routes into Fakenham town centre.

The site has an area of approximately 0.7 hectares and the proposed building would have a gross external floor area of 377 sqm (GIA 356sqm), with a dining area of approximately 92 sq. metres. Fifty-five car parking spaces are proposed to include 2 accessible spaces and 2 grill bays (waiting bays for takeaway if food is not ready). Ten cycle parking spaces and 2 EV charging bays are also proposed.

The restaurant will provide 79 seats for customers, with take-away available from both the counter and the drive-through lane. A patio area with external seating is proposed to the side of the building.

Cycle and pedestrian access points have been included within the design, to ensure the safe passage from the surrounding footpath network.

REASONS FOR REFERRAL TO COMMITTEE

The application has been referred to committee at the request of Cllr Liz Vickers for the following reasons:

- The application raises considerations relating to, noise, disturbance and traffic/pedestrian danger. It has attracted representations raising competing issues.

HUMAN RIGHTS IMPLICATIONS

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 above matters, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity 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.

CONSULTATIONS

Fakenham Town Council: No objection but concerns regarding potential highways issues and traffic along Holt Road, especially speeding, the route through the car park and impact on shoppers parking for Lidl as well as concerns over additional litter.

Economic and Tourism Development Manager. Support - economic benefits are recognised and would be derived by such a proposal, in particular the creation of permanent jobs as well as jobs in the construction phase. It is also recognised that the area to the rear of Lidl is not in use at present, therefore, the redevelopment of the land for commercial usage would be an improvement on its current usage.

Environmental Health: No objection regarding odour control, litter management, CEMP,

lighting and noise (associated with deliveries, collections, reversing alarms, plant, machinery and customer noise), subject to appropriate conditions. An objection would remain if 24-hour opening was proposed.

Landscape (NNDC): No objections, subject to conditions.

Planning Policy Manager NNDC. No objection - having regard to the existing permissions on site, the scale of the proposal and emerging Local Plan (ELP) policy, including limited availability of specific sites identified in the ELP and, the sequential test which is considered proportionate for the application at this time.

County Council Highways (Cromer): No objection, subject to conditions.

NCC Flood & Water Management (LLFA) – No comments – as the development is below the size threshold.

Norfolk Fire and Rescue Service. No objection - require a minimum of one fire hydrant to be installed, in a location agreed by Norfolk Fire & Rescue Service to ensure adequate firefighting water provision.

REPRESENTATIONS

Four representations received raising **objections** on the following summarised grounds:

- Increase in traffic and impact upon road safety.
- Increase in lorry deliveries.
- Increase in pollution and air quality.
- Speeding.
- Increase in potential accidents due to increased traffic, to include junctions at Holt Road and Greenway Lane.
- Risk to pedestrian safety.
- Increase in light pollution.
- Increase in noise and odour impacts.
- Increased litter.
- Increased signage would increase visibility.
- Potential for flooding due to increased hard surfacing.
- Out of town fast food restaurant would not benefit the town centre.
- Impact on existing small business, competition.
- Direct impact on properties adjacent the site.

RELEVANT PLANNING POLICIES

North Norfolk Core Strategy (September 2008):

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 5: Economy

Policy SS 6: Access and Infrastructure

Policy SS 8: Fakenham

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

Policy EN 4: Design

Policy EN 6: Sustainable Construction and Energy Efficiency

Policy EN 9: Biodiversity and Geology

Policy EN 10: Development and Flood Risk
Policy EN 13: Pollution and Hazard Prevention and Minimisation
Policy EC 5: Location of retail and commercial leisure development
Policy CT 2: Developer Contributions
Policy CT 5: Transport Impact of New Development
Policy CT 6: Parking Provision

Material Considerations:

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 6: Building a strong, competitive economy
Chapter 7: Ensuring the vitality of town centres
Chapter 8: Promoting healthy and safe communities
Chapter 9: Promoting sustainable transport
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment

Other material documents/guidance:

Emerging North Norfolk Local Plan
Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy -
Habitats Regulations Assessment Strategy Document (2021)
Natural England's letter to local authorities relating to development proposals with the potential
to affect water quality resulting in adverse nutrient impacts on habitats sites (March 2022)

OFFICER ASSESSMENT

Background

The site is located to the rear of the Lidl car park. The existing Lidl store was granted planning permission through application (PF/07/0744). This also included permission for the erection of three retail units on what is the current application site. These have not been constructed, but as the Lidl store forming part of permission has been constructed, the permission remains extant such the retail units could still be built. The total floorspace of the three units is 1,545 sq. metres.

The extant permission for the three retail units is a material consideration to which significant weight should be attached particularly as the overall floorspace is three times more than that currently proposed.

Main Issues for consideration:

- 1. Principle of Development**
- 2. Impact upon Character and Appearance and design**
- 3. Access, Parking and Highways Safety**
- 4. Ecological Impacts**
- 5. Arboricultural impacts**
- 6. Environmental Considerations (including Residential Amenity, Litter, Noise and Odour)**
- 7. Flood Risk**
- 8. Renewable energy**
- 9. Conclusion and planning balance**

1. Principle of development

The site is situated within the settlement boundary of Fakenham, which is defined as a Principal Settlement under Core Strategy (CS) Policy SS 1 which sets out the spatial strategy for the District. Principal Settlements are considered to be the most sustainable settlements within the spatial strategy and, therefore, are to be the focus of the majority of residential and commercial growth through the plan period.

The site is allocated as an Employment Area within the adopted CS. CS Policy SS 5 states that in Employment Areas only employment generating proposals will be permitted. 'Employment generating development' is defined within footnote xviii of CS Policy SS 5 as being 'use class B1, B2, and B8, petrol filling stations, car / vehicle hire, the selling and display of motor vehicles and builder's yards'. Proposals for other industrial, business, or commercial uses will be considered on their merits in accordance with relevant plan policies.

CS Policy SS 8 considers the context of Fakenham and how it sits within the settlement hierarchy for North Norfolk, where the fourth bullet point of the policy stating that '*approximately 52 hectares of land already in use for employment purposes will be identified and retained for employment generating development and a further 7 hectares will be made available as part of the northern expansion of the town*'. Whilst CS Policy SS 8 does not specify the Use Classes which would make up 'employment generating purposes', it is considered that as this cross-refers to CS Policy SS 5 the definition of employment generating purposes is considered to be those within Class B of the Town and Country Planning (Use Classes) Order 1987 (as amended).

This is complimented by the supporting text at paragraph 2.7.18 of CS policy SS 5 which states: '*Given the strategic location of Fakenham, it is anticipated that the Fakenham area will enjoy continued economic growth in the future. The Core Strategy proposes significant new housing at Fakenham and this requires the provision of additional employment land to support the balanced development of the town*'.

This proposal is for a restaurant with a drive through and does not fall within a specified Use Class. Although the proposal will create jobs and will be located on a designated Employment Area, as they would not be jobs associated with a Class B use, the proposal does not strictly comply with CS Policies SS 5 and SS 8. The proposal therefore represents a departure from the Development Plan.

Whilst the proposal represents a departure from the Development Plan, the site at present has extant permission for retail units as referred to above, which is a significant material consideration in this respect as those units would not be used for purposes within Class B

Sequential Test

The proposal for a restaurant with drive-through is defined as a commercial leisure facility within footnote xlix of CS Policy EC 5. Paragraph 3.4.17 of CS Policy EC 5 states that Fakenham is considered one of the most appropriate locations for large scale leisure development in the district. This proposal is for approximately 377 sq. metres. of new floor space. In accordance with paragraph 91 of the NPPF and CS Policy EC 5, there is a requirement to undertake a sequential assessment to determine whether there are any sequentially preferable sites to accommodate the proposed development. The order of priority is set out in the NPPF and comprises of the Town Centre first, then Edge of Centre, and finally, an accessible location out of centre. It is considered that the application site is an accessible location, out of centre.

Whilst it is acknowledged that this proposal would therefore be a departure from CS Policy EC 5, in that the site is outside of Fakenham's town centre, it is further stated in the policy that a departure from this must demonstrate the following:

- *A need exists within the catchment area for the scale and type of development proposed; and*
- *No sequentially preferable site is available, suitable and viable (starting with town centre, edge of centre sites, then out-of-centre locations); and*
- *The proposed development would not have a significant adverse impact on the vitality and viability of existing town centres or nearby service villages or coastal service villages; and*
- *The proposed development would be accessible by a choice of means of transport including public transport, walking, cycling and the car.*

It should be noted that the first and the third criterion above as set out in CS Policy EC 5 are not in strict conformity with the guidance contained in the NPPF. As a result, in considering any proposal for the site regard must be had to Chapter 7 of the NPPF.

In regard to 'need' in the first criterion above, Planning Policy Statement 6 (now withdrawn) set out that a Needs Assessment would be required to support the application of retail and leisure proposals looking at both quantitative and qualitative considerations. This assessment of need was not carried forward into the NPPF.

In relation to the impact of new leisure and retail applications, the NPPF now sets a default threshold in Paragraph 94 of 2,500sq.m. This application falls far short of this threshold and would therefore not need to demonstrate impact. It should also be noted that the emerging North Norfolk Local Plan (NNLP), to which only very limited weight can be given currently, is proposing an even lower threshold of 1,000 sq. m for Fakenham within Policy E4, which the current proposal fall well below.

Footnote *liv* of CS Policy EC 5 refers to the sequential test being undertaken in accordance with PPS6 giving priority to Town Centre, followed by Edge of Centre, then Out of Centre Sites. Following the adoption of the CS, the Government published the NPPF with Paragraph 91 of the current version stating that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre, nor in accordance with an up-to-date plan. This proposal would fall within the definition of being a 'Main Town Centre Use' as defined within the glossary of the NPPF.

In accordance with the NPPF, there is a requirement to undertake a sequential assessment to determine whether there are any sequentially preferable sites to accommodate the proposed development. The order of priority is set out in the NPPF and comprises of the Town

Centre, Edge of Centre, and accessible location out of centre. It is considered that the application site is an “accessible location out of centre”.

The application is supported by a Sequential Assessment (April 2024) in order to demonstrate compliance with national policy. The Assessment only considers sites which are suitable and can accommodate the whole of the development proposed - in this case, sites that will provide a total 377sq. metres of gross floorspace with associated car park and drive through-lane.

Whilst the Assessment places emphasis on the Local Planning Authority for identifying other sites, as set out in national guidance, it is for the applicant to demonstrate that the requirements of the sequential test have been met. Officers, have however, considered the proposal and acknowledge that equivalent town centre sites for the proposal are limited and mainly comprise of existing town centre car parks, which may not be available or suitable to remove from town centre car parking provision. It is also observed that the existing retail site allocation in the centre of Fakenham town centre (ROS6) within the Core Strategy has not been carried forward into the NNLP. Additionally, land close to the River Wensum, which is a Special Area of Conservation (SAC), could be unsuitable for development. National Planning Practice Guidance goes on to advise that the application of the test will need to be proportionate and appropriate for the given proposal and in line with paragraph 92 of the NPPF. Only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

In terms of location, the site is considered to be ‘out of centre’ but is contained within the existing urban area and the existing development boundary. The applicant’s Assessment provides a breakdown of the retail impacts and requirements set out in national policy including the floor area. This states that the dining/ancillary public area is 129 sq.m while the back of house will measure 227 sq.m. The 2017 Retail study identified at the time, a projection of up to 228 sq. metres of food and beverage floor space which could be supported by expenditure growth. Essentially, this is a projection of future capacity for food and beverage floor space within Fakenham, where the proposed development would contribute to this.

The Assessment indicates that no alternative sites within and on the edge of the town centre are available. Officers agree with this conclusion and on that basis, the sequential test is considered to be passed.

In terms of other material planning considerations, the extant planning permission for three retail units carries significant weight for the provision of floorspace not falling within Class B that could be built on what is a designated Employment Area.

The application states that up to 120 jobs would be created which has been supported by the Council’s Economic Growth Team on the basis of the level of employment offered. This proposal would, therefore, provide a significant economic benefit to the town and to the wider district in terms of the number of jobs created.

The application has also made the case that disaggregation, i.e. the splitting up of the site, would not be appropriate in this case and this is supported by case law. Further, it is stated, in paragraph 4.6 of the Sequential Assessment, that the drive-through element of the development accounts for on average 50% of all transactions. In this case, it is considered that disaggregation of the site for the purposes of the Sequential Test would not be appropriate.

Summary of the principle of development

A drive through restaurant is considered a Main Town Centre Use (as defined in the glossary of the NPPF). It would therefore represent a departure from the Development Plan, in particular CS policy SS 5 in terms of the provision of drive through restaurant on land designated for B class employment uses. However, a sequential assessment has been provided where the proposed site has been considered sequentially acceptable. Additionally, weight must be attached to the extant retail permissions on site.

Whilst it is acknowledged that the proposal does represent a departure from the Development Plan, it is considered that the applicant has satisfactorily demonstrated that disaggregation of the uses or building proposed should not be applied in this case and, on this basis, it is considered there are no sequentially preferable sites. In addition to this, the proposal would result in the creation of up to 120 jobs for the community.

It is therefore considered that; the economic benefits of the scheme and the extant permission are sufficient to outweigh the loss of designated employment land.

2. Impact on character of the area and design

Paragraph 131 of the NPPF states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. CS Policy SS 4 requires all development proposals to contribute to the delivery of sustainable development, ensuring protection and enhancement of natural and built environmental assets and geodiversity. Open spaces will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged.

CS Policy EN 4 also requires all development to be designed to a high quality, reinforcing local distinctiveness. Innovative and energy efficient design will be particularly encouraged. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

Industrial land uses, including buildings, are present immediately adjacent to the eastern and western boundaries, and further south of the application site.

The application proposes a more contemporary structure that would sit comfortably within an area consisting of other more modern and industrial/commercial buildings. The form of the development is considered to respond to the context of the area, and it is considered that the proposed building is appropriate in terms of general form and scale and as such would be appropriate in the site's context. The proposed materials are a combination of timber vertical cladding, horizontal grey cladding and grey brick, which is the applicant's general corporate approach to its developments.

It is considered that the scheme complies with the requirements of CS Policies SS 4 and EN 4.

3. Access, parking and highway safety

New development will need to be appropriate in terms of highway safety and infrastructure having regard to the NPPF. Paragraph 109 of the NPPF sets out that transport matters should be considered from the earliest stages of development proposals so that, amongst other matters, the potential impacts of development on transport networks can be addressed, opportunities to promote walking, cycling and public transport use are identified and pursued, and the environmental impacts of traffic and transport infrastructure can be identified,

assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.

Paragraph 116 of the NPPF states that “*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts, following mitigation on the road network would be severe*”.

CS Policy CT 5 states 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 location.
- 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.

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

Comments have been received from the Highway Authority in response to consultation. These comments have considered the effects of the proposed development and also have regard to the extant planning permission (PF/07/0744) and the for the three retail units totalling an additional 1545 sq. metres of floor space. Although not built out, they could still be and as such would generate additional traffic and vehicle movements at nearby junctions. Off-site highways improvement works have been proposed, namely dropping kerbs and tactile paving adjacent to the site including a proposed kerb build out which will improve safety for pedestrians crossing Greenway Lane.

The Highway Authority, therefore, have no objection to the proposals on highway safety grounds and consider that the proposal would not affect the current traffic patterns or the free flows of traffic.

The parking provision proposed would comply with the current adopted standards in Appendix C, of the CS.

It is therefore considered that the proposal is in accordance with CS Policies CT 5 and CT 6 of the Core Strategy.

4. Ecological Impacts

Paragraph 187 of the NPPF identifies the need to enhance the natural and local environment through a number of objectives including minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 193 advises local authorities to ensure that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

CS Policy SS 4 states that areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged.

CS Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife.

CS Policy EN 9 States that all development should protect the biodiversity value of land and buildings and minimise the fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Proposals which cause a direct or indirect adverse effect to nationally designated sites, other designated areas or protected species will not be permitted unless:

- they cannot be located on alternative sites that would cause less or no harm;
- the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats and prevention, mitigation and compensation measures are provided

It appears that the site has remained vacant since the demolition of the Rainbow Supermarket to make way for the Lidl store which was approved in 2008 and as such, has lain way to scrub and trees now being present on this former site. Priority Habitat Deciduous Woodland lies adjacent to the east of the site. The application has been supported by a Preliminary Ecological Appraisal Report (PEAR) (April 2024), a Reptile Survey Report (July 2024), and a Bat Activity Survey Report (September 2024).

Officers raise no objection on ecology grounds subject to the imposition of appropriate conditions requiring mitigation and enhancement measures for biodiversity as detailed in the Ecology Report. It is therefore considered that the scheme would accord with the requirements of Policies SS 4 and EN 9 of the Core Strategy and Section 15 of the NPPF.

Biodiversity Net Gain (BNG)

The application is supported by a completed copy of the Council's Biodiversity Gain Statement (BGS) template and Statutory Metric. The proposed development is subject to mandatory Biodiversity Net Gain. The Council's Landscape Officer has confirmed that they are satisfied with the baseline calculations. The requirement to meet the 10% net gain will be secured through the statutory biodiversity gain condition which requires submission of a Biodiversity Gain Plan and Habitat Monitoring and Management Plan.

Nutrient Neutrality

This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations).

The proposal will not result in additional overnight accommodation and is located outside the catchment areas of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site and does not involve foul or surface water drainage into those catchment areas. As such, it is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

Demonstration that the development is nutrient neutral is not required and as such the proposals comply with CS Policies SS 4 and EN 9

5. Arboricultural Impacts

CS Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries. CS Policy EN 9 seeks to maximise opportunities for restoration, enhancement and connection of natural habitats.

Paragraph 187 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside, including the benefits associated with trees and woodland.

There are a number of shrubs/small trees within and around the site which could be impacted upon as a result of the proposed development. The application has been submitted with a Tree Survey (dated April 2024), including an Arboricultural Method Statement and Tree Protection Plan. The conifer hedgerow along the east of the site which is considered important is also being retained as a green link from the woodland site to the south. Subject to the imposition of appropriate conditions to protect retained trees, the scheme is considered to comply with CS Policies EN 2 and EN 9.

6. Environmental considerations (including residential amenity, litter, noise and odour)

CS Policy EN4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers.

CS Policy EN13 states that proposals will only be permitted where, individually or cumulatively, there are no unacceptable impacts on; the natural environment and general amenity; health and safety of the public; air quality; surface and groundwater quality; land quality and condition; and the need for compliance with statutory environmental quality standards.

Paragraph 3.3.10 of the North Norfolk Design Guide states that existing residents should also be kept free from excessive noise and unwanted social contact.

Noise

Noise Assessments have been submitted as part of the application which have considered noise from fixed plant and equipment, drive through and car parking activity, customer noise (car, shouting, music), deliveries and collections. The Environmental Health Officer has confirmed that the information contained within the noise assessments is now satisfactory and adverse impact from noise is unlikely.

Environmental Health however remained concerned regarding the potential for detriment to residential amenity from increased activity resulting from traffic and people visiting the area at

night, using their own transport, on foot and their presence in the vicinity of residential dwellings if the development was proposed to be open on a 24-hour basis.

The agent has confirmed that they would agree to restrict the operating hours to between 6 am to 12 midnight, 7 days a week to alleviate these concerns regarding the impact of noise on nearby residential properties.

On that basis the following conditions are recommended.

- Opening hours for the public restricted to the hours of 06:00 to 00:00 Monday to Sunday.
- Servicing (delivery and waste collection) shall be restricted to the hours of 06:00 to 00:00 Monday to Sunday with no deliveries or waste collection on Sundays and Bank / Public Holidays.
- Any additional ventilation, air conditioning, refrigeration or mechanical extractor system or any plant equipment to be installed will need to specify measures to control noise/dust/odour.

Subject to the above conditions it is considered that the proposal is in accordance with CS Policy EN 13.

Air Pollution and Odour

An Odour Control Assessment was submitted as part of this application. The assumptions set out within the Air Quality Assessment are supported by Environmental Health Officers who raise no objections to the proposal, subject to a condition requiring details of the kitchen extractor system (to include measures to control odour from it) to be approved:

In regard to air pollution and odour, it is therefore considered that the proposal is in accordance with CS Policy EN 13.

Litter

Concern has been raised with regards to the issue of litter. The applicant has set out that a Litter Management Plan will be set up prior to the restaurant first opening and this will then be reviewed on a weekly basis for the first four weeks and then every six months or sooner if necessary. Store Managers will take the following steps in regard to litter management.

- Get to know the area around the restaurant
- Assess needs – where litter is building up in a minimum of 100m around the restaurant
- Plan and document – Set out the route and frequency of patrols
- Implement Patrols- schedule crew on a shift basis and provide the necessary equipment to undertake the patrols.
- Review the litter plan every 6 months or sooner if there is a major change.

It is set out that patrols will usually take place three times a day. All litter will be removed from within the site boundary and all McDonald's litter will be removed from the litter patrol area. In addition to this, the proposal sets out that a total of 10 bins will be provided across the application site.

Subject to conditions requiring that the Litter Management Plan is carried out, it is considered that the proposal would be in accordance with CS Policies EN 13.

Planning Obligations

Additionally, in accordance with CS CT 2, the agent has confirmed that they are willing to enter into a legal agreement to provide a financial contribution towards the provision of litter bins including maintenance / emptying for 15 years (outside of the application site). Officers are awaiting confirmation from the Environmental Protection Officers in respect to the quantity of

bins, monies and location. The Committee will be updated orally in respect of the financial contribution expected.

Lighting

The lighting design uses combination of 11 LED luminaires on 5m high columns which are set at zero degrees and 12 LED bollards which are 1.1m high. The correlated colour temperature (CCT) adopted for this site is 2700K for the luminaires and 3000K for the bollards. This provides the correct mitigation measures for the known bat corridor directly over the eastern boundary.

Environmental Health Officers raised concerns regarding the assessment of vertical lighting and the potential impact upon neighbouring properties. As a result of this, the applicant submitted an updated Lighting Report that looked at both horizontal and vertical lighting and no concerns were highlighted in reference to nuisance from artificial lighting. Environmental Health no longer raise any objection to the proposal in regard of light pollution. As such this design is not envisaged to impact on residential amenity. Additionally, the Landscape Officer raises no further concerns in relation to impacts upon ecology and lighting. A condition is suggested relating to this scheme and its implementation.

It is considered that the proposal is in accordance with CS Policy EN 13.

7. Flood Risk and Drainage

CS Policy EN 10 requires that appropriate surface water drainage arrangements for dealing with surface water run-off should be submitted with applications for new development. The use of SuDs will be preferable unless, following an adequate assessment, soil conditions and/or engineering feasibility, dictate otherwise. Consequently, SuDs have also been recommended in new development by the Lead Local Flood Authority.

The proposed use falls within the NPPF definition of a 'less vulnerable use' and is situated within Flood Zone 1. It is also noted that the site is proposed under 1ha in size. EA mapping shows that surface water flooding exists on land to the south of the site and on the Fakenham Road to the north of the site. The drainage strategy submitted with the application states that there is a very low risk of surface water flooding and limited potential for ground water flooding.

The Drainage Strategy recommends that Sustainable Drainage Systems be used particularly the use of permeable paving around the proposed building, and also on car park and drive-through. The Drainage Strategy proposes a ground infiltration with an overflow into a basin. Foul water will connect to the mains and no flooding from foul water is expected. The sustainable surface water drainage system is designed to accommodate a 1:100-year event plus the appropriate climate change allowance for this site without flooding

It is considered that the proposal is in accordance with Policy EN 10 of the adopted Core Strategy

8. Renewable Energy

CS Policy EN 6 states that new development will be required to demonstrate how it minimises resource and 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 regard should

be given to the North Norfolk Design Guide in consideration the most appropriate technology for the site.

It is proposed to provide PV panels on the roof of the proposed building, along with the provision of an air source heat pump. Additionally, the building will be constructed with improved building fabric and air permeability compared to the minimum standards in the current Building Regulations, including water efficiency saving measures, amongst other sustainability credentials. This approach is considered to be consistent with CS Policy EN 6. A condition requiring the provision and maintenance these measures is recommended.

9. Conclusion and Planning Balance

The site forms part of a designated Employment Area. Policy SS 5 seeks to retain land in such an area for Class B1, B2 and B8 uses. The proposal is therefore a departure from the Development Plan. Notwithstanding this, the site has an extant permission for retail units, and it has been demonstrated that sequentially there are no suitable alternative sites within Fakenham that could accommodate the proposed scheme.

Furthermore, the proposed application would create more than 120 additional full and part time jobs and that this could potentially be more than or equal to B Class uses and also offer linked-trips and benefits to nearby businesses. Similar to the Cromer store, these consist of staff within the restaurant, supply chain and jobs within the wider area. There are therefore clear economic benefits that would be delivered by the scheme proposed.

The Highway Authority raise no objection in terms of parking, nor wider highways issues.

The Environmental Health Officer raises no objections regarding impacts upon light and odour. The operating hours have also been restricted to alleviate concern regarding the impact of noise on nearby residential properties.

In undertaking an overall balance of the competing aspects of the proposal, it is considered that the identified policy conflict would be outweighed by the economic benefits and other material considerations in favour of the development. Therefore, APPROVAL of the application is recommended.

RECOMMENDATION:

APPROVAL subject to:

- 1. The completion of an agreement under section 106 of the Town and Country Planning Act 1990 to secure:**
 - **The provision of off-site litter bin(s)** [Quantity to be confirmed] **and a financial contribution towards the cost of maintenance / emptying the off-site bins for 15 years** [Financial contribution to be confirmed]
- 2. The imposition of appropriate conditions including those summarised below (plus any amendments to these or other conditions considered to be necessary by the Assistant Director of Planning); and**
- 3. If the Section 106 Obligation is not completed and the permission is not issued within 3 months of the date of this Committee meeting then the Director for Planning and Climate Change will consider whether the application resolution**

remains appropriate and in doing so will take account of the likelihood of the Section 106 being completed and permission issued in the near future (i.e. within another month) and will consider whether there are any potential / defensible reasons for refusal at that time. If he reaches that view – i.e. that the application should potentially be refused - then the application would be reported back to Committee.

Suggested Conditions:

1. Time limit to three years
2. To accord with the approved plans
3. External materials
4. In accordance with the hard and soft landscaping plan
5. In accordance with the landscape management plan
6. On site car parking etc.
7. Offsite improvement works
8. Accord with the Arboricultural Impact Assessment
9. Retain eastern hedgerow at a minimum 3 m.
10. Submission of a CEMP (Biodiversity)
11. In accordance with Biodiversity Enhancement Plan
12. Method statement to control *Cotoneaster horizontalis* and *Buddleia davidii*.
13. BNG
14. Kitchen Extract Systems
15. Noise/ dust/ odour control
16. Contamination
17. Opening hours for the public
18. Hours of Servicing
19. Construction hours
20. Litter Management Plan
21. Solar panels
22. External lighting
23. In accordance with Drainage Strategy
24. In accordance with the Construction Management Plan
25. Provision of a fire hydrant

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SHERINGHAM – PF/24/2541 - Proposed change of use from a shop (Class E) to a hot food takeaway (no specified use class), installation of extraction flue at Shop 1, 37 High Street, Sheringham, Norfolk, NR26 8DS

Other Minor Development

Target Date: 31.03.2025

Extension of time: 31.03.2025

Case Officer: Miss Isobel McManus

Full Planning Permission

RELEVANT SITE CONSTRAINTS:

Within Sheringham's designated Town Centre Within a Primary Retail Frontage which runs from 27 High Street to 13-15 Station Road

Within a Primary Shopping Area

Within Sheringham's designated Settlement Boundary

Within Sheringham Conservation Area

RELEVANT PLANNING HISTORY:

IS1/22/2621: Proposed change of use from a shop (Class E) to a hot food takeaway (no specified use class) - Advice Given (for pre-apps)

Whilst not part of the planning history of the application site, the recent decision relating to planning application PF/24/1827 is relevant given the similar circumstance being also for a hot food takeaway at a property very close by at 10 Church Street (85 metres away) which is also within the Town Centre and Primary Shopping Area.

That application was refused by the Development Committee contrary to the officer recommendation to approve it at its meeting on 14 November 2024 for the following reason:

The Local Planning Authority considers that the proposed change of use would result in harm to the vitality and viability of Sheringham Town Centre through the loss of a retail unit within the Primary Retail Frontage Area and would result in an over concentration of hot-food takeaways within this designation contrary to the aims of adopted North Norfolk Core Strategy Policy EC5.

Furthermore, the proposed change of use and associated operational activity would be considered detrimental to the amenity of the occupiers of the residential flats above the development contrary to the aims of Policy EN 4 in respect of protecting residential amenity.

THE APPLICATION:

Site description

The site is occupied by a two-storey terraced building within the town centre of Sheringham. The current ground floor has a Use Class E and the first floor is a two bedroom residential flat. The site is situated within the Sheringham Conservation Area. The site is accessed off the high street to the west. The site is adjoined by a charity shop (use class E) to the south and a gelato and coffee café (use class E) to the north.

Proposal

The application seeks permission for a change of use from a shop (Class E) to a hot food takeaway (no specified use class) and the installation of an extraction flue to the rear roof slope of the building. It would project approximately 2 metres above the roof itself with the top sitting very slightly lower than the ridge. It would sit approximately 7 metres back from the front elevation.

REASONS FOR REFERRAL TO COMMITTEE:

At the request of the Assistant Director – Planning on the following basis:

“While Council Officers will be recommending refusal of this application (PF/24/2541), the recommendation is for different reasons than those used when a similar(ish) application (PF/24/1827) was refused for a site on Church Street, Sheringham at a recent Committee meeting (on 14th November 2024).

That application (PF/24/1827) was called in by Councillor Withington – and that was an instance where Council Officers had recommended approval of the application.

As a consequence of the above it is considered appropriate for the Committee to also consider this current application (PF/24/2541)”.

CONSULTATIONS:

Sheringham Town Council: Object. Their comments in summary are:

- The application is contrary to the Guidance from Public Health England supporting environments that contribute to healthy lifestyles and reduces obesity.
- There are already circa 40 food outlets in Sheringham, object to the further proliferation of hot food takeaways in Sheringham.
- Issues with car parking posing safety and nuisance issues.
- Property unsuitable in size with lack of outdoor space for refuse collection, impractical to install a flue without impacting on neighbours.
- Noise and odour will impact on neighbouring residents.
- Thought to be a high risk of an unacceptable high level of litter generated.
- In the Town Council’s response to NNDC planning policy consultation in 2019, of the two general points made, one was that the Town Council were keen for the policy to limit the development of floorspace for food and beverage.
- Would be pleased to see the currently vacant retail outlet returned to use but a hot food takeaway is the least attractive proposition.

North Norfolk District Council Conservation and Design: Object. The comments in summary are:

Concern that the position and size of the proposed flue will make it overly prominent from High Street and in turn have a negative visual impact on the character and appearance of the Conservation Area. This would result in a degree of harm at the lower end of the ‘less than substantial’ scale paragraphs 213 and 215 of the NPPF require any degree of harm to a designated heritage asset to be supported by clear and convincing justification in addition to being outweighed by any public benefit the scheme may offer. Whilst there may be limited options for arranging the internal space and the ducting for the extract system, if the flue could be situated further across the roof slope it would help to reduce its visibility from the

street. It should also be given a dark finish to help ensure that where it might be visible it is at least recessive.

North Norfolk District Council Environmental Health: No objection subject to a condition regarding the installation and maintenance of the extraction system. The comments in summary are:

Welcome the provision of the detailed noise and odour reports and the controls outlined therein.

Provided that the extract system and abatement is installed and maintained as submitted there are no objections.

Norfolk County Council Highways: No objection. The comments in summary are:

Would not affect current traffic patterns or the free flow of traffic

REPRESENTATIONS:

Two received **OBJECTING** on the following summarised grounds:

- Amenity – odour and noise due to the location of the flue being adjacent to residential properties and businesses.
- Proposal would be detrimental to a balanced thriving town.
- Refuse access is down a private right of way. Refuse would create a vermin problem.
- Current drains struggle, the additional waste created as a result of the proposal would cause drain issues.

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 5 Economy
Policy SS 12 Sheringham
Policy EC 5 Location of retail and commercial leisure development
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 13 Pollution and hazard prevention and minimisation
Policy CT 5 The Transport Impact of New Development
Policy CT 6 Parking Provision

Material Considerations:

National Planning Policy Framework

Chapter 2 Achieving sustainable development
Chapter 4 Decision-making
Chapter 6 Building a strong, competitive economy
Chapter 7 Ensuring the vitality of town centres
Chapter 8 Promoting healthy and safe communities
Chapter 12 Achieving well-designed and beautiful places

OFFICER ASSESSEMENT:

MAIN ISSUES FOR CONSIDERATION:

1. Principle of development
2. The external appearance of the proposed development and its effect on the character and appearance of the conservation area
3. The effect on the living conditions of the occupiers of adjacent dwellings
4. Highways

1. Principle of development

Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The application site is located within the designated Settlement Boundary of Sheringham, which is classed as a Secondary Settlement for the purposes of the spatial strategy set out in Core Strategy (CS) Policy SS 1. Policy SS 5 sets out a retail hierarchy to guide decisions on the scale of new retail and leisure developments that will be permitted with Sheringham having a "Small Town Centre" for the purposes of the policy. The site is within the designated Town Centre, a Primary Shopping Area (PSA) and a Primary Shopping Frontage (PRF). It is a location where new main town centre uses including hot food takeaways are considered acceptable in principle.

The proposal is for the change of use from a shop to a hot food takeaway (which does not fall within a specified use class). Following amendments to the Town and Country Planning (Uses Classes Order) 1987 in 2021, the existing lawful use of the property as a shop now falls within Class E(a) whereas previously it was within Class A1. Hot food takeaways were previously with Class A5.

Policy EC 5 states Primary Shopping Areas and Primary Retail Frontages are defined in order to concentrate retail development in central areas of towns and to protect shopping areas. Within Primary Retail Frontages as defined on the Proposals Map, proposals that would result in more than 30% of the defined frontage being used for non-A1 uses (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) will not be permitted.

The weight given to the restrictive aspect of this policy has become diminished following changes to the Use Classes Order and The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) which has allowed more flexibility between use classes and changes of use. As of September 2020, a number of categories of uses within Class A were brought into a new Use Class E. Classes A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure) are now all within Class E and they can change between the different uses within it without the need for planning permission.

Whilst the site does lie within a Primary Retail Frontage, it is considered that the intention of the recent changes to the Use Classes Order was to enable greater flexibility in terms of changes of use within town centres. As such it is considered that only very limited weight should now be attached to this part of the policy.

Notwithstanding this, even if significant weight were to be attached to the 30% restriction of Policy EC 5 then the proposal would not conflict with the aims of Policy EC 5. The table below shows that there are 16 shopfronts in the Primary Retail Frontage within which the property is located, two of which are not within Class E (or what was previously Class A). Whilst approval of the proposal would increase the number to 3, this would be below the 30% limit which equates to 4.8, rounded to 5 – the proposal therefore complies with the policy.

Table 1 Breakdown of the use classes within the relevant Primary Retail Frontage (PRF) area.

No.	Unit	Use Class E	Sui Generis
1	Public House		x
2	Estate agent	x	
3	Post Office customer services point	x	
4	Newsagent	x	
5	Gift shop	x	
6	Cafe	x	
7	Coffee shop	x	
8	Bank	x	
9	Pizza restaurant	x	
10	Gift Shop	x	
11	Charity Shop	x	
12	Hot food takeaway (as proposed)		x
13	Cafe	x	
14	Toy shop	x	
15	Optician	x	
16	Hot food takeaway		x
TOTAL		13	3

As noted in the representations, Public Health England have published guidance on how to use the planning system to promote healthy weight environments. With hot food takeaways now not within a specified use class, there is scope for local authorities to have greater control, through using the planning application process, to prevent the proliferation of hot food takeaways. The Planning Practice Guidance (PPG) also supports actions, such as the use of exclusion zones, to limit the proliferation of certain unhealthy uses within specified areas such

as proximity to schools and in areas of deprivation and high obesity prevalence. However, within the context of North Norfolk there is no current policy basis upon which to reject proposals on such grounds within either the current Core Strategy, nor the emerging policies with the North Norfolk Local Plan. There is also not a planned Supplementary Planning Document relating to these issues.

Overall, it is considered the principle of the proposed change of use is acceptable and in accordance with CS policies SS 1, SS 5 and EC 5.

2. External appearance of the proposed development and its effect on the character and appearance of the conservation area

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.

CS Policy EN 8 states that development proposals, including alterations and extensions, should preserve or enhance the character and appearance of designated assets through high quality, sensitive design.

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 Sheringham Conservation Area and as such the statutory duty imposed by Section 72 is engaged.

Paragraph 212 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 215 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Given the location of the site within the town centre which contains a mix of commercial use, the proposed change of use would preserve the character and appearance of the Sheringham Conservation Area.

No changes to the shopfront are proposed with the only external alteration being the installation of the extract flue which would be located on the rear of the property. The proposed flue would be sited to the rear roof slope of the property. It would project approximately 2 metres above the roof itself with the top sitting very slightly lower than the ridge. It would sit approximately 7 metres back from the front elevation. The Conservation and Design officer considers that because of its size and siting the proposed flue would be prominent in views from High Street which would result in negative visual impact on the character and appearance of the Sheringham Conservation Area.

The flue would only be visible in a relatively limited view from the north along High Street over the top of the adjoining single storey shop unit (35 High Street). It would not be visible in longer views south along High Street or in the views northwards. It is unlikely that it would be visible from public vantage points elsewhere within the conservation area. Given this and with a condition requiring the flue to have a dark matte finish to ensure that where it would be visible it is at least recessive, it is considered the visual impact would be limited resulting in a low level of less than substantial harm to the significance of the heritage asset along it.

Weighing this harm against the public benefits as is required by paragraph 215 of the NPPF, it is considered that securing a viable use of a vacant town centre property and the retention / creation of four local full and part-time jobs are such benefits that outweigh the limited harm. Therefore, on balance, it is considered that the proposals accord with CS Policies EN 4 & EN 8.

3. Living conditions

Policy EN4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Residents have the right to adequate privacy levels and to be kept free from excessive noise and unwanted social contact.

The site is located in a town centre and is surrounded by a mixture of uses comprising of commercial, retail as well as residential units. The closest dwellings are to the rear and a flat on the upper floor of the building.

The proposed opening hours of the hot food takeaway would be 11:00 to 23:00 daily (Monday – Sunday). This reflects the opening times of similar businesses found in the town centre and are not considered to be unreasonable.

A noise impact assessment has been submitted in support of the application. The proposed noise mitigation measures as outlined on page 16 of the noise report are:

- To install an in-line attenuator between the fan and the outlet duct terminus

An odour impact assessment conducted in accordance with the guidance set out in the EMAQ (2022) Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems has also been submitted in support of the application.

As detailed on page 6 of the odour report, the odour levels produced by a fish and chip shop (as proposed) are considered high on the EMAQ total significance score scale (at 31 out of a possible 45). A high level of odour control is therefore required.

The proposed odour mitigation measures as outlined on page 16 of the odour report are:

- The kitchen ventilation system proposed will include Electrostatic Precipitator technology (which removes oil, grease and smoke particles) followed by carbon filtration with pre-filters before discharging vertically via a high velocity flue 1m+ above eaves at the rear of the building.

The Council's Environmental Health Officer (EHO) has confirmed that the measures outlined within both the noise and odour reports are adequate provided that the proposed extract

system and abatement is installed prior to the use commencing and for it to thereafter be maintained in accordance with the manufacturer's instructions.

On that basis and with no objections raised by the EHO, the proposed development does not give rise to any environmental concerns relating to contamination, noise or odour that would be harmful to the living conditions of nearby occupiers. Accordingly, subject to the imposition of conditions, the proposed development complies with Policy EN 13 of the adopted North Norfolk Core Strategy.

4. Highways

The property currently has no car parking for either staff or customers and there is no scope to provide any, which is the case for the vast majority of commercial properties within the town centre. Being within the town centre however, means that the site has good accessibility for walking, cycling and by public transport. The town centre is well served by public car parking, the closest being at Morris Street to the west of the site which provides approximately 115 spaces. The larger car park off Station Road is also a short distance away and there are some limited waiting time on street parking spaces on the west side of High Street including directly opposite the property.

Norfolk County Council Highways have raised no objection to the proposal.

Officers consider that, on balance, the lack of onsite vehicle parking would not result in any significant harmful highway impacts. The proposal complies with CS policies CT 5 & CT 6 relating to highway safety and parking provision.

Other considerations:

Waste management

The nature of the proposal is a hot food takeaway with no indoor seating proposed, this means the food would be eaten off site. However, an operational hot food takeaway has a need to dispose of rubbish onsite. Officers note that the only available outdoor space where refuse bins are proposed to be stored is a very small open courtyard which is immediately adjacent to dwellings (no.33a and 33b). There remains a possibility that the storage of refuse bins in such close proximity to dwellings could have a significant and detrimental impact on the outlook of adjoining residents as well as materially harming the living conditions of occupiers due to odours deriving from the storage of waste in relation to the hot food takeaway.

In addition, there is no access to the rear of the premises apart from through the front premises. The refuse bins would therefore have to be taken through the premises for collection. Officers concur with the Councils Environmental Protection and Public Protection (food safety and hygiene) department that this refuse arrangement is not acceptable.

With no adequate provision for refuse storage and disposal the proposal gives rise to serious concerns relating to Environmental Public Protection (food safety and hygiene). Whilst The Environmental Protection Act (1990) is a separate legislation to The Town and Country Planning Act (1990), Officers still need to be content as part of the planning application process that the premises could operate with acceptable means of refuse.

From a site visit and google street view, it is evident that the premises was previously occupied by a food business known as 'Just Noodles' which the Council do not have records that they were operating with the correct planning permission. In any case, the use has not yet become immune from enforcement action.

Despite this, Officers acknowledged that the previous food business would have probably operated in a similar vein with regards to refuse collection, this is not to say this was acceptable or operating with the appropriate consents.

If the application were to be approved with a condition requiring details of adequate refuse storage and collection, it would likely not be acceptable to be discharged or enforceable. This is because the land locked nature of the site with no rear access would mean any waste would have to travel through the kitchen where food preparation would take place as well as the customer service point.

Public Health

This is often a concern regarding the number of fast-food takeaways in Sheringham and matters relating to public health and obesity.

Given general concerns regarding obesity, the effect on public health is a material consideration in the assessment of this application and paragraph 96 of the NPPF sets out amongst other things that planning policies and decision should aim to achieve healthy and safe places which enable and support healthy lives, through both promoting good health and preventing ill-health, for example through access to healthier food.

Specifically, with regards to hot food takeaways as is proposed, paragraph 97 states that "*Local planning authorities should refuse applications for hot food takeaways and fast food outlets:*

- a) *within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or*
- b) *in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour".*

With regards to a) above, there are no schools in close proximity to the site – both the primary and secondary schools are approximately 1.25km away. This would be a reasonable walking distance for secondary school children but not for those in primary school as it would involve crossing busy roads. Nevertheless, the site is located within a designated town centre, so is in an acceptable location in this respect

With regards to b) there is no evidence to suggest that there is a concentration of hot food takeaways in the town centre resulting in an adverse impact on local health, pollution or anti-social behaviour.

The proposal is therefore considered to comply with the guidance in the NPPF, which is a material consideration in planning decisions

Finally, there is no Core Strategy policy that would restrict the provision of 'fast' or unhealthy food options on health grounds.

Planning Balance and Conclusion

The principle of the proposed change of use is considered to be acceptable in terms of Core Strategy Policies SS 1, and SS 5. Following the changes to the Use Classes Order and GPDO, the 30% non-A1 restriction set out under Policy EC 5 is considered to be diminished and in any event the proposal still complies with this policy because the 30% limit would not be exceeded.

Officers identified some, albeit limited, heritage harm resulting from the proposed flue siting and size. However, subjecting to securing the colour finish by condition, the public benefits of securing a viable use with the retention / creation of four local full and part time jobs are considered to outweigh the limited less than substantial harm to the heritage asset (Sheringham Conservation Area).

There are no concerns with regards to highways safety and parking impacts or residential amenity in terms of noise or odour from the proposed extraction system subject to conditional control over the kitchen extraction.

However, the identified benefits as stated above are not outweighed by the lack of adequate refuse storage and appropriate means of waste disposal at the premises. With no adequate provision for refuse storage and disposal the proposal gives rise to serious concerns relating to Environmental Public Protection (food safety and hygiene). This is because the land locked nature of the site with no rear access would mean any waste would have to travel through the kitchen where food preparation would take place as well as the customer service point. These concerns are not outweighed by other planning considerations and on balance, having regard to all the matters raised, the application should be refused on public safety and hygiene grounds.

Overall, the application is not considered acceptable, and REFUSAL is recommended as per the reason listed below.

RECOMMENDATION:

REFUSAL for the following reasons:

In the opinion of the Local Planning Authority the inadequate bin storage at the application site will give rise to potential odour issues. In addition, the site constraints are such that the bins would need to be transported through the premises for collection.

As such, it has not been satisfactorily demonstrated that the proposal would not be detrimental to the residential amenities of the occupiers of nearby dwellings by way of odour impacts from the bins as well as the health and safety of the public. The proposal is therefore contrary to Policies EN 4 and EN 13 of the North Norfolk Core Strategy and paragraph 187 of the National Planning Policy Framework (February 2025).

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

HOLT – PF/24/1760 – Change of use existing detached out-building in rear garden to food processing room and cooking room for business use and erection of extension to house refrigeration (part retrospective)

Minor Development

Target Date: 15 December 2024

Extension of time: 14 March 2025

Case Officer: Mark Brands

Full Planning Permission

CONSTRAINTS:

Within Holt settlement boundary (and Neighbourhood Plan Area)

GIRAMS Zones of Influence (various)

RELEVANT PLANNING HISTORY:

Reference **IS2/23/2119**

Description We are looking in to changing the use of an already existing brick shed in to a small crab and lobster processing unit on the ground of our property 7 The Close, Holt, Norfolk, NR25 6DD.

We would be wanting to line the building out to allow us to be able boil/cook/process a small volume of crabs and lobsters.

Outcome Advice Given 07.02.2024

Conclusion from the pre app advice

Planning permission would be required for the proposal, based on the nature of the use, there would be concerns over the proposed development on the site and there would likely be conflict with local policy considerations that seek to protect neighbouring amenity and ensure high amenity standards are retained. It's unclear what mitigations options are being considered but these would need to be fully set out (and details on how this would operate). However, as per the comments from the environmental protection team, given the proximity of neighbouring properties the odour aspect is unlikely to be satisfactorily mitigated against. If it cannot be demonstrated that neighbouring amenity would not be negatively impacted from the proposed development, the Local Planning Authority would not be in a position to support the application.

THE APPLICATION

Retrospective full planning permission is sought for the change of use of the existing detached out-building in the rear garden to food processing and cooking rooms for business use and an extension to house external refrigeration and freezer unit.

The dwelling is located at the end of a small close of semi-detached properties, within the settlement boundary of Holt. The outbuilding is in the rear garden, not visible from the public domain, on the boundary adjoining number 8.

Further details received during the course of the application

Details of carbon filter received 30 January 2025

Details of extraction system received 27 January 2025

Email correspondence including details of drain and hardstanding received 16 January 2025

REASONS FOR REFERRAL TO COMMITTEE:

This application has been referred to the Development Committee as the applicant is related to a local member

CONSULTATIONS:

Economic And Tourism Development Manager NNDC - Support

Environmental Health – Object

Thank you for further consulting the Environmental Protection (EP) Team with respect to this application. The EP Team wish to reiterate the advice and concerns raised in the objection provided for the previous pre-application regarding the lack of suitability of the site (application site) for this type of obnoxious odour-producing activity and associated adverse noise levels. Since our pre-application response, a further site visit has taken place with the applicant on Friday 6th December 2024 over two and a half hours during which the various business activities were examined in some depth. The Environmental Protection (EP) Team wish to maintain our objection to the application on the basis of the anticipated adverse impact of odour and noise to nearby residential properties and associated amenity areas.

Unpleasant odour is one of the most important pollutants which have a negative effect on [human] quality of life. Odours are the most objectionable emissions from fish and meat processing plants" [Pendashteh A and Chaibakhsh N "Efficient control of emissions in fish and meat processing plants" ACECR Institute for Environmental Research, Iran in WIT Transactions on Ecology and the Environment, Vol 82, 2005, <https://www.witpress.com/Secure/elibrary/papers/AIR05/AIR05024FU.pdf>]. The odour itself is comprised of a complex mix of multiple volatile compounds, including amines. It is likely that the negative impacts from this odour generating activity will be experienced by occupiers of nearby residential properties for some considerable time after the activity occurred on site, for example, odour problems cannot be "turned off" and can be exacerbated by local environmental conditions, in such concentrations that they can produce undesirable effects on local residents whilst occupying their properties and gardens.

For an application of this size, comprising 150-200 crabs/lobsters per day processed between 10:00 – 14:00 Monday-to-Friday, and nature, including high intensity odours and associated noise within a surrounding highly populated residential area (sensitive receptors), including neighbours who share the site boundary, the EP Team would expect to receive a comprehensive Odour Impact Assessment and a Noise Impact Assessment accompanying the application. This is also due to the complexity of the application involving the proposed siting of a very odorous and noisy process in a quiet residential area which will have an adverse impact upon a large number of residents. However, these documents have not been provided and in view of the size and nature of the application, appropriate noise and odour abatement would not be possible without substantial levels of financial investment. Other, comparable businesses on this scale are more appropriately located in industrial areas, or industrial estates, thereby away from sensitive receptors and residential areas with appropriate noise and odour controls. As such, odour controls may not need to be as robust

owing to the industrial nature of these locations, however, very robust controls are required in residential areas (sensitive receptors) and with respect to this application, residents share the joint boundary with the applicant and would therefore, be affected far more detrimentally.

The accompanying documentation for the system that the applicant has proposed does not provide any evidence to substantiate that it will appropriately mitigate the odour produced. In particular, the controls needed for a highly odorous, high moisture and low fat producing process (see attached Emaq Kitchen Odour Guidance document) will be different to the carbon filter control which would be more appropriate for a pub/restaurant. Furthermore, no noise data has been provided for the system and therefore, the EP Team object to the application on the grounds of the likely adverse noise impact as well. The accumulative noise impact has not received appropriate consideration or mitigation either as the noise from jet/pressure washing (which the applicant anticipates would be needed for 45 minutes per day) the site and boxes (areas which have come into contact with crabs/lobsters and their by-products/waste) is likely to need to take place simultaneously and/or subsequently to the use of the extraction system.

With regards to the applicant's proposal to jet/pressure wash the application site and disposing of the liquid and shellfish debris into the drainage system, this method of trade effluent disposal has not received permission from Anglian Water. The applicant has previously stated that the public sewer has backed up and discharged into the applicant's garden, within the area identified as the application site. Despite this being an obvious form of cross contamination from sewage into a high risk food preparation area, the applicant has rodded the sewer to remove the blockage. The EP Team have concerns as to whether discharging cooking liquid and shellfish debris into the drainage system and further burdening the drainage network is an appropriate form of waste disposal under the circumstances. Reference is drawn to section 111 of the Water Industry Act prohibiting the release of anything into the public sewer/drain that could injure the health of the sewer or interfere with the free flow of wastewater.

In conclusion, the information submitted with the application is vastly insufficient and does not alleviate the concerns and risks posed from odour and noise including the accumulative impacts of odour and noise on nearby residential properties and associated amenity areas.

Norfolk County Council Highways – Comments

Raised concerns over retail sales and increased street parking

Parish/Town Council - Support

Support a young couple in creation of a new business

Suggest temporary 2-year temporary permission so there is a chance to review in the future, in case the business out grows the premises

Note the neighbours are supportive of the application

REPRESENTATIONS:

No public representations received, public consultation period has expired

HUMAN RIGHTS IMPLICATIONS

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

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

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

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, 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 5: Economy

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

Policy EN 4: Design

Policy EN 9: Biodiversity and Ecology

Policy EN 13: Pollution and Hazard Prevention and Minimisation

Policy CT 5: The Transport Impact of New Development

Policy CT 6: Parking Provision

Holt Neighbourhood Plan (August 2023):

Policy HOLT1: Design Guidance

Policy HOLT4: Employment Growth in Holt

Material Considerations:

Supplementary Planning Documents and Guidance:

Design Guide Supplementary Planning Document (December 2008)

National Planning Policy Framework (December 2023):

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 12: Achieving well-designed and beautiful places

Chapter 15: Conserving and enhancing the natural environment

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION

- 1. Principle of Development**
- 2. Design and impact on residential amenity**
- 3. Highways**

4. Planning Balance and Conclusion

1. Principle of development

Policy SS 1 states that the majority of new development in North Norfolk will take place in the towns and larger villages (Holt is designated in the settlement hierarchy). Policy SS5 sets out the local economy would be supported through creation of additional employment opportunities in allocated areas and meeting local needs through development in town centres.

There isn't a specific economy policy for such smaller scale operations, but the overarching economy Policy SS 5 sets out that the local economic needs will be supported in principle, subject to this being of an appropriate scale and compliant with other relevant policies on matters of detail. This is reflected by paragraphs 85-87 of the NPPF that sets out a flexible approach should be encouraged to accommodate needs not anticipated in the plan and allow for new flexible working practices (such as live-work accommodation).

The principle of some form of commercial development is therefore broadly acceptable in principle but subject to compliance with other relevant Core Strategy Polices including Policy EN 13.

2. Design and impact on residential amenity

The proposal seek to regularise the use of an existing outbuilding and place an external refrigeration unit and external freezer. The outbuilding is located to the rear, and is not visible from the public domain on the streetscene, as such there would be no overriding design concerns.

Policy EN 13 sets out that all development proposals should minimise emissions and other forms of pollution and ensure no deterioration in water quality. Proposals will only be permitted where there are no unacceptable impacts on general amenity, health and safety of the public, air and water quality. Exceptions will only be made where it can be clearly demonstrated that the environmental benefits of the development and wider social and economic need for the development outweigh the adverse impact.

Policy EN 4 of the North Norfolk Core Strategy states that proposals should not have a significantly detrimental effect on the residential amenity or nearby occupiers. Paragraph 135 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

The supporting documentation sets out that the applicants have a long experience of fishing and working in the crab processing industry. The intention is to catch and / or buy in crabs, lobsters, whelks and occasional whole fresh caught fish, cooking around 100-200 crabs per day, operating Monday – Friday. The hours of operations are proposed to be 10am to 2pm Monday – Fridays (as revised).

Further details have been provided regarding a cleaning schedule for the mesh filters, pre filters, carbon filters and extraction. More details would be appropriate for wash down and use of equipment such as pressure washers etc to ensure appropriate scope of cleaning and washdown of external spaces are secured, but further clarity of this could be secured by way of a condition regarding cleaning and maintenance schedule. Waste would be taken back to sea and used as bait daily weather permitting (otherwise frozen and stored on site). As part of the proposals there would be a drain installed, and concrete pad between the dwelling and outbuilding / units to facilitate cleaning of the outside area.

Given the site is within a residential neighbourhood in close proximity to neighbouring residential properties there are concerns over the scale of operation proposed and likelihood of odour and noise affecting the amenity of adjacent properties.

Following initial objections to the application, Officers have endeavoured to engage in a proactive and supportive manner. It is with regret that officers report that despite efforts from all parties there remains insufficient evidence to demonstrate that the extraction mitigation is suitable for the scale and types of odours associated with the operation and processes involved. Following concerns raised over the initially proposed extraction system and filters, a new extraction system has been proposed. The new system comprises a 250 Helios Gigabox fan and cowl which is fitted externally. With carbon and pre filter boxes comprising Longar Type 8 carbon filters system. The system appears more substantive than the original details, and includes specific applications for reducing odours, however no details confirming that it would neutralise amines (these types of chemicals are specifically released from the cooking of crustations). The correspondence from the applicants sets out the system was specifically selected and tailored to the size of the building, scale of operations and processes involved to purify the air back to an odourless state (at a minimum of 80%).

However, there are limited details or evidence provided to corroborate the system is capable of effectively nullify the odours associated with the processes involved to an appropriate level.

Given the constraints of the site, proximity to neighbouring properties, and scale of the operation proposed, it is considered there is insufficient abatement available to appropriately mitigate the impact of the processes. Officers consider that the introduction of such a scale of operation in the rear garden in a residential neighbourhood would have a detrimental effect on neighbouring residential amenity and should be sited in a less sensitive location away from sensitive neighbouring residential receptors.

On this basis, Officers conclude that the proposals would fail to comply with Policy EN 13 of the Core Strategy. This departure from the Development Plan weighs very heavily against the grant of planning permission.

3. Highways

Core Strategy Policy CT 5 states 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 location.
- 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.

Core Strategy Policy CT 6 (Parking Provision) states that adequate vehicle parking facilities will be provided to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with the Council's parking standards, including provision for parking for people with disabilities.

The Highway Authority note that The Close is a narrow residential cul-de-sac served via other residential roads with limited capacity for increased on street parking. As such, given the limitations of the site from an access perspective, the Highway Authority would not wish to see any retail sales from the site. Officers would broadly concur with the concerns raised by the Highway Authority. The applicant has subsequently confirmed that there will be no retail sales from the site all sales are made via delivery to customers (stated to be on Mondays, Wednesdays and Fridays). In the event that planning permission is granted, conditions could be imposed to prevent retail sales on site.

In all other respects, the site has capacity for approximately 3 vehicle parking spaces which Officers consider is broadly acceptable for a mixed use of residential and commercial.

Subject to the imposition of conditions the proposal would broadly comply with Policies CT 5 and CT 6 of the Core Strategy.

4. Planning balance and conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise.

It is recognised the proposals seek to support the applicant's occupation. However, the operation is of a notable commercial scale that goes beyond what is considered to be either ancillary to the residential use or otherwise to be of an appropriate and compatible scale with the residential neighbourhood.

For the reasons laid out in this report the proposals are considered to have a significant detrimental effect on residential neighbouring amenities by virtue of scale, odour and noise. The economic and social interests of the business and applicants are recognised, however these factors do not outweigh the adverse impacts from the proposed development.

The proposals are therefore considered to be contrary to Policies EN 4 and EN 13 of the adopted Core Strategy and paragraph 135 of the NPPF.

RECOMMENDATION:

REFUSE for the following reasons:

- 1. The proposed development is not of an appropriate use or scale to the otherwise residential use of the application site and its surroundings. The applicant has failed to demonstrate that there is sufficient noise or odour abatement that would otherwise mitigate the impact of the commercial processes involved with the proposed food processing. The proposals will create an unacceptably adverse impact on neighbouring amenity - contrary to Policies EN 4, EN 13 of the adopted Core Strategy and paragraph 135 of the NPPF.**

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

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CROMER – PF/24/2307 - Erection of dwelling (part retrospective) at 16 Harbord Road, Cromer, Norfolk, NR27 0BP.

Minor Development

Target Date: 14th January 2025

Decision due date: 12th April 2024

Case Officer: Olivia Luckhurst

Full Planning application

RELEVANT SITE CONSTRAINTS:

Within the Cromer Settlement Boundary
Within the designated Residential area
Landscape Character Assessment – Coastal Shelf
Site subject to Enforcement

RELEVANT PLANNING HISTORY:

RV/24/1189 - Erection of 3 no. three storey terraced dwellings and 1 no. three storey detached dwelling with associated garages/parking, and addition of single-storey side extension to existing dwelling with associated parking without complying with condition 2 (approved plans) of planning ref: PF/18/1919 to amend design of plot 4 only (double garage related to plot to remain as approved) (part retrospective) – Withdrawn

CD/23/0833 - Discharge of Condition 3 (materials) of planning permission PF/18/1919 (Erection of 3 no. three storey terraced dwellings and 1 no. three storey detached dwelling with associated garages/parking, and addition of single-storey side extension to existing dwelling with associated parking) – Condition Discharged

PF/18/1919 - Erection of 3 no. three storey terraced dwellings and 1 no. three storey detached dwelling with associated garages/parking, and addition of single-storey side extension to existing dwelling with associated parking. – Approved

THE APPLICATION

Seeks permission for the erection of a three-storey dwelling with an extension consisting of a garden room for the neighbouring property (No.16 Harbord Road). Works have commenced under the original approval PF/18/1919 however, the current application proposes an amended design.

REASONS FOR REFERRAL TO COMMITTEE:

At the request of the Director for Place and Climate Change – to enable democratic engagement with wider interested parties within the decision-making process.

CONSULTATIONS:

Parish/Town Council – No objections

Norfolk County Council Highways – No Objection - Whilst the parking space has been reduced, with consideration that this is off street provision for an existing dwelling, it remains a useable size and would not warrant any highway objection.

REPRESENTATIONS:

Public consultation of the application took place for a period of 21 days between 14.11.2024 and 14.12.2024. **Five** letters of **objection** were received from one individual. The comments raised the following concerns (summarised):

- Inaccurate plans
- Incorrect red line for the location plan
- Land ownership disputes
- Inaccurate or blank questions on the application form
- False statements shown on the drawings relating to the need for the proposed changes
- Works stated as proposed however, these are retrospective
- Design if out of keeping with the neighbouring properties
- Queries regarding the ownership/use of the side extension originally proposed for no.16 Harbord Road.
- Drawings state that the garage is to be demolished however, it hasn't been built yet
- Poor design
- Proposed fences would impact the parking provision and visibility splays
- Inadequate parking spaces provided for both the main dwelling and the neighbouring property (no.16 Harbord Road).

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 3 - Housing

Policy SS 4 - Environment

Policy SS 7 - Cromer

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

Policy EN 4 - Design
Policy EN 6 - Sustainable Construction and Energy Efficiency
Policy EN 9 - Biodiversity & Geology
Policy CT 5 - The Transport Impact of New Development
Policy CT 6 - Parking Provision

Material Considerations

National Planning Policy Framework(February 2025):

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 12 - Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents and Guidance

North Norfolk Design Guide (2008)
North Norfolk Landscape Character Assessment

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION

- 1. Principle of development**
- 2. Design**
- 3. Amenity**
- 4. Landscape**
- 5. Highways and Parking**
- 6. Biodiversity Net Gain and GIRAMs**
- 7. Other Matters**
- 8. Planning Balance and Conclusion**

The Site and Application

The application site is located within the settlement boundary of Cromer and fronts the residential street of Harbord Road.

The site originally consisted of amenity land serving the adjoining property until permission was granted under application PF/18/1919 for the erection of 3 no. three storey terraced dwellings and 1 no. three storey detached dwelling with associated garages/parking, and the addition of a single-storey side extension to the existing dwelling (No.16 Harbord Road) with associated parking.

Construction began on the property in question; however, it was not constructed according to the approved plans. As a result, retrospective permission is necessary to regularise the changes made.

Background – Site History

Approval was granted under application PF/18/1919 for the erection of 3 no. three storey terraced dwellings and 1 no. three storey detached dwelling with associated garages/parking.

The plot allocated for the detached dwelling was sold off separately whilst the other plots remained in the same ownership and have not yet commenced construction.

It was brought to the attention of the Council's Enforcement Team that works to the detached dwelling had commenced. However, building works were not in accordance with the approved plans of PF/18/1919. As a result of this and following a site visit, an enforcement case was opened, and the applicant was advised to submit an application to seek permission for the unauthorised works.

In June 2024 a Variation of Condition (S73) application was submitted seeking permission for the amendments. However, given that the dwelling originally formed part of a larger development, it was considered best for a full application to be submitted and therefore, the S73 application was withdrawn.

1. Principle of Development

Core Strategy (CS) Policy SS 1 sets out that most new development in North Norfolk will take place in the towns and larger villages as defined as Principal and Secondary Settlements and a small amount of new development will be focused on several designated Service and Coastal Service Villages. The rest of North Norfolk, including all settlements that do not fall under the above criteria, will be designated as Countryside.

Cromer is designated as a Principal Settlement with a defined Settlement Boundary. The site in question is located within this settlement boundary and within the designated residential area (Policy SS 3) where the principle of new housing development is considered to be acceptable.

2. Design

The site benefits from a previous planning permission granted under application ref PF/18/1919 allowing for the erection of a three storey, semi-detached dwelling on the same plot, and part of a larger development for four dwellings. The property in question is connected to the neighbouring dwelling (No.16 Harbord Road) by a two-storey extension providing a garden room at ground floor and a studio at first floor for No.16 Harbord Road. The permission also incorporated a double garage positioned to the east of the site.

The current application still proposes a three-storey dwelling with the two-storey extension however, some design elements have been amended.

On the front elevation the changes consist of the omission of apex windows, changes to the study dormer window design as a result of the revised floor levels, amended fascia boards and the insertion of a Juliette balcony at second floor serving bedroom 1.

The main change on the rear elevations is to the fenestration. One set of bi-folding doors has been replaced with French doors and the windows at first floor have been repositioned and amended in size along with the removal of the Juliette balcony. The number of roof lights have been reduced from 4 to 3. The garden room serving the neighbouring property has also been built slightly larger than approved with a new internal floor area of 8.55 sqm with the original measuring 6.19sqm.

On the north-east side elevation, there have been some minor changes to the design of the chimney with the triangular window positioned on the opposite side.

Changes are also proposed to the parking layout with the removal of the originally approved double garage and provision for 2no. parking spaces.

During the course of the application, the property's boundary fence to the front (north) has been replaced on a like-for-like basis. A fence is shown in the same position on the proposed plans along with a new fence located to the east consisting of a 1.8m high close boarded fence providing screening from the neighbouring plots.

Harbord Road features a diverse range of residential types, utilising various materials such as red and painted brick, as well as render. Although the proposed dwelling shows some deviations from the initial approval, the elimination of the double garage allows for adequate separation from the adjacent development, enabling the dwelling to stand out on its own. Furthermore, a comparable two-storey detached home is located to the north of the three plots approved under PF/18/1919, which bears resemblance to the proposed dwelling, effectively framing the development with the other properties situated in-between. The modifications are considered relatively minor within this context and continue to reflect several design elements that were authorised in the original permission.

Overall, whilst the proposed works were carried out without permission and differed from the approved plans, the changes are not considered to be significantly harmful to the appearance of the street scene, certainly not to the extent that would warrant refusal of the application given the site context. The proposed dwelling incorporates appropriate materials that would appear in keeping with the area and the design of the property resembles in part that of a dwelling located to the east of the other 3 plots. Therefore, the proposal is considered to comply with Policy EN 4 of the Core Strategy.

3. Amenity

Policy EN 4 (Design) of the Core Strategy states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity.

Changes have been made to some of the dwelling's fenestration, but no new windows are being introduced. The number of roof lights at the rear has been decreased from four to three, and the glazing on the ground floor has also been minimised. While the previously approved double garage has been eliminated from the proposal, the northeast elevation features no windows on either the ground or first floor.

Residential properties are located to the south of the site, separated by a footpath. The site maintains a separation distance of 10.2 meters from the rear elevation of the dwelling in question to the front elevation of the adjacent property. While this relationship is closer than ideal, it is typical for properties along Harbord Road to have dwellings positioned behind them and a tight knit arrangement is to be expected, and has previously been accepted.

The north elevation will inevitably overlook the side garden of the adjacent property at 15 Harbord Road, however, due to the proximity and nature of the area, this situation is deemed challenging to mitigate. Ultimately, it is assessed that, on balance, considering the design and character of the surrounding developments, the proposed dwelling's relationship with existing properties is considered to be acceptable.

The proposed dwelling maintains an adequate separation distance from the neighbouring development to the east. Although there have been concerns regarding land ownership and boundary issues, these matters are civil in nature and do not pertain to planning considerations.

The overall height of the dwelling remains unchanged at 10.2 meters, consistent with the approval under PF/18/1919, ensuring that there will be no overshadowing effects.

The plot offers ample amenity space, including a patio and a grassed area at the rear. The garden area will be enclosed by 1.8m high closed boarded fencing providing acceptable screening.

In summary, the proposed development is not expected to have a significantly adverse impact on residential amenity and complies with the requirements of Policy EN 4 of the Core Strategy.

4. Landscape

The site falls within the area of Coastal Shelf as identified within the North Norfolk Landscape Character Assessment. Coastal Shelf is categorised as a coastal strip of land, around 12 miles in length yet only 1 mile deep, which incorporates some of the district's principal settlements, sandwiched between the Cromer Ridge and the sea.

The property is considered to appear in keeping with the surrounding dwellings and contributes to the varied character of the built up area. Appropriate materials are proposed, and the dwelling mirrors the scale of the neighbouring properties, therefore, the development will have no detrimental landscape impact and is considered to comply with Policies EN 2 and EN 4 of the Core Strategy.

5. Highways and Parking

The site is accessed via Harbord Road with a new access proposed. The original approval (PF/18/1919) gave permission for the new access in the same location as currently proposed. The double garage originally approved under application PF/18/1919 has been removed from the proposal and replaced with 2no. parking spaces (as required by Policy CT 6 for a two or three bedroomed dwelling). The Highway Authority requested that dimensions of the reduced parking spaces be provided in order for them to fully assess the proposed parking layout. It was confirmed that the parking bay would measure 4,923mm x 2,400mm which was considered acceptable and although the parking space has been reduced as a result of the amended scheme, the parking would be off street and useable. A parking space for the neighbouring property (no.16) would also be provided and served by a new access off Harbord Road.

Concerns were also raised following the erection of a replacement fence to the front of the property measuring 1.8m in height. The fence was considered to restrict visibility for cars entering and existing the site. Another new fence was also erected to the rear of the site and to the east of the dwelling. The positioning of the fence would reduce space for vehicles to park. Following discussions with the applicant, the fence to the rear of the property was removed and the fence to the front was reduced in height (to 1m) and width (to 4.2m) therefore, improving visibility and allowing sufficient space for parking for two vehicles. Accordingly, with sufficient parking spaces being provided, the proposed development complies with the requirements of policy CT 6.

6. Biodiversity Net Gain and GIRAMs

Biodiversity Net Gain

Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development.

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development.

Certain types of developments are not subject to Biodiversity Net Gains requirements. Exemptions include Section 73A applications, which means that since the proposal is for retrospective planning permission, it falls under this exemption.

GIRAMS

The site is within the Zone of Influence of a number of designated sites for the purposes of the Norfolk Wide Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) which has been formally agreed and adopted by the Norfolk Planning Authorities and Natural England. 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.

A financial contribution of £221.17 per dwelling 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 create one dwelling and as such is a qualifying development for this purpose. However, application PF/18/1919 offers a fall-back as this current application seeks an alternative design for the dwelling approved as part of that permission and accordingly, GIRAMS would not be applicable in this instance. The proposed development is therefore acceptable in terms of Policy EN 9 of the adopted North Norfolk Core Strategy and the NPPF insofar as it seeks to protect the integrity of habitats sites.

7. Other Matters

Proposed Drawings and Application Form

Concerns were expressed through a number of objections from a member of the public regarding inaccuracies in the submitted plans. The objection noted that a garage was indicated and marked for demolition, yet it has not been constructed. The applicant clarified that the garage depicted refers to one that previously existed on the site but was demolished as part of the retrospective works.

Additionally, there were comments concerning certain statements in the plans, suggesting that some amendments were necessary due to the condition of the site at the time of purchase. The applicant was informed that these remarks were deemed irrelevant and requested their removal; however, this request was denied, and the comments remained unchanged.

Furthermore, some questions on the application form were either answered incorrectly or left unanswered, prompting a request for amendments. An updated version of the form was subsequently provided and added to the case file.

Land Ownership

The owner of the adjacent plots to the east has claimed ownership of a portion of the application site, asserting that the location plan and application form are inaccurate. He also states that he has not granted the applicant permission to construct on this land. Supporting documentation, including correspondence between the previous owners and the buyers from 1995, as well as site plans, has been submitted to substantiate this claim.

In contrast, the applicant asserts full ownership of the site and has provided a copy of the HM Land Registry title plan. Furthermore, the applicant has completed Certificate A of the application form, which verifies that they are the sole owner of the land in question.

Although both parties have presented evidence regarding land ownership, it is important to note that this issue is not a material planning consideration and does not influence the decision-making process. The applicant has duly filled out the necessary certificate on the application form, and no further evidence is required to confirm this. Should there be any discrepancies, the matter would fall under civil jurisdiction and the Local Planning Authority would not be involved.

8. Planning Conclusion and Balance

The proposed dwelling is deemed to be of an acceptable scale, design, and form, utilising suitable materials. Although the development was constructed retrospectively, the modifications made are relatively minor compared to the originally approved plans.

It is assessed that the proposal will not adversely impact residential amenity or the character and appearance of the street scene. The property will offer adequate parking along with appropriate landscaping.

Accordingly, the proposed development complies with the requirements of the relevant Development Plan policies as outlined above subject to conditions.

RECOMMENDATION:

APPROVE subject to conditions relating to the following matters:





- Accordance with approved plans
- Materials as submitted
- Obscure glazing – first floor bathroom windows
- Removal of Permitted Development Rights – access obstructions
- Removal of Permitted Development Rights for alterations / extensions / outbuildings / structures / enclosures
- Provision of parking area

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

DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – 06 March 2025

1. INTRODUCTION:

- 1.1 This report briefly sets out performance in relation to the determination of planning applications in Development Management the period **January 2025**.
- 1.2 This report sets out the figures for the number of cases decided and percentage within time set against the relevant target and summary of 24-month average performance.
- 1.3 The tables also set out the percentage of the total number of decisions made that are subsequently overturned at appeal as 24-month average performance.
- 1.4 In addition, the tables set out the number of cases registered and validated within the specified months.

Performance Measure	Actual Performance	Target	Comments
(Speed) Decisions Made <i>(Period January 2025)</i>	Major 0 (zero) decisions issued	60% (80% NNDC)	24 month average to 31 January 2025 is 100.00% 
	Non-Major 62 decisions issued <i>100% within time period</i>	70% (90% NNDC)	24 month average to 31 January 2025 is 97.00% 
(Quality) % of total number of decisions made that are then subsequently overturned at appeal	Major	10% (5% NNDC)	24 month average to 31 January 2025 is 1.56% (one case RV/22/1661) 
	Non-Major	10% (5% NNDC)	24 month average to 31 January 2025 is 0.77% 

Performance Measure	Actual Performance	Target	Comments
Validation <i>(Period January 2025)</i>	178 applications registered 134 applications validated	3 days for Non- Major from date of receipt 5 days for Majors from date of receipt	Datasets do not currently breakdown validated apps by Major / Minor or those on PS2 returns, but performance data retrieval being reviewed.

2. S106 OBLIGATIONS

- 2.1 A copy of the list of latest S106 Obligations is attached. There are currently five S106 Obligations being progressed, three of which have been completed and can be removed from the list.

3. RECOMMENDATIONS:

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

SCHEDULE OF S106 AGREEMENTS

UPDATE FOR DEVELOPMENT COMMITTEE:

06 March 2025

Application reference	Site Address	Development Proposal	Parish	Planning Case Officer	Committee or Delegated Decision	Date of Resolution to Approve	Eastlaw Officer	Eastlaw Ref:	Current Position	RAG Rating
PF/22/2225	Land At The Street The Street Swanton Novers	Erection of seven affordable dwellings with new access, associated infrastructure and landscaping	CP100 - Swanton Novers	Phillip Rowson	Delegated	N/A	Fiona Croxon	TBC	COMPLETED	
PF/24/1572	Land Off Mill Road Wells-next-the-sea Norfolk	Erection of 47 dwellings with associated landscaping, open space, drainage, vehicular access and parking provision.	CP112 - Wells-next-the-Sea	Mark Brands	Committee	12/11/2024	Fiona Croxon	24634	Draft S106 circulating	
PF/21/2021	Land North East Of Yarmouth Road Stalham Norfolk	A new residential development of 40 affordable houses comprising 22 affordable/shared ownership houses and one block of 18 affordable flats consisting of 9, one bedroom flats and 9, two bedroom flats with associated landscaping, infrastructure and	CP091 - Stalham	Geoff Lyon	Committee	23/01/2024	Fiona Croxon	TBC	COMPLETED	
PF/21/1532	Land North East Of Yarmouth Road Stalham Norfolk	Extra Care development of 61 independent one and two bedroom flats, with secured landscaped communal gardens, associated visitor and staff car and cycle parking, external stores and a new vehicular access onto Yarmouth Road.	CP091 - Stalham	Geoff Lyon	Committee	23/01/2024	Fiona Croxon	TBC	COMPLETED	
PF/24/1634	Land North Of Kettlestone Road Little Snoring Fakenham	Construction of 19 dwellings (Class C3) with associated parking, infrastructure, open space and landscaping	CP064 - Little Snoring	Russell Stock	Committee	06/02/2025	Fiona Croxon	TBC	S106 being signed	

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OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 06-March-2025

APPEALS SECTION

NEW APPEALS

COLBY AND BANNINGHAM - PF/22/1068 - Demolition of existing buildings and erection of single storey detached dwelling

Ambrose House , Mill Road , Banningham, Norfolk, NR11 7DT
For Mr Matthew Ambrose

WRITTEN REPRESENTATION

Appeal Start Date: 11/02/2025

Appeal Decision:

Appeal Decision Date:

SHERINGHAM - ADV/24/2127 - Retention of display of internally illuminated fascia sign and projecting sign

27 Station Road, Sheringham, Norfolk, NR26 8RF
For Mr Yusuf Soyurk

COMMERCIAL APPEAL SERVICE (CAS)

Appeal Start Date: 11/02/2025

Appeal Decision:

Appeal Decision Date:

WEST BECKHAM - PO/23/2643 - Erection of dwelling and car port with ancillary works (all matters reserved except for access)

Land East Of Williams Barn, Church Road, West Beckham, Norfolk

For Mr Robert McNeil-Wilson

WRITTEN REPRESENTATION

Appeal Start Date: 03/02/2025

Appeal Decision:

Appeal Decision Date:

INQUIRIES AND HEARINGS - IN PROGRESS

NONE

WRITTEN REPRESENTATIONS APPEALS - IN HAND

BINHAM - PU/24/0753 - Change of use agricultural building to dwellinghouse (Class C3) and building operations necessary for the conversion

Barn To Rear Of, Abbott Farm Barn, Walsingham Road, Binham, Fakenham, Norfolk, NR21 0AW
For Jonathan and Tina Sneath

WRITTEN REPRESENTATION

Appeal Start Date: 09/09/2024

Appeal Decision:

Appeal Decision Date:

BODHAM - PF/23/2684 - Construction of new agricultural building following demolition of existing building subject of lawful development certificate CL/23/0819

Hurricane Farm Corner, Church Road, Lower Bodham, Holt, Norfolk, NR25 6RN

For Mr David Gay

WRITTEN REPRESENTATION

Appeal Start Date: 05/08/2024

Appeal Decision:

Appeal Decision Date:

CATFIELD - CL/24/1249 - Lawful Development Certificate for existing use of land as residential garden

Fenview, 3 Fenside Cottages, Fenside, Catfield, Great Yarmouth, Norfolk, NR29 5DD

For Mr J Amos

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision:

Appeal Decision Date:

CROMER - PF/24/1206 - Single storey rear extension to dwelling

27 Shipden Avenue, Cromer, Norfolk, NR27 9BD

For Mr Andrew Crane

FAST TRACK - HOUSEHOLDER

Appeal Start Date: 22/11/2024

Appeal Decision:

Appeal Decision Date:

CROMER - PF/24/1536 - Replacement of 2 No. first floor windows with Upvc double glazed windows on rear elevation (retrospective)

Flat 2, Shipden House, High Street, Cromer, Norfolk, NR27 9HG

For Mr Stuart Parry

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision:

Appeal Decision Date:

CROMER - LA/24/1384 - Replacement of 2 No. first floor windows with Upvc double glazed windows on rear elevation (retention of works already carried out)

Flat 2, Shipden House, High Street, Cromer, Norfolk, NR27 9HG

For Mr Stuart Parry

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision:

Appeal Decision Date:

ITTERINGHAM - PF/23/2299 - Change of use of the building known as "The Muster" and "Willow Barn" office-studio and associated outbuildings to a residential dwelling (C3)

The Muster, The Street, Itteringham, Norwich, Norfolk, NR11 7AX
For Mr Eric and Penelope Goodman and Blake

WRITTEN REPRESENTATION

Appeal Start Date: 06/08/2024

Appeal Decision:

Appeal Decision Date:

MELTON CONSTABLE - EF/23/2472 - Lawful Development Certificate for proposed conversion of loft to bedroom and installation of rooflights

Sloley House, 27 Briston Road, Melton Constable, Norfolk, NR24 2DG
For Mr & Mrs Dean & Sonia James

WRITTEN REPRESENTATION

Appeal Start Date: 18/11/2024

Appeal Decision:

Appeal Decision Date:

**RAYNHAM - TW/24/0784 - T1 & T2 - Cherry Tree - Take down leaving only Stump
T3 - Whitebeam - Reduce width to 4m and height to 7m**

19 Earl Of Bandon Avenue, West Raynham, Fakenham, Norfolk, NR21 7DQ
For Miss Stephanie Inns

WRITTEN REPRESENTATION

Appeal Start Date: 30/09/2024

Appeal Decision:

Appeal Decision Date:

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

Appeal Start Date: 10/11/2023

Appeal Decision:

Appeal Decision Date:

SALTHOUSE - PF/23/2553 - Demolition of farm buildings and erection of 5 dwellings

Land To The East Of , Cross Street , Salthouse, Holt, Norfolk
For Mr James Bunn

WRITTEN REPRESENTATION

Appeal Start Date: 03/10/2024

Appeal Decision:

Appeal Decision Date:

SHERINGHAM - PF/24/0476 - Erection of a single storey detached dwelling with rooms in the roof space and associated works.

Land North Of East Court , Abbey Road, Sheringham, Norfolk
For **GSM Investments Ltd**

WRITTEN REPRESENTATION

Appeal Start Date: 31/10/2024

Appeal Decision:

Appeal Decision Date:

SMALLBURGH - PF/22/1697 - Erection of single storey building for use as holiday accommodation on site of existing tennis court

Smallburgh Hall, Hall Drive, Smallburgh, Norwich, Norfolk, NR12 9FW
For **Mr Garry Coaley**

WRITTEN REPRESENTATION

Appeal Start Date: 11/12/2024

Appeal Decision:

Appeal Decision Date:

SWAFIELD - PF/23/1580 - Stationing of caravan for a mixed use comprising short term residential retreat / holiday accommodation for carers and people from a caring profession (up to 84 days per annum); hosted retreats for carers and people from a caring profession (up to 18 days per annum); Full-day and half-day therapeutic retreats for carers and people from a caring profession including overnight accommodation for the site manager / operator (up to 66

Land East Of Lincoln Cottage, (known As The Cottage), Common Road, Bradfield Common, Bradfield, Norfolk
days per annum).

For **Dr Clare Walters**

WRITTEN REPRESENTATION

Appeal Start Date: 09/09/2024

Appeal Decision:

Appeal Decision Date:

SWANTON ABBOTT - EF/23/2459 - Lawful Development Certificate for proposed siting of modular building within curtilage of dwelling for use as an annexe to the main dwelling

Ambleside, The Footpath, Aylsham Road, Swanton Abbott, Norwich, Norfolk, NR10 5DL
For **Gibbons**

WRITTEN REPRESENTATION

Appeal Start Date: 08/04/2024

Appeal Decision:

Appeal Decision Date:

WELLS-NEXT-THE-SEA - PF/24/0639 - Conversion of First floor restaurant into Air B&B holiday accommodation

Plattens Fish and Chips, 12 & 13 The Quay, Wells-next-the-sea, Norfolk, NR23 1AH

WRITTEN REPRESENTATION

Appeal Start Date: 16/09/2024

Appeal Decision:

Appeal Decision Date:

WELLS-NEXT-THE-SEA - LA/24/0640 - Works associated with conversion of first floor restaurant to holiday accommodation

Plattens Fish and Chips, 12 & 13 The Quay, Wells-next-the-sea, Norfolk, NR23 1AH

WRITTEN REPRESENTATION

Appeal Start Date: 16/09/2024

Appeal Decision:

Appeal Decision Date:

APPEAL DECISIONS - RESULTS AND SUMMARIES

WEYBOURNE - PF/23/2247 - Erection of two-storey dwelling

Land Adjacent Maltings Hotel, The Street, Weybourne, Holt, Norfolk, NR25 7SY
For Mr Philip Turner

WRITTEN REPRESENTATION

Appeal Start Date: 03/09/2024

Appeal Decision: **Appeal Allowed**

Appeal Decision Date: 10/02/2025

Total Number of Appeals listed: 21

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**OFFICERS' REPORTS TO
DEVELOPMENT COMMITTEE (ENFORCEMENTS)**

*Appeals Information for Committee between
30/01/2025 and 25/02/2025*

06-March-2025

APPEALS SECTION

NEW APPEALS

CROMER - ENF/24/0079 - Two twelve-light windows have been replaced with uPVC windows in Grade II listed building

Flat 2, Shipden House, High Street, Cromer, Norfolk

WRITTEN REPRESENTATION

Appeal Start Date: 19/02/2025

Appeal Decision:

Appeal Decision Date:

HOLT - ENF/24/0026 - Material change of use of the land for the siting of shipping containers.

Oakhill House, Thornage Road, Holt, Norfolk, NR25 6SZ

WRITTEN REPRESENTATION

Appeal Start Date: 06/02/2025

Appeal Decision:

Appeal Decision Date:

WRITTEN REPRESENTATIONS APPEALS - IN HAND

ALBY WITH THWAITE - ENF/20/0066 - Erection of a building for residential use, garage and landscaping to create a garden

Field View, Alby Hill, Alby, Norwich, NR11 7PJ

WRITTEN REPRESENTATION

Appeal Start Date: 24/07/2023

Appeal Decision:

Appeal Decision Date:

EDGEFIELD - ENF/23/0092 - unauthorised works to a protected trees and new camping activity.

Dam Hill Plantation, Holt Road, Edgefield, Norfolk

WRITTEN REPRESENTATION

Appeal Start Date: 23/02/2024

Appeal Decision:

Appeal Decision Date:

RUNTON - ENF/23/0027 - Breach of conditions 2, 3,4, 6, 7, 8, 10, 11, 13,15 and 16 of planning permission PF/18/1302.

Homewood, Mill Lane, East Runton, Cromer, Norfolk, NR27 9PH

WRITTEN REPRESENTATION

Appeal Start Date: 09/01/2024

Appeal Decision:

Appeal Decision Date:

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

WRITTEN REPRESENTATION

Appeal Start Date: 23/05/2023

Appeal Decision:

Appeal Decision Date:

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

WRITTEN REPRESENTATION

Appeal Start Date: 31/08/2023

Appeal Decision:

Appeal Decision Date:

WEYBOURNE - ENF/23/0278 - Change of use of barn to a pilates studio

Weybourne House, The Street, Weybourne, Holt, Norfolk, NR25 7SY

WRITTEN REPRESENTATION

Appeal Start Date: 29/04/2024

Appeal Decision:

Appeal Decision Date:

Total Number of Appeals listed: 8