

# Development Committee



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

Wednesday, 26 March 2025

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 3 April 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](mailto: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 and Cllr L Withington

All other Members of the Council for information.

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



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

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

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## A G E N D A

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| <b>PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN</b> |
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### **PUBLIC BUSINESS**

**1. CHAIRMAN'S INTRODUCTIONS**

**2. TO RECEIVE APOLOGIES FOR ABSENCE**

**3. SUBSTITUTES**

**4. MINUTES**

(Pages 1 - 14)

To approve as a correct record the Minutes of a meeting of the Committee held on 6<sup>th</sup> March 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 15 - 20)

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. 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 21 - 28)

9. **BODHAM - PF/24/2531 - CONVERSION OF BUILDING TO SINGLE UNIT OF HOLIDAY ACCOMMODATION, EXTERNAL ALTERATIONS AT THE SHED, HART LANE, BODHAM** (Pages 29 - 52)
10. **WALSINGHAM - PF/24/2612 - ERECTION OF A TWO STOREY DETACHED DWELLING WITHIN REAR GARDEN AREA AT 18 BRIDEWELL STREET ,WALSINGHAM, NORFOLK, NR22 6BJ** (Pages 53 - 64)
11. **MELTON CONSTABLE - PF/23/0775 CONVERSION OF BARN TO DWELLING, INCLUDING ASSOCIATED EXTERNAL ALTERATIONS AT BARN AT GREENS FARM, HINDOLVESTON ROAD, MELTON CONSTABLE NORFOLK.** (Pages 65 - 74)
12. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 75 - 78)
13. **EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution, if necessary:-

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

#### **PRIVATE BUSINESS**

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## DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 6 March 2025 in the Council Chamber - Council Offices at 9.30 am

**Committee** Cllr P Heinrich (Chair) Cllr R Macdonald (Vice-Chair)  
**Members Present:**

|                   |                      |
|-------------------|----------------------|
| Cllr M Batey      | Cllr A Brown         |
| Cllr P Fisher     | Cllr A Fitch-Tillett |
| Cllr M Hankins    | Cllr V Holliday      |
| Cllr P Neatherway | Cllr J Toye          |
| Cllr K Toye       | Cllr L Vickers       |

**Substitute** Cllr J Boyle

**Also in attendance:** Cllr L Withington

### 1 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A Varley.

### 2 SUBSTITUTES

Councillor J Boyle was present as a substitute for Councillor A Varley.

### 3 MINUTES

The minutes of the Development Committee held on the Thursday 23<sup>rd</sup> January and Thursday 6<sup>th</sup> February were to be presented at the next Development Committee meeting.

### 4 ITEMS OF URGENT BUSINESS

None.

### 5 DECLARATIONS OF INTEREST

Councillor R Macdonald advised he knew the applicant of item 10 and would abstain during the vote.

Councillor M Batey advised the applicant was a family member and he would leave the room during item 12.

Councillor J Toye advised as Portfolio Holder for Sustainable Growth he had early conversations with the applicant but confirmed he was not predetermined with respect to item 10.

Councillor L Vickers advised she was not predetermined and would like to vote and speak as the Local Member.

### 6 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**

### Officers report

The DMTL presented the report and brought to the attention of the Committee, the revised comments from Planning Obligations Co-ordinator at Norfolk County Council in addition to the fire hydrant, a contribution of £7,585 towards the capacity of the library was requested. He added the reason for the amendments from Norfolk County Council was due to the development being assessed as a care facility instead of retirement apartments. The DMTL outlined the amendment to the recommendation as the applicant confirmed the agreement.

The DMTL brought to the Committee's attention the general location and access of the proposed site. He explained the access was from St Nicholas Place which was a designated conservation area. He highlighted in the proposed plan the parking at the rear of the site, the existing garage block to be demolished, EV charging points and the two entrances into the building. The DMTL presented to the Committee photos and montages of the site which included the view from the esplanade and boulevard.

### Public Speakers

Deborah McNeil- Sheringham Town Council Clerk  
Roger Kendrick Venables- Objecting  
Rachel Clare (Agent)- Supporting  
Malcolm Peddar- Objecting  
David Prescott- Supporting

### Local Member

The Local Member- Councillor L Withington - expressed her concern for the proposal given the issues, scale, form, massing and character which had not been resolved despite engagement with the developer. She highlighted the core strategy policies, EN2, EN4 and EN8 were not being met. She expressed her concerns further by referring to the design and character of the proposal and stressed the importance of this along with the impact on the conservation area.

Councillor L Withington explained a major concern was the loss of the iconic view from the War Memorial to Marbel Arch. Additionally, she explained the parking and access concerns as the proposed parking allocation was 0.5 spaces per unit, based on urban assumptions and not North Norfolk's standard. She added this would place further strain on an already congested area along with the access from St Nicholas Place which was a narrow and difficult entry point. Councillor L Withington highlighted the drop-off point on the Boulevard or Esplanade was unfeasible due to the congestion.

As the Local Member, Councillor L Withington brought to the Committee's attention the impact of the proposal on residents of Upcher Court which would significantly reduce the residents' quality of life. She summarised with outlining that the lack of Section 106 contributions was disappointing including the absence of affordable housing provision. Finally, she stated the community requests for conditions which were the construction management plan and a parking and access review.

### Members debate

- a. Councillor P Fisher sought clarification on the height of the proposed site building compared to Upcher Court.
- b. The DMTL confirmed the proposed site building was approximately 2.5 meters higher than Upcher Court.
- c. Councillor P Fisher commented the height difference was not that much greater.
- d. Councillor M Batey asked if there was a construction management plan and if residents of Upcher Court were to be consulted.
- e. The DMTL explained a construction management plan would be required through a condition if permission was granted as outlined in the recommendation. He commented that residents of Upcher Court would be not be formally consulted on the construction management plan.
- f. The Chair, Councillor P Heinrich referred the Committee to page 34 of the agenda which outline the list of conditions if the proposal was approved.
- g. Councillor K Toye commented this was an attractive development and would provide additional homes for alternative living spaces. She commented that she was concerned if the number of parking spaces was sufficient for the number of proposed residents. Councillor K Toye commented the proposed development was a floor higher than Upcher Court and explained it would be overwhelming for surrounding residents. She added further that she understood the need for this type of residence but suggested the number of units should be reduced.
- h. The DMTL clarified the proposed development was four storey and the top floor was contained within the roof space.
- i. Councillor V Holliday commented this development was hugely impactful on the coastline. She questioned what was the evidence these would be retirement dwellings and highlighted there was only one lift and questioned if there was any additional support. She further questioned if there was any second home restrictions or health contributions. She commented the lack of parking was a concern and affordability was also an issue.
- j. The DMTL advised Building Control would determine if one lift was sufficient and confirmed there was no restrictions to prevent the development becoming second homes and it had been raised with the agent but thought it was unlikely to be used as second homes due to the service charges and costs.
- k. Councillor V Holliday sought further clarification on the Second Home Council Tax Premium and if this made the service charge attractive.
- l. The ADP confirmed any resident would need to pay the Council Tax at the rate set by this authority.
- m. The DMTL explained the agent had confirmed based on other developments second home restrictions were not needed and the number of parking spaces were sufficient based on other developments within the district. He also confirmed that a healthy contribution was unnecessary as it was below

the threshold of needing to consult the health authority.

- n. The Chair, Councillor P Heinrich agreed with Councillor V Holliday regarding the health contributions and commented there would be excess demands on health facilities.
- o. Councillor J Toye referred to the War Memorial near the proposed development site and questioned if permission was granted, a condition be considered to use screening to cover the construction and scaffolding during the winter months to respect the War Memorial parade.
- p. Councillor M Hankins sought clarification on the parking and access to the development. He further asked if the access would be two way and if the parking provision was within standards.
- q. The DMTL referred to the presentation given to the Committee and confirmed that the access road would be widened to allow two vehicles to pass. He added further the parking was below the standard for a dwelling but the policy CT6 allowed for variation where appropriately justified to Officers from evidence from the developers on demand and other permitted schemes.
- r. Councillor R Macdonald referred to the presentation and sought clarification on the area which will be used for parking once the garages had been demolished and how cars would be able to park on and access this area.
- s. The DMTL confirmed the area which was parking spaces and manoeuvring space on the plans and confirmed this was a shared area.
- t. The Chair, Councillor P Heinrich sought clarification on the rights of access on the land not owned by McCarthy & Stone and if a legal agreement was in place.
- u. The Agent, Rachel Clare confirmed the existing parking and manoeuvring areas. She explained the rights of access was a legal issue and not a planning issue and McCarthy and Stone have rights of access for the development which encompassed the access to the parking spaces.
- v. Roger Kendrick Venables, the public speaker objecting to the development and a member of the residents association, he clarified the access from St Nicholas Place which would be widened was part of the Freehold which the Resident Association owned. He confirmed the arrangement was that McCarthy and Stone would rebuild the access and the maintenance cost of the access in the future would be shared. He added as part of the agreement no construction traffic would use this access.
- w. Councillor L Vickers referred to the objection made by the Conservation Officer and commented that the proposed development was dominant.
- x. The SCDO commented that their concern was that the scale would dominate the conservation area.
- y. Councillor P Neatherway sought clarification on the Section 106 agreement on this application.
- z. The DMTL explained developer contributions were requested but the



financial viability appraisal was submitted by the applicant and the independent assessor had concluded the applicant had made the case in justification that the proposed development was unable to support the delivery of affordable housing or other section 106 contributions. He highlighted to the Committee that a contribution to libraries and GI RAMS Tariff was being made.

- aa. The ADP commented the proposed site was suitable for a housing development and advised the application was called in due to the scale and dominance of the development. He outlined the relevant policies to the Committee which were on page 19 of the agenda along with the adopted core strategy policies. In addition, the ADP brought to the attention of the Committee the National Planning Policy Framework (NPPF), referred to in paragraph 11d, page 33 of the agenda. He reminded the Committee that applications that the NPPF protected, covered areas or assets of particular importance - therefore the war memorial and proximity to the conservation area in relation to this application; and this could provide a reason for refusing the development proposal. The ADP added, however, that in his opinion this was not a strong enough reason for refusal and advised an adverse impact of the development would outweigh the benefits when assess against the policies in the NPPF for directing development to sustainable location. He highlighted that the question to the Committee was whether the scale and massing of this development would result in a well-designed place. He reminded the Committee if the application was refused, the reasoning needed to be demonstrated. He advised the Committee that it appeared that they were not in a position to make a decision and therefore recommended that as per page 74 of the constitution, the ADP has the authority to recommend the item be deferred on the grounds a decision was made and failed to observe the proper principles of planning decisions.

**UNANIMOUSLY RESOLVED** by 13 votes for.

**That Planning Application PF/24/1229 be DEFFERED.**

*The meeting was adjourned at 10:50am and reconvened at 11:04am*

**7 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**

Officers Report

The SPO- MB introduced the report and drew the Committee's attention to the updated comments from Highways which had been previously circulated and therefore the amended recommendation. He explained the recommendation was for approval subject to section 106 obligations and planning conditions including those recommended by the Highways Officer. The SPO- MB explained the application was for the change of use of existing buildings from care home to 35 dwellings.

The SPO-MB outlined the site location and advised it was surrounded by wooded area which was protected by TPOs. He explained that the proposed site block included Block A, B, C and D and advised of the site's previous use. He added the existing floor plans for Block A and B contained a connected corridor and the proposed plans showed this corridor to be removed. The SPO- MB presented to the

Committee the proposed plans for the ground floor, first floor and roof plans.

The SPO-MB commented that the overall character of the buildings would be retained as part of the development. He commented the proposal for Block B was to convert the building to 18 units, Block C was 12 proposed units and Block D would remain an ancillary building for refuse and plant storage. He highlighted as part of the development, open space areas were proposed. The SPO-MB highlighted the main issues were the loss of the care home provision and absence of affordable housing provision and whether the proposed development was acceptable from a Highway safety perspective.

### Public Speakers

Joe Haines (Agent)- Supporting

### Local Member

The Local Member, Councillor M Batey, raised his concerns and objections on the Highway safety of the proposed development. He explained that the access to and from the development was not safe and commented that a type of crossing was needed to be able to cross the road. He added an additional 35 vehicles in this area would cause further issues. Councillor M Batey stated he was predetermined.

The Local Member, Councillor C Ringer, the DM read out a statement on his behalf. Councillor C Ringer (as the Chair of Bodham Parish Council and adjacent Ward Member) outlined his concerns but highlighted he was not opposed to development on this site. He stated the proposed development was unacceptable as there was no affordable housing or financial contribution which contradicted NNDC policy HO3.

In his statement Councillor C Ringer expressed his concerns for the local infrastructure, particularly the A148, which was already under considerable pressure. He commented High Kelling was a difficult area for pedestrians and the absence of a crossing was a serious concern. He added the developer should make a contribution to the cost of a crossing and of providing a dog waste bin with agreement and consultation with Bodham Parish Council and NNDC Environmental Services. In the statement, Councillor C Ringer concluded that he believed this development was not the right development for this site.

### Members Debate

- a. The Development Manager explained to the Committee the application included a visibility splay of 43 metre either side of the junction access and commented fewer traffic was generated due to the existing development. He explained a higher visibility would therefore be difficult to justify. He outlined the Highways comments included a 59 metre visibility splay but there was no evidence to show that this was achievable on the site.
- b. Councillor A Brown commented on viability and affordable housing and Highways. He highlighted to the Committee affordable housing had been challenged and it was difficult for the Committee to reject applications on the basis of affordable housing when the viability assessment suggested otherwise. He commented further with regards to Highways and referred to a meeting he attended following a fatal accident on the A148 near the application site and expressed his concern for needing the highest standards which would be 59 metres visibility. He encouraged the Committee to add a

requirement for a contribution from the developers towards a highways crossing. He summarised that there was a need to repurpose buildings and land to develop and therefore proposed to approve this application with the Highways conditions with the maximum visibility.

- c. Joe Haines, the Agent, advised he was not able to confirm if a 59 metres visibility was achievable as suggested in the requirements from Highways. He commented the 43 metres was achievable which was the requirement in accordance to the speed limit on this part of the road.
- d. The HDMN commented although the speed limit was 30 mph, a visibility requirements needed to be considered in terms of what traffic was travelling at and 85% of the vehicles would determine the target speed. He commented further looking at the verges, a 59 metre visibility was reasonable and achievable. He explained that a further assessment was required to determine if a crossing was achievable.
- e. Councillor V Holliday commented she felt the crossing was more important and this was a very busy road during peak times and questioned if the HDMN had the number of vehicle movements for this part of the A148. She sought clarification on why the number of traffic movements had decreased. She referred to 12 vehicles movements during peak times and questioned how children would travel to school. She commented further that the road and pavements were unsafe to travel by foot or cycle. She expressed the need for a crossing to be put in place. She questioned further the construction of the site and if the quality of the build was sufficient enough in terms of insulation.
- f. The HDMN explained there was a submission made by the applicant regarding traffic data which had been carried out into sub categories of housing which showed the proposed housing generated a lower level of traffic than a residential property. He commented that the evidence which had been submitted did not allow for a refusal from Highways.
- g. The SPO- MB explained as part of the application an energy statement sets out air source heat pumps and insulation to reduce energy loss.
- h. Joe Haines, the Agent confirmed the development would provide 10% of energy from onsite solar and air source heat pumps. He added that improvement to the fabric of the buildings would achieve an overall 79.4% reduction in energy usage. He explained further that affordable housing was not met as the existing buildings had to be reused which resulted in higher costs. He confirmed the applicant would consider a contribution towards a highways crossing.
- i. Councillor J Toye referred to the conditions and highlighted there was not a Highway condition to protect pedestrians and therefore felt he could not support the recommendation.
- j. Councillor K Toye sought clarification on the width of the road or the minimal width of the road that a crossing could be put in. She asked if further signs could be installed to make this a safer road. She suggested she could not support the recommendation without a crossing being put in place.
- k. The HDMN explained in regards to a crossing, wide loads needed to be

considered and it needed to be assessed if a crossing was achievable along with safety auditing.

- l. The Chair, Councillor P Heinrich asked if speed cameras would improve matters.
- m. The HDMN confirmed Vehicle Activate Speed (VAS) speed signs were already in place and warning signs for pedestrians and junctions.
- n. The DM reminded the Committee when making a decision on a planning application to not ask the applicant to contribute to existing problems beyond the proposal and to be able to justify asking for a contribution. He explained the Committee could delegate authority to the AD of Planning subject to further negotiations on achieving the visibility and a highways contribution.
- o. Councillor M Hankins commented his concerns for this road not being safe. He suggested he would support deferment whilst the safety aspects of this road was considered.
- p. Councillor J Toye commented on the vehicle movements and highlight these were now different and included local children catching the bus.
- q. Councillor V Holliday referred back to the reduced amount of vehicle movement and commented there would be approximately 63 vehicles to the new dwellings including children going to school. She consequently agreed with the maximum visibility of 59 metres. She questioned if a zebra crossing would be appropriate.
- r. The HDMN said that the assessment would outline the type of crossing which was appropriate.
- s. The SPO- MB commented that the surrounding trees were protected which could have an impact on the visibility.
- t. Councillor P Fisher highlighted to the Committee the request from Councillor C Ringer for dog waste bins to be included in the conditions. He commented the focus needed to be on the access to and from the development and the visibility. He added he did not believe the road was wide enough for a crossing with an island.
- u. The Chair, Councillor P Heinrich suggested a condition for primary residence to avoid further second homes residences.
- v. The ADP commented the Parks and Recreation ground financial contribution could be interpreted to include dog waste bins and explained the primary residences restrictions was not a provision of the NNDC and NPPF which the Committee could insist on. He referred the Committee to paragraph 11d of the NNPF and agreed the maximum visibility was preferable. He commented further that the crossing needed to be achievable and if conditions were made they needed to be achievable therefor a caveat needed to be included. He explained in regards to the contribution from the applicant towards a crossing was to be considered but also a caveat needed to discuss the contribution that would improve pedestrian safety.
- w. The PL clarified that within the Section 106 agreement, the £68,928 included

a contribution towards dog waste bin provision and that the s106 agreement needed to include the NNDC Monitoring Fee.

- x. Councillor A Brown clarified the proposal included the caveat for maximum visibility splays and a financial contribution to a form of road safety enhancement.

**RESOLVED:** by 10 for, 2 against and 1 abstention.

**That Planning Application PF/24/1892 be APPROVED in accordance with the Officers recommendation.**

*The meeting adjourned at 12:00pm and reconvened at 12:04pm.*

**8 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**

Officers Report

The SPO- JS introduced the application which was for a McDonald's Drive Thru on an unused and vacant site. She outlined the site location was at the rear of the Lidl site in Fakenham with woodland at the South East of the site. She highlighted to the Committee the access road to the site and the woodland which would be retained as part of the application. She commented that the site was surrounded by industrial buildings.

The SPO- JS explained the application included 55 spaces, 10 cycles spaces, 92 meters squared of dining space, charging points, external dining area and cladding on the exterior of the building to follow the usual design of McDonald's. The SPO-JS outlined the main issues which included highway impacts, litter management and noise. She explained the application was within designated employment land and conflicts with policy SS5; however officers consider this to be an acceptable site and jobs created would have a significant economic benefit.

She explained there was no objection from Highways but an improvement plan included dropped curbs. The SPO-JS explained as part of the litter management, it was proposed that there would be 10 litter bins on the site and that McDonalds would pay for 6 bins outside of the site with a financial contribution towards their maintenance for 15 years. She outlined to the Committee the recommendation was to for approval subject to Section 106 agreement and planning conditions considered necessary by the ADP.

Public Speakers

Tracy Bennett- Objecting  
Kevin Foley- Supporting  
Ben Fox (Agent)- Supporting

Local Member

The Local Member- Councillor L Vickers commented this was a significant development for Fakenham. She expressed her support for the litter management plan but wanted this to be monitored. She referred to the economic growth and the

benefits to residents from this application. She highlighted to the Committee the concerns she had on the highway safety and the junction out of the site and explained this needed further attention from Highways to mitigate the speeding from Holt road. Councillor L Vickers highlighted her concern that the alternative access route through the industrial estate was not given further consideration.

#### Members Debate

- a. The HDMN commented that there was limited accident history for the existing infrastructure and therefore difficult to justify any additional mitigation other than dropped curbs.
- b. Councillor P Fisher sought clarification on the impact on the pharmacy and pedestrians accessing the pharmacy. He commented that vehicle and pedestrian movements would increase from McDonalds, Lidl and the pharmacy. He questioned if McDonalds was in place first whether Highways would have allowed the Pharmacy to be located where it was.
- c. The HDMN confirmed that the access to the pharmacy was not impacted and there was no concern from Highways in relation to the location of the pharmacy.
- d. Councillor V Holliday sought clarification on why an alternative access was not considered.
- e. The HDMN commented he was not aware of an alternative access option and could not identify this access as the site was surrounded by other businesses.
- f. The SPO-JS commented further she was not aware of an alternative access and the Committee was reminded that the application presented to them was what was being considered.
- g. Councillor L Vickers commented she was informed on ecological grounds this could not be an option.
- h. Councillor V Holliday questioned how the Council could control litter from McDonalds.
- i. Councillor A Brown commented that the litter management plan and stats did not cover motorists littering away from the site.
- j. The DM reminded the Committee that litter was not a valid planning reason for voting against the application.
- k. Councillor J Toye commented that McDonalds does try and mitigate the litter and it was not something that could be controlled by this application.

Councillor J Toye proposed the recommendation.

**RESOLVED:** By 10 for, 1 against, 2 abstentions.

**That the Planning Application PF 24/1079 be APPROVED in accordance with the Officers Recommendation.**

**9 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**

Officer Report

The ADP explained to the Committee that the reason for calling in the application was due to the differences of reasons for refusal between Officers and Councillor L Withington as the Local Member.

The DMTL presented the application to the Committee and outlined the site location in Sheringham which had residential dwellings behind the site. He highlighted to the Committee the context of the primary retail frontage for the purposes of the application of the policy EC5 of the core strategy. The DMTL explained as part of the presentation the shops within Class E usage fell previously within Class A1.

The DMTL drew the Committee's attention to the proposed front elevations which had no change and the fact that advertisement signage would require a separate consent. He explained the proposed rear and north elevations included a proposed flue for the kitchen ventilation system. He added the proposed floor plans outlined the proposed bin storage location which had no access out so the waste would have to be taken through the kitchen and food serving areas.

The DMTL highlighted that the proposal was acceptable in principle and complied with policy EC5 as it would not result in more than 30% of the units being in use previously within Class A1. He highlighted the main issues which included refuse storage close to adjacent residential buildings and the external appearance and impact on the character and appearance of the conservation area with another hot food takeaway within the town. The DMTL commented the applicant had provided a plan which indicated access from the rear into a private access way to the South. However, as part of this land was not within the application it was therefore not considered.

Public Speaker's

Deborah McNeil- Sheringham Town Council Clerk

Local Member

The Local Member- Councillor L Withington – expressed her support for the refusal of this application and explained to the Committee concerns she had on the impact and change of dynamic of the vibrant independent town centre from the proliferation of hot food takeaways. She explained that by allowing this application, there would be a negative impact on sustainability of the town.

Councillor L Withington outlined there was already 41 businesses out of 114 which contravenes policy EC5 which states these businesses should not exceed 30% of the PRF areas. She added that if the whole town centre was considered this would result in 36% of business with this usage. Councillor L Withington highlighted paragraphs 96 to 107 which outlined planning policies and stated that decisions should aim to achieve healthy, inclusive and safe places. Councillor L Withington asked the Committee to consider the reasons she outlined as part of the reasons for refusal.

## Members Debate

- a. The DMTL confirmed policy EC5 applied to individual primary retail not the total across the town and he added some food uses fall within Class E and it was only hot food takeaways that are in no specified use classes.
- b. Councillor L Vickers sought clarification on the bins and If there was another application which could come forward with a solution.
- c. The DMTL confirmed the issue was the bin storage arrangements and explained the applicant had sent a plan to take bins through the shared access way to the south side of the site. He explained further that this was not included within the application site boundaries and it was unknown if the land was in the applicant's control. He commented the applicant was advised to withdraw the application and re-submit on that basis.
- d. Councillor J Toye asked for future training or a information to the Committee on the controls the Committee had with the changes in the use classes as this was unclear. Councillor J Toye proposed the recommendation.
- e. Councillor A Brown seconded the recommendation following the debate.
- f. Councillor P Fisher sought clarification if this application would return to the Committee if it had been resubmitted with a solution with the bins issue.
- g. The ADP explained if the application was re-submitted and the Town Council objected, discussions would be had the Local Member, Councillor L Withington and determine if the application was to be called in or not.

## **UNANAMOUSLY RESOLVED**

**That Planning Application PF/24/2541 be REFUSED in accordance with the Officers recommendation.**

*Councillor A Fitch-Tillett and Councillor J Toye left the meeting.*

*The meeting adjourned at 1:00pm and reconvened at 1:05pm*

## **10 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)**

*Councillor M Batey left the meeting.*

The Chair, Councillor P Heinrich explained the applicant was unable to attend and therefore it was proposed by the Chair, Councillor P Heinrich and seconded by Councillor A Brown this item was deferred.

**RESOLVED:** By 10 votes for and 1 abstention.

**That Planning Application PF/24/1760 be DEFFERRED.**

*Councillor M Batey returned to the meeting.*



**11 CROMER - PF/24/2307 - ERECTION OF DWELLING (PART RETROSPECTIVE) AT 16 HARBORD ROAD, CROMER, NORFOLK, NR27 0BP.**

Officer's Report

The SPO-OL introduced the full application, part retrospective permission for a three storey detached property. She advised the Committee of the previous planning permission which had been granted for the site for four dwellings. She explained the works which were carried out were not in accordance with the plans and subsequently a further application was required. She presented the proposed elevations and floor plans and identified the new proposed fencing of 1 metre following objections from highways of a 1.8 metre fence. The SPO-OL highlighted to the Committee Ashwell House, positioned east of the site and explained the property would frame the development.

The SPO-OL brought to the Committee's attention further comments from Highways which included the boundary treatment of 1 metre was acceptable given the low speed residential setting and the reduction of the fence at the front of the property. The SPO-OL outlined the main issues which included external appearance and the effect on the character of the street scene, highways safety and impact on amenity. She advised the Committee the recommendation was for approval.

Public Speakers

Bernard Smith- Objecting

Local Member

The Local Member- Councillor J Boyle had nothing further to add.

Member's Debate

- a. Councillor L Vickers sought clarification on the difference between the original application and the application being presented at this meeting. She questioned further why a new application was submitted.
- b. The SPO-OL clarified one of the main changes was the removal of a garage and now just parking spaces on a driveway. She explained further details on the elevations such as the positioning of the windows were different along with the changes to the fencing. She highlighted to the Committee these were minor details that were amended. The SPO-OL explained a variation of conditions application was submitted; however due to the number of amendments, the applicant decided to submit a new application to save confusion.
- c. Councillor P Fisher sought clarification on the ownership of the land and questioned if this was an ongoing issue.
- d. The SPO-OL confirmed this was a civil matter rather than a planning consideration. She commented that evidence had been provided by the applicant the neighbouring land owner.
- e. Councillor M Hankins commented that a planning application could only be submitted if the land was owned by the applicant.

- f. The ADP clarified an application can be submitted by any person to develop piece of land, however, if the land was not owned by the applicant this needed to be certified within the application. He clarified the process of submitting an application.
- g. Councillor A Brown commented there was an additional control when an owner sells off to a third party some land in that they could impose a restrictive covenant governing what was developed and conditioned through the planning process. He added that was an opportunity that land owners make.
- h. Councillor V Holliday questioned if the property was closer or further away in this application compared to the previous application.
- i. The SPO-OL confirmed the garage was removed and there was now a gap between the neighbouring property, but was not moving closer.

**UNANIMOUSLY RESOLVED**

**That Planning Application PF/24/2307 be APPROVED in accordance with the Officers recommendation.**

**12 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

There was no questions or comments from the Committee on this item.

**13 APPEALS SECTION**

There was no questions or comments from the Committee on this item.

The meeting ended at 1.29 pm.

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Chairman

## Registering interests

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

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

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

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

## Non participation in case of disclosable pecuniary interest

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

## Disclosure of Other Registerable Interests

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

## Disclosure of Non-Registerable Interests

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

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

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

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

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

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

**Table 1: Disclosable Pecuniary Interests**

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

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

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

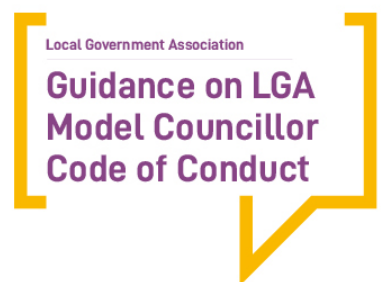
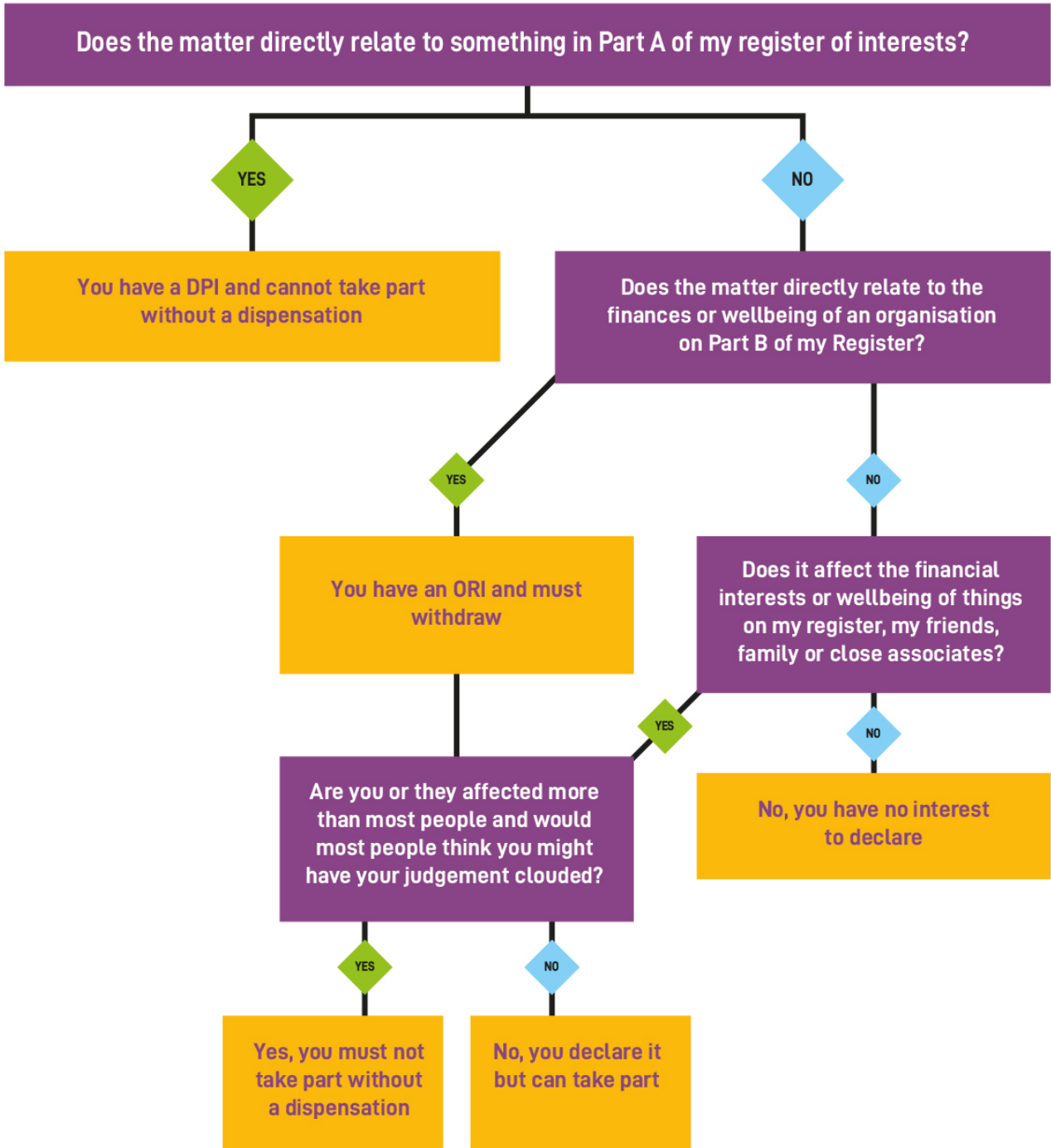
|  |   |
|--|---|
|  | spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |
|--|---|

\* 'director' includes a member of the committee of management of an industrial and provident society.

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

**Table 2: Other Registrable Interests**

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





**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: 10 April 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

Revised Risk Assessment for Odour received 11 March 2025

In discussions with the environmental protection (EP) team the concerns raised in their comments remain outstanding. The EP team consider that the assessment significance score has been significantly underestimated, and the odour control requirements is considered to be high level odour control, rather than the low level indicated in the report. EP team consider it is not clear, nor has it been demonstrated that the abatement proposed would be able to address high level odour control requirements. There remains insufficient information around the system proposed, as such revised report does not change the recommendation as previously published in the previous committee agenda (where the item was deferred).

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. The determination of the application was deferred at the Development Committee meeting on 06 March 2024.

### **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 6<sup>th</sup> 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

## **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 Policies 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 crustaceans). 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 reason 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**



**Bodham - PF/24/2531 - Conversion of building to single unit of holiday accommodation, external alterations at The Shed, Hart Lane, Bodham**

**Minor Development**

**Target Date:** 06.03.25

**Extension of Time:** 11.04.25

**Case Officer:** Russell Stock

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS:**

The site lies within the Countryside in planning terms  
The site lies within various GIRAMS Zones of Influence

**RELEVANT PLANNING HISTORY:**

CL/24/0205

Certificate of Lawfulness for existing use of building for agricultural purposes

Certificate Refused 22.03.2024

CL/23/1183

Lawful Development Certificate for use of existing building as dwelling

Certificate Refused 28.09.2023

PF/22/2714

Erection of two storey detached dwelling on existing footprint to replace existing single storey building

Withdrawn 31.03.2023

**THE APPLICATION**

Site Description:

The application site is located approximately 750 metres to the south of the village of Bodham along Hart Lane. The site contains a timber clad single storey building, an open sided wood store and a number of trees. The site is enclosed by close boarded fencing and various forms of vegetation.

Proposal:

This application seeks full planning permission for the conversion of the existing building within the site to create a two-bedroom unit of holiday accommodation. The proposals also include the formalisation of the access and creation of a parking area, as well as hard and soft landscaping.

**REASONS FOR REFERRAL TO COMMITTEE:**

The application has been referred to committee at the request of Councillor Callum Ringer for the following reasons:

*“I would like Committee to consider this application as, in my opinion, this proposal is not consistent with our Core Strategy Policies. In particular I would welcome Committee considering this against the following policies:*

*SS 2 Development in the countryside  
EN 4 Design  
EC 7 Location of new tourism development”*

## **CONSULTATIONS:**

**Bodham Parish Council:** Object

**North Norfolk District Council Landscape:** Initial – Objection. Final – **No objection, subject to conditions**

**Norfolk County Council Highways:** **No objection, subject to conditions**

## **REPRESENTATIONS:**

One letter of objection received as summarised below:

- The road has a national speed limit and the access is insufficient
- Parking will occur on the road, particularly during construction
- Bodham does not need another holiday home
- Bodham requires more affordable housing for local people

## **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.

## **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.

## **RELEVANT PLANNING POLICIES:**

### **North Norfolk Core Strategy**

Policy SS 1 (Spatial Strategy for North Norfolk)  
Policy SS 2 (Development in the Countryside)  
Policy SS 4 (Environment)  
Policy SS 5 (Economy)  
Policy SS 6 (Access and Infrastructure)  
Policy EN 2 (Protection and Enhancement of Landscape and Settlement Character)  
Policy EN 4 (Design)  
Policy EN 6 (Sustainable Construction and Energy Efficiency)  
Policy EN 9 (Biodiversity & Geology)  
Policy EN 10 (Development and Flood Risk)  
Policy EN 13 (Pollution and Hazard Prevention and Minimisation)  
Policy EC 2 (The Re-use of Buildings in the Countryside)  
Policy EC 7 (The Location of New Tourism Development)  
Policy EC 9 (Holiday and Seasonal Occupancy Conditions)  
Policy CT 2 (Developer Contributions)  
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 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)

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

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

### **Other material documents/guidance:**

Emerging North Norfolk District Council Local Plan  
Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)  
Technical housing standards – nationally described space standard (March 2015)  
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:

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

1. Principle of development
2. Landscape and design
3. Residential amenities
4. Highway impacts
5. Biodiversity
6. Arboriculture
7. Flood risk and drainage
8. Energy efficiency

## **1. Principle of development**

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

In this case the development plan for the area currently includes the North Norfolk Local Development Framework Core Strategy adopted in September 2008, the Site Allocations Development Plan Document adopted in February 2011, and the Minerals and Waste Development Framework - Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026. At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making, but is a material consideration in any subsequent determination.

The emerging North Norfolk Local Plan has been subject to initial examination and further hearing sessions are planned to take place shortly. At the current time, only limited weight can be afforded to the policies of the emerging plan, but it remains a material consideration for the determination of this application.

The spatial strategy for North Norfolk is set out within Core Strategy 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 Principal and Secondary settlements as well as service and coast service villages. The rest of North Norfolk is designated as ‘Countryside’ where development will be restricted to particular types of development to support the rural economy (including recreation and tourism), meet affordable housing needs and provide renewable energy.

Core Strategy Policy EC 7 requires that new tourist accommodation should be located in accordance with the policy’s sequential approach, starting with Principal and Secondary Settlements. Relevant to this application, the Countryside is the second tier of the test with the Policy stating that *“within the Countryside, proposals for new tourist accommodation will be permitted in accordance with other policies”*. These include Policy EC 2, which allows for the re-use of buildings in the Countryside.

Core Strategy Policy EC 2 states that *“the re-use of buildings in the Countryside for non-residential purposes will be permitted where economic uses (including holiday accommodation) are appropriate in scale and nature to the location; the building is soundly built and suitable for the proposed use without substantial rebuilding or extension and the proposed alterations protect or enhance the character of the building and its setting; the proposal is in accordance with other policies seeking to protect biodiversity, amenity and character of the area”*.

Paragraph 88 of the NPPF seeks the sustainable growth and expansion of all types of business in rural areas through the conversion of existing buildings, the development, and diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments, which respect the character of the countryside.

The building subject to this application is appropriate in scale and nature to the location to accommodate a modest two-bedroom holiday home. The building, as existing, has been on site for a number of years, whilst other buildings have historically been on the site. No alterations to the scale of the existing building are proposed. The Structural Report submitted with the application concludes the building's outer skin is in good condition. Internal strengthening would be required to support the upgraded roof finishes. Modest external changes would be required as part of updating the front entrance (replacing single door with bi-folds), as well as enclosing the existing log store to create bathrooms. The works proposed are not considered to be 'substantial', and the information provided demonstrates that the building is soundly built.

Subject to the alterations being found to protect or enhance the building's character and setting, and there being no conflict with policies seeking to protect biodiversity, amenity and character of the area (considered further within sections below); the proposals would broadly accord with the requirements of Policy EC 2, and consequently EC 7 which supports the re-use of buildings in the countryside for tourist accommodation purposes. The development would also be in line with the aims of the NPPF which seek to support sustainable rural tourism.

## **2. Landscape and design**

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

Core Strategy Policy EN 4 requires that all development should be designed to a high quality, reinforcing local distinctiveness, be expected to be suitably designed for the context within which they are set, and ensure that the scale and massing of buildings relate sympathetically to the surrounding area. Paragraph 135(c) of the NPPF sets out that developments should be sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change.

The site is a small parcel of land with hedged boundaries situated within the Tributary Farmland Landscape Character Type (as defined within the LCA), which is described as an open, tranquil and a strongly rural landscape area. This character type is particularly sensitive to increases in built development. The LCA sets out that development proposals should seek to integrate within the existing settlements, reinforcing traditional character and vernacular.

This site is well away from the existing settlement of Bodham and within the countryside. The site currently hosts a modest timber clad building. Converting this to holiday accommodation would inevitably domesticate the site, including by introducing residential noise and disturbance impacts. The building would largely remain in its current form, and its scale and form would limit the domesticating impacts to the immediate locale. Furthermore, the site is located less than 150 metres from existing properties along Hart Lane, themselves remote from the main village built envelope. In relation the domestication of the site, a limited degree

of conflict arises with Policy EN 4 as such a use would be, to some extent, out of context with the adjoining rural fields.

The rural features, in this case the boundary vegetation, contributes positively to character, biodiversity and historical continuity of the site. Retention of the mature boundary vegetation is considered important to reduce the visual impact of the development on the rural locale.

Updated landscape plans have been provided during the consideration of the application. These now detail more appropriate boundary treatments, including the removal of the close-boarded fencing from the north, south and western boundaries and their replacement with 1.2m high stock-proof fencing and mixed native hedging. The updated plans also detail the greater retention of the existing vegetation within the site, albeit regrettably three trees along the site's frontage would be removed. Replacement and enhancement planting is proposed which would, over time, help mitigate such loss. The replacement of the existing closed gate with a traditional 5-bar field gate would contribute towards the visual improvements of the site resulting from the development. The traditional 5-bar field gate being a more appropriate enclosure than the existing, given the rural context of the site. The amended landscaping proposals are welcomed and would help assimilate the development into its verdant and rural setting, and reduce the harm resulting from the domestication of the site.

Dark night skies are a Valued Feature of the Tributary Farmland Landscape Character Type. The external lighting proposed is considered to be sympathetic to the dark skies character. Conditions are recommended to secure these details and prevent further lighting which may have harmful impacts.

The physical changes proposed to the existing building are modest. The main alternations include the replacement of the front doors with glazed bi-folds, and the enclosure of the wood store to create the en-suite bathrooms. These alterations are considered to be suitable for the site context, and from the public realm, the impacts resulting from these changes would be negligible. The proposed retention and use of natural materials within the development, including the external cladding and timber fenestration frames is appropriate. Conditions to secure the final details of external material details are recommended to ensure the development preserves the character of the building and wider area.

The harm arising from the domestication of the site is limited by the scale, form and materials of the building, and is further lessened as a result of the proposed hard and soft landscaping scheme. On balance, the proposal would protect and conserve the special qualities and local distinctiveness of the area and therefore would not give rise to significant landscape concerns. Furthermore, the proposal would generally be sympathetic to the local character and context of the surrounding area and would not give rise to significant design concerns. As such, subject to conditions, the proposal would broadly accord with the aims of Core Strategy Policies EN 2 and EN 4.

### **3. Residential amenities**

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

Located approximately 150 metres away from the closest existing residential properties, and as the proposals seek to largely retain the built form as existing, there are not considered to be any adverse amenity impacts arising for existing residents as a result of the development.

Future occupiers of the building would be provided with suitably high-quality amenities. The verdant nature of the site would potentially result in a level of shading, however as the proposal is for a short-term holiday use, the impacts would be limited in duration. In all other respects, the site would provide suitable internal and external amenities for future occupants.

The proposals therefore comply with the requirements of Core Strategy Policy EN 4 in this respect.

#### **4. Highway impacts**

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 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, following mitigation, would be severe, taking into account all reasonable future scenarios”*.

The proposal seeks to utilise the existing access onto Hart Lane, whilst the amended landscape plans detail that the surface would be upgraded.

The site is remote from the nearest settlement and the nature of the surrounding rural lanes would likely result in a high reliance on private car for most trips by users/occupiers of the development. The locational aspects of the site weigh against its sustainability credentials, however this harm is tempered by local and national planning policy support for the re-use of existing buildings within the countryside, where there is often likely to be accessibility limitations. Furthermore, whilst the existing lawful use is uncertain, the site has historically been used for various purposes, which themselves would have generated a level of vehicular movements.

Having considered the proposed development, the Highway Authority have raised no objection. They highlight that the proposed use would generate three daily movements, and whilst the site is remote, there would be no highway safety issues arising. Conditions are suggested to ensure that the access enables vehicles to safely draw off the highway, and is appropriately surfaced and drained.

Officers concur with the opinions of the Highway Authority, including the requirement for the suggested conditions. Subject to these conditions, and whilst the accessibility of the site weighs against the development, the proposals would broadly accord with the requirements of Policy CT 5.

#### Vehicular parking

Policy CT 6 requires adequate vehicle parking facilities to be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle parking 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.

The North Norfolk Design Guide states at paragraph 3.3.22 that *“in-curtilage’ parking is recommended where possible to take advantage of personal surveillance and defensible space”*. The Council’s parking standards for hotels/guesthouses, require 1 space per bedroom whilst dwellings (whether or not as a sole or main residence) require 1.5 space per 1 bedrooomed unit, 2 spaces for 2 or 3-bedroom units and 3/4 spaces for units with 4 or more bedrooms.

Whilst not demarked within the plans, the parking area shown would be of a sufficient size in order to accommodate at least two vehicles in line with the standards. As a two bed, 3-person unit of accommodation, it is likely that the two parking spaces would be the maximum required.

No electric vehicle (EV) charging locations or details have been provided at this stage. The details and the provision of EV charging is required in order address the requirements of Emerging Policy CC 8, as well as the latest Building Regulations requirements. A condition is recommended to secure this element.

Subject to conditions securing the provisions noted above, the development would accord with the relevant policy requirements in respect to these matters.

#### Cycle parking/storage

Core Strategy Policy CT 6 requires that development proposals make provision for cycle parking in accordance with the Council's parking standards. The standards set out that for individual houses, provision should be accommodated within garages or within sheds in rear gardens. Appendix C of the Core Strategy states that "*cycle parking should be secure, under effective surveillance and conveniently located to the entrance or buildings with safe and direct routes to the surrounding road network*".

No details have been provided as part of the proposal as to where cycle parking provision would be made within the site. It is however, reasonable to secure these details via condition. The provision of cycle parking within the site would help support the use of low carbon modes of transport, mitigating to a degree, the harm arising from the isolated and poorly accessible location of the site.

## **5. Biodiversity**

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

Core Strategy 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*". Policy EN 2 requires 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.

Policy EN 9 requires 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.



The policy also states that “*development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted*”.

Paragraph 187 of the NPPF states that “*planning policies and decisions should contribute to and enhance the natural and local environment*”. These include by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 advises that when determining planning applications, significant harm to biodiversity should be avoided, adequately mitigated, or, as a last resort, compensated for. Should this not be possible, then permission should be refused. Opportunities to incorporate biodiversity improvement in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The application has been supported by an Ecological Impact Assessment (EclA). The typical validity period for an EclA is 18 months, however the content of the report demonstrates low ecological risk on site and as such it is not considered that the value of the site would be likely to have changed significantly in the past few months, and as such, the report can be relied upon.

The EclA assessed the site as having negligible potential to support roosting bats, and the likelihood of Great crested newts (GCN) being present on site being assessed as “low”. No further surveys for protected species have been recommended and the EclA concludes that the development would not have an impact on any designated sites. Mitigation and enhancement measures have been recommended, including sensitive external lighting, and the installation of bird and bat boxes

The Council’s Landscape Officer is satisfied with the survey work undertaken and considers that the EclA is fit for purpose. It has addressed concerns raised under a previous application regarding the potential presence and impacts to GCN. Conditions are recommended to secure the mitigation and enhancement measures set out within the EclA.

Officers concur with the conclusions drawn by the Landscape Officer in relation to the development’s potential impacts. Subject to securing the mitigation and enhancement measures suggested, the development would accord with Core Strategy Policies EN 2 and EN 9.

#### *Recreational Impacts*

The Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) has been adopted and agreed between the Norfolk planning authorities and Natural England. The Strategy enables growth in the District by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development.

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

The application site falls within the Broad Sites, North Coast Sites, Norfolk Valley Fens and The Wash Zones of Influence as defined within the Strategy. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. It would result in the significant features of the sites being degraded or lost, and these internationally important areas losing significant important areas for birds, plants and wildlife generally and, therefore, their designations.

All net new residential and tourism developments are required to mitigate the effects of the development and show how this will be achieved before approval of planning permission. The tariff is currently collectively set at £221.17 per net new residential dwelling and is index-linked. For this self-contained holiday accommodation development a GIRAMS tariff of £221.17 is required. This payment has already been made.

The LPA as the 'competent authority' has completed an Appropriate Assessment and concluded that subject to securing the GIRAMS financial contribution, the planning application would not have an adverse effect on the integrity of the relevant European Sites from recreational disturbance, when considered alone or 'in combination' with other development. In line with the agreed Habitat Regulation Assessment template, consultation with Natural England on this matter is not considered to be necessary as the proposed development would be subject to the GIRAMS payment to offset potential impacts of an increase in recreational disturbance to nearby Habitat Sites.

#### *Biodiversity Net Gain (BNG)*

Biodiversity Net Gain information has been submitted with the application in the form of a completed metric (Statutory Metric), and a Biodiversity Gain Statement.

It is noted that due to the unavoidable creation of vegetated garden, it will not be possible to achieve a 10% net gain in habitat units on site. This is not a reason for refusal and is a situation faced by many small developments where vegetated garden covers the entirety of the post development site. In order to meet the required 10% target, the applicant will need to secure habitat units through an off-site gains provider, or purchase statutory credits. The applicant should make a clear indication as to which approach they intend to take as part of the biodiversity gain condition discharge.

The Landscape Officer has confirmed that they are satisfied with the baseline BNG calculations provided with this application. A condition and informative are to be included to secure and remind the applicant of the required BNG requirements.

#### Summary

The information and evidence submitted has satisfactorily addressed the proposed development's ecological impacts. For the reasons stated above, and subject to relevant conditions, it is considered that the proposal would comply with Core Strategy Policy EN 9, paragraphs 187, 193 and 194 of the Framework and The Conservation of Habitats and Species Regulations 2017 (as amended).

## **6. Arboriculture**

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

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

The application was initially supported by an Arboricultural Impact Assessment (AIA), which has subsequently been updated during the course of this application. The AIA provides a survey of all the trees affected by the development and sets out their category/value. Alongside this, details of the tree works required in order to facilitate the development are included. These works include the removal of a number of trees, including three along the site's roadside frontage. A number of other trees would also be reduced back and/or coppiced. The AIA also includes both a Method Statement and a Tree Protection Plan.

The Landscape Officer, having considered the updated AIA, has raised no objection to the proposal. The retention of a greater number of trees is welcomed, as well as the provision of replacement planting details. Conditions are suggested to secure the details and recommendations as set out within the AIA.

Officers concur with the Landscape Officer's conclusions and recommendations for conditions. Officers also consider it necessary to secure utility services details/plan to ensure appropriate consideration is given to these in relation to arboricultural constraints. Subject to appropriate conditions, the development would accord with the requirements set out within Core Strategy Policies EN 2 and EN 9 in respect to the site's arboricultural interests.

## **7. Flood risk and drainage**

### *Flood risk and surface water drainage*

Policy EN 10 of the Core Strategy states that *"the sequential test will be applied rigorously across North Norfolk and most new development should be located in Flood Risk Zone 1"*. A site-specific Flood Risk Assessment which takes account of future climate change must be submitted with appropriate planning applications in Flood Zones 2, 3a and 3b and for development proposals of 1 hectare or greater in Flood Zone 1. The policy requires that appropriate surface water drainage arrangements for dealing with surface water runoff from new development will be required. The use of Sustainable Drainage Systems will be the preference unless, following an adequate assessment, soil conditions and / or engineering feasibility dictate otherwise.

Paragraph 182 of the NPPF advises that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity.

In this case and in line with Policy EN 10 of the Core Strategy and footnote 63 (paragraph 181) of the NPPF, and as the site measures approximately 0.02 hectares, and falls within Flood Zone 1 (having the lowest risk of flooding), a site-specific flood-risk assessment is not required.

The applicant has indicated that rainwater from the roof of the building would be discharged into the ground via a soakaway. This would likely be located under the proposed parking area. The use of infiltration drainage via soakaway is considered appropriate and is in line with relevant guidance. Further details of the surface water drainage system are required in order to ensure that no harm to trees occurs as a result of the installation works associated with the soakaway. Subject to conditions securing this information, the development would accord with Policy EN 10 in this regard.

### *Foul water drainage*

Policy EN 13 states that “*all development proposals should minimise, and where possible reduce, all emissions and other forms of pollution, including light and noise pollution, and ensure no deterioration in water quality*”. Proposals will only be permitted where, individually or cumulatively, there are no unacceptable impacts on amongst other things, surface and groundwater quality.

The first priority under the Building Regulations (Approved Document H) is for foul water drainage to connect to the public foul sewer system. Only if a public foul sewer is not available, should alternative means of disposal be considered. This hierarchy is similarly set out within paragraph 020, Reference ID: 34-020-20140306 of the Government’s Planning Practice Guidance.

The applicant has indicated that there are no public sewers within a reasonable range of the site, therefore making it unfeasible for this development to connect to the mains. Furthermore, it is suggested that given the limited size of the site, coupled with the requirement to provide surface water soakaways, the use of a package treatment plant, or a septic tank which requires a drainage field, would not be achievable. The applicant is therefore proposing to utilise a cesspool, a tank where all the waste water would be stored, periodically pumped out and taken off-site to be disposed of. Officers consider that further information is required in order to justify this approach. Whilst the application site itself is not within a surface water catchment affected by nutrient neutrality catchment, consideration may need to be given to the location of cesspool disposal, should this least preferable option be justified through the submission of further information as part of the condition process.

Conditions are therefore recommended to secure the further scrutiny of the mode of foul water drainage for this development. Subject to such conditions, the development would accord with the requirements of Policy EN 13 in relation to water quality.

## **8. Energy efficiency**

Core Strategy 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 of the most appropriate technology for the site.

The applicant has proposed the use of an Air Source Heat Pump (ASHP) for the heating of the building. Solar panels are also proposed, and coupled with the ASHP, would help deliver on-site renewable energy generation. Details have also been provided in relation to the proposed fabric and construction methods which would ensure that the building is energy efficient.

Further details of the ASHP and solar panels are required and can be secured by condition in the absence of location, specification and appearance details at this stage. Subject to such conditions, the development would accord with the requirements of Policy EN 6.

## **9. Other matters**

*Securing holiday accommodation*

Policy EC 9 requires that holiday occupancy conditions are placed on new unserviced holiday accommodation with a view, first, that it is used for holiday purposes only and shall not be occupied as the sole or main residence of the occupiers. Secondly, it shall be available for commercial holiday lets for at least 140 days a year and no let must exceed 31 days. Finally, a register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection by the Local Planning Authority on request.

The scheme comprises of a single unit of unserviced holiday accommodation in the Countryside. On that basis, the intention of the above condition is to create a clear distinction between residential dwellings and properties that are used as commercial holiday lets. Commercial holiday lets create less pressure on local services such as schools, and the economic benefits commercial lettings bring justify allowing such use in the Countryside where permanent residential may not be permitted. Therefore, provided the conditions set out above are imposed, it is considered the proposal would comply with Core Strategy Policy EC 9.

#### *Pre-commencement conditions*

The recommendation proposes pre-commencement planning conditions and therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such a condition. Notice was served on 25<sup>th</sup> March 2025 and agreed in writing by the applicant on the same date.

#### **Planning balance and conclusion:**

The development would support employment opportunities, making a minor contribution towards sustaining and enhancing the important North Norfolk tourism offering. There would also be modest economic benefits resulting from the development both through the construction phase and then by visitor expenditure within the local economy.

The proposed layout, scale and appearance of the proposed unit of holiday accommodation is considered to appropriately respond to the surrounding context, albeit that the use would result in a degree of domestication. The proposals include a suitable soft and hard landscaping scheme which would help integrate the development into its rural setting, helping to mitigate the domestication impacts to a degree.

Environmentally, the development would conform to the latest energy efficiency standards and Building Regulations as well as result in net gains for biodiversity. The development has been found to be acceptable, both in terms of on and off-site ecological impacts. Tree protection measures can be secured by condition to ensure that retained trees are suitably incorporated into the development. Financial contributions towards GIRAMS have been secured, thus ensuring that the protected sites are not further degraded. Suitable surface and foul water drainage systems would be provided, as secured by condition.

The development would deliver a suitable access onto the existing highway network and the trips generated would not have adverse impacts. There would be a high reliance on private cars for most trips from the site, and this poor accessibility weighs against the development. Appropriate vehicular parking provision would be made within the site. The development would provide suitable cycle parking facilities, as secured by condition.

Taking account of both the matters in support and those against the proposed development, it is considered that adverse impacts would not outweigh the benefits associated with the

development. As such, the development should be approved as set out within the recommendation below.

**RECOMMENDATION:**

**APPROVAL subject to the imposition of appropriate conditions including those listed below (plus any amendments to these or other conditions considered to be necessary by the Assistant Director of Planning).**

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason:

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development to which this permission relates shall be undertaken in strict accordance with the submitted and approved plans, drawings and specifications:

- Location Plan produced by Planning Portal, reference PP-13602767v1
- Drawing 1. Site Plan produced by Robert Lord Associates, received 03.01.2025
- Drawing 2. Revision B Proposed Layout, Elevations and Sections, produced by Robert Lord Associates, received 08.01.2025

Reason:

For the avoidance of doubt and in the interests of proper planning.

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

Reason:

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

4. The landscaping works shall be carried out prior to first occupation of the holiday accommodation hereby approved in accordance with the approved Landscaping Schedule produced by CJ Yardley Landscape Survey and Design LLP, dated February 2025 revised, including the Landscaping Plan 4810/02/Rev A, dated 26 February 2025.

Management of the approved landscaping shall commence immediately after first planting in accordance with the details set out within Section 3 of the approved Landscape Schedule and the Landscaping Management Plan produced by CJ Yardley Landscape Survey and Design LLP, dated February 2025.

Any tree, shrub or hedgerow forming part of the approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of ten years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in the same place.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

5. The boundary treatments detailed on Landscaping Plan 4810/02/Rev A, produced by CJ Yardley Landscape Survey and Design LLP, dated 26 February 2025 hereby approved shall be planted / constructed in the manner shown/described and be completed before the holiday accommodation hereby permitted is first occupied and shall be retained as such thereafter.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

6. No external lighting shall be erected within the site, other than that detailed within the Landscaping Schedule produced by CJ Yardley Landscape Survey and Design LLP, dated February 2025 revised, without prior written approval of the Local Planning Authority.

Reason:

To ensure that excessive light spill in the countryside is avoided and to avoid any adverse impacts on protected species populations in accordance with Policies EN 2, EN 4, EN 9 and EN 13 of the adopted North Norfolk Core Strategy.

7. Prior to first occupation of the holiday accommodation hereby approved, the existing close boarded boundary fencing along the northern, southern and western boundaries of the site, along with the existing entrance gates, shall be fully removed from site. Their removal shall have due regard to the arboricultural protection/establishment requirements set out within the Arboricultural Impact Assessment, Tree Protection Plan and Method Statement produced by CJ Yardley Landscape Survey & Design LLP, dated February 2025.

Reason:

To ensure that development has an acceptable visual impact in the interests of local amenity and the enhancement of the development itself in accordance with Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy and Chapters 12 and 15 of the National Planning Policy Framework.

8. Development including any demolition and site clearance or preparatory work, shall not commence until the scheme for the protection of the retained trees and hedges has been implemented in full in accordance with the approved Arboricultural Impact Assessment, Tree Protection Plan, Method Statement produced by CJ Yardley Landscape Survey and Design LLP, dated February 2025, including Tree Protection Plan 4810/01/Rev A, dated 14 February 2025.

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

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

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

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

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

Reason:

To protect trees and hedges on the site in the interest of the visual amenity, and the character and appearance of the area, in accordance with Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

9. No development including site clearance, demolition, ground preparation, construction/widening, material storage or construction works shall commence on site until a plan showing the location of all existing and proposed utility services in relation to the arboricultural constraints on the site has been submitted to and approved in writing by the Local Planning Authority. This shall include gas, electricity, communications, water and drainage. No development or other operations shall take place other than in complete accordance with the Utility Plan.

Reason:

Details are required prior to commencement of the development to ensure that reasonable measures are taken to safeguard trees and hedges in the interests of local amenity and the enhancement of the development itself, in accordance with Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

10. Unless detailed within the Arboricultural Impact Assessment, Tree Protection Plan, Method Statement produced by CJ Yardley Landscape Survey and Design LLP, dated February 2025, and approved as part of this permission, no tree, shrub or hedgerow which is shown on Tree Protection Plan 4810/01/Rev A to be retained, shall be topped, lopped, uprooted, felled or in any other way destroyed.

Reason:

To protect trees and hedges on the site in the interest of the visual amenity, and the character and appearance of the area, in accordance with Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

11. The existing boundary hedgerows which are to be retained, alongside the those proposed, shall be retained, at a minimum height of two (2) metres from ground level. Should the hedge die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, a replacement hedge, or other agreed means of



enclosure shall be planted/installed in accordance with details and timescales which shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect trees and hedges on the site in the interest of the visual amenity, and the character and appearance of the area, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

12. The development hereby approved shall be carried out in strict accordance with the mitigation and enhancement measures outlined in Sections 6 and 7 of the Ecological Impact Assessment, reference 172-2200-GE-RLA, produced by Glaven Ecology, dated February 2023. The mitigation and enhancement measures shall include the provision of:
- a) Machinery, equipment and materials must be stored on raised pallets or skips,
  - b) All waste should be stored in skips prior to removal from site,
  - c) All excavations should feature an escape ramp made from earth, or a rough sawn plank to prevent foraging or commuting amphibians from becoming trapped,
  - d) In the event that a Great crested newt is encountered, all works must cease and a licenced ecologist consulted,
  - e) Any external lighting should be low level, minimise lit times through use of timers or motion sensors, and be in the warm white spectrum (<2700k),
  - f) Any clearance of the site will take place outside of the bird nesting period (March to August inclusive), or failing that following a pre-commencement check by a suitably qualified ecologist,
  - g) 1No. integrated bat box to be installed on the eastern aspect of the development,
  - h) 1No. integral swift style nest box to be installed on the north aspect of the development.

The specific details of all of the required mitigation and enhancement measures aforementioned, including dimensions, location and construction methodology together with a scaled plan or drawing illustrating the requirements, shall be submitted to and approved in writing by the local planning authority prior to installation. The mitigation and enhancement measures shall be carried out in accordance with the approved details prior to first occupation of the holiday accommodation and thereafter retained in a suitable condition to serve the intended purpose.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 187 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

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

Reason:

To ensure the GIRAMS tariff payments secured in relation to this development are made available and can be used towards the county wide strategic mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy, or successive strategy, which is aimed at delivering the

necessary mitigation to avoid adverse effects on the integrity of European Sites arising as a result of the development.

14. Where the statutory Biodiversity Net Gain requirements apply and where a biodiversity gain plan has been submitted to and approved in writing by the Local Planning Authority, the biodiversity gain plan and, where appropriate, any related Habitat Management and Monitoring Plan and/or Landscape Ecological Management Plan shall be carried out in strict accordance with those approved details.

Such habitat creation or enhancements delivering the biodiversity net gain increase set out in the biodiversity gain plan and any related Habitat Management and Monitoring Plan and/or Landscape Ecological Management Plan shall be maintained for at least 30 years after the development is practically completed.

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

Reason:

For the avoidance of any doubt and to ensure that the development proposed is delivering the statutory minimum biodiversity net gain requirements for 30 years and to ensure that biodiversity value is enhanced in accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy.

15. Prior to installation, full details of foul and surface water drainage treatment shall first be submitted to and approved in writing by the Local Planning Authority. The approved foul and surface water details shall then be carried out prior to first occupation of the holiday accommodation hereby approved and shall thereafter maintained in accordance with the approved details.

Reason:

To ensure that suitable surface water drainage provision is made within the site in a manner which protects arboricultural assets, and that the foul water management is appropriate for the site, having regard to the relevant hierarchy and Nutrient Neutrality considerations, in accordance with Policies EN 2, EN 4, EN 9 and EN 13 of the adopted North Norfolk Core Strategy.

16. The unit of holiday accommodation hereby approved shall be used for holiday accommodation purposes only and shall not be used as the sole or main residence of the occupiers. The holiday accommodation hereby permitted shall be made available for commercial holiday letting for at least 140 days a year and no individual let shall exceed 31 days. A register of lettings, occupation, and advertising shall be maintained at all times and shall be made available for inspection by the Local Planning Authority if requested.

Reason:

For the avoidance of doubt and because the site is located in an area designated as Countryside in the North Norfolk Core Strategy where the Local Planning Authority would not normally permit permanent residential accommodation, and in the interests of residential amenities in accordance with Policies SS 2, EN 4, EC 2 and EC 9 of the adopted North Norfolk Core Strategy.

17. Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of five (5) metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges

adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason:

In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

18. Prior to first occupation of the holiday accommodation hereby approved the vehicular access shall be upgraded to a minimum width of 2.75 metres and in accordance with the Norfolk County Council residential access construction specification for the first 4 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement (and to be provided as part of Condition 15) shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason:

To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

19. Prior to the first occupation of the holiday accommodation hereby approved the proposed access/onsite car and cycle parking/area shall be laid out, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason:

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

20. Prior to first occupation of the holiday accommodation hereby approved, details of electric vehicle charging provision shall be submitted to and approved in writing by the Local Planning Authority. Such details should include the specification, appearance and siting of charging point(s). The approved electric vehicle charging provision shall be carried out and made fully functional prior to the first occupation of the holiday accommodation and thereafter shall be maintained in accordance with manufacturer's specifications.

Reason:

Details are required prior to occupation to ensure that visually acceptable electric vehicle charging points are made available prior to occupation of the approved unit of holiday accommodation in accordance with Policies EN 4, EN 6 and CT 6 of the adopted North Norfolk Core Strategy and the guidance contained within Chapter 14 of the National Planning Policy Framework.

21. Prior to first occupation of the holiday accommodation hereby approved, a scheme for the parking/storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the holiday accommodation is first occupied and thereafter retained for this purpose.

Reason:

To ensure the provision of adequate cycle parking/storage that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with the requirements of Policy CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

22. The holiday accommodation hereby approved shall be provided with an Air Source Heat Pump (ASHP). Prior to installation of the ASHP, full details including location, acoustic specifications, and any specific manufacture measures to control noise from the equipment, shall first be submitted to and approved in writing by the Local Planning Authority. The approved ASHP shall be installed and be made operational prior to first occupation of the holiday accommodation and maintained thereafter in full accordance with the approved details.

Reason:

To ensure that the development provides for on-site renewable energy generation in a visually acceptable manner and which ensures that appropriate residential amenities are provided in accordance with Policies EN 4, EN 6 and EN 13 of the adopted North Norfolk Core Strategy.

23. Prior to installation, details of the solar panels to be provided within the site shall first be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, specification, efficiency/output and their appearance. The approved solar panels shall be installed and be made fully functional prior to first occupation of the holiday accommodation hereby approved.

Reason:

To ensure that the solar panels provided have an appropriate appearance, and are of sufficient quality to provide the benefits of renewable and low carbon energy generation in accordance with Policy EN 6 of the adopted North Norfolk Core Strategy and Chapter 14 of the National Planning Policy Framework.

24. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A - H, of Part 1 of Schedule 2 of the Order shall be carried out/erected on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

Reason:

To prevent the overdevelopment of the site, to preserve the rural character in the interests of the amenity of the area and to ensure that development does not adversely impact retained trees in accordance with Policies EN 2, EN 4 and EN 9 of the adopted North Norfolk Core Strategy.

25. No fences, gates, walls or other means of enclosure as defined within Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) shall be carried out on the land, unless otherwise formally agreed in writing by the Local Planning Authority.

Reason:

To preserve the rural character of the site and in the interests of the visual amenities of the area and to comply with Policy EN 4 of the adopted North Norfolk Core Strategy.

Informatives

- 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.
- 1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.
- 1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.
2. In accordance with paragraph 39 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-
  - proactively offering a pre-application advice (in accordance with paragraphs 39 - 47);
  - seeking further information following receipt of the application;
  - seeking amendments to the proposed development following receipt of the application;
  - considering the imposition of conditions and or the completion of a s.106 legal agreement (in accordance with paragraphs 55-58).

In this instance:

  - the applicant was updated at each stage during the consideration of the application;
  - amended plans were submitted by the applicants and have been duly considered;
  - discussions were held with the applicant during the course of the application;
  - the application was subject to the imposition of conditions.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.
3. Shrub clearance should be undertaken outside of bird nesting season (March to August inclusive) if at all possible in order to avoid impact on nesting birds protected under the Wildlife and Countryside Act 1981. Should clearance be required during nesting season then the site should first be surveyed by a suitably qualified ecologist for signs of nesting and if any area found works should cease in that area until nesting has been completed and fledglings have left the nest.
4. The applicant/agent is advised that any removal of asbestos from the site should be in accordance with the Control of Asbestos Regulations 2012, under which the applicant/agent has a duty of care. Holders of this duty must prevent escape of the waste whilst it is under their control. For further help and advice in respect of asbestos

removal the applicant/agent is advised to contact the Health and Safety Executive (HSE) on 0845 345 0055 ([www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos)).

5. This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. Please contact [developer.services@norfolk.gov.uk](mailto:developer.services@norfolk.gov.uk) If required, street furniture will need to be repositioned at the Applicants own expense.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

6. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
  - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.

**This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.**

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Where a Biodiversity Gain Plan is required to be submitted to the Local Planning Authority for approval and:

- (i) The plan to be submitted proposes **significant\*** on-site habitat enhancement or creation, a Habitat Management and Monitoring Plan (HMMP) shall also be submitted to the Local Planning Authority. The HMMP shall include:
  - (a) a non-technical summary
  - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP
  - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
  - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development
  - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority and
  - (f) details of persons responsible for submitting monitoring reports to the Local Planning Authority in accordance with the monitoring methodology and frequency set out at e).

(ii) The plan to be submitted proposes on-site habitat enhancement or creation that is **not deemed to be significant\***, a Landscape Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority. The LEMP shall include:

- (a) a non-technical summary
- (b) the roles and responsibilities of the people or organisation(s) delivering the LEMP
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- (f) details of persons responsible for submitting monitoring reports to the Local Planning Authority in accordance with the monitoring methodology and frequency set out at e).

Where HMMPs require monitoring by the Local Planning Authority across the 30 year BNG period, the applicant/landowner shall be required to enter into a S106 Obligation in order to secure the reasonable costs to be incurred by the Local Planning Authority in monitoring the proposed biodiversity net gains. Such costs will be calculated using up to date cost calculations and monitoring fees will be required as a single upfront lump sum to simplify the administrative process otherwise will be subject to additional inflation calculations and administration charges.

\*When seeking to identify whether on-site mitigation is or is not deemed to be **significant**, advice should be sought from the Local Planning Authority prior to submission of a Biodiversity Gain Plan.

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**WALSINGHAM – PF/24/2612 - Erection of a two storey detached dwelling within rear garden area at 18 Bridewell Street ,Walsingham, Norfolk, NR22 6BJ**

**Minor Development**

**Target Date: 14<sup>th</sup> February 2025**

**Decision Due Date: 7<sup>th</sup> April 2025**

**Case Officer: Olivia Luckhurst**

**Full Planning Application**

**RELEVANT SITE CONSTRAINTS:**

Within the Walsingham Settlement Boundary

Within the designated Residential area

Walsingham Conservation Area

Adjacent Grade II Listed Building

**RELEVANT PLANNING HISTORY:**

**IS2/21/1032** - Proposed two bedroom dwelling - Advice Given

**DE21/13/0163** - Erection of dwelling - Advice Given

**PF/20/0590** - Erection of detached two storey dwelling - Refused

**PF/21/3302** - Two storey detached dwelling; new vehicle access off Chapel Yard - Refused

**THE APPLICATION:**

Planning permission is sought for the erection of a two-storey detached dwelling within the rear garden area of 18 Bridewell Street, Walsingham which is a grade II listed building located within the settlement boundary and conservation area of Walsingham.

An application for a detached dwelling was refused on the site (PF/21/3302) in 2021 and was later dismissed at appeal, however, the current application proposes an amended design and layout.

**REASONS FOR REFERRAL TO COMMITTEE:**

At the request of the Director for Place and Climate Change – A Councillor has an ownership interest in the site. Therefore it is necessary to report the application to Committee for determination (see note 4(d) on page 92 of the Council's Constitution).

**CONSULTATIONS:**

**Parish/Town Council** – Concerns raised regarding the loss of green space, narrow access and limited parking and that the new house would not be large enough for a family home.

**Historic Environment Service** – **No objections** subject to conditions

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

The Conservation & Design (C&D) has been assessing a proposed development on the Walsingham Conservation Area, following an appeal decision. The inspector dismissed the appeal, stating that the only heritage harm would be due to the proposed works to the flint boundary wall facing Chapel Yard. The inspector concluded that the existing verdant character of the site does not form a key component in its overall significance, and the loss of a new dwelling would not be harmful in heritage terms. The design of the property will determine whether the scheme preserves or enhances the designated area.

The plans for a modest 1½-story cottage-style property are set back into the site, combining brick and flint under a tiled roof. The elevations are generally inoffensive and could be a nod towards the prevailing 18th architecture found locally. However, the flintwork does not extend to the west-facing gable, which could be improved by lowering the eaves line. The rear elevation may have a relatively unrelieved and plain appearance, which would not create the best outlook for the listed building. A small FF casement with obscured glass could help enliven this blank façade. The expectation is for windows to be vertical sliding sashes, not hinged casements, with some dialogue with the sashes below. The preference is for brick dentils on the eaves and verges, ensuring a more traditional and compatible end result. The block plan stays quiet on boundary treatment, and a swept path analysis may be justified to prevent pressure on the wall. The parking court appears to be tight on plan and would be difficult to manoeuvre from Chapel Yard.

Summarising, the notion of building on this site remains an unappealing one from a heritage perspective. However, mindful of the previous appeal decision, the grounds for objection have to a greater extent now been eroded. Therefore, with the latest plans having been adjusted to address the inspector's remaining substantive concern, and with the proposed design being generally acceptable (subject to the provisos above), a 'no objection' has to be the C&D recommendation

**Norfolk County Council Highways – No Objection** Concerns were originally raised regarding the suitability of the site access to provide vehicular access in such close proximity to the pedestrian accesses beyond, however, this is not within the adopted highway and would fall outside of NCC Highways remit. The access onto Bridewell Street benefits from suitable visibility of oncoming vehicles, but little provision for pedestrians and other vulnerable road users, however, it is considered that an objection on this matter alone difficult to substantiate for a single dwelling within this central location.

### **Landscape (NNDC) – Objection**

#### Landscape

The proposed scheme for a conservation area in a village faces concerns over vegetation loss and the lack of capacity to provide proportionate mitigation planting. The application lacks an updated AIA assessment of vegetation loss and does not provide information on boundary treatments or on-site replacement planting. Previous applications have required approximately 6 trees out of 11 on-site to be removed. The inspector's assessment of vegetation loss was based on the harm to the built environment, not considering the loss of habitat, biodiversity, or amenity value of orchard trees. The Landscape section believes this proposal represents over-development, will result in the removal of priority habitat, is not mitigated on site, and conflicts with Local Plan Policy EN4.

#### Trees

Several fruit trees exist on the site, but no information about them has been provided in this application. An Arboricultural Impact Assessment (AIA) was submitted with a previous application (PF/21/3302), which noted several fruit trees, some intended for removal, and suggested tree protection measures. A tree protection plan is required for the current application, and without it, there is an objection due to lack of information.

The 2020 report recommended planting two new fruit trees to replace those lost for development, but the current plan does not show how to accommodate these trees, which is a significant omission.

The appeal statement for PF/21/3302 mentioned that the site feels like a small orchard, but the inspector noted that while beautiful, the loss of trees wouldn't harm the Conservation Area's significance. I disagree, as trees are essential to the area's character, and the fewer trees there are, the more valuable the remaining ones become.

The biodiversity statement notes that some fruit trees will be lost for the proposals, with off-site biodiversity net gain (BNG) suggested as mitigation. However, the inspector's assessment overlooked the ecological value of the trees, which is now necessary under BNG. The orchard-like characteristic of the land is a priority habitat that should not be easily dismissed, and relying only on off-site BNG could harm this historic part of the conservation area.

#### Ecology

No ecology information has been submitted for this application. A Preliminary Ecological Appraisal (PEA) by Glaven Ecology in August 2020 was submitted for a previously refused application, but it did not identify significant ecological impacts. It suggested mitigation for bats and birds, and enhancements like bat boxes and nest boxes.

However, the report missed that the site has 'Traditional Orchard' priority habitat with nine fruit trees, three of which would be retained, leading to habitat loss. Traditional orchards are rare in the UK and important to conserve.

Losing this priority habitat goes against Policy EN9 of the Local Plan, which aims to protect biodiversity and prevent habitat fragmentation. Therefore, the Landscape section objects to the proposed development.

#### BNG

The Landscape section has reviewed the Statutory Metric and BNG Assessment (Arbtech, 14th October 2024) and has provided comments. The evaluator's qualifications in ecology are unclear. The habitat information conflicts with a previous application, noting that trees are categorized differently. The Metric assesses the tree condition inaccurately; they should be considered 'Good', increasing habitat units. The site supports Traditional Orchard priority habitat, which must be reflected in the Metric. No habitat photos were provided, making assessment difficult. The Council needs to agree on an accurate baseline value, as current assessments undervalue the biodiversity. The proposed development would lead to significant biodiversity loss and limited opportunities for gains.

#### Further comments received 19.03.2025

#### Ecology

The preliminary ecological appraisal from October 2024 indicates that the site does not have habitats of principal importance according to the NERC Act (2006). However, it contains a collection of fruit trees classified as a 'Traditional Orchard' priority habitat, which was overlooked in the report. These traditional orchards are defined as groups of fruit trees planted at low densities, and the site has nine trees, of which only three would remain after development, resulting in habitat loss.

The importance of conserving traditional orchards is highlighted by their rarity in the UK. The loss of such habitats contradicts Policy EN9 of the Local Plan, which calls for protecting

biodiversity and preventing habitat fragmentation. Therefore, the Landscape section objects to the proposed development.

The appraisal did note that the trees may connect to nearby priority habitats and support bats and breeding birds. If the Local Planning Authority decides to approve the application, ecological mitigation and enhancement conditions must be included.

#### **BNG**

The Landscape section reviewed the submitted Statutory Metric and BNG Assessment (Arbtech, 14th October 2024). Although the metric was completed by a person with an ecology degree, there is no information on their experience or skills. The habitat baseline conflicts with previous submissions, stating that onsite trees range from young to semi-mature, while earlier documents list them as semi-mature to over-mature. The assessment categorizes the trees as being of 'Moderate' condition, but evidence suggests they should be in 'Good' condition, which would affect the habitat units positively. The site supports Traditional Orchard priority habitat, which is not reflected in the Metric. Individual trees proposed for removal need to be considered to ensure accurate biodiversity values. The lack of habitat photos makes it hard to verify the data. The Council should establish an accurate baseline value before making a decision, as the current assessment undervalues the site's biodiversity. The Landscape section notes a significant loss of biodiversity due to the proposed development and limited opportunities for gains due to the nature of the proposal.

#### Further comments received 20.03.2025

The Landscape section cannot assess the impact of the development on existing habitats and landscape features due to the lack of updated Arboricultural information. The amended site plan allows for limited planting but lacks detail on species. A detailed landscape condition is needed. Recommendations include native hedges, specific shrubs, and tree types, all of which should be sourced in specified sizes and conditions.

#### **REPRESENTATIONS:**

Public consultation of the application took place for a period of 21 days between 23.12.2024 and 30.01.2025. **One** letter of **objection** was received from one individual as summarised below:

- Will not enhance the historic centre of Walsingham
- Will cause an historic orchard to be destroyed
- Will create a bad precedent for the development of similar "strip gardens" in Walsingham

#### **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 3 - Housing  
Policy SS 4 - Environment  
Policy EN 2 - Protection and Enhancement of Landscape and Settlement Character  
Policy EN 4 - Design  
Policy EN 6 - Sustainable Construction and Energy Efficiency  
Policy EN 8 - Protecting and Enhancing the Historic Environment  
Policy EN 9 - Biodiversity & Geology  
Policy CT 5 - The Transport Impact of New Development  
Policy CT 6 - Parking Provision

Material considerations

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

Chapter 2 - Achieving sustainable development  
Chapter 4 - Decision-making  
Chapter 5 - Delivering a sufficient supply of homes  
Chapter 12 - Achieving well-designed places  
Chapter 15 - Conserving and enhancing the natural environment  
Chapter 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. Principle of development
2. Design
3. Impact on Heritage Assets
4. Amenity
5. Landscape
6. Highways and Parking
7. Biodiversity
8. Planning Balance and Conclusion

**The Site and Application**

The application site is located within the settlement boundary of Walsingham comprises of amenity land serving the host dwelling No.18 Bridewell Street which is grade II listed. The site is also positioned within the Walsingham Conservation Area and is classified as River Valleys within the North Norfolk Landscape Character Assessment.

Permission was refused under application PF/21/3302 for a detached dwelling and was later dismissed at appeal. The current application seeks permission for a dwelling of an amended design and layout.

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

The site is located within the settlement boundary of Walsingham which is classified as a Service Village within Policy SS 1 and is considered capable of accommodating a small amount of new development to support rural sustainability.

Officers consider that the principle of development is acceptable subject to compliance with other policies in the adopted development plan. Officers note that the principle of development was not queried by the Inspector under appeal reference: APP/Y2620/W/22/3308197, therefore.

### **2. Design**

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 suitably designed within their context, retain important landscape and natural features and incorporate landscape enhancements, ensure appropriate scale, and ensure that parking is discreet and accessible amongst other matters.

The development proposes a two storey, detached dwelling positioned within the garden space of the host dwelling No.18 Bridewell Street. The property would front Chapel Yard with two parking spaces (as originally proposed) positioned to the south. The dwelling would be constructed from red brick with coated aluminium and oak timber windows and doors. The property would feature two dormer windows on the front elevation with no windows located at the rear to prevent overlooking to the neighbouring property.

The previous application (PF/21/3302) originally proposed a dwelling of a similar appearance however, the application also proposed the partial demolition of the existing brick and flint wall which encloses the site to enable the creation of a new access. The proposals also showed another section of wall (as well as the existing rear gate) as being replaced with a brick wall.

In rejecting the appeal, the inspector determined that the primary heritage impact of the proposed development would stem from alterations to the flint boundary wall adjacent to Chapel Yard. The inspector remarked that "the removal of a significant portion of the existing wall would considerably diminish its important role in linking and preserving the historic character of the nearby buildings," leading to the dismissal of the appeal.

The revised proposal aims to retain the wall while utilising an existing access point as the main entrance for the properties. The inspector clearly indicated that, although the site's lush character is appealing and somewhat distinctive within the conservation area, it does not constitute a critical element of its overall significance. Consequently, he concluded that the loss of this character would not pose a heritage concern. While he did not explicitly state it, he appeared to have no significant objections to the introduction of a new dwelling in this location. His decision implied that the new construction would align well with the "intimate and compact relationships" that characterise the area's historic essence. Therefore, with parking to be accommodated within the site and no changes proposed to the boundary wall, the design of the property will ultimately dictate whether the proposal will preserve or enhance the

designated area, as mandated by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed dwelling is considered to be of a modest design comprising of a two-storey property of a cottage style set back within the site with parking positioned to the front. The elevations are generally inoffensive and could, with the right detailing and materials choices, tip an appropriate nod towards the prevailing c18th architecture found locally. Some elements of the design have been described as unfortunate by the Conservation and Design Officer including the height of the eaves, which if lowered would improve the proportions and outline of the property and the lack of openings on the rear elevation. However, it is understood that this design choice is to prevent overlooking. Whilst some elements could have been improved, details such as specific materials, boundary treatment and brick dentils can be secured via condition.

The Inspector primarily emphasised the significant concern regarding the loss of the historic boundary wall. However, the revised application now ensures that the wall is fully preserved. The proposed dwelling's scale, design, and form are deemed acceptable and align well with the character and aesthetic of the conservation area, utilising suitable materials. Consequently, the proposal is found to be in accordance with policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy, and paragraph 135 of the NPPF.

### **3. Impact on Heritage Assets**

The application site is located within the Walsingham Conservation Area, an area recognised for its historical significance and architectural heritage. This site is part of the amenity land associated with No. 18 Bridewell Street, a grade II listed building that stands in close proximity to other notable listed structures. The building itself, which dates back to either the 17th or 18th century, is particularly significant due to its well-preserved external architecture. It features distinctive elements such as a pantiled roof with a hipped end, widely spaced windows that contribute to its character, and an overall aesthetic that is both charming and historically relevant.

The Inspector's assessment highlighted that the significance of the Conservation Area is largely derived from the presence of numerous historic buildings, many of which are designated as listed. This abundance of heritage structures contributes to the overall character and appeal of the area. The Inspector also noted that the site in question currently enhances the character of the Conservation Area, as it comprises garden space that is complemented by a flint and stone wall, materials that are characteristic of the region and add to the historical context of the area.

In terms of the donor property, it is noteworthy that it features a longer garden compared to the neighbouring residences. This aspect is significant because it has been determined that the garden does not contribute to the significance of the listed buildings in the vicinity. Therefore, any reduction in the size of the garden would not have a detrimental effect on the listed structure, allowing for potential development without compromising the historical integrity of the area.

The Inspector further observed that the layout and orientation of historic buildings within the Conservation Area typically exhibit intimate and compact relationships. This observation suggests that the introduction of a new dwelling in this particular location would be acceptable and in keeping with the established character of the area.

The current application seeks to preserve the existing boundary wall while making use of an already established access point. This approach is viewed as a positive development, especially in light of previous proposals that suggested the removal of the wall, which was

considered potentially harmful to the Conservation Area's character. The overall scale and design of the proposed development are considered unobtrusive, and the materials selected for the development are consistent with those found in the surrounding area, further ensuring that the new dwelling will harmonise with its environment.

Given the close and compact relationships that characterise the area, along with the fact that the host property possesses a larger garden than its neighbouring homes, the proposal is not anticipated to have any negative impact on the Conservation Area or the listed structures within it. Therefore, the proposal is considered to comply with policy EN 8 of the adopted North Norfolk Core Strategy, and paragraphs 135 and 210 of the NPPF. Approval of the application would accord with the statutory duties placed on the Council under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **4. Amenity**

Policy EN4 (Design) of the Core Strategy stipulates that development proposals must not significantly harm the residential amenity of neighbouring properties, and new homes should ensure acceptable living conditions.

The application site is located centrally within a group of residential buildings, with gardens adjacent to the site on the north, east, and west sides. While the proximity of the properties may limit separation, this arrangement is typical of the area's historical context. Additionally, the site will be bordered to the east and south by an existing flint and stone wall, with further boundary treatments to be established through conditions.

To mitigate overlooking, no windows are included on the rear elevation of the property. The east side elevation features a first-floor window for the staircase, while the western elevation will have a first-floor window serving bedroom 1. This window will be situated 9.3 metres from the rear of the neighbouring property at no. 8 Bridewell Street, allowing views only between no. 8 and no. 10 Bridewell Street, thus avoiding direct overlooking.

The front elevation will be set back 11.7 metres from the front wall of the opposite properties, with a road and parking area providing separation between the homes.

The proposed dwelling will have a modest height of 6 metres, and due to the site's orientation, it is not expected to cause unacceptable overshadowing or loss of light.

Both the proposed property and the existing dwelling will maintain an adequate amount of amenity space.

In summary, the proposed development is not anticipated to adversely affect residential amenity and is in compliance with policy EN 4 of the adopted North Norfolk Core Strategy.

#### **5. Landscape and Trees**

The previously refused application highlighted concerns about a net decline in biodiversity. The Landscape Team has also expressed concerns regarding the current proposal, particularly about the loss of vegetation. Due to the extensive built environment and hard surfaces on this constrained site, there is insufficient capacity for adequate mitigation planting to preserve the site's green character, necessitating reliance on off-site planting to fulfil Biodiversity Net Gain (BNG) requirements.

An amended plan was provided showing the parking provision reduced from 2no. spaces to 1no. allowing room for replacement planting. Further details of the planting including species would be secured via condition.



In addition, an updated Arboricultural Impact Assessment is also required as the current submission includes a report which was considered under the previous application and therefore, requires updating. This would need to be provided prior to the issuing of a decision.

The Inspector noted that the site is home to various trees that, when viewed from the garden, create the impression of a small orchard. Some of these trees will need to be removed to accommodate the development. They contribute to a lush character that is relatively distinctive within the Conservation Area. However, despite their aesthetic appeal, the Inspector concluded that this verdant character is not a critical element of the Conservation Area's significance, and their removal would not be detrimental from a heritage perspective.

In summary, although the reduction of vegetation is unfortunate, the trees are not deemed essential to the significance of the Conservation Area and will not adversely affect the area's character. Further details of the replacement planting would be secured via condition and therefore, the proposal is considered to comply with policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

## **6. Highways and Parking**

Concerns were expressed by the Highway Authority regarding the adequacy of the site access for vehicular traffic, particularly due to its proximity to nearby pedestrian access points. While the entrance onto Bridewell Street offers adequate visibility of approaching vehicles, it lacks sufficient provisions for pedestrians. However, considering the compact layout and historical context of the area, along with the fact that this access is already in use by other residential properties, it is deemed insufficiently detrimental to justify a refusal.

The application site features an existing access point located to the south, which will be utilised for the proposed development. This access will accommodate one parking space (reduced from two spaces to accommodate the additional planting required), which given the sites located within a settlement boundary is considered acceptable. Despite some initial concerns regarding the ability to turn into/out of the site, Officers consider that, on balance, the proposal would accord with the aims of policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

## **7. Ecology**

Policy EN 9 sets out that development proposals should protect the biodiversity value of land and buildings and minimise fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated sites or protected species will not be permitted unless prevention, mitigation and compensation measures are provided.

The application has been submitted along with a Preliminary Ecological Appraisal conducted by Arbtech in October 2024. The report indicates that the trees on the property likely maintain functional connectivity to areas of priority habitat, specifically deciduous woodland in the surrounding landscape, due to their close proximity to the site and the abundance of trees in the garden area. Bats are known to use linear features for navigation while foraging and traveling to various roosting locations therefore, an assessment was carried out on all trees for potential bat roosting features. It was determined that the trees on-site offer negligible habitat value for roosting, although they do provide nesting opportunities and resources for birds.

The report outlines several mitigation and enhancement strategies, including the installation of bird boxes, wildlife-friendly planting, and access points for small mammals. It also stipulates that no hedgerows, trees, or shrubs that may harbour breeding birds should be removed between March 1st and August 31st, to comply with the Wildlife and Countryside Act 1981 (as amended).

The findings and recommended mitigation measures presented in the report are deemed acceptable and align with policy EN 9.

#### *Biodiversity Net Gain*

Biodiversity net gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. The mandatory requirement came into place on 12 February 2024 for all Town and Country Planning Act development. Demonstrating BNG requires an approach to measuring biodiversity. The Biodiversity Metric is a habitat-based approach to determining a proxy biodiversity value developed by Natural England. The Biodiversity Metric is designed to provide ecologists, developers, planners and other interested parties with a means of assessing changes in biodiversity value (losses or gains) brought about by development or changes in land management.

The Landscape Team has evaluated the preliminary ecological appraisal from October 2024, along with the Statutory Metric and the accompanying BNG Assessment (Arbtech, 14th October 2024). According to the report, the site does not feature any habitats classified as of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006).

The Landscape Team believes that the site should be recognised as supporting Traditional Orchard priority habitat, rather than merely Modified Grassland as indicated by the applicant.

While additional assessment and clarification are necessary to establish the site's baseline condition, this information can be gathered and reviewed post-determination and will be ensured through a condition.

#### *GIRAMS*

The site falls within the Zone of Influence of a number of European Habitats sites as listed under the constraints above. The Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) is a strategy agreed between the Norfolk planning authorities to enable growth in the District by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development.

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

The proposed development is qualifying development under GIRAMS development as it involves the creation of new overnight accommodation. In this case, having undertaken a Habitats Regulations Assessment (HRA), it has been concluded that the development it acceptable in all other respects, could be made acceptable in relation to GIRAMS through the payment of the tariff that provides a contribution to mitigation projects within the area.

The agent confirmed agreement to the payment of this tariff and this has now been received

as of 11<sup>th</sup> March 2025. For the above reasons, the proposal is considered to comply fully with the GIRAM requirements and comply with Policies SS 4 and EN 9 of the adopted North Norfolk Core Strategy.

## **8. Planning Conclusion and Balance**

At the current time the Council is unable to demonstrate that it has 5 years' worth of deliverable housing sites. Planning applications must therefore be considered in line with paragraph 11(d) of the NPPF (the "tilted" balance) which states that where relevant policies are considered out of date, permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposal would provide one dwelling positioned within a defined settlement boundary, making a modest contribution to the housing supply shortfall. The proposal would also provide limited short-term economic benefits through labour and supply chains demand required. These issues both attract modest positive weight in favour when undertaking the planning balance.

The proposed development effectively addresses the issues highlighted in the previous refusal (PF/21/3302), particularly by preserving the flint boundary wall, which contributes to the character of the conservation area. The design, scale, and form of the proposed dwelling are considered suitable and in harmony with the area's character, ensuring that it does not adversely impact the amenity of the listed building or its setting.

While there are concerns regarding the loss of vegetation on the site, appropriate replacement planting will be ensured through conditions, along with details regarding boundary treatments. Additionally, the proposal is not anticipated to detract from the character or appearance of the conservation area.

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:**

**APPROVE** subject to the receipt of an updated Arboricultural Implications Assessment (AIA), and subject to the imposition of conditions relating to the following matters:

- Time Limit
- Accordance with approved plans
- Written Scheme of Investigation - archaeology
- Provision of on-site parking
- Brick and tile samples
- Flint sample panel
- Windows and doors details
- Dormer details
- Details of verges and eaves

- Rainwater goods details
- Details of enclosures
- Hard and soft landscaping
- Arboricultural Impact Assessment (once received)
- Replacement planting
- Replacement planting if removed/damaged
- Standard Biodiversity Net Gain Plan
- Removal of Permitted Development Rights

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

**Melton Constable - PF/23/0775 Conversion of barn to dwelling, including associated external alterations at Barn at Greens Farm, Hindolveston Road, Melton Constable Norfolk.**

## **Minor Development**

**Target Date:** 30.05.2023

**Extension of Time:** 09.05.2025

**Case Officer:** Jamie Smith

**Full Planning Permission**

## **RELEVANT SITE CONSTRAINTS**

The site is in a countryside location in policy terms

The site lies within the Tributary Farmland (TF1) landscape type for the purposes of the North Norfolk Landscape Character Assessment

The site lies within an area susceptible to groundwater flooding

The site lies within the Nutrient Neutrality catchment area

The site lies within the Zones of Influence of a number of European sites

## **RELEVANT PLANNING HISTORY**

PU/22/0781 - Change of use of agricultural building to one larger dwelling house and associated building operations - Permission not required – permitted development.

CD/23/0966 - Regulation 77 application to determine whether the following proposal is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects): PU/22/0781 (Change of use of agricultural building to one larger dwelling house and associated building operations) – Pending.

## **THE SITE**

The site is located on the east side of Hindolveston Road in Melton Constable. There is an existing complex of brick barns to the southwest which have been converted to dwellings. To the north and east of the site are open fields. The site is accessed from the east side of Hindolveston Road.

## **THE APPLICATION**

Proposes the conversion and external alterations of an existing barn into one dwelling.

The site has an extant prior approval for a change of use of the existing agricultural building into a dwelling under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (Ref: PU/22/0781).

The determination of the current application has been delayed due to the nutrient neutrality issue. With credits to provide the required mitigation now available, the nutrient neutrality issue can now be satisfactorily resolved, subject to confirmation that the necessary credits have been purchased and further consultation with Natural England taking place.

## **REASONS FOR REFERRAL TO COMMITTEE**

In the interests of transparency as the agent for the application is a close relation to a member of the council's Planning team.

## **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.

## **REPRESENTATIONS**

None received.

## **CONSULTATIONS**

**Parish/Town Council:** **No response received**

**Environmental Health:** **No objection** – condition requested

**Landscape (NNDC):** **No objection**

**County Council Highways** **No objection** – conditions requested

## **RELEVANT POLICIES**

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

SS 1 - Spatial Strategy for North Norfolk  
SS 2 - Development in the Countryside  
SS 4 - Environment  
HO 9 - Conversion and Re-use of Rural Buildings as Dwellings  
EN 2 - Protection and enhancement of landscape and settlement character  
EN 4 - Design  
EN 9 - Biodiversity and geology  
EN 13 - Pollution and hazard prevention and minimisation  
CT 5 - The transport impact of new development  
CT 6 - Parking provision

### Material Considerations

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

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

#### **National Planning Policy Framework (2025):**

Section 2 – Achieving sustainable development  
Section 4 – Decision-making  
Section 5 – Delivering a sufficient supply of homes  
Section 11 – Making effective use of land  
Section 12 - Achieving well-designed places  
Section 15 - Conserving and enhancing the natural environment

#### **Others**

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**

Main Issues for consideration:

1. Principle of development
2. Impact on character of the area and design
3. Amenity
4. Ecology
5. Highways and parking

Dealing with each of the above 5 in turn:

### 1. Principle

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

The site is within the Countryside for the purposes of the spatial strategy for the District as set out in Policy SS 1 of the Core Strategy (CS). Core Strategy Policy SS 2 lists the types of development that can be acceptable in principle within the Countryside provided they require a rural location. These include the re-use and adaptation of existing buildings for appropriate purposes. New market housing either through new build or conversion is restricted.

Core Strategy Policy HO 9 however, allows for the conversion and re-use of buildings in the Countryside for permanent residential purposes provided the following criteria are met:

- “1. the building is located within an area identified on the Proposals Map for that purpose*
- 2. the building is worthy of retention due to its appearance, historic, architectural or landscape value*
- 3. the building is structurally sound and suitable for conversion to a residential use without substantial rebuilding or extension and the alterations protect or enhance the character of the building and its setting*
- 4. the scheme is of an appropriate scale in terms of the number of dwellings proposed for the location*
- 5. where it is viable to do so, on all schemes resulting in two or more units, not less than 50% of the total number of dwellings proposed are affordable, or an equivalent contribution is made in accordance with the requirements of Policy HO 2.”*

The proposal conflicts with criterion 2 as the building is a relatively modern agricultural building with no architectural, historic or landscape value. The building has a metal frame and is structurally sound. This element would be retained and reclad in timber with renewed roofing.

The NPPF is a material consideration and paragraph 84 states that planning decisions should avoid the development of isolated homes in the countryside, unless certain specified circumstances apply. These include where *‘the development would re-use redundant or disused buildings and enhance its immediate setting’*. It is considered that the re-cladding of the building including renewed roofing would enhance the appearance of the building and its immediate setting. Furthermore, the permitted development rights for agricultural buildings allows the conversion of such buildings to dwellings under Class Q, again without a need for them to be *‘worthy of retention’* – they only need to be capable of being converted.



The site has an extant prior approval for the change of use of the existing agricultural building to a dwelling under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended). Case law has established that Class Q consents can be a legitimate fallback position when considering alternative proposals for development at the same site. In summary, if there is a demonstrable and realistic prospect of a permitted development scheme being implemented, and where an alternative proposal would normally conflict with the development plan insofar as it being an unsustainable location for housing, the potential for the fallback position to outweigh that conflict must be considered by the local authority. In this case, it is considered that the significant weight should be attached to the fallback.

## 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. Core Strategy 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.

Core Strategy 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.

The consideration of the effect of the proposed development in this respect centres on whether or not it would have the same, or less impact than the fall-back development. With the use of corrugated roof sheeting, similar to that of existing and timber cladding for the walls it is considered that the proposed development would deliver some improvements to the appearance of the building and its wider site and would complement the form and character of the adjacent group of traditional barns.

In order to preserve the character of the and setting of the adjacent barns, it is considered that there is sufficient justification, as is required by paragraph 55 of the NPPF, to remove certain national permitted development rights. A condition to secure this is recommended.

It is considered that – in relation to this second area of assessment - the proposed development would accord with the relevant Core Strategy Policies.

## 3. Amenity

Core Strategy 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 (NNDG) 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.

Given the single storey nature of the proposed dwelling along with its position on site and relationship to the converted adjacent barns, it is not considered that the development would result in unacceptable level of overlooking, overbearing or over shadowing impacts.

The area of amenity space to serve the dwelling would be commensurate with its footprint and as such complies with the NNDG in this respect.

It is considered that – in relation to this third area of assessment - the proposed development would accord with the relevant Core Strategy Policy.

#### 4. Ecology

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

Core Strategy 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. 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.

Core Strategy Policy EN 9 includes the following text:

*“All development should have all the following:*

- *protect the biodiversity value of land and buildings and minimise the fragmentation of habitats*

*And*

- *maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate.*

*Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or 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.*

*Development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.”*

NPPF paragraph 187 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity

value, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

NPPF paragraph 193 states that when determining planning applications, significant harm to biodiversity should be avoided, adequately mitigated, or, as a last resort, compensated for. Should this not be possible, then permission should be refused.

The application has been supported by confirmation that the barn is considered to contain low or negligible roost potential, and where bat roosting use has never been observed. This finding is in line with the conclusions drawn during the ecology considerations of the planning applications at the adjacent site to convert the traditional barns. The Council's Ecology Officer has considered the proposed development and raises no objection in respect to on-site ecological impacts. Conditions are required to secure the mitigation and enhancement measures.

#### *Nutrient neutrality*

The site is within the foul and surface water catchments of The Broads Special Area of Conservation (SAC) and Ramsar Site which is covered by the advice issued by Natural England in March 2022 about nutrient pollution in this protected habitat and also the River Wensum SAC. The March 2022 letter advised that new development (including new dwellings) within the catchment of these habitats comprising overnight accommodation can cause adverse impacts on nutrient pollution affecting the integrity of these habitats. Mitigation is therefore required to ensure the development would not have an adverse effect on the integrity of The Broads SAC and Broadland Ramsar and or damage or destroy the interest features for which they have been notified.

The applicant has submitted a Norfolk Nutrient Budget Calculator. The total Phosphorus and Nitrogen budgets for the development requiring mitigation has been checked by officers and is accepted. The majority of the mitigation will be provided through the replacement of the existing package treatment plant (which serves the existing converted barns), with a biological package treatment plant (which in this case can be secured by a condition), and the purchase of credits from the Norfolk Environmental Credits (NEC) strategic scheme to make up the remainder. The agent has confirmed that the applicant has been offered credits to purchase from NEC and this is currently progressing. Once the Credit Certificate has been provided to the local planning authority alongside NEC's Septic Tank Upgrade Strategic Framework and a Shadow Strategic Appropriate Assessment, Natural England will need to be consulted on Shadow Strategic Appropriate Assessment to ensure the soundness of the document can be relied on by the local planning authorities as part of its Appropriate Assessment to conclude that the development would be nutrient neutral.

This Appropriate Assessment will then fulfil the Council's duties as competent authority in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended). The proposal would therefore also comply with the Core Strategy Policy EN 9

#### *Recreation impacts on European sites*

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.

The required GIRAMs contribution has been received and is sufficient to enable the Council 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 Core Strategy Policy EN 9.

#### *Biodiversity Net Gain (BNG)*

The proposed development is exempt in this case as the application was submitted before statutory BNG came into force.

#### 5. Highways and parking

Core Strategy Policy CT 5 requires that:

- *“the proposal provide safe and convenient access on foot, cycle, public and private transport inclusive of those with a disability*
- *the proposals is capable of being served via a safe highway network with detriment to the character or amenity of the locality*
- *outside designated settlement boundaries the proposal does not involve direct access on to a principal route, unless the type of development requires a principal route*
- *the expected nature and volume of traffic generated by the proposal should be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety.”*

Core Strategy Policy CT 6 requires 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.”* Annex C of the Core Strategy sets out the current adopted parking standards.

The Highway Authority have raised no objection to highways safety and parking provision. Officers concur that there would be no materially harmful effect on the surrounding road network or on road safety. Parking provision would comply with the adopted standards. Subject to the imposition of relevant conditions, it is considered that the proposed development accords with Core Strategy Policies CT 5 and CT 6.

#### **Planning Balance and Conclusion**

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

The proposed development is considered to be acceptable in terms of amenity, highways safety and ecological impacts subject to appropriate conditions. It is however, not wholly in accordance with CS Policy HO 9 because the building is of no particular merit.

The proposal would also deliver benefits to the appearance of the site compared to the fall-back development. On balance however, it is considered that on their own, these benefits would not outweigh the harm to the aims of achieving sustainable patterns of development that would result from a dwelling within the Countryside. Nevertheless, it is considered that with the extant permission under Class Q representing a legitimate fall-back which should be given significant weight as material consideration, the proposed development is acceptable outweighing the conflict with the development plan.

It is considered that these material considerations outweigh the conflict with the Core Strategy with regards to Policy HO 9.

In addition, and as an additional element in favour of the application, 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.”*

As a single dwelling, the proposal would only make a very limited contribution to the Council's housing land supply. It is, however, a development that would be likely to be delivered within a short timescale given the correspondence with the agent with regards to commencement of development. There would also be social benefits accrued from the development along with economic benefits during the construction stage, employment and spending and, expenditure on goods and services by future occupiers of the dwellings.

However, having regard to all the considerations set out in the above assessment it is not considered that this application would merit refusal when set against the provisos within paragraph 11(d) above.

## **RECOMMENDATION(S)**

Delegate APPROVAL to the Assistant Director - Planning subject to





1. Receipt of an appropriate Credit Certificate from Norfolk Environmental Credits and thereafter there being no objection raised from Natural England following further consultation.
2. The imposition of conditions to cover the matters listed below:
  1. Time limit
  2. Development in accordance with approved plans
  3. Replacement of existing package treatment plant with a biological package treatment plant
  4. Water usage (110 litres per day)
  5. External materials (and timber stain) to be agreed.
  6. Joinery details
  7. Hard and soft landscaping
  8. Ecology mitigation and enhancement
  9. Contamination
  10. On-site car parking
  11. External lighting
  12. Removal of certain permitted development rights

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

## DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – 03 April 2025

### 1. INTRODUCTION:

- 1.1 This report briefly sets out performance in relation to the determination of planning applications in Development Management the period **February 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  |
|--|--|-----------------------|---|
| <b>(Speed)</b><br><b>Decisions Made</b><br><i>(Period February 2025)</i>                                       | <b>Major</b><br>4 decisions issued<br><br><i>100% within time period</i>                         | 60%<br><br>(80% NNDC) | 24 month average to 28 February 2025 is<br><br><b>100.00%</b><br>                      |
|  | <b>Non-Major</b><br>52 decisions issued<br><br><i>94% within time period (3 cases over time)</i> | 70%<br><br>(90% NNDC) | 24 month average to 28 February 2025 is<br><br><b>97.00%</b><br>                      |
| <b>(Quality)</b><br><b>% of total number of decisions made that are then subsequently overturned at appeal</b> | <b>Major</b>   | 10%<br><br>(5% NNDC)  | 24 month average to 28 February 2025 is<br><br><b>1.52% (one case RV/22/1661)</b><br> |
|  | <b>Non-Major</b>   | 10%<br><br>(5% NNDC)  | 24 month average to 28 February 2025 is<br><br><b>0.67%</b><br>                       |

| Performance Measure                                | Actual Performance                                  | Target   | Comments  |
|--|---|--|---|
| <b>Validation</b><br><i>(Period February 2025)</i> | Information not currently available for this period | 3 days for Non- Major from date of receipt<br><br>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 three S106 Obligations being progressed, one of which has 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:**

**03 April 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/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        | 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   |            |
| PF/24/1079            | Land To Rear Of Lidl Fakenham NR21 8JG                 | Erection of a drive-thru restaurant, car parking, landscaping and associated works, including Customer Order Displays | CP030 - Fakenham           | Jamie Smith           | Committee                       | 06/03/2025                    | Fiona Croxon    | TBC          | S106 wording agreed |            |

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