

Development Committee



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TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 8 May 2024

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 16 May 2024 at 9.30 am.**

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

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

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

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

Presentations: If you wish to view the Officers' presentations for the applications being considered by the Committee please follow the following link:
<https://modgov.north-norfolk.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13644&path=0>

Emma Denny
Democratic Services Manager

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

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

All other Members of the Council for information.

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



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

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

Chief Executive: Steve Blatch

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A G E N D A

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

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. ITEMS OF URGENT BUSINESS

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

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

5. ORDER OF BUSINESS

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

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

6. DECLARATIONS OF INTEREST

(Pages 1 - 6)

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

OFFICERS' REPORTS

7. BARSHAM - PF/23/2569 - ERECTION OF BUILDING TO PROVIDE PADEL TENNIS FACILITY WITH TWO INDOOR COURTS, CHANGING FACILITIES, BAR AND SITTING AREA; CONSTRUCTION OF OUTDOOR COURT AND PARKING AREA AT LAND AT WATERHOUSE FARM, WATERHOUSE, FAKENHAM, NORFOLK NR21 0LA FOR MR M GOODLEY

(Pages 7 - 18)

PRIVATE BUSINESS

Registering interests

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

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

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

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

Non participation in case of disclosable pecuniary interest

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

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

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

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

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

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

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

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

Table 1: Disclosable Pecuniary Interests

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

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

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

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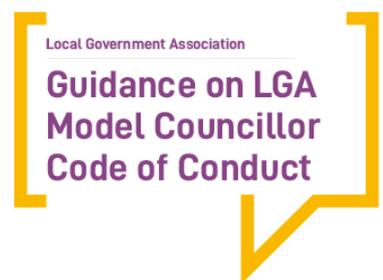
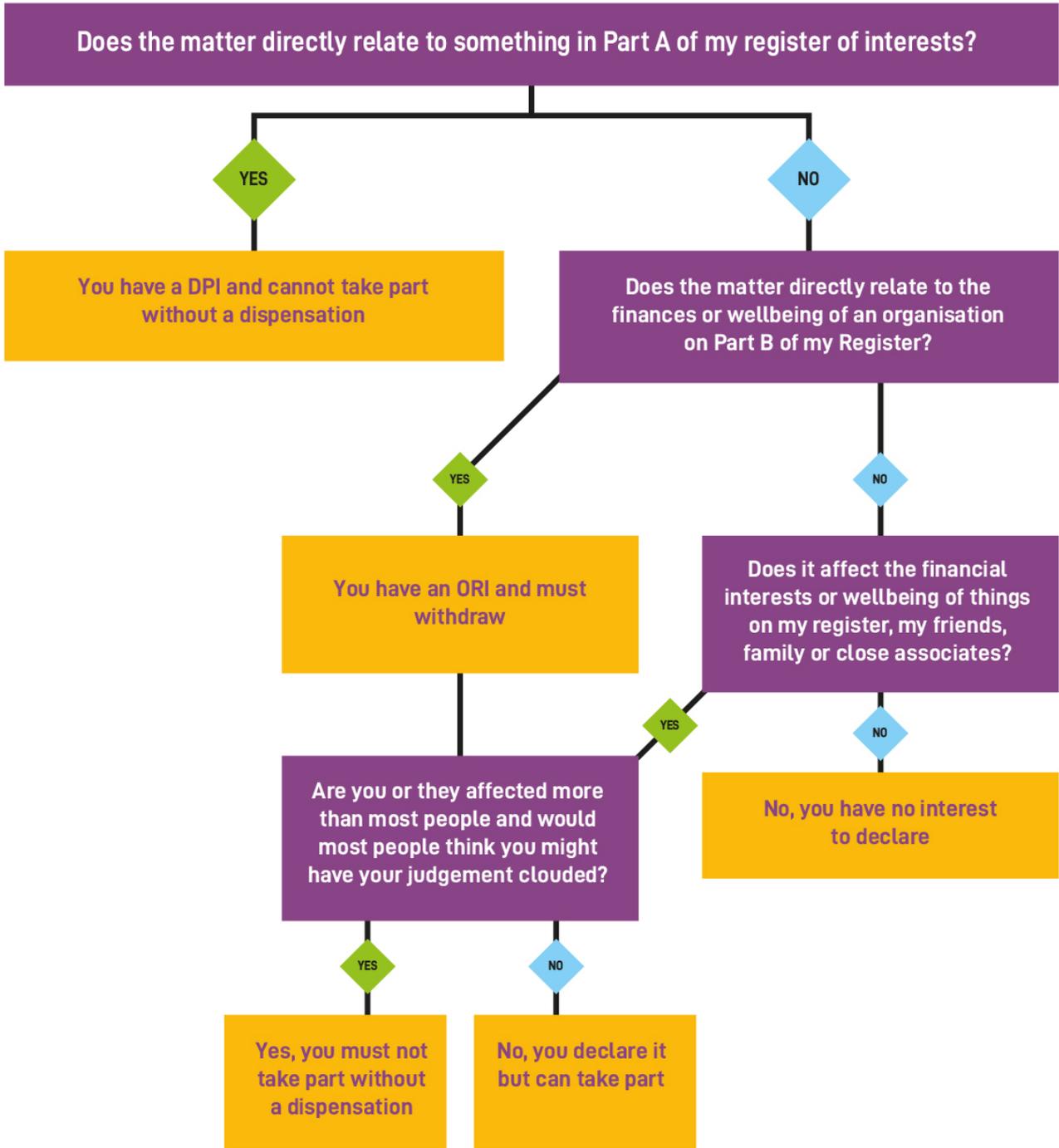
* 'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

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

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



BARSHAM – PF/23/2569 – Erection of building to provide Padel tennis facility with two indoor courts, changing facilities, bar and sitting area; construction of outdoor court and parking area at Land At Waterhouse Farm, Waterhouse, Fakenham, Norfolk NR21 0LA for Mr M Goodley

Minor Development

Target Date:

Decision due date:

Case Officer: Olivia Luckhurst

Full Planning

RELEVANT SITE CONSTRAINTS:

Countryside

Landscape Character Assessment – Rolling Open Farmland

RELEVANT PLANNING HISTORY:

Ref	NP/93/0580
Description	AGRICULTURAL GRAIN STORE
Outcome	A - Approved
Status	A - Decided

Ref	NP/07/0719
Description	PRIOR NOTIFICATION OF INTENTION TO ERECT GENERAL PURPOSE AGRICULTURAL BUILDING
Outcome	PA - Prior Approval Given
Status	PA - Decided

THE APPLICATION

The application seeks permission for the erection of a building to provide a padel tennis facility with two indoor courts, changing facilities, bar and sitting area and the construction of an outdoor court and parking area.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Fitzpatrick for the following reasons:

The application does meet the tests for farm diversification which planning should facilitate and, in this case, it will also provide much needed additional sporting facilities for one of the fastest growing sports both here and internationally. In addition, I believe that the parameters of the Sequential Test are being overly onerous by including Wells and Holt, the latter in particular both being some distance away from the proposed facility whose nearest urban settlement is Fakenham, whose centre is slightly over one mile away, with the secondary school within easy walking distance of the proposed facility.

There has been support for this proposed facility from a number of local schools, as well as from the secondary school at Wells-next-the-Sea. The applicants and their agents have carried out a sequential test as required under Policy EC5, although I note that they dispute that this is actually required under the most recent version of the NPPF where this deals with matters relating to Farm Diversification. They mention in their Planning Statement that they have provided what they state to be a robust case based on Paragraph 88 of the NPPF. They quote the Government recognition that the majority of farm diversification projects are

likely to be small scale as is the case for this application, and are intended to ensure that Farm Diversification can take place. They also quote Paragraph 93 of the NPPF “*This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.*” I agree with them that this applies to this application, however, although they have actually provided a sequential test, it seems overly onerous to then fail this test on the grounds that it was not actually carried out over an even wider area than has been done. This does seem to me to be disproportionate and also inappropriate for this particular proposal, thus conflicting with what is set out under the NPPF.

This proposed development will allow Farm Diversification at what is an ever more difficult time in agriculture, as well as providing additional sporting facilities to the local area and beyond, promoting one of the fastest growing sports nationally here in North Norfolk, as well as helping tackle the ever growing problem of lack of physical activity and obesity. I believe that it does actually comply with Policy EX5 and should not be refused on those grounds. I understand that the applicant has time-constraints regarding funding and would ask that it is called before the Development Committee at the earliest possible opportunity.

CONSULTATIONS

Parish/Town Council – No objections

Economic And Tourism Development Manager (NNDC) – Supports - In consideration of PF/23/2569, the Economic Growth Team supports this application. It is recognised that the proposal will support local policies pertaining to rural economic development (Policy SS5) and farm diversification (Policy EC1). It is also recognised that there are potential economic benefits that would be derived by such a proposal – such as job creation, jobs in the construction phase, supporting the local supply chain etc.

Landscape (NNDC) – No Objection subject to the imposition of conditons

Landscape Impacts

Whilst the size of the building is substantial (36m x 24m and 9.5m height at apex), its location in close proximity to existing agricultural buildings and its design/colour would allow the building to be integrated within the farm complex. As such, the proposed development would not be incongruous with its surroundings when viewed from public highways at a distance (e.g. Wells Road to the south or B1105 Fakenham Road to the west). No Public Rights of Ways are in the vicinity of the site which could feasibly be subject to views of the proposed development. Additionally, a stand of woodland lies approximately 50m to the west of the proposed building location which would act as screening.

There would be some scope for external light spill during dark hours from the six roof windows on the northern roof aspect. It would be beneficial if these could be reduced in number/size or removed completely. However, given the proposed use of the building, it is considered there would be insufficient grounds to hold an objection on this.

In order to ensure any external lighting installed is appropriate, the Landscape section would recommend securing a condition requiring any details of external lighting to be submitted to and approved by the council prior to installation. Additionally, further details will need to be secured with regards to the proposed landscaping. These could be secured through standard conditions.

Ecology

The application is supported by a Preliminary Ecological Appraisal (PEA) prepared by J & M Consultant Ecologists (26th November 2023).

A summary of the findings includes:

- The site comprised of pasture with boundary hedgerows and trees.
- An adjacent barn was considered to have 'negligible' bat roost potential. The five oak trees present at the site all supported potential roost features (PRFs) for bats in the form of thick ivy stems, though these trees are all to be retained.
- A pond 40m south of the site was assessed as being of 'Below Average' suitability for great crested newt.
- Impacts upon ecological receptors are considered low with only a small section of species- poor hedgerow and pasture to be lost.
- Recommended avoidance, mitigation and compensation measures include replacement hedgerow planting, sensitive lighting design, and compliance with method statements in relation to nesting birds and great crested newt during construction.
- Recommended biodiversity enhancements include landscape planting of biodiversity benefit (trees, hedgerows), maintaining some taller areas of grassland with one late summer hay cut, and the provision of two bat boxes and two bird boxes on perimeter trees. The Landscape section is satisfied with the PEA and consider it fit-for-purpose in supporting the application. The existing baseline ecological value of the site is low and the recommendations in the report would help to deliver a net gain for biodiversity.

The Landscape section therefore consider the proposed development would be in accordance with Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 180 of the NPPF.

The Landscape section holds no objection to the proposed development on ecological grounds subject to condition ECO2 being secured with reference to the measures set out in Section 5 and Appendix 2 of the PEA report, including the following:

- Strict adherence to the Ecological Method Statements for birds (Section 5.3.1) and great crested newt (Section 5.4) during the construction period.
- Any external lighting must be installed following best practice guidance, e.g. operate using motion sensors on a 1 min or less interval, be mounted horizontally to the ground and not tilted upwards, and in the warm white spectrum (preferably ≤2700K), and no light spill upon hedgerows and trees shall occur.
- Installation of two bat boxes.
- Installation of two bird boxes.

Trees

The Landscape section is content that impacts upon trees would be limited to the construction phase only.

County Council Highways – No Objection The proposal located to the north of Fakenham, served from classified roads with a suitable access arrangement, but lacking any formalised pedestrian routes, bringing the sustainability of the site into question, however, the distance is less than 1 mile and from a highways perspective difficult to substantiate a formal objection on this point alone.

REPRESENTATIONS

Public consultation of the application took place for a period of 21 days between 04.04.2024 and 25.04.2024. Twelve letters of **support** have been received as summarised below:

- The facility would allow the wider community including children to try a new sport.
- The proposal would mitigate the need to travel further to Norwich which would reduce fuel consumption and traffic.
- The site would be a great addition to the district of North Norfolk
- A sport which is growing in popularity and therefore the court would be useful.
- Provide the community with an opportunity to play the sport.

- The proposal would allow the community to be more social and active
- The courts will be a great facility for locals and also bring tourists and players from a wider field.
- Diversification opportunities sought by a rural based business.
- Provide employment for the local area and tourism
- Alderman Peel and Fakenham Academy High School fully support the proposal and confirm their students would use the facility.

No objections were received via the public consultation.

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 (2008)

Policy SS 1 Spatial Strategy for North Norfolk

Policy SS 2 Development in the Countryside

Policy SS 4 Environment

Policy SS 5 Economy

Development Control Policies

Policy EN 2 Protection and Enhancement of Landscape and Settlement Character

Policy EN 4 Design

Policy EN 5 Public Realm

Policy EN 6 Sustainable Construction and Energy Efficiency

Policy EC 1 Farm Diversification

Policy EC 5 Location of Retail and Commercial Leisure Development

Policy EC 7 The Location of New Tourism Development

Policy CT 3 Provision and Retention of Local Facilities and Services

Policy CT 6 Parking Provision

Material Considerations

Supplementary Planning Documents:

North Norfolk Landscape Character Assessment (January 2021)

North Norfolk Design Guide (December 2008)

National Planning Policy Framework (2023):

Chapter 2: Achieving sustainable development.

Chapter 4: Decision-making

Chapter 6: Building a strong and competitive economy.

Chapter 9: Promoting sustainable transport.

Chapter 11: Making effective use of land

Chapter 12: Achieving well designed and beautiful places.

Chapter 15: Conserving and enhancing the natural environment.

OFFICER ASSESSMENT

The Site and Application

The application site is located within the grounds of Waterhouse Farm, positioned next to an existing agricultural building within Barsham. The site comprises of open agricultural land characterised as Rolling Open Farmland within the North Norfolk Landscape Character Assessment and is designated as countryside in the North Norfolk Core Strategy Development Plan Document (2008) (NNCS).

The site is accessed via a private track off B1105 and to the southeast of the site sits existing agricultural buildings and Waterhouse Cottages with open fields and a pair of residential dwellings located to the west.

Planning permission is sought for the erection of a new building to provide a padel tennis facility. The building would comprise of two indoor courts, changing facilities, bar and seating area and the construction of an outdoor court and parking area. The facility would incorporate steel cladding with areas of glazing to the front and rear elevations with new landscaping proposed around the site.

MAIN ISSUES FOR CONSIDERATION

- 1. Principle of development**
- 2. Design**
- 3. Amenity**
- 4. Landscape**
- 5. Highways and Parking**
- 6. Ecology**
- 7. Planning Balance and Conclusion**

1. Principle of Development

Core Strategy (CS) Policy SS 1 sets out that most new development in North Norfolk should take place in the towns and larger villages defined as Principal and Secondary Settlements and a small amount of new development will be focused on several designated Service and Coastal Service Villages. The rest of North Norfolk, including all settlements that do not fall under the above criteria, is designated as Countryside. Core Strategy Policy SS 2 permits certain types of development that require a rural location.

The application site is located within Barsham which is positioned outside of a settlement boundary and is therefore considered as countryside in policy terms. The proposed development does not fall within any of the categories listed as acceptable uses within the

countryside under Policy SS 2 and therefore, the proposal is considered not to comply with Policy SS1 or SS2.

Policy EC1 supports proposals for development within the countryside for the purposes of farm diversification provided that:

- it can be demonstrated that the proposal would make an ongoing contribution to sustaining the agricultural enterprise as a whole; and
- the proposal would not involve new-build development on undeveloped sites unless:
 - it is directly related to the agricultural business, and
 - the re-use and / or redevelopment of existing buildings on the holding for the intended use, in whole or in part, is not feasible; or
 - an opportunity exists to demolish an existing structure and re-build in a more appropriate location; and
 - in all cases the proposed floor space is less than 250sqm.

Paragraph 88 of the NPPF states:

‘Planning policies and decisions should enable:

- a. the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
- b. the development and diversification of agricultural and other land-based rural businesses;
- c. sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d. the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

The Design and Access Statement submitted with the application explains that Waterhouse Farm has employed a No till Conservation Agriculture model for the last eight years using photosynthesis to sequester increasing amounts of carbon. The statement also confirms that the family run business has come under increasing pressure due to the removal of government support and therefore, there is a need to find alternative income streams.

The statement explains that the diversification plan powered by its own energy source is 'strongly aligned with the company's ethos' and would provide a facility which minimises its environmental impact and adheres to the applicant's sustainability values.

Whilst this is appreciated, Officers consider that the proposal would result in the creation of a new building on an undeveloped parcel of land and no justification has been provided to explain how it would be directly related to the agricultural business, nor has any investigation been undertaken to explore the option of reusing one of the existing buildings on site. In addition, the proposed floor space of the development as a whole would exceed the limit of 250sqm. Therefore, the proposal is not considered to comply with the requirements of Policy EC1.

Furthermore, policy EC5 states that new retail and commercial leisure proposals in Principal and Secondary Settlements will be permitted however, for proposals that are not positioned in these locations, it should be demonstrated that:

- a need exists within the catchment area for the scale and type of development proposed; and

- no sequentially preferable site is available, suitable and viable (starting with town centre, edge of centre sites, then out-of-centre locations), and
- the proposed development would not, individually or cumulatively, have a significant adverse impact on the vitality and viability of existing town centres or nearby Service Villages or Coastal Service Villages; and
- and the proposed development would be accessible by a choice of means of transport, including public transport, walking, cycling and the car.

As the site is located within the countryside, a sequential test was requested to evidence that no other suitable sites were available in more sustainable locations.

A sequential report was provided which explored 6no. potential sites all located within Fakenham. The majority of the sites were considered to be potentially viable with good locations and ample room for development however, all options concluded that they were not available in general or within the timescale for funding. The report concluded by stating:

'In pure commercial terms the lack of any rental or investment market for this use is problematic as traditional employment and commercial uses derive well established values and yields. In consideration of this many employment use sites are not viable. It is clear from the above analysis that there are no sequentially preferable sites situated closer to the Principle Settlement of Fakenham, which is the closest sustainable town identified under Policy SS1 of the Core Strategy, that satisfy all three of the criteria.'

The Local Planning Authority are of the opinion that the test carried out did not cover an appropriate search area as required by the policy. At the end of Policy EC5 it explains:

(li) For the purposes of this policy catchment area is defined as the area covered by a 20-minute drive time for a Large Town Centre, and those areas within a ten minute drive time for a Small Town Centre excluding those areas which are closer to an adjacent town.

(lii) Cromer, Fakenham and North Walsham

(liii) Holt, Hoveton, Sheringham and Wells-next-the-Sea

(liv) As defined in PPS6 giving priority to town centre, followed by edge of centre, then out of centre sites.

Officers recognise that the sequential tests within Policy EC 5 are designed to consider larger retail and commercial leisure proposals. However, the creation of a significant new facility such as this will generate custom from a wide catchment and the key in planning terms is to consider the size of the facility and its accessibility including by non car modes given that it will also cater for younger people. The grant of permission in a countryside location will lock-in travel demand which could rightly be considered unsustainable if suitable alternative travel options are unavailable as a result of location decisions and lack of safe routes to the site by non-car modes. There are existing tennis and sports clubs/facilities within the town and it is entirely appropriate and reasonable to first consider the locational, sustainability and synergy benefits of such a new facility being considered within easier walking distance of the population that will use it before permitting less sustainable locations.

Officers consider that a wider search area could have been considered under the sequential test as well as exploring the reuse of existing buildings within these areas. Officers note that

support has been provided by Alderman Peel High School in Wells and, on that basis, search criteria may well have needed to include Wells-next-the-sea and other main towns such as Holt. Minimal justification was provided in relation to the travel element of the policy requirements. The site is within a rural location adjacent a national speed limit road with no public transport available to the site or foot paths, cycle lanes or streetlighting currently provided. Part of the supporting statement submitted with the application confirms that new foot paths to the site could be provided via other developments within the Fakenham area. However, the foot paths in question have not yet been approved or provided and therefore, cannot be relied upon to provide access to the site. The applicant was offered the opportunity to provide a more robust sequential test however, a further search was not undertaken. Therefore, it is considered that the proposal does not comply with policy EC5.

Although the proposed facility is most likely to be used by local residents and potentially local high schools, it is anticipated that some tourist activity would also take place. This is confirmed within the applications supporting statements and therefore, the proposal would also need to be assessed against policy EC7 which sets out that new tourist attractions should be located within Principal and Secondary Settlements. For attractions located within the countryside, the proposal would need to comply with other policies for Employment Areas, the Re-use of Buildings in the Countryside, and Extensions to Existing Businesses in the Countryside. As the proposed development would not result in any of the above, the proposal is also not considered to comply with policy EC7, particularly in the absence of good (or safe) links for those without a car wishing to travel to the facility from the main settlement of Fakenham.

Overall, the site is located within the countryside adjacent a national speed limit road with no foot paths, cycle lanes or street lighting. The submission lacks a robust justification explaining how the proposal would directly link to the agricultural business and would result in a new development situated on an undeveloped site. The proposed building would also exceed the floor space limit of 250sqm. An insufficient sequential approach has been taken to explore other more suitable sites and buildings within an appropriate area. The development would also result in a new tourist attraction located within the countryside and therefore, does not comply with policies SS1, SS2, EC1, EC5 or EC7.

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 suitable 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 proposed padel court building would consist of a gable pitched building constructed from steel with photovoltaic panels positioned on the south elevation. The structure would comprise of dark grey steel cladding with glazing to lower part.

A gravel parking area would be positioned to the west with 2no. outdoor courts located to the east with silver birch trees to be planted on the boundary and new mixed native hedging enclosing the rest of the site.

Whilst the building is of a substantial size its positioning next to the existing agricultural buildings and its design and colour would allow the building to be integrated within the farm

complex. Therefore, the proposal is not considered to appear incongruous when viewed from the public highway (Wells Road to the south and the B1105 Fakenham Road to the west). Screening of the development would also be provided by the woodland positioned approximately 50m to the west.

Overall, the proposed development is considered to be of an acceptable scale, design and form that would blend well with the surrounding agricultural structures and would not harm the character of the area or the wider landscape. The materials proposed are appropriate and whilst the building is considered to be large, it is understood that the proposed use does require substantial height. Additionally, the development would be sufficiently screened by woodland located to the west. Therefore, the proposal is considered to comply with policy EN4.

3. Amenity

Core Strategy Policy EN4 (Design) states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers.

Waterhouse Cottages are positioned approximately 197m to the southeast of the site with a pair of semi-detached properties located 200m to the west. It is considered that the site allows for a sufficient separation distance from the proposed development therefore, no overlooking or loss of privacy would occur as a result of the proposal.

Whilst the proposed development would generate additional vehicular movements, the existing access track is utilised by the residential properties and associated agricultural vehicles, therefore, given the scale of the proposed use, it is not considered to create an unacceptable level of noise or disturbance from vehicles entering and exiting the site.

Given the separation distance between the site and the neighbouring properties, it is considered that the outdoor courts would not create an unacceptable level of noise disturbance that would detrimentally impact their amenity.

The proposed development is not considered to have a detrimental impact on residential amenity in terms of overlooking, noise or loss of privacy and therefore, complies with policy EN4.

4. Landscape

The application site is characterised as Rolling Open Farmland within the North Norfolk Landscape Character Assessment and is designated as countryside in the North Norfolk Core Strategy Development Plan Document (2008) (NNCS).

The Rolling Open Farmland Type extends from the coast to the southern edge of the District and is characterised by high level open, gently rolling arable farmland with relatively large, geometric fields enclosed by hedgerows. The application site comprises of an open agricultural field with associated agricultural buildings positioned to the east.

Given the openness of the site, light spillage from the proposed development is a concern. However, some mitigating elements are proposed including the canopy positioned over the south facing glazing which would help to minimize light spillage upwards whilst allowing outside pathways to be adequately lit. The south side of the building is also well shielded with hedging and trees and the north facing windows would be fitted with internal blinds to further reduce light loss.

Some external lighting is proposed however, this would be kept to a minimum along the route to and from the parking areas and the entrance doors. The Design and Access statement confirms that lighting brightness would be set as low as possible and would use downward lit lighting set on a PIR sensor. If the application were to be approved conditions would be required to ensure that light spillage is further minimised.

The site is also host to 5 no. large Oak trees positioned on the south and west boundary. The trees would be retained, and the Landscape Team is content that the impacts upon trees would be limited to the construction phase only.

Additional trees would be planted to the east of the site in the form of 5no. Silver Birch trees along with new native hedging to be planted around the boundary of the site to provide screening and soften the appearance of the proposed development.

The proposal is considered to blend well with the neighbouring agricultural buildings and would be well screened from the west by existing woodland and complies with policy EN2.

5. Highways and Parking

The application site is accessed via a private track off the B1105 with suitable vehicular access arrangements. The track serves the existing residential properties and the agricultural business. The proposed site would utilise an existing access off the private track and provide a gravel parking area to the west of the site.

Core Strategy Policy EC5 states that proposed developments should be accessible by a choice of means of transport, including public transport, walking, cycling and the car. Core Strategy Policy CT 5 also sets out the need for “safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability.”

However, the site is not served by any footpaths or street lighting and is positioned adjacent a national speed limit road, therefore, the sustainability of the site is questionable though, the site is positioned less than 1 mile from the Principal Settlement of Fakenham and therefore, the Highway Authority have confirmed that they cannot formally object to the proposal.

Whilst it is regrettable that the site is located in an unsustainable location, policy EC5 does confirm that developments can be accessible by the private car. Users would also have the option to cycle to the site although this may only be feasible in the lighter months and would still be challenging to many potential users of the facility.

Whilst the site would provide a sufficient amount of parking and complies with Core Strategy Policy CT6, access by non-car modes is poor and potentially unsafe. As such, the proposed padel tennis facility, in its proposed location, would not provide safe and convenient access on foot or cycle addressing the needs of all, including those with a disability and is therefore considered to be contrary to the aims of Core Strategy Policy CT 5.

6. Ecology

The application has been submitted with a Preliminary Ecological Appraisal prepared by J&M Consultant Ecologist (26th November 2023). A Summary of the findings are set out above within the NNDC Landscape (Ecology) response.

The Preliminary Ecological Appraisal (PEA) is considered to be fit for purpose and the existing baseline ecological value of the site is low and the recommendations in the report would help

to deliver a net gain for biodiversity. Therefore, subject to the imposition of conditions, the proposed development is considered to comply with Policy EN9 and paragraph 180 of the NPPF.

7. Planning Balance and Conclusion

The proposed development would provide a new Padel Tennis sports facility available to members of the public and has potential to support an existing agricultural business. The Lawn Tennis Association (LTA) indicate that only one Padel Tennis facility currently exists in Norfolk at Diss with no facilities currently in North Norfolk.

Officers understand that a grant has been provided in order to deliver a facility and the timing of the grant has significantly impacted decisions and choices linked to location of a facility to serve the area and consideration of potentially more sustainable and accessible locations by modes other than the private car or private coach.

In support of the proposal, Officers note that the development is considered to be of an acceptable scale, design and form which would respect the character of the area and the wider landscape. The proposal would utilise an existing acceptable access and provide a sufficient amount of parking for its users. Existing woodland would provide sufficient screening of the development from the highway and new landscaping would help to soften the appearance of the proposed buildings.

The proposal would also deliver some, albeit modest, economic and employment benefits in construction but the applicant has not stated that additional permanent jobs would be created as a result of the proposal.

However, the site is located within the countryside on a site adjacent a national speed limit road with no foot paths or street lighting available. The proposed use does not fall within the list of acceptable uses requiring a rural location within policy SS2.

Insufficient information has been provided to evidence that alternative, more sustainable sites and existing buildings have been explored within an acceptable catchment area as required by policy EC5.

Furthermore, inadequate information has been provided to evidence that the proposed development would constitute farm diversification and it is unclear how the proposal would contribute to the existing agricultural business. The proposed development would also exceed the 250sqm floor space allowed by policy EC1.

The proposal is also considered to attract the use of tourists and given the countryside location, the development is contrary to policy EC7 which states that tourist attractions should be located within Principal and Secondary Settlements.

Overall, the proposed development would amount to a departure from Core Strategy policies SS1, SS2, EC1, EC5, EC7 and CT 5.

Whilst there are undoubtedly significant physical and mental health and wellbeing benefits associated with the creation of a new padel tennis facility, the choice of location for the facility will make it inaccessible for people without access to a private car or private coach. Whilst it may be possible for the accessibility of the site to improve in the future, such improvements to pedestrian and cycle safety may not be realised for considerable time and this will discourage and limit accessibility particularly for younger people or those with disabilities.

Officers recognise that the availability of grant funding has acted as a significant driver to take this project forward. Whilst it is a matter for the Committee to apportion appropriate weight to material considerations, the timeframe for delivery of the project has undoubtedly served to limit the forward planning that would enable the delivery of sustainable and accessible development and choices, made under the pressure of grant funding, will undoubtedly lock-in more carbon intensive development as a result of the reliance on the private car rather than development accessible by non-car modes.

For the reasons set out above, whilst acknowledging there are positive benefits associated with the proposal, these do not outweigh the significant locational disadvantages of the proposal and the clear conflict with Development Plan policies.

RECOMMENDATION:

REFUSE for the following reasons:

1. The application site is located within the countryside as designated by Policy SS1 of the Core Strategy. The proposed development does not fall within any of the categories listed as acceptable uses within the countryside under Policy SS2.
2. The site is adjacent a national speed limit road and there are very limited options to safely reach the site by non-car modes due to the absence of suitable footways, cycle ways or street lighting, particularly to and from the largest nearby principal settlement of Fakenham, contrary to the aims of Core Strategy Policy CT 5.
3. The proposal lacks a robust justification for its countryside location explaining how the proposal would directly link to the agricultural business. The proposal would result in a new development situated on an undeveloped site and includes a building that would exceed the floor space limit of 250sqm, contrary to the aims of Core Strategy Policy EC 1.
4. An insufficient sequential assessment has been provided to adequately explore and discount other more suitable sites and buildings within an appropriate area. Without adequate justification, the proposal is considered contrary to Core Strategy Policy EC 5.
5. The development would also result in a new tourist attraction located within the countryside and therefore, without adequate locational justification, does not comply with Core Strategy Policy EC 7.
6. The grant of permission in a countryside location will lock-in travel demand which could rightly be considered unsustainable if suitable and reasonable alternative travel options are unavailable as a result of unjustified locational decisions and lack of safe routes to the site by non-car modes.
7. Whilst the health and wellbeing benefits of the proposal are recognised, these benefits do not outweigh the harms identified.

Final wording of reasons for refusal to be delegated to the Assistant Director (Planning)