

Development Committee



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TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 5 June 2024

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 13 June 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.

PUBLIC SPEAKING:

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

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

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

Emma Denny
Democratic Services Manager

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

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

All other Members of the Council for information.

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



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

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

A G E N D A

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

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. ITEMS OF URGENT BUSINESS

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

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

5. ORDER OF BUSINESS

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

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

6. DECLARATIONS OF INTEREST

(Pages 1 - 6)

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

OFFICERS' REPORTS

7. BACTON - PF/23/1612 - HYBRID PLANNING APPLICATION SEEKING: DETAILED/FULL PLANNING PERMISSION FOR 47 DWELLINGS (AFFORDABLE HOMES), ASSOCIATED INFRASTRUCTURE AND OPEN SPACE ON 2.80 HECTARES OF LAND (NORTHERN PART OF FIELD BETWEEN COAST ROAD AND MILL LANE) AND ACCESS/HIGHWAYS WORKS; AND 2. OUTLINE PLANNING PERMISSION (ALL MATTERS RESERVED) FOR VILLAGE OPEN SPACE AND CAR PARKING ON 0.65 HECTARES OF LAND (SOUTHERN PART OF FIELD ALONG COAST ROAD FRONTAGE)

(Pages 7 - 22)

8. SEA PALLING - PF/24/0362 - HOUSEHOLDER PLANNING

(Pages 23 - 30)

APPLICATION SEEKING: SINGLE STOREY EXTENSION TO DWELLING (PART RETROSPECTIVE) AT ST. BENEDICTS, WAXHAM ROAD, SEA PALLING, NORWICH NR12 0UX

9. **HINDRINGHAM - RV/24/0496 - VARIATION OF CONDITION 11 (NO DELIVERIES TO BE TAKEN OR DISPATCHED OUTSIDE THE HOURS OF 07:00 TO 19:00 MONDAYS TO SATURDAYS AND NOT AT ANY TIME ON SUNDAYS AND BANK HOLIDAYS) OF PLANNING PERMISSION PF/10/0360 (ERECTION OF POTATO STORAGE BUILDING) TO ALLOW DELIVERY AND DISPATCH BETWEEN THE HOURS OF 07:00 TO 19:00 ON SUNDAYS AND BANK/PUBLIC HOLIDAYS BETWEEN I) 01 APRIL AND 30 JUNE AND II) 01 SEPTEMBER AND 31 NOVEMBER, IN ANY CALENDAR YEAR, ON NO MORE THAN 4 WEEKENDS WITHIN EACH OF THESE PERIODS AT ROW HILL FARM, WALSINGHAM ROAD, HINDRINGHAM, FAKENHAM** (Pages 31 - 38)
10. **CLEY-NEXT-THE-SEA - CL/24/0447- CERTIFICATE OF LAWFULNESS FOR EXISTING OPERATION - ADDITION OF RENDER ON EXTERNAL WALLS OF BUILDING AT LAND AT COOKS MARSH, CLEY-NEXT-THE-SEA, NR25 7UA** (Pages 39 - 44)
11. **EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution, if necessary:-

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

PRIVATE BUSINESS

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Registering interests

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

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

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

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

Non participation in case of disclosable pecuniary interest

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

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

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

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

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

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

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

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

Table 1: Disclosable Pecuniary Interests

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

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

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

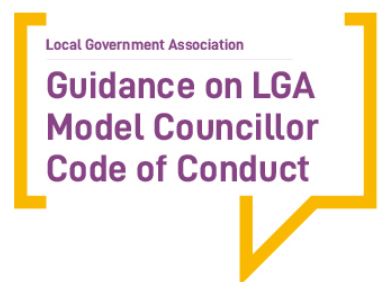
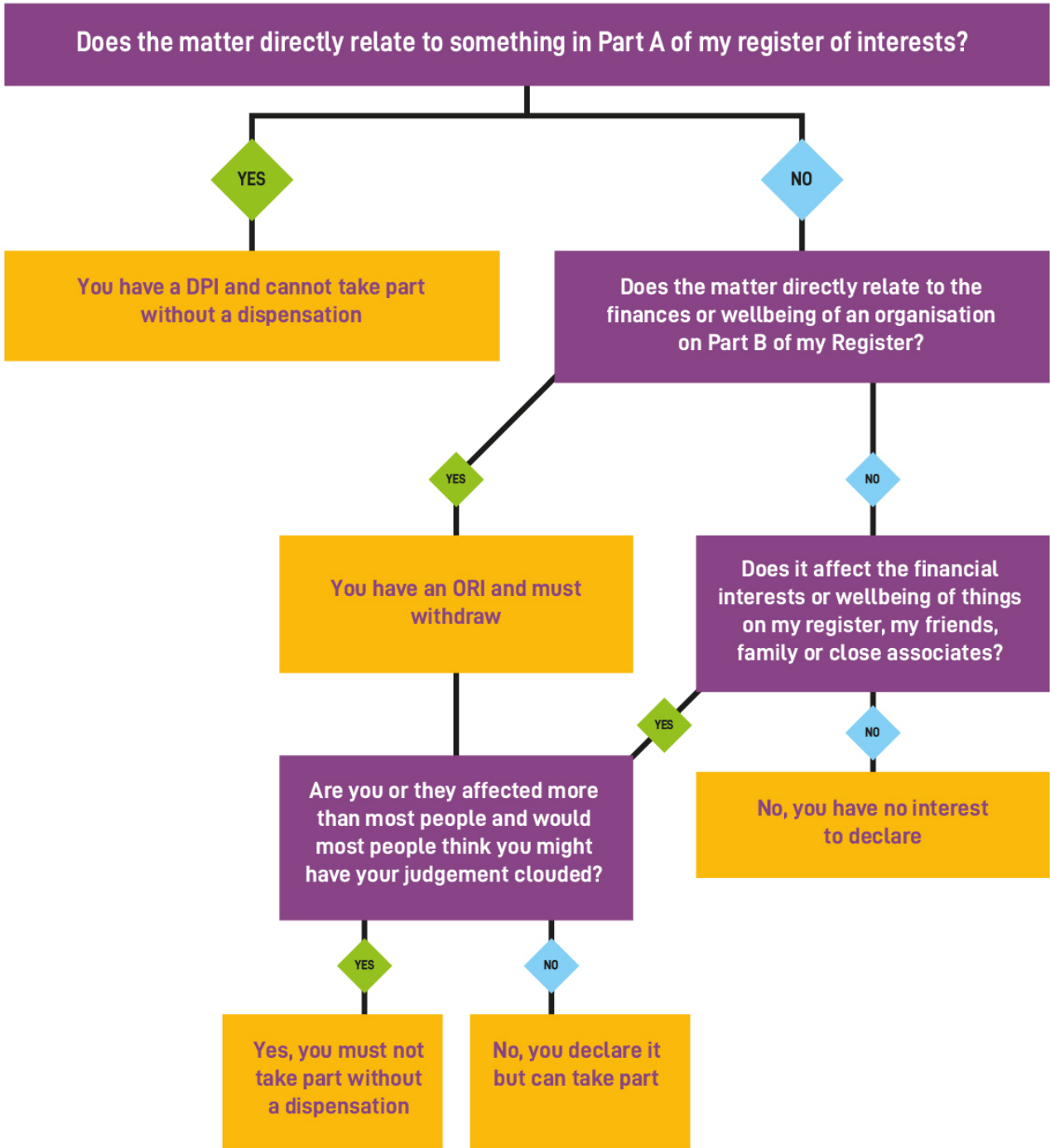
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

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



BACTON – PF/23/1612 - Hybrid planning application seeking:

- 1. Detailed/full planning permission for 47 dwellings (affordable homes), associated infrastructure and open space on 2.80 hectares of land (northern part of field between Coast Road and Mill Lane) and access/highways works; and**
- 2. Outline planning permission (all matters reserved) for village open space and car parking on 0.65 hectares of land (southern part of field along Coast Road frontage)**

Major Development

Target Date: 7th November 2023

Extension of time: 6th June 2024

Case Officer: Mr Joseph Barrow

Full Planning Permission

THE APPLICATION

This hybrid application seeks full planning consent for the erection of 47 affordable homes, landscaped open space, access roads, driveways, footway provision and attenuation ponds on land to the north and east of Bacton Village Hall. It also seeks outline consent for the creation of village open space, car parking and footpath provision on land to the south of the Village Hall.

RELEVANT SITE CONSTRAINTS

Residential Use Allocation BACT03 – Land Adjacent to Beach Road (part)

The western half (approximate) of the site and the site for the outline application lies within Bacton's settlement boundary in policy terms.

The eastern half (approximate) of the site lies within the countryside in policy terms.

The north west corner of the site lies within a Major Hazard Outer Zone –

Agricultural Land Classification: Grade 1

The eastern half (approximate) of the site lies within the Undeveloped Coast in policy terms.

Gas Pipe Buffer Zone: 500m BPA Zone

Landscape Character Assessment - Within Coastal Plain – Bacton to Waxham Landscape Type

The area of land to the south of the village hall (the outline application area) is within the Open Land Area in policy terms

The site lies within the Zone of Influence of a number of habitats site for the purposes of the Norfolk-wide GIRAMS

RELEVANT PLANNING HISTORY

None. Pre-application advice has however been given in 2022 and 2023.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr. Pauline Porter due to the scale of the development and concerns about the impact on local infrastructure/services.

The Assistant Director – Planning also wished to bring the application before development committee.

HUMAN RIGHTS IMPLICATIONS

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

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

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

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application.

Local finance considerations are not considered to be material to this case.

CONSULTATIONS:

Health and Safety Executive (HSE) – Do not advise against

Norfolk Constabulary Designing Out Crime Officer - No Objection to the proposed layout for either application. Recommended that natural surveillance of the parking areas could be enhanced.

Norfolk Fire and Rescue Service Fire Safety Officer - No Objection providing the proposal meets the requirements of current Building Regulations.

British Pipeline Agency - No comments as BPA pipelines are not affected.

The Norfolk and Waveney Health and Care Partnership - No Objection subject to the securing of a financial contribution to assist in mitigating the impacts of the proposal. The requested contribution is £54,936.

Norfolk County Council (Planning Obligations) - No Objection subject to financial contributions being secured via legal agreement for library provision and education.

Norfolk County Council Historic Environment Service - No Objection subject to conditions requiring mitigatory archaeological work.

Norfolk County Council (Minerals and Waste) - No Objection.

Natural England - No Objection subject to the securing of appropriate mitigation for recreational impacts upon designated sites in line with the Norfolk-Wide GIRAMS.

Norfolk County Council Highway Authority - No Objection to the majority of the scheme, with an objection raised against the lack of 2m footway across the site frontage.

Norfolk County Council Lead Local Flood Authority - No Objection to the full planning

application subject to a 'build-to condition'. No objection to the outline application subject to conditions.

Bacton Parish Council - Objects. With regards to the outline element it is considered important to ensure that a developer cannot backtrack and the open space and car park are delivered.

As the PC does not have the funds to support the project they have a detailed list of requirements which it is felt must be fulfilled and agreed by the developer if the planning permission was granted in advance. These are as follows:

- Confirmation of access to the site and that there is a useable entrance with sufficient visibility splay.
- The entrance to the car park must have a height and width barrier.
- Surface to be either brick weave or tarmac for the designated car parking zones. These spaces need to be marked out with islands to separate them and to stop the area being utilised as a race track.
- Security cameras in place and operational for both the car park and at the village hall.
- A pay and display unit/system which automatically fines cars for overstaying. All income derived from this system must be paid to the Parish Council.
- Signage – wording to be confirmed.
- Electric and timed drop down security barriers.
- 4 rubbish bins.
- A 10 year maintenance payment of approximately £10,000 to ensure the longevity of the asset. To be paid to the Parish Council which will be ring fenced and expenditure clearly accounted for.

Comments on the full planning application are as follows:

- Considered not to comply with Policy SS 4 of the North Norfolk Core Strategy (CS).
- High reliance on private car use.
- This proposal is not appropriate to the economic, social and environmental well-being of the village and is not desirable for the understanding and enjoyment of the area.
- Considered not to comply with Policies EN 2, EN 4, EN 9 and EN 13 of the CS.
- Significant transport implications of the development due to very few buses and no trains.

REPRESENTATIONS:

28 received with **objections** on the following summarised grounds:

- Potential for unauthorised parking in the surrounding area/village hall car park.
- Inappropriate noise relationship between the village hall and the development.
- Potential security implications for the village hall.
- Inadequate foul drainage.
- Overstretched medical facilities.
- Loss of farmland.
- Concerns about the housing not being for locals.
- Potential flooding concerns.
- Insufficient local amenities.
- Local school too small for the development.
- Very limited bus service leading to high reliance on private cars.
- Shops and pubs have closed and the village is lacking in such facilities.
- Detrimental impact upon neighbouring holiday units.
- Traffic concerns.

- Insufficient footpath provision.
- Inappropriate extension beyond the allocated site.
- Loss of openness and village character.
- Inappropriate building design.
- Loss of privacy for adjacent properties.
- Lack of employment for local people.
- Lack of pedestrian connectivity on to Mill Lane.
- Concerns about street lighting.

RELEVANT PLANNING POLICIES:

North Norfolk Core Strategy (2008):

SS 1 – Spatial Strategy

SS 2 – Development in the Countryside

SS 3 – Housing

SS 4 – Environment

SS 6 – Access and Infrastructure

HO 1 – House Dwelling Mix and Type

HO 2 – Provision of Affordable Housing

HO 3 – Affordable Housing in the Countryside

HO 7 – Making the Most Efficient Use of Land (Housing Density)

EN 2 – Protection and Enhancement of Landscape and Settlement Character

EN 3 – Undeveloped Coast

EN 4 – Design

EN 6 – Sustainable Construction and Energy Efficiency

EN 9 – Biodiversity and Geology

EN 13 – Pollution and Hazard Prevention and Minimisation

CT 1 – Open Space Designations

CT 2 – Developer Contributions

CT 3 – Provision and Retention of Local Facilities and Services

CT 5 – Transport Impact of New Development

CT 6 – Parking Provision

Site Allocations Development Plan Document (Feb 2011)

BACT03 – Land Adjacent to Beach Road (allocates 1.3 hectares for residential development of approximately 20 dwellings and 0.6 hectares of public open space).

Material Considerations

National Planning Policy Framework (NPPF):

Chapter 2 – Achieving Sustainable Development

Chapter 5 – Delivering a Sufficient Supply of Homes

Chapter 8 – Promoting Healthy and Safe Communities

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed and Beautiful Places

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

Chapter 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Documents

Officer Assessment:

Main Issues:

1. Principle of development:
2. Design and layout of the development and its effect on the character and appearance of the area
3. Amenity
4. Highway Safety
5. Ecology and Biodiversity
6. Planning Obligations

Site Description

At present the land is Grade 1 agricultural land, comprised of a field that wraps around the village hall. The northern portion of the overall site (hereafter referred to as the 'residential development') fronts the B1159 Coast Road to the west, the fish and chip shop and holiday chalet development to the north, and dwellings beyond Mill Lane to the east. The south-east corner of the field would remain undeveloped.

As shown in Figure 1 below, the application site is covered by various constraint areas in policy terms. The western half of the site for the proposed residential development is with Bacton's Settlement boundary and is also a site allocated for residential development of up to 20 dwellings with open space (BACT03 of the Site Allocations DPD). The eastern half of the site for the residential development is within the countryside in policy terms. The area subject of the outline application is also with the settlement boundary but is a designated Open Land Area.

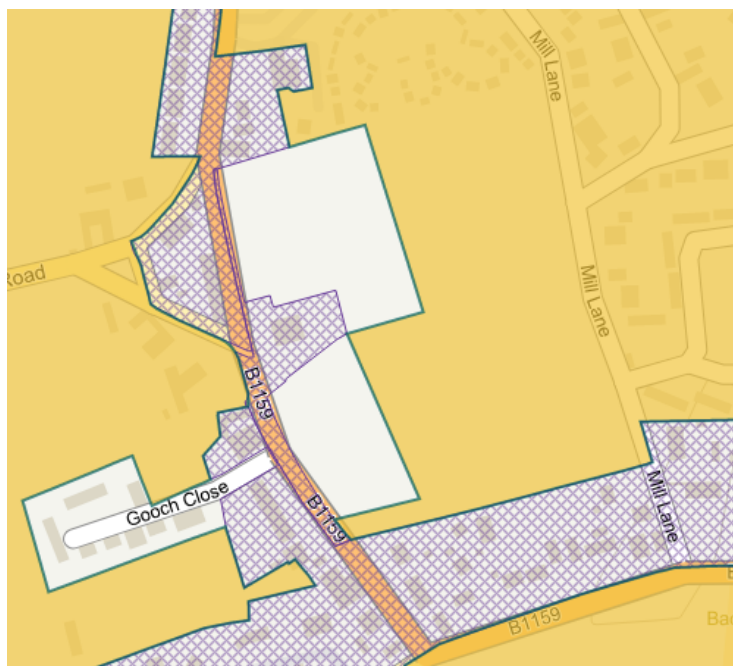


Figure 1 - The site's main policy constraints. Yellow = Countryside, Purple = Residential Area, Green Line = Settlement Boundary

1. Principle of Development

Full planning application

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

In this case, of the residential dwellings proposed, approximately half are proposed within the allocated site to the east of the overall development area. The remaining units would be within the Countryside locations, although a key aspect of this proposal is that all of the proposed units are to be affordable homes.

New build dwellings are not generally acceptable within the area designated as Countryside. Affordable housing is however a type of development listed in policy SS 2 as being acceptable in this area where it accords with the Council's rural exception policy. Policy HO 3 indicates proposal for affordable housing development will be permitted in the Countryside only where 4 criteria are met which are:

- the proposal would help to meet a proven local housing need for affordable housing as demonstrated in the Strategic Housing Market Assessment and waiting list information, and
- for schemes of 10 or more dwellings the site is situated within 100m of the boundary of a Principal or Secondary Settlement or one of the defined Service Villages or Coastal Service Villages, or,
- for schemes of 10 dwellings or fewer the site adjoins an existing group of ten or more dwellings; and is not situated within a 1 kilometre radius of any other scheme which has been permitted under this policy, and
- the affordable housing provided is made available to people in local housing need at an affordable cost for the life of the property (the Council will ensure that any planning permission granted is subject to appropriate conditions and/or planning obligations to secure its affordability in perpetuity).

The proposal would help to meet a proven local housing need, and the site falls within 100m of the settlement boundary of Bacton which is designated as a Coastal Service Village. The third bullet point is not considered relevant in this case, and the scheme would comply with the fourth bullet point.

Whilst the proposal as a whole seeks permission for more dwellings than what is set out in Site Allocation DPD Policy BACT03, the proposed development within the allocated part of the site accords with the allocation policy expectations. The residential development beyond the allocation site and beyond the settlement boundary can be viewed akin to an exceptions housing proposal attached to an allocated housing site.

Despite spanning two different policy areas, Officers consider that the proposed full planning application is acceptable in principle, in accordance with Policies SS 1, SS 2, SS 3, HO 2, HO 3 of the CS and BACT03 of the Site Allocations DPD.

Outline planning application

The outline planning application seeks to develop the parcel of land on the east side of Coast Road and south of the village hall to an area of public open space, with car parking area, and a footpath connection from the southern corner of the site into the residential development to the north, behind the village hall. This area of land is designated as an Open land Area within the CS, and as such, in line with Policy CT 1, development should only be permitted 'where it enhances the open character or recreational use of the land.'

An indicative layout has been submitted showing retention of the agricultural access to the south of the site, with an achievable footpath layout, as well as a suitable car parking area, and open space area.

The details of this development can be more accurately considered at reserved matters stage, and it is considered that the outline element of the application is in accordance with Policy BACT03 of the Site Allocations DPD, and Policies SS 6, CT 1 and CT 3 of the CS.

2. Design and layout

Full planning application

Housing Density

Policy HO 7 requires new residential developments to optimise the density of the site in a manner that protects or enhances the character the area. Paragraph 128 of the NPPF sets out that developments should make efficient use of land.

The site area for the residential development is approximately 2.8ha, with 47 dwellings proposed on that area, equating to approximately 16.8 dwellings per hectare. This falls short of the target of 30 per hectare set out within Policy HO 7 but the allocation of the site for housing under BACT03 proposed 20 dwellings across a 1.9 hectare site equating to 10.5 dwellings per hectare.

Whilst the proposal as a whole is contrary to the aims of Policy HO 7, the development area includes attenuation ponds to the front, and an area of landscaped open space wrapping around the south and east of the residential units. Nonetheless, the amount of development now proposed across the larger site is higher in density than was envisaged at allocation stage.

It is also considered important that the site retains an element of openness, given its positive contribution to the character and appearance of the area. The provision of the landscaped area provides an important visual buffer, at the expense of additional density. The dwellings proposed would also benefit from substantial gardens, improving the standard of the accommodation offering.

On balance, Officers consider the density of development to be acceptable.

Dwelling Mix and Type

Policy HO 1 requires that all new housing developments, of five or more dwellings, at least 40% of the total number of dwellings at not be more than 70 sq.m internal floor space and incorporate two bedrooms or fewer, and demonstrate that at least 20% of dwellings would be suitable or easily adaptable for occupation by the elderly, infirm or disabled.

Of the 47 units proposed, 3 are 1-bed bungalows, 3 are 1-bed houses, 5 are 2-bed bungalows, and 16 are 2-bed houses, totalling 27 units with 2 bedrooms or fewer. Of these units, only 5 of them would have not more than 70 sq m internal floor space. It is considered that at least 20% of the dwellings proposed would be suitable or easily adaptable for occupation by the elderly, infirm or disabled.

Officers note that, whilst the proposal is a departure from Policy HO1, this is a 100% affordable housing scheme where sized of dwellings is designed to meet identified local needs. Officers consider this to be a matter attracting weight in the planning balance.

Site Layout and Landscaping

Upon entering the site from Coast Road, the road layout travels east and loops back to a T-junction. There are a number of cul-de-sacs on the outside of this loop. Most of the construction is focused in the northern portion of the site, with six dwellings adjacent to the village hall on the south side of the road being the outliers.

Footpath connectivity around the site is good, with a full loop inside the road, and a path connecting to Coast Road at the site's entrance along the north side of the development's road. Four pedestrian crossings are provided within the site, ensuring access to the landscaped area to the east and south of the properties. There is also footpath connectivity to the north-west corner of the site, and into the area subject of the outline planning application to the south.

As mentioned previously, the development masterplan details a substantial area of landscaping to the south and east of the properties, with attenuation ponds and planting to the site frontage. Delivering this landscaping has the impact of reducing densities overall, but respects the rural character of a site which is partially within both the Countryside and Undeveloped Coast in policy terms.

The proposal would accord with the aims of Core Strategy Policies EN 2 and EN 3.

Dwelling Design and Materials

The scheme includes a variety of bungalows and 2 storey properties, with some detached, some semi-detached, as well as a single run of 3 terraced properties. Across the site the materials palette is cohesive, with red brick used throughout. 10 of the units will have black cedar lap cladding to the front, with a further 12 units having chalk render to their front elevations. 9 of the units will have terracotta pantiles to their roofs, with the remaining units making use of dark grey pantiles. Anthracite uPVC fenestration is proposed throughout the development, with black uPVC rainwater goods, black entrance doors, garage doors, and fascias / soffits / bargeboards also.

It is considered that the design of the units, and their locations within the development are appropriate. The materials palette is complementary to one another, and the units would each be appropriate next to each other. The scheme also includes enough variation to avoid monotony in its design, achieved through different scales, forms, and materials, ensuring there is visual interest as one progresses through the site.

The proposal would accord with the aims of Core Strategy Policy EN 4.

Permitted development rights removal

The Council are satisfied that the design submitted as part of the application is of a high standard, and creates an overall product which contains variety, visual interest, but a cohesive and complementary overall design. It is also noted that many of the plots have relationships with other units that could be impacted significantly by development that could normally be carried out under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Consequently, a condition is attached to this recommendation to remove permitted development rights under Schedule 2 Part 1 of the GPDO. This is to ensure that the Council can retain the site's prevailing character over time, as well as protecting against development that could negatively impact residential amenity.

Conclusion

Despite not achieving the target density specified within Policy HO7 of the CS, the proposal would deliver a scheme that would respect its partial Countryside Location, as well as the Undeveloped coast.

Whilst not complying with Policies HO 1 and HO 7, it is considered that the scheme proposed is of a sufficiently high design standard, with appropriate consideration given to the context in which the site is located. The scheme is considered to comply with Policies EN 2, EN 3 and EN 4 and, the North Norfolk Design Guide.

Outline planning application

All matters are reserved with this application, however the proposed use of the land is considered appropriate, and would not detract from the character and appearance of the area.

Subject to appropriate design details being submitted through the subsequent reserved matters application, the proposal is considered acceptable in terms of impact upon the character and appearance of the area at outline stage.

3. Amenity

Full planning application

The site is neighboured by two potential sources of noise for any new dwellings - a fish and chip shop to the north-west corner of the site, and the village hall and car park to the south-west corner.

The nearest dwelling to the chip shop is approximately 15m away, with a small hedgerow and planting area separating the two. The acoustic and odour impacts have been considered through the submission of a technical report and consultation with the Council's Environmental Protection team, with no objection raised.

With regard to the relationship with the village hall, the development includes the erection of acoustic fencing along the entirety of the northern and eastern boundary between the hall and its car park, and the residential development. This would be secured by a condition. It is again considered that this relationship is acceptable in terms of minimising disturbance.

Within the site the dwellings are positioned and aligned in a way so as to maintain privacy and limit harmful overlooking. It is noted that there are some relationships which fall short when considered against the separation distances as outlined in the North Norfolk Design Guide (namely plots 29 & 30 and 39 & 40). That said, any impacted rooms subject to these relationships benefit from alternative outlooks and sources of light, and in both cases driveways are positioned between the units.

With regard to the relationships of the proposed units with existing development, the relationship is clearly acceptable to the east, west, and south, given the large separation distances that are present. However, Units 7 and 8 are within 10m of the northern boundary, with unit 47 approximately 8.2m away, and unit 41 approximately only 5.5m away. To the north of the development site lies a fish and chip shop on the western edge of the boundary, with tourism chalets for the remainder of the site's width. Of the 4 units specified, only one of them is a two-storey design (unit 8), with only side-facing first floor bathroom windows providing an outlook over the boundary. The choice to use bungalows in this sensitive area otherwise, is a reasonable step to preserve the amenity relationship for both the tourism units, and the proposed dwellings. The hedgerow along the northern boundary will provide screening, as will the proposed 1.8m high close board fence.

Properties also afford views over the landscaping area to the east and south enabling natural surveillance. Gardens are well-defined and generous, with properties having clear defensible spaces.

Overall, the layout is considered to be acceptable in terms of its impact upon residential amenity in accordance with Policy EN 4 and the North Norfolk Design Guide SPD.

Outline planning application

It is considered that use of the land south of the village hall for car parking, a footpath, and public open space would not be harmful to the levels of residential amenity in the area, subject to appropriate design as reserved matters stage. The application is therefore considered acceptable in terms of amenity, having regard to Policy EN 4 and the North Norfolk Design Guide SPD.

4. Highway Safety

Full planning application

The layout of the site as proposed would take the form of one two-way tarmac road around the site, with 4no. traffic calming tables, and additional car parking facilities on the outside of the loop. All dwellings would benefit from at least a two-car driveway, with three-car driveways and garages also proposed for some of the higher occupancy units.

There are to be 6 no. cul-de-sacs around the outside of the development providing vehicular access to various properties which would not be constructed adjacent to the main road. Each of these benefits from a turning area of an appropriate size.

It is understood that, with conditions, all of the junctions within the site, and connecting the site to the wider highway network, can deliver appropriate visibility standards. The road layout is also such that refuse and emergency vehicles would be able to travel around the site as necessary.

In terms of transport sustainability the site would benefit from pedestrian access to the Village Hall, food takeaways to the north, a convenience store to the north, café to the south, as well as the primary school. Bus stops are also 140m/180m away from the site, outside the aforementioned shops to the north. The transport statement submitted in support of the scheme also confirms that cycle and motorcycle parking provision will accord with Norfolk County Council's Parking Standards document.

Following ongoing consultation with the local highway authority many areas of concern have now been suitably addressed, either at this stage or through conditions to be imposed if permission is granted. The only outstanding issue that has not been resolved is request by the highway authority for the provision of a 2m wide footway on the east side of Coast Road from the agricultural field access in the south, all the way to the chip shop in the north.

The developer considers that that delivery of this standard of footpath in this location is not feasible because;

1. The area in front of the village hall is not within their control, and;
2. Delivery would involve significant and costly earthworks across the site frontage, detracting from the site's visual appeal.

At present, the footpath in question is approximately 1.6m in width for the majority of the distance along the site frontage – a shortfall of 40cm. Whilst adequate and appropriate provision for pedestrians is important this has been weighed against the issues raised by the developer and the benefits of the scheme as a whole.

Following discussions, the layout as proposed provides a footpath link from the residential development into the public open space to the south of the village hall, connecting to Coast Road's footway in the southern corner. Furthermore, an additional footpath has also been proposed exiting the site in the north-west corner. The effect of these two paths is future residents of the site could access both north and south without the need to use the roadside footway. The footway adjacent to Coast Road is also not to be altered (other than new gaps for the site access and other crossings where required).

On balance, despite the local highway authority maintaining an objection based upon the lack of 2m wide footway, it is considered that the alternative footpaths provide a sensible and realistic alternative for residents. With no other causes for concern, it is considered that the application is acceptable in terms of its impact upon highway safety, having regard to Policies CT 5 and CT 6 of the CS, and paragraphs 114 and 116 of the NPPF.

Outline planning application

The indicative layout provided at this time shows an acceptable location and amount of parking to be provided. There are also unlikely to be any other negative impacts upon highway safety as a result of the scheme, subject to appropriate design at reserved matters stage. The application is therefore considered acceptable in terms of highway safety, with regard to Policies CT 5 and CT 6 of the CS.

5. Ecology and Biodiversity

Full planning application

Protected species

An Ecology Assessment has been submitted as part of this application, which considers the site's ability to support protected species. The land is currently arable, and the hedgerows to the north and west of the site are not considered to be priority hedgerows. The assessment summarises that the loss of the arable area and margins are considered to be of very low ecological significance.

Some bats were observed on the land using it for foraging as part of a much larger sustenance area, and nesting birds are to be protected through the use of restrictions about when works can be carried out. It is also recommended that any lighting scheme is wildlife friendly.

Otherwise, the document considers enhancement measures. These focus on the areas of soft landscaping to the east and south of the homes to be constructed. Recommendations are made relating to species to be planted, as well as the installation of bat and bird boxes on buildings throughout the development.

Subject to securing appropriate landscaping, as well as mitigation for nesting birds, and enhancements as suggested, this application is considered acceptable in terms of protected species and ecological impacts and therefore complies with Policy EN 9.

Recreational impacts on habitats sites

Norfolk Local Planning Authorities 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 lies within the defined Zones of Influence of a number of designated sites

In line with the RAM strategy a mechanism has been secured to ensure the appropriate financial contribution per dwelling (or equivalent) prior to occupation as part of this proposal at the time planning permission is approved.

It is considered that the proposed mitigation contribution of £221.17 per dwelling (£10,394.99 in total) which will be secured as part of the Section 106 agreement is sufficient to conclude that the project will not have an adverse effect on the integrity of the above identified European sites from recreational disturbance, when considered alone or 'in combination' with other development.

On that basis the proposal also complies with Policy EN 9.

Outline planning application

The outline application is unlikely to have any negative impacts upon ecology or biodiversity.

It is therefore considered that it is an acceptable application in this regard, according with Policy EN 9.

6. Planning Obligations

Full planning application

Policy CT 2 indicates that on schemes of 10 or more dwellings where there is not sufficient capacity in infrastructure, services, community facilities or open space, improvements which are necessary to make that development acceptable will be secured by planning conditions or obligations, and these must be phased so as to be in place in accordance with an agreed time frame or prior to the occupation of an agreed number of units.

Contributions are required in order to address the impacts of the proposed development on local services and infrastructure. These are as follows:

Open Space

The North Norfolk Open Space Assessment sets out the quantum of open space typologies required from proposed development based on the number of dwellings and equivalent people ratios. Depending on the scale of development, some require delivery of on-site open space whilst others may require a financial contribution to deliver off-site improvements. For this proposal, based on 6no. 1-bed, 21no. 2-bed dwellings, 18 3-bed dwellings and 2 4-bed dwellings the required open space contributions are as follows:

- Allotments – £14,950
- Amenity green space – on-site provision of approximately 2,491 sqm (£0 as sufficient area provided on site)
- Parks and recreation grounds – £114,016
- Play space (Children) – £18,820
- Play space (Youth) – £7,651
- Natural green space – On-site provision of approximately 2,491 sqm (£0 as sufficient area provided on site)
- TOTAL - **£155,438**

Local Infrastructure

In terms of other contributions, the following are required based on the scale of development:

- Education – **£297,117.20**
- Libraries – **£4,700**
- Fire Hydrants – 1no. per 50 dwellings (to be secured by conditions)
- Monitoring Fee – £500 per obligation
- Primary & Community Care capital cost - **£54,936**
- Total - **£357,253.20**

N.B. Norfolk County Council has made it clear that their Planning Obligations Standards are changing as of April 2024. At the time of writing they have been reconsulted to provide updated figures. For clarity, the previous stated figures are those detailed above

GIRAMS

A financial contribution totalling **£10,394.99** – based on 47 dwellings – to provide mitigation in accordance with the Norfolk GIRAMS

These contributions would be secured through an agreement under Section 106 of the Town and Country Planning Act 1990 with appropriate index linking.

Total S106 Contributions of **£523,086.19**

The developer has indicated that these financial obligations can be provided.

Outline planning application

The outline application would not be subject to financial obligations but its delivery and timing of delivery would likely need to be secured through S106 Obligation.

Other considerations

Major hazard zone – A small part of the northwest corner of the site would be within the outer zone of the Bacton gas Terminal Major Hazard Zone. This area is restricted to a very small corner of the north west of the site, with only a small triangular area of footpath and landscaping included within the constraint area. No dwellings, or their garden areas, are within the Major Hazard Zone. The Health and Safety Executive were consulted, and they do not advise against the grant of permission.

It is therefore considered that the application accords with Policy EN 13 of the CS.

Planning Balance and Conclusion:

This proposal brings forward residential development on part of an allocated site. 47 affordable homes are to be delivered, along with various contributions as specified above. There is an objection from the local highway authority in relation to pedestrian pathways and Officers note

the proposal is not fully policy compliant in relation to density of development and size of dwellings.

Notwithstanding the areas where the proposal amounts to a departure from the development plan, Officers consider there are material considerations in favour of the proposal which would be capable of attracting significant weight sufficient to justify the development proposed.

In addition to the benefit of 47 new homes which will help to support the local economy, the proposal will provide short-term benefits through construction jobs. The benefits attract modest weight in the planning balance.

The Council is currently unable to demonstrate a five year deliverable housing land supply (currently requires 2,400 dwellings for the period 2023-2028 or 480 dwellings per annum). The proposal would provide 47 much needed affordable dwellings which amounts circa 10% of one year's housing supply. Whilst this alone would not solve the housing supply shortfall, it is a notable addition and attracts weight in favour.

Where the Council is unable to demonstrate a five year supply of housing then, under NPPF (Framework) paragraph 11 d) the "titled is applied". Notwithstanding the highway objection, Officers consider that the adverse impacts of the development do not "significantly or demonstrably outweigh the benefits" of the proposal when assessed against the policies in the Framework taken as a whole.

The delivery of a significant number of affordable dwellings outweigh the relatively minor policy conflicts identified.

Consequently, having regard to all of the above, Officers recommended that this application be approved, subject to conditions, and a Section 106 legal agreement.

RECOMMENDATION

APPROVAL subject to:

1. The satisfactory completion of an agreement under section 106 of the Town and Country Planning Act 1990 to provide the developer contributions listed below and to secure the dwellings as affordable housing:

- Allotments – £14,950
- Parks and Recreation Grounds – £114,016
- Play Space (Children) - £18,820
- Play Space (Youth) – £7,651
- Education – £297,117.20
- Libraries – £4,700
- Primary & Community Care Capital Cost - £54,936
- GIRAMS - £10,394.99
- Monitoring Fee – £500 per obligation

Securing delivery of the open space and car park for the outline application in conjunction with delivery of affordable dwellings

2. The imposition of conditions to cover the matters listed below and any others considered necessary by the Assistant Director – Planning).

Conditions:

FULL APPLICATION

1. Time limit
2. Approved plans
3. Submission of the reserved matters
4. Materials
5. Fire hydrant provision
6. Vehicular access improvements
7. Visibility splay provision
8. Provision and retention of car parking areas
9. PD removal
10. Archaeological written scheme of investigation
11. Bird nesting season
12. Soft landscaping details
13. Replacement of trees and shrubs
14. Ecological enhancements
15. Build-to condition relating to flooding
16. Air source heat pump details
17. Noise/dust/smoke construction management plan
18. Highways

OUTLINE APPLICATION

1. Submission of reserved matters (all)
2. Time Limit for Commencement of Development
3. Replacement of trees and shrubs
4. Lighting Scheme

Plus any other conditions considered to be necessary by the Assistant Director – Planning. Final wording of conditions to be delegated to the Assistant Director – Planning

3. **That the application be refused if a suitable section 106 agreement is not completed within 4 months of the date of resolution to approve, and in the opinion of the Assistant Director - Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale.**

SEA PALLING – PF/24/0362 - Householder planning application seeking: Single storey extension to dwelling (part retrospective) at St. Benedicts, Waxham Road, Sea Palling, Norwich NR12 0UX

Householder Development

Target Date: 16th April 2024

Extension of time: 5th July 2024

Case Officer: Mr Matthew Attewell

Full Planning Permission

RELEVANT SITE CONSTRAINTS

Norfolk Coast National Landscape: Formerly known as The Norfolk Coast Area of Outstanding Natural Beauty.

Article 4 Planning Restriction ref: ART4/00/29 & ART4/00/27.

Countryside

Undeveloped Coast.

Candidate County Geodiversity Site: Sea Palling Dunes.

County Wildlife Site: Marram Hills.

Flood Zone 2 & 3.

England Coast Path Coastal Margin.

Flood Warning Area.

Internal Drainage Boards Boundary.

Landscape Character Assessment: Coastal Plain Type.

Risk Surface Water Flooding 1 in 30.

Risk Surface Water Flooding with climate change

RELEVANT PLANNING HISTORY

IS1/23/2145: Single storey extension (retrospective) - advice given, 12th February 2024

PF/23/1475: Single storey extension to dwelling (part retrospective) - refused, 20th September 2023 for the following reasons:

In the opinion of the Local Plan Planning Authority due to its siting, length, height and scale, the proposed extension is a disproportionately large extension to the dwelling which would not be subservient to the existing dwelling resulting in harm to its character and appearance and which would materially increase the impact of the dwelling on the appearance of the surrounding countryside. This would result in harm to the character and appearance, valued features and qualities of the open Coastal Plain landscape within this part of the Norfolk Coast Area of Outstanding Natural Beauty. Furthermore, the four rooflights in the west elevation would increase light pollution from artificial light in an intrinsically dark landscape eroding its nocturnal character. The proposed development is therefore contrary to Policies HO 8, EN 1, EN 2, EN 3 and EN 4 of the adopted North Norfolk Core Strategy.

ENF/23/0103: Enforcement Enquiry – Erection of a front extension – pending consideration.

PF/05/0491: Erection of single-storey extension - approved, 3rd May 2005.

PF/04/0757: Retention of storage shed - approved, 17th June 2004.

PF/04/0173: Retention of gazebo and pergola and detached outbuilding - refused, 30th

March 2004.

PF/01/0657: Erection of sun lounge extension - approved, 11th June 2001

THE APPLICATION

This is a revision of the previously refused scheme under application ref. PF/23/1475, which sought the retention of a single storey extension to the southwest elevation. This was constructed to a bare shell which projected approximately 15 metres from the host dwelling, with an overall width of 6.5 metres and eaves height of 2.4 metres and ridge height of 4.9 meters.

The applicant has subsequently received pre application advice under IS1/23/2145, which revised the scheme by a reduction in the overall height of the extension to 4 metres and the eaves height to 2.4 metres. The pre application advice concluded that the following matters needed to be addressed:

- Confirmation of the intended use of the proposed development
- A better internal link between the host dwelling and the proposed extension
- A reduction in the rooflights proposed on the northwestern roof slope, in the interest of protecting the specific special qualities of the AONB
- The inclusion of a flood risk assessment

As now proposed the extension projects approximately 15 metres from the host dwelling, with an overall width of 6.5 metres, with an overall height of 4 metres and eaves height of 2.4 metres. The extension will be clad in larch boarding with a slate roof which matches the existing dwelling. Doors and windows will be traditional hardwood. In addition, an extensive landscaping scheme is proposed which includes a mixture of evergreens, perennials and heavy standard sized Holm Oak, Goat Willow and Swedish White Beam trees.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr. Harry Blathwayt due to the scale of the development and its suitability in a protected planning area – the Norfolk Coast National Landscape (AONB)

REPRESENTATIONS:

None received.

CONSULTATIONS:

Landscape (NNDC) – No objection – This revised application seeks to reduce the impact of the part-retrospective extension by: a) reducing the ridge height by 1.3m, b) removing the glazed openings on the south elevation c) use of larch cladding d) providing an indicative scheme of tree and shrub planting Taking all of these factors into account, it is considered that the landscape and visual impact of the development is sufficiently reduced, such that compliance with Core Strategy policies EN 1, EN 2, EN 3 and EN 4 is now achieved.

Conditions relating to full details of a soft landscaping, its implementation and replacement of and failure's are requested along with the requirement for details of any proposed external to be submitted and approved.

Sea Palling Parish Council – Object – Development is out of scale and character with anything else that is built along the dunes. It would also block the view across the dunes and coastal path and is in an Area of Outstanding Natural Beauty.”

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 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.

RELEVANT POLICIES:

North Norfolk Core Strategy

SS 1 – Spatial Strategy for North Norfolk.

SS 2 – Development in the Countryside.

HO 8 – House Extensions and Replacement Dwellings in the Countryside.

EN 1 – Norfolk Coast Area of Outstanding Natural Beauty and The Broads.

EN 2 – Protection and Enhancement of Landscape and Settlement Character.

EN 3 – Undeveloped Coast.

EN 4 – Design.

EN 9 – Biodiversity & Geology.

EN 10 – Development and Flood Risk.

CT 5 – The Transport Impact of New Development.

CT 6 – Parking Provision.

Material Considerations

National Planning Policy Framework (NPPF):

Chapter 2 – Achieving sustainable development.

Chapter 4 – Decision making.

Chapter 12 – Achieving well designed and beautiful places.

Chapter 14 – Meeting the challenge of climate change, flooding, and coastal change.
Chapter 15 – Conserving & enhancing the natural environment.

Supplementary Planning Documents

North Norfolk Design Guide SPD (2008)

North Norfolk Landscape Character Assessment SPD (2021)

OFFICER ASSESSMENT

Site Description:

The dwelling is located approximately half a mile southeast of the coastal village of Sea Palling. It is within a small cluster of dwellings at the end of a track off the north side of Waxham Road and is adjacent to the dunes (Marram Hills) to the north, with the beach on their far side. A dwelling was previously being known as the Telegraph House on early Ordnance Survey maps.

The dwelling has been subject of previous applications for various additions and alterations, with case photos from PF/04/0757 showing at that time, a modest single storey chalet, with a slate tiled roof, cream rendered walls and a detached outbuilding.

The property is subject to an Article 4 Direction (ART4/00/29) dated 16th January 1957. This removed some classes of permitted development, including development within the curtilage of dwellinghouse (e.g. the enlargement, improvement, or other alteration).

The property has several additions which have not been subject of planning permission and that have not been demonstrated as being lawful through a lawful development certificate. These include a conservatory to the northwest side and an extension to the southeastern elevation. However, the key element in the consideration of this application is the extension to the southwestern elevation. It is demonstrated on the submitted existing plans, that prior to the construction of the extension there was an existing extension which projected 15.3 metres comprising a combination of a single storey section with a pitched roof partially attached to the rear of the dwelling, with a wider flat roof section attached to it.

The historic planning files show that only the pitched roof building which was approximately 7.3m long was permitted under application ref PF/04/0757. That permission was for a storage building approximately 5.9 metres long which was detached from the dwelling with a separation of 1.45 metres, which was removed and replaced with the current on site structure. It is assumed that it was attached at a later date. There is no permission for the flat roof section which is approximately 8.00 metres long. There were previously some garden structures (a gazebo and pergola) in this area shown on photos on the file for application PF/04/0173, which was refused. Photos on the file for PF/04/0757 show these structures largely in pieces within the garden. As such, and without evidence demonstrating the lawfulness of the flat roof section, little weight can be attached to them as part of the consideration of this application.

Main issues for consideration:

- 1. Whether the proposed development is acceptable in principle.**
- 2. The external appearance of the proposed extension**
- 3. The effect on the special qualities of the Norfolk Coast National Landscape.**
- 4. The effect on the living conditions of the occupiers of neighbouring dwellings**
- 5. The effect on highway safety**
- 6. Flood risk**

1. Principle

The site is within the area designated as Countryside under Policy SS 1 of the North Norfolk Core Strategy. Policy SS 2 sets out the types of development which can be acceptable in principle within this area. This includes extensions to existing dwellings. To be acceptable overall, a proposed development would also need to comply with all other relevant policies unless material considerations indicate otherwise, including Policy HO 8.

In terms of the scale, the proposed development would result in a large increase in the floor area, (approximately 62 sq.m) when compared to that of the existing dwelling. However, because of its design, it would now sit more sympathetically than the previously refused scheme. Furthermore, the proposed materials palette paired with the proposed landscaping details would result in an addition which it is considered would not materially increase the impact of the dwelling on the appearance of the surrounding countryside. With this and the lowered ridge line, it is considered that the proposal complies with Policies SS 2 & HO 8.

2. Appearance:

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

Paragraph 130 of the National Planning Policy Framework (NPPF), sets out that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

The proposed single storey extension whilst large in footprint, is considered subservient in its appearance. This is achieved with the eaves height being fractionally lower than the host dwelling, but also with the overall ridge sitting 1 metre lower than that of the existing dwelling. Further to this, the extension will be finished in larch cladding, which will provide a more natural finish that will weather into its environment.

With the above considerations, it is considered that the proposal complies with Policy EN 4.

3. Norfolk Coast National Landscape

Policy EN 1 of the Core Strategy sets out that the impact of individual proposals, and their cumulative effect on the Norfolk Coast National Landscape, formerly AONB, The Broads and their settings will be carefully considered.

Development will be permitted where it is appropriate to the economic, social, and environmental well-being of the area or is desirable for the understanding and enjoyment of the area; does not detract from the special qualities of the AONB or The Broads; and seeks to facilitate delivery of the AONB management plan objectives. Development proposals that would be significantly detrimental to the special qualities of the AONB or The Broads and their settings will not be permitted.

Policy EN 2 states that proposals for development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies.

Development proposals should demonstrate that their location, scale, design, and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character), gaps between settlements, and their landscape setting, distinctive settlement character, the nocturnal character, and the setting of, and views from, Conservation Areas and Historic Parks and Gardens, amongst other things.

Policy EN 3 states that 'only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted'.

Paragraph 174 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)

Paragraph 176 requires that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Paragraph 185 of the NPPF set out that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

“c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation”.

Having regard to the above policies and national guidance, Officers consider that the use of horizontal larch cladding on the extension building, which is considered to be agrarian in its appearance, is considered to be acceptable. The key element of the scheme is the proposed implementation of a substantial landscaping scheme which includes the planting of a mixture of Holm Oak, Goat Willow, and Swedish White Beam. along the boundary with Jesmond Dene, with further planting to the southwest of the development, with established 4-5 metre high trees. This landscaping works will help to provide immediate filtering of the proposed extension in the views of it across the surrounding open landscape.

The special qualities of the AONB include the sense of remoteness, tranquillity, wildness and the dark night skies. The proposal includes a reduction in the number of rooflights from those originally proposed within the pre application advice given.

Overall, it is considered that the proposal is compliant with Policies EN 1, EN 2 and EN 3.

4. Living conditions

In terms of the impact of the proposed scheme, due to the proposal projecting away from the nearest property (The Walden) with the host dwelling between them, in relation to the overlooking, perception of overlooking or the overshadowing effect on the immediate neighbours, it is considered that the proposed development would not impact on this property. This can also be said for the impact of the proposed development on the property located further east along the coast (Jesmond Dene).

It is therefore considered that the proposed development would not result in any significantly harmful effect on the living conditions of the occupiers of nearby dwellings and that it complies with Policy EN 4.

5. Highways and Parking

The proposed development would increase the number of bedrooms in the property from three to four. Due to the size of the plot, it is considered that the proposal could provide adequate parking provision onsite which would accord with the Council's adopted parking standards in appendix C of the Core Strategy. The proposal would accord with Core Strategy Policies CT 5 and CT 6.

6. Flood Risk

The extension would be within Flood Zone 3, where development is restricted to compatible types of development. Due to the proposal being classed as minor development which includes householder development, it is acceptable in this respect. It therefore complies with Policy EN 10.

7. Other Considerations

It is understood that there is an ongoing land dispute in relation to the proposal. However, this matter is a civil issue and does not form part of the consideration under the Town and Country Planning Acts.

Planning Balance and Conclusion:

On balance, whilst it is acknowledged that the overall footprint of the proposal is large, due to the amendments to the scheme plus the extensive landscaping proposed as part of the development, it is, on balance, considered acceptable.

Approval is therefore recommended.

RECOMMENDATION

APPROVAL subject to conditions relating to the following matters:

- Time limit
- Approved plans
- Materials
- Occupancy restriction
- Landscaping
- Outdoor lighting

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

Hindringham – RV/24/0496 - Variation of condition 11 (no deliveries to be taken or dispatched outside the hours of 07:00 to 19:00 Mondays to Saturdays and not at any time on Sundays and Bank Holidays) of planning permission PF/10/0360 (Erection of potato storage building) to allow delivery and dispatch between the hours of 07:00 to 19:00 on Sundays and Bank/Public Holidays between i) 01 April and 30 June and ii) 01 September and 31 November, in any calendar year, on no more than 4 weekends within each of these periods at Row Hill Farm, Walsingham Road, Hindringham, Fakenham

Minor Development

Target Date: 2 May 2024

Extension of time: TBC

Case Officer: Darryl Watson

Full Planning Permission

RELEVANT SITE CONSTRAINTS

Countryside LDF

RELEVANT PLANNING HISTORY

Planning permission (PF/10/0360) for the potato store was granted on 13 July 2010.

Condition 11 of the permission states:

Unless previously agreed in writing, no deliveries shall be taken at or dispatched from the site outside the hours of 07:00 to 19:00 during Mondays to Saturdays, nor at any time on Sundays or Bank or Public Holidays.

Reason:

To control the noise emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

Planning permission PF/10/1464 for the variation of condition 7 of planning permission ref: PF/10/0360 to permit change of door colour was approved without conditions.

THE APPLICATION

As first submitted the proposed variation of condition was to allow for deliveries/dispatch on Sundays and Bank/Public Holidays between 07:00 to 19:00 hrs. Following discussions with the application regarding their operational requirements and how they have operated in recent years, the proposal was amended to allow for delivery and dispatch between the hours of 07:00 to 19:00 on Sundays and Bank/Public Holidays between i) 01 April and 30 June and ii) 01 September and 31 November, in any calendar year, on no more than 4 weekends within each of these periods.

REASONS FOR REFERRAL TO COMMITTEE:

At the request of Cllr Butikofer as Hindringham Parish Council remain extremely concerned that safety considerations have not been adequately responded to by the amendment to the application, and that due consideration regarding the routes the trucks are taking impacting

this have not been addressed.

REPRESENTATIONS:

Application as first submitted.

Three received with **objections** on the following grounds:

Highway impacts

- Walsingham Road is a single-track back road. There is already a large number of farm traffic and lorries that drive through the area which usually encounter head-on traffic with nowhere to go which forces road users to straddle the banks and verges, destroying the roadside. Will result in more heavy lorries travelling along Walsingham Road over a busy bank holiday weekend and Sundays when the road is already busier with people travelling.
- Birds Farm have run a camping and caravan site since 1989, and very rarely had any issues with traffic on the Walsingham Road, until the potato store opened. Now they have had issues with HGV coming and going from store with campers meeting with HGVs head on. As Walsingham Road is a single-track road with no passing areas campers have had to reverse along the road back to campsite or to either end of the road, which is not safe with a number of blind bends. There is limited parking at the storage unit and lorries park on the road blocking it. As weekend and bank holidays are busy times with campers arriving and leaving our site the proposal will cause problems

Sustainability/climate change

- Will mean more vehicles on the road, leading to increased greenhouse gas emissions from fuel consumption.
- Would discourage the use of more sustainable transport options, such as consolidating deliveries and using low-emission vehicles. It would also discourage cycling and walking when having to deal with articulated lorries on single track lanes.
- Extended operating hours for businesses will lead to increased energy consumption, contributing to greenhouse gas emissions and climate change.
- Negative environmental effects, such as increased air pollution from vehicle emissions and the degradation of the hedgerows and verges on single track lanes.

Other concerns

- Negative impact on local tourism businesses and may harm their profitability.
- Noise and disturbance

Following amendment to proposals and submission of further information.

No representations received.

CONSULTATIONS:

Hindringham Parish Council

Application as first submitted.

Objection on the following grounds

- The entrance/exit splay required by conditions 3 and 4 of planning permission PF/10/0360

is not in compliance with the approved plans and this should be rectified before permission for this variation is given. The splay on the right-hand side facing the building appears to be inadequate and this affects the site at all times and not just the times in the application.

- Since the planning permission was granted for the building, there has been a touring caravan site developed, on a field opposite. The lane to the store is single track and at bank holidays there are likely to be more caravans moving on and off site, thereby possibly causing road blockages.
- If this application is approved the PC would prefer a designated route to be used to lessen the haulage traffic through Hindringham village either at weekends and Bank Holidays or, preferably, at all times. They suggest that all unladen HGV vehicles should turn off the A148 at Little Snoring and enter the Little Snoring Road to Great Walsingham and then head directly to the potato store. Once laden, they should exit along the Walsingham Road heading east then join the Binham / Hindringham road turning right and heading south. This would lessen the chance of both cars/caravans coming face to face by 50% and would also lessen the HGV nuisance through the village of Hindringham. This route should be signposted.
- The Highway Authority should be consulted due to the site's proximity to the coast and the increased holiday traffic at bank holidays.

Following amendment to proposals and submission of further information.

No comments submitted.

Environmental Health:

Application as first submitted.

Have some concerns regarding the early start and extended day suggested for Sundays and Bank holidays and suggest discussion with the applicant on suggested hours of 09.00 hours to 16.00 hours, given the likely higher expectation of quiet on these days.

Following amendment to proposals and submission of further information.

Further consultation not considered necessary.

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

EN 4 – Design

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

Material Considerations

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 6 – Building a strong, competitive economy

Section 9 – Promoting sustainable transport

Section 12 - Achieving well-designed and beautiful places

Government Planning Practice Guidance

In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.

In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission.

OFFICER ASSESSMENT

Site

The site is located on the south side of Walsingham Road a narrow, single-track road between Blakeney Road and Binham Road. The potato store that occupies the site is set down at a slightly lower ground level with bund/embankments approximately 2m high topped with hedges along its boundaries. There is a small group of dwellings (Field House Cottages) about 35m from the west side boundary and there is a former farmyard adjacent to the east with a barn now converted to a dwelling following permission being granted on appeal in 2021. Further to the east about 60m away is a dwelling (Row Hill Farmhouse), with a small, certified camping site with 5 pitches opposite on the north side of the road. There are a number of other farms and sporadic dwellings along the road. There is also a certified campsite at Bird Farm about 600m to the east that can accommodate up to 5 caravans or motorhomes and up to 10 trailer tents or tents.

Main issues for consideration:

- 1. Whether the proposed variation of the condition would result in harm to residential amenity**
- 2. Whether the proposed variation would result in any other harmful effect**

1. Residential amenity

There are dwellings in relatively close proximity to the site, although the closest on the adjacent site to the east was approved since the potato store became operational. Noise is generated during loading and unloading operations which take place outside on the north side the building, from the comings and goings of tractors with trailers when the store is being loaded at harvest time and, from lorries when potatoes are dispatched to the crisp factory for processing. The noise is likely to include that from lorry and tractor engines, audible vehicle reversing warnings, and squeaks from conveyor/elevator rollers which the applicant states are sorted out 'pretty instantly'. They also state the noise is less than that associated with loading sugar beet or a blower on a grain store. The bunds to the site boundaries would help to provide reduce noise, although to what extent is difficult to quantify.

The applicant estimates that 92 lorries are needed to unload the store (i.e. dispatch) and 226 tractors with trailers to fill it. Once full, the store is not topped up throughout the year. On average, receiving or sending out potatoes from the store adds up to approximately 8 weeks. Logs of the dates of loading and unloading on Sundays over the last 3 years have been provided as part of the additional information submitted. Finally, the applicant states that Sunday working is not popular with them, and they avoid it if at all possible.

With the agreement of the Local Planning Authority (LPA), loading and unloading on Sundays has taken place since at least 2020. To avoid the need to inform the LPA each time, it was suggested by officers that the applicant should formalise this through an application to vary the condition. The information provided by the applicant shows that loading and unloading has only taken place on 8 Sundays in the last 3 years. This also takes place over a relatively short period of time – for example in 2023 loading into the store was between 20 September and 06 October which included 2 Sundays which was necessary because of weather conditions. Unloading/dispatch is required on occasional Sundays to meet the demands of the factory who otherwise will give those loads to another grower along with other penalties. Unloading took place on two Sundays in 2022 and three in 2023. There are no planning records regarding complaints about this previous Sunday working and none have been referred to by the Environmental Health team in their comments on the application.

Agriculture is an important component of the district's economy and as such it needs to be accommodated alongside those who live within the countryside. Given the lack of evidence in the form of complaints about previous Sunday working, and the amendment to the proposed variation limiting the number of Sundays and Bank Holidays which could be worked, it is considered that the proposal strikes a reasonable balance between enabling the applicant to effectively deal with the operational constraints that can occur, whilst not having a significant adverse effect on the amenities of the occupiers of nearby dwellings. The hours proposed (07:00 to 19:00) are the same as those currently allowed on all other days and are not considered to be unreasonable. Unloading that has taken place on Sundays in recent years has on average been over a five hour period, with loading into the store taking place over a 7-8 hour period.

Noise from mechanical plant is subject of a separate condition and would not be affected by the proposal.

It is therefore considered that the proposal is in accordance with policies EN 4 and EN 13.

2. Other Effects

Highways Impact - The main concerns raised in the representations and by the Parish Council relate to increased traffic and the shortcomings of the local road network. It is unlikely that the

proposed variation would increase traffic or vehicle movements associated with the store as the capacity of it would not change. Additional movements on occasional Sundays would be offset by reduced movements on other days. There were no conditions attached to the original planning permission requiring a specific routing to be used for lorries travelling to and from the site and, because as stated, the overall number of vehicle movements associated with the store would be unlikely to increase. Taking account of the Planning Practice Guidance, this is not something that can reasonably be re-considered through this application and would also be something that would be very difficult to monitor and enforce. Furthermore, it is considered that given the size of the store it would not be justified. Whilst the road is narrow and not ideal for use by lorries and modern large tractors/trailers, it is equally not ideal for cars towing caravans, so there will inevitably be occasional conflicts at times, but this is a situation that is typical across the district.

With regards to the entrance/exit splays and access works required by conditions 3 and 4 of planning permission PF/10/0360 which have not been carried out, the applicant has indicated that these should be done during August this year. As this was a requirement of the previous permission, it is reasonable to condition this to be completed within 3 months of the date of the decision if planning permission is granted.

The proposal is therefore acceptable in terms of policy CT 5.

Other Considerations

Visibility splay – whilst there may be a breach of the condition (4) requiring the provision of a 2.4m wide parallel visibility splay across the whole of the site's frontage, as this has been for a period in excess of 10 years, the condition cannot now be enforced. Nevertheless, the applicant has advised that they are looking to improve the access at its junction with the public highway. It is however considered that a condition requiring the visibility splay to be provided with 6 months if this application is approved, would not be unreasonable having regard to the advice in the Planning Practice Guidance as it would not materially alter the development that was subject to the original permission and is a matter dealt with by a condition imposed on the earlier planning permission. On that basis the proposal is considered acceptable in terms of policy CT 5.

Sustainability/climate change – it is considered that there would be no material impacts as the capacity of the store would not change, nor would the total number of vehicle movements.

Conclusion and Planning Balance

The proposal is considered to be acceptable for the reasons stated. It will give the business the flexibility to deal with external demands whilst not resulting in any significant material harm to residential amenity or increased highways impacts. APPROVAL is therefore recommended subject to conditions.

RECOMMENDATION:

APPROVAL subject to conditions relating to the following matters

- Delivery and dispatch times
- Visibility splay and access works
- Any conditions attached to the original permission that remain relevant with adjustments

as necessary

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

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CLEY-NEXT-THE-SEA – CL/24/0447- Certificate of Lawfulness for existing operation - addition of render on external walls of building at Land at Cooks Marsh, Cley-Next-The-Sea, NR25 7UA

Target Date: 29 April 2024

Extension of time: TBC

Case Officer: Darryl Watson

RELEVANT SITE CONSTRAINTS

Norfolk Coast National landscape (formerly AONB)

Cley Conservation Area

Glaven Valley Conservation Area

RELEVANT PLANNING HISTORY

PF/23/0001: Change of use of the land from agriculture to land associated with Class C1 (Guesthouse) to include the formation of parking and turning areas, 3 door openings in west elevation, 2 window openings in east elevation and rendering of walls - refused

PF/21/2188: External works including insertion of windows, external doors and vertical boarding to external walls to building with permission for use within Class C1 (guesthouse) – withdrawn.

CL/20/1881: Lawful Development Certificate for an existing operation - replacement of roof material on agricultural building – Lawful

PND/USE/20/0001: Notification under Class R of Schedule 2, Part 3 of the GPDO, proposed change of use of agricultural building to a flexible commercial use within Class C1 (hotels) of the Schedule to the Use Classes Order. The notification letter states: *"the building will be used for hotel purposes from 1 August 2020. The nature of the use is to provide 3 letting rooms and communal area for meals. The works will be mainly internal, but external works will be applied for separately if needed. The building subject to the change of use totals 145 m²".*

THE APPLICATION

This is for a lawful development certificate to confirm that operational development (in this case the application of render to the walls of the building) that has been carried out is lawful for planning purposes under Section 191 of the Town and Country Planning Act 1990.

In summary, lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required because for example, it is excluded from the definition of development in the Town and Country Planning Act or if permission is granted for it by the Town and Country Planning (General Permitted Development) (England) Order 2015.

REASONS FOR REFERRAL TO COMMITTEE:

The Director for Place and Climate Change considers a committee decision is required.

REPRESENTATIONS:

There is no statutory requirement to consult third parties including parish councils or neighbours. Whilst no publicity was carried out for this reason, comments have been submitted as below.

Cley Parish Council comment that:

- The building was unobtrusive, it carried little visual presence in the landscape and its functional form grounded it in its agricultural context.
- The roof has already been changed to profiled steel which for which a lawful development certificate was granted, which the parish disputed was not lawful development.
- The planning officer wrote in the decision letter on a prior application (PF/23/0001) that rendering of the external walls would formalise, animate and suburbanise the building so that it would have a much greater presence in the landscape.
- The current application is retrospective so the harm caused by the render can be easily seen. The building no longer preserves or enhances the character and quality of the area. The rendering has had a negative impact on the AONB, the local landscape character and the undeveloped coast, and the heritage asset which is the Glaven Valley Conservation Area.
- The render has caused a material, significant change in the external appearance of the building. It is considered that the rendered building does not conform with Core Strategy policies EN 1, EN 2, EN 3, EN 4, and EN 8 and, paragraphs 182,184, and 207 of the NPPF.

Cllr Holliday has submitted similar comments to those of the Parish Council

One from a resident of Cley raising the following:

- The building is a simple agricultural barn with block walls with no practical reason to render them.
- The building is located in a flood meadow and AONB.
- The application history of this property is to attempt to gentrify, suburbanise and transform it from a rural barn to an inappropriate tourist development.
- The developer has again proceeded with unsanctioned work and is applying for retrospective permission. The character of the building has already been damaged, so that formalising this cannot be justified.

CONSULTATIONS:

None.

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:

A local planning authority can only consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application process.

OFFICER ASSESSMENT

Site description

The application relates to a small modern agricultural building on a small holding off the west side of Holt Road between the main part of the village and Newgate/Cley Green in an area known as Cooks Marsh. The building sits approximately 100 metres back from the road accessed via an unmade private track which also provides access to other agricultural buildings immediately to the west. The A149 Coast Road is approximately 250 metres to the north, Leatherpool Lane the closest public road to the west is 273 metres away and to the south Bridgefoot Lane is over 800 metres away. There are no public rights of way running close to the site.

The building is constructed with blockwork walls and originally had a fibre cement sheet roof covering which was replaced mid-2020 with an alternative profiled metal sheet covering, with roof lights installed in the western roof slope as were existing. This was confirmed as being lawful under application ref CL/20/1881 on the basis that the operations did not materially affect the external appearance of the building and therefore did not constitute development requiring planning permission as defined under s55 of the Town and Country Planning Act 1990 (TCPA)

Consideration:

Previously the concrete block used on the walls of the building were left exposed and in their natural colour which would have weathered over time. Photos on the 2021 and 2023 planning files show the blocks were of a typical size, laid in stretcher bond with mortar joints between.

The blocks were a cream/buff colour with a rough surface finish, with some on the east elevation a slightly different colour which appeared to be newer and used where openings had been blocked. At that time the northern gable was covered with oriented strand boards with a small single door opening.

The render that has been applied is a cream/buff colour and has a slightly rough texture. Its application is considered to constitute a *'building operation'* in terms of the definition of development at s55(1) of the Town and Country Planning Act 1990. Excluded from the definition of "development" at s55 of the TCPA however, are certain operations and uses including (s55(2)(a)(ii)), the carrying out for the maintenance, improvement or other alteration of any building of works which do not materially affect the external appearance of the building.

In deciding whether works materially affect the external appearance, a measure of subjective judgement is involved. The Courts (*Burroughs Day v Bristol CC [1996] 1 PLR 78; 1 EGLR 167*) have established that such judgment will involve consideration of the nature of the building, the nature of the alterations, and the change to the external appearance of the building as a whole, and the changes must be visible from a number of vantage points.

Views of the building northwards from Holt Road are restricted by landscape features i.e. trees and hedges. Whilst there is a small gap at a field access opposite Lime Kiln Close, hedges obscure the view from Holt Road itself. Similarly the building cannot be seen from Leatherpool Lane because of intervening landscape features. There are distant views of the building southwards from a short section of the A149 to the west of Cley and, the Norfolk Coast Path near the Cley sluices which is elevated above the road level, but it is mainly the roof that is visible.

There are closer views across from Holt Road in the section between its junction with the access track and opposite Town Yard. The building is only readily visible in these views and directly westwards along the track, but not in its entirety – only the east elevation (part of which is obscured by landscape features) and the north gable end.

The colour of the render that has been applied to the external walls is considered to be only subtly different to that of the exposed blockwork. Whilst it has a smoother texture and no horizontal and vertical joint lines, this difference is only readily apparent in closer up views of the building from within the access itself and land immediately around the building. As it is private land these are not from public vantage points.

Consequently, as a matter of fact and degree, it is considered that the application of the render has not materially affected the external appearance of the building as a whole. Thus, the operation falls within the exclusion at s55(2)(a)(ii) and hence does not constitute "development". The operation that has been carried out therefore is considered to be lawful.

Whilst comments relating to the fact that the development does not comply with a number of policies in the Core Strategy and NPPF have been received, these are not considerations in this case nor is the building's location.

Moreover, none of the windows proposed at the rear would be readily visible from public vantage points.

Conclusion

The development is considered to be lawful for the reasons stated.

RECOMMENDATION:

APPROVAL – issue certificate confirming the operations carried out are lawful

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