

Development Committee



Please contact: Democratic Services

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

TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Thursday, 24 April 2025

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Friday, 2 May 2025** at **10.00 am**. (Please note new start time from May 2025 onwards)

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 Wednesday before the meeting** by telephoning **Reception on 01263 513811** or by emailing reception@north-norfolk.gov.uk Please read the information on the procedure for public speaking at Development Committee on our website or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed. Please note that this meeting is livestreamed:

<https://www.youtube.com/channel/UCsShJeAVZMS0kSWcz-WyEzq>

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

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

Emma Denny
Democratic Services Manager

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

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

All other Members of the Council for information.

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



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

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

Chief Executive: Steve Blatch

Tel 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005

Email districtcouncil@north-norfolk.gov.uk **Web site** www.north-norfolk.gov.uk

A G E N D A

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

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. MINUTES

(Pages 1 - 6)

To approve as a correct record the Minutes of a meeting of the Committee held on 03 April 2025.

5. ITEMS OF URGENT BUSINESS

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

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

6. ORDER OF BUSINESS

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

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

7. DECLARATIONS OF INTEREST

(Pages 7 - 12)

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

OFFICERS' REPORTS

8. SHERINGHAM - RV/24/1351- VARIATION OF CONDITIONS 2 (APPROVED PLANS), 3 (LANDSCAPE AND WOODLAND MANAGEMENT), 10 (STORAGE SHEDS), 11 (MATERIALS), 12 (ROAD SURFACING MATERIALS), 17 (ON-SITE PARKING AREAS), 21 (VENTILATION/EXTRACTION SYSTEM DETAILS) & 22 (RENEWABLE ENERGY SCHEME) OF PLANNING PERMISSION, 27 (FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY) PF/22/1928 (REVISED SCHEME FOR THE ERECTION OF 62

(Pages 13 - 30)

RETIREMENT DWELLINGS, ACCESS, ROADS, OPEN SPACE, PARKING AREAS AND ASSOCIATED WORKS) TO ALLOW CHANGES TO TRIGGER FOR SUBMISSION OF DETAILS TO REFLECT THE CONSTRUCTION PHASES OF THE DEVELOPMENT AT SHERINGHAM HOUSE, CREMERS DRIFT, SHERINGHAM, NORFOLK

9. **FAKENHAM - PF/24/1079 - ERECTION OF A DRIVE-THRU RESTAURANT, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS, INCLUDING CUSTOMER ORDER DISPLAYS AT LAND TO THE REAR OF LIDL, FAKENHAM, NR21 8JG** (Pages 31 - 64)
10. **ERPINGHAM - PF/24/1364- ERECTION OF TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION, OTHER EXTERNAL ALTERATIONS INCLUDING TO SHAPE OF ROOF AND REPLACEMENT WINDOWS.** (Pages 65 - 82)
11. **HINDOLVESTON- PF/23/1091 - ERECTION OF SINGLE STOREY SELF-BUILD DWELLING FOLLOWING REMOVAL OF REMAINS OF DERELICT COTTAGE AT HOPE HOUSE, 2 MELTON ROAD, HINDOLVESTON** (Pages 83 - 96)
12. **NORTHREPPS - PF/25/0384 - CHANGE OF USE OF LAND TO ALLOW FOR THE SITING OF TWO GLAMPING PODS (RETROSPECTIVE) AT LAND EAST OF HUNGRY HILL HOUSE, HUNGRY HILL, NORTHREPPS** (Pages 97 - 104)
13. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 105 - 108)
14. **APPEALS SECTION** (Pages 109 - 116)
15. **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

This page is intentionally left blank

DEVELOPMENT COMMITTEE

**Minutes of the meeting of the Development Committee held on Thursday, 3 April 2025
in the Council Chamber - Council Offices at 9.30 am**

Committee Members Present:	Cllr P Heinrich (Chair)	Cllr R Macdonald (Vice-Chair)
	Cllr M Batey	Cllr A Brown
	Cllr P Fisher	Cllr A Fitch-Tillett
	Cllr V Holliday	Cllr G Mancini-Boyle
	Cllr P Neatherway	Cllr J Toye
	Cllr K Toye	Cllr A Varley
	Cllr L Vickers	

Members attending: Cllr C Ringer

Officers in Attendance: Assistant Director of Planning (ADP)
Development Manager (DM)
Senior Planning Officer(s) (SPO)
Environmental Protection Officer (item 19 only) (EPO)
Legal Advisor (LA)
Democratic Services Officer (DSO)

14 CHAIRMAN'S INTRODUCTION

The Chair welcomed everyone to the meeting and explained how he would manage the meeting.

15 TO RECEIVE APOLOGIES FOR ABSENCE

None

16 SUBSTITUTES

None

17 MINUTES

The minutes of the meeting of the Committee held on the 6th March 2025 were approved as a correct record and signed by the Chair.

On the request of the Chair, the ADP provided the Committee with an update on application PF/24/1229 which was deferred at the previous Committee meeting. The ADP confirmed new red line plan had been submitted. The ADP also provided an update on application PF/24/1892 at High Kelling which was delegated to him to approve at the previous Committee- with some caveats- and advised that the higher visibility splay ambition was likely to be achievable and a contribution scheme to pedestrian safety scheme was under discussion.

18 ITEMS OF URGENT BUSINESS

The Chairman confirmed that there was no urgent business in addition to the published agenda items.

19 ORDER OF BUSINESS

The Chair proposed that the agenda would proceed in the order published.

20 DECLARATIONS OF INTEREST

Cllr A Brown advised that item 11 was in his ward and that he was a member of the Norfolk Mitigation Fund working party with regards to Nutrient Neutrality- although he was not predetermined.

Cllr M Batey declared an interest in relation to item 8 as the applicant was a family member and would leave the room during item 8

Cllr L Vickers declared that she was acquainted with the applicant in relation to item 10 but was not predetermined and would vote.

21 HOLT PF/24/1760 - CHANGE OF USE EXISTING DETACHED OUT-BUILDING IN REAR GARDEN TO FOOD PROCESSING ROOM AND COOKING ROOM FOR BUSINESS USE AND ERECTION OF EXTENSION TO HOUSE REFRIGERATION (PART RETROSPECTIVE)

Cllr Batey left the meeting at 9:37am

Officers report

The SPO-MB presented the report and outlined to the Committee, the site location, boundaries, elevations of the outbuilding, photos of the property and the proposed extraction unit.

The SPO-MB highlighted the recommendation was for refusal for the reasons set out in the report.

Public speakers

Gemma Harrison- Holt Town Council
Sarah Chambers (on behalf of the Applicant) Supporting

Members debate

- a. During the debate, members supported small rural businesses while noting the need to protect the environment and local amenities.
- b. In response to the Chair and Cllr Brown, the SPO-MB explained the previous application, PF23/0678 in Bodham which was referred to, included more restrictive conditions and that the frequency and scale of hours of operation of that premises were different to this application.
- c. The Chair, Cllrs P Neatherway, L Vickers, and J Toye noted that no objections to the application had been received despite the business operating for several months. They considered this to be relevant given that during that time no filtration system had been in use.
- d. The members received advice from the EPO as to the type of filtration system proposed, its use and potential effectiveness following a question

from Cllr G Mancini-Boyle. The EPO explained the filtration system proposed was often used in pubs/restaurants and not for this type of businesses and therefore it was unknown if this system would work.

e. Cllrs Holliday, Brown, A Fitch-Tillett, and K Toye considered the potential for a temporary approval to allow for evidence to be gathered surrounding potential odours created by the business which was the major concern.

f. The EPO provided details of the assessment which included field tests and said observations would be carried out to assess the odour.

g. Cllr P Fisher noted that the local community business, the Treehouse, was located nearby and operated outdoor space which he would not wish to be negatively impacted by odour from this operation.

h. The ADP provided the Committee with information on temporary permissions and outlined the need for conditions (if approved) including a time limit (if temporary approval).

i. Cllr R MacDonald noted the availability of devices to measure VOC's which could be useful to measure impact on local amenities.

The Chair proposed the officer's recommendation for refusal.

It was UNANIMOUSLY RESOLVED to refuse the Officer's recommendation

Cllr MacDonald proposed that the application be granted full approval subject to the following conditions including a) installation of the appropriate filtration system, b) hours of operation, and c) installation of appropriate VOC reading/monitoring equipment and any other the ADP saw fit.

Cllr Vickers seconded the motion.

RESOLVED by 8 votes for and 4 against

That Planning Application PF/24/1760 be APPROVED subject to conditions.

22 BODHAM - PF/24/2531 - CONVERSION OF BUILDING TO SINGLE UNIT OF HOLIDAY ACCOMMODATION, EXTERNAL ALTERATIONS AT THE SHED, HART LANE, BODHAM

Cllr Batey rejoined the meeting at 10:21am.

Officers report

The SPO- MB presented the report to the Committee and outlined the policies SS2, EC2 and EC9 which the application complied with. He explained the removal of trees would increase visibility and there were no objections from Highways. He confirmed the door was to be changed to bifold door and solar panel and air source heat pumps to be fitted.

Public speakers

Will Beeson (Applicant)– Supporting

Local Member

Cllr C Ringer spoke as Local Member and Parish Council Chair. Cllr Ringer expressed his concern for the application as this exceeds the threshold outlined in

EC7. He commented that he and the local Parish Council objected to this development on three grounds

- 1) The type of development, being a holiday home.
- 2) Damage to the landscape
- 3) Highways issues.

Members debate

- a. Cllr J Toye noted that there were difficult issues to balance but considered that the Officer in recommending approval, had come to the right balance in this case.
- b. Cllr Varley noted the planning balance issues but was encouraged by the energy efficiency proposed in the application.

Cllr J Toye proposed, and Cllr Varley Seconded the recommendation

It was **RESOLVED** by 11 votes for and 2 against

That Planning Application PF/24/2531 be APPROVED in accordance with the Officers recommendation.

23 WALSINGHAM - PF/24/2612 - ERECTION OF A TWO STOREY DETACHED DWELLING WITHIN REAR GARDEN AREA AT 18 BRIDEWELL STREET, WALSINGHAM, NORFOLK, NR22 6BJ

Officers report

The SPO- OL presented the report and advised the revised site layout included the wall to be retained. She explained the existing access was to be used and the application had previously been refused, and an appeal was lost.

Public speakers

Vincent FitzPatrick (Applicant) -Supporting

Members Debate

- a. Cllrs Mancini-Boyle and Vickers both expressed support, given the need for high quality modern homes that are sympathetic to the environment.
- b. The SPO- OL provided further details of vehicular access and parking following a question from the Chair.
- c. Cllrs Varley, Brown and Holliday commented on the landscaping and trees around the development.
- d. The ADP confirmed an updated Arboricultural assessment would be required as part of the conditions.

Cllr Mancini-Boyle proposed, and Cllr Varley seconded the recommendation

UNANIMOUSLY RESOLVED

That Planning Application PF/24/2612 be APPROVED in accordance with the Officers recommendation.

*The meeting was adjourned at 10.55am and recommenced at 11.07am
The DM left the meeting at 10:55am*

24 MELTON CONSTABLE - PF/23/0775 CONVERSION OF BARN TO DWELLING, INCLUDING ASSOCIATED EXTERNAL ALTERATIONS AT BARN AT GREENS FARM, HINDOLVESTON ROAD, MELTON CONSTABLE NORFOLK.

Officers report

The SPO- JS presented the report and highlighted the application was for a barn conversion. She outlined the location on the site, proposed elevations and improvements to the building were allowed under Class Q. The SPO-JS explained to the Committee the recommendation was for approval.

Public speakers

Dr Michelle Lyon (Agent for the applicant) - Supporting

Local Member

Cllr Brown noted that this was a rare, amended Class Q application that had come before the committee. He expressed his support for the application.

Member Debate

- a. Cllr J Toye supported the application although noted disappointment that the site didn't use considerable solar energy generation.

Cllr Brown proposed, and Cllr Fisher seconded the recommendation.

UNANIMOUSLY RESOLVED

That Planning Application PF/23/0775 be APPROVED in accordance with the Officers recommendation

25 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

Officers updated the Committee on performance data and S106 Agreements and noted an upward trend in the number of major applications.

The ADP brought to the Committee's attention to a recent appeal which was decided in favour of the council which related to the use of agricultural buildings. (PU/24/0753)

The meeting ended at 11.24 am.

Chairman

This page is intentionally left blank

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>

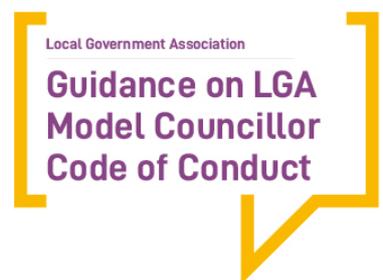
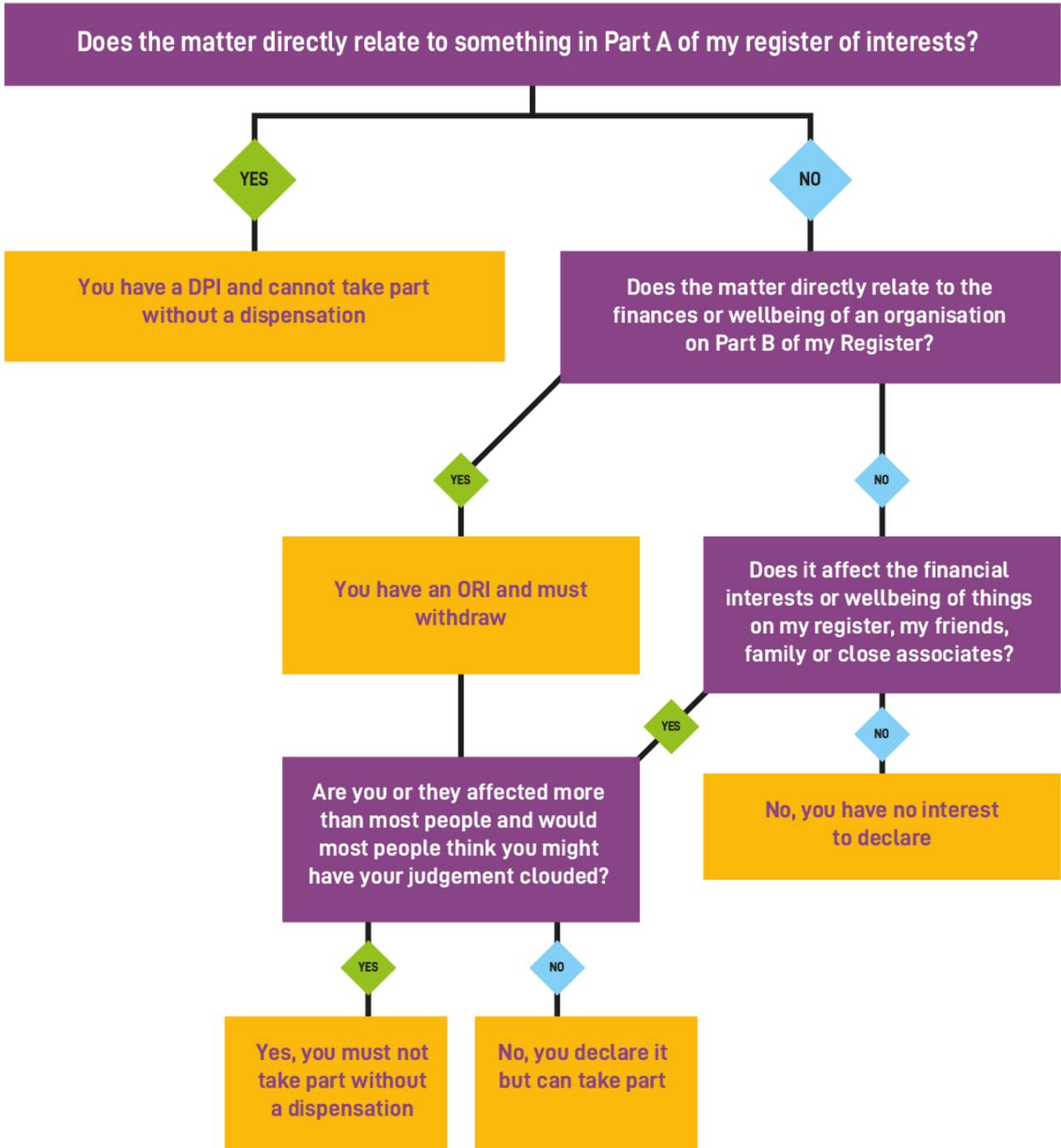
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
--	---

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

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

Table 2: Other Registrable Interests

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



Sheringham – RV/24/1351- Variation of conditions 2 (approved Plans), 3 (Landscape and woodland management), 10 (storage sheds), 11 (materials), 12 (road surfacing materials), 17 (on-site parking areas), 21 (ventilation/extraction system details) & 22 (renewable energy scheme) of planning permission, 27 (Flood Risk Assessment and drainage strategy) PF/22/1928 (Revised scheme for the erection of 62 retirement dwellings, access, roads, open space, parking areas and associated works) to allow changes to trigger for submission of details to reflect the construction phases of the development at Sheringham House, Cremers Drift, Sheringham, Norfolk

Major Development

Target Date: 10th July 2024

Extension of time: 05 May 2025

Case Officer: Mr Phillip Rowson

Variation of Conditions

RELEVANT SITE CONSTRAINTS

The Norfolk Coast Area of Outstanding Natural Beauty

Contaminated Land

EA Groundwater Source Protection Zone 1 and 2.

Landscape Character Area - Description: Coastal Shelf (Weybourne to Mundesley Coastal Shelf)

Open Land Area

Site Allocation

Mineral Safeguard Area

TPO/00/0663 - TREE PRESERVATION ORDER 2000 NO 9 (AREA)

GIRAMS Zones of Influence:

GIRAMS ZOI (Broadland Sites) - GIRAMS: Broadland RAMSAR Zone of Influence

GIRAMS ZOI (Broadland Sites) - GIRAMS: Broadland Special Area of Conservation (SAC) Zone of Influence

GIRAMS ZOI (Broadland Sites) - GIRAMS: Broadland Special Protection Area (SPA) Zone of Influence

GIRAMS ZOI (Norfolk Valley Fen Sites) - GIRAMS: Norfolk Valley Fens Special Area of Conservation (SAC) Zone of Influence

GIRAMS ZOI (North Coast Sites) - GIRAMS: North Norfolk Coast Special Protection Area (SPA) Zone of Influence

GIRAMS ZOI (North Coast Sites) - GIRAMS: North Norfolk Coast RAMSAR Zone of Influence

GIRAMS ZOI (North Coast Sites) - GIRAMS: North Norfolk Coast Special Area of Conservation (SAC) Zone of Influence

GIRAMS ZOI (The Wash Sites) - GIRAMS: The Wash Special Protection Area (SPA) Zone of Influence

GIRAMS ZOI (The Wash Sites) - GIRAMS: The Wash RAMSAR Zone of Influence

GIRAMS ZOI (The Wash Sites) - GIRAMS: The Wash & North Norfolk Coast Special Area of Conservation (SAC) Zone of Influence

Adjacent:

LDF Residential Area

Setting of Sheringham Park

RELEVANT PLANNING HISTORY

Application **PO/16/1725**
Description Erection of 62 later living retirement apartments including communal facilities and car parking (outline application)
Outcome A - Approved
Status A - Decided

Application **PM/18/1502**
Description Erection of 62 later living retirement apartments including communal and car parking facilities (Reserved Matters for Landscaping; Outline ref: PO/16/1725)
Outcome A - Approved
Status A - Decided

Application **CDE/16/1725**
Description Discharge of Condition 7 (Off-site highways works - 3no. Crossing Points proposed along Cremer's Drift) for Planning Permission PO/16/1725
Outcome CD - Condition Discharge Reply
Status CD - Condition Discharge Reply

Application **CDD/16/1725**
Description Discharge of Condition 8 (Surface Water Drainage Strategy) for Planning Permission PO/16/1725
Outcome CD - Condition Discharge Reply
Status CD - Condition Discharge Reply

Application **CDC/16/1725**
Description Discharge of Condition 10 (Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity)) for Planning Permission PO/16/1725
Outcome CD - Condition Discharge Reply
Status CD - Condition Discharge Reply

Application **CDB/16/1725**
Description Discharge of Condition 9 (Partial discharge) (Contamination Assessment - Desk study and risk assessment) for Planning Permission PO/16/1725
Outcome CD - Condition Discharge Reply
Status CD - Condition Discharge Reply

Application **CDA/16/1725**
Description Discharge of Conditions for Planning Application PO 16 1725 - Cond.3: Landscaping, Cond.7: Highways, Cond.8: Flood Scheme, Cond.9: Contaminants, Cond.10: Enviro. Management Plan, Cond.11: Garaging & Storage, Cond.12: External Materials, Cond.13: Access & Footpaths, Cond.14: Fire Hydrants, Cond.15: Construction Traffic Mgmt
Outcome WFI - Withdrawn - Invalid
Status WFI - Withdrawn Invalid

Application PF/22/1928:
Description Full Planning Application: Revised scheme for the erection of 62. no retirement dwellings, access, roads, open space, parking areas and associated works
Outcome Approve

Application: CD/24/1336

Description: Discharge of conditions 10 (Storage Buildings), 11 (Facing Materials), 12 (Surfacing Materials), 13 (Fire Hydrant position), 16 (Employee Parking), 22 (Renewable Energy Scheme) and 28 (Construction Phasing Plan - refused) of planning permission PF/22/1928 (Revised scheme for the erection of 62. no retirement dwellings, access, roads, open space, parking areas and associated works)

Outcome: Part approved; part refused

THE APPLICATION

Seeks variation to the previously approved application PF/22/1928 for Full planning permission to erect 62 dwellings comprising 42 No. 2 Bedroom Apartments, 10 No. 1 Bedroom Apartments and 10 No. 2 Bedroom Bungalows.

The proposals relate to variations in the phasing of conditions relating to agreement of facing materials and surfacing, on street parking areas, ventilation and extraction systems, and renewable energy. The applicant seeks to split agreement of the above details for phase 1 and 2 of the development. Phase 1 relates to plots 1- 10, detached bungalows. Phase 2 relates to the delivery of four apartment blocks. Details for phase one have already been agreed under application CD/24/1336 seeking to discharge conditions attached to the existing extant planning permission PF/22/1928.

The proposals also seek to revise the site wide drainage strategy agreed under PF/22/1928, this will require revisions to the landscape proposals and approved plans.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Liz Withington (adjacent ward member) –

I am not confident that the variations in the SUDS provides adequate protection to the residents in the areas of Knowle Road and Knowle Crescent. This system continues to rely on the small and often flooded culvert on Knowle Road and Knowle Crescent. The road and gardens in this area are already flooded subsequent to the initial development of Sheringham House. Although, this system suggests there will be betterment due to the attenuation measures put in place and it should reduce the current pluvial flow to 5 litres per second given the already overloaded culvert on many days and the high water table which has resulted in gardens in this area being already underwater even at the height of summer I am concerned that this may not be sufficient and the development as proposed will only further exacerbate the already problematic situation. I appreciate the landowner is responsible for their Riparian right to discharge and cannot be held responsible for the capacity downstream it cannot be right to agree to a development which will knowingly potentially further exacerbate known and ongoing pluvial flooding issues in this area. The LLFA being aware of this as they were invited to visit the site with me in 2019 along with NNDC Planning Officer Stock and they saw the issues with surface water drainage prior to this development. The land upstream of this, then heavily wooded and holding back a proportion of the discharge. With the removal of the majority of the tree cover (necessary as result of poor land management practices leading to a tree falling into a house and several others into gardens) discharge rates are now much larger than then. I think residents need to have this discussed in full at development committee and for their concerns and lived experiences to be heard and discussed by members so that they can be confident their lives will not be further detrimentally impacted as a direct consequence of this development.

In addition, I think it needs to be clear what the Management and Maintenance system for this SUDS and the development will be and that members should be confident that conditions are set clearly enough to ensure the system is maintained appropriately for the 'lifetime' of the

development before occupancy. It could be argued that this has not been the case on the previous development on this site and this has been and continues to be at a detrimental cost to neighbouring properties.

PARISH/TOWN COUNCIL

Sheringham Town Council –

Initial comment: Objects to the aspect of the application requesting to vary conditions 11 & 12 to defer the approval of the facing materials to be used for the external walls and roofs and details of the surfacing materials to be used for all access roads, footways and parking areas, on the grounds that these should be approved prior to development of the 10 bungalows to ensure a good quality to the bungalow finishes and the road surfacing materials to be used for the site access and bungalow units access and that these are in keeping with the remainder of the development to be completed at Phase Two. Resolved that the Council does not object to the proposed landscape, tree planting and surface water proposals.

Amended plans comment no objections to this application.

Final round of amended plan consultation; *“Sheringham Town Council notes the changes to the Swale sizes and locations in the new application. However, we understand that the LLFA has not yet responded. Without this information it is not appropriate to know what to approve. Sheringham Town Council have no objections to either design subject to the LLFA response.”*

CONSULTATIONS:

Conservation and Design (NNDC) – No Objection

Environmental Health – No Response

Landscape (NNDC) – Advice

A coppice programme is required along the route of the proposed footpath or revised species choose to avoid conflict with pedestrians.

The report details minor changes to species selection and can now demonstratively meet the requirements set out in the Forestry Commission restock requirement.

The previously approved site layout plan and landscape plan (PF/22/1928) shows a more natural looking pond area with tree planting. The revised details now include two large attenuation basins in the area. The new attenuation basin to the south takes up a significant proportion of the amenity space for Sandpiper and Kittiwake House leaving little functional outside area for residents.

The Landscape plan 8/10/24 by A T Coombes should remove Elveden instant laurel hedging along the eastern boundary of the site, in favour of a mixed native hedging to enhance the natural habitat of the site (EN9).

The variety of ornamental species selected for the centre of the site, however, will make a positive contribution to the arboricultural value of the site.

Forestry Commission: Comments

As a Non-Ministerial Government Department, the Forestry Commission provide no opinion supporting or objecting to an application. Rather we provide advice on the potential impact that the proposed development could have on trees and woodland.

We note the variation of conditions and landscape and woodland management plan with felling license and restocking conditions. Only one concern regarding the use of laurel instant hedging along the eastern border of the site adjacent to the woodland creation. Laurel is a non-native invasive species with the ability to spread and shade out woodland understory and prevent woodland regeneration. We would suggest that a native species of hedging is considered as an alternative.

County Council Highways (Cromer): No Objections

Thank you for the VOC consultation received recently relating to the above development proposal, I can comment that in relation to highways issues only, as this proposal does not affect the current traffic patterns or the free flow of traffic, that Norfolk County Council does not wish to resist the variation of the above conditions.

Conservation and Design (NNDC): No Objections

Environment Agency: No Response

NCC Flood & Water Management (LLFA): No Objections

The LLFA has no objection to this application for removal or variation of a condition following grant of planning permission. A variation of Condition 27 is recommended subject to amended condition wording being attached to any consent, if this planning application is permitted, and the applicant agrees with any updated condition wording. Updates shall be reflected across other conditions as required.

Anglian Water – No objection

We have reviewed the Flood risk assessment & Drainage Strategy reference 240791/A Marshall dated 10 December 2024 Version 2 and Drainage Details Sheet 1 and 1, we note that the applicant is not proposing to make changes to the proposed surface water connections and discharge rates already agreed in principle into Anglian Water network. The proposed Suds features are not to be adopted by Anglian Water; therefore, we are unable to make comments on this application. However, it is important to note that Anglian Water will need to be consulted if the applicant makes any changes to the surface water strategy related to Anglian Water network such as changes with the stated connection points and discharge rates.

REPRESENTATIONS

One letter of **Objection** has been received raising the following concerns:

There is already 1 existing and a new entrance/exit at Willow Grove. Also putting a road through an area which I believe has drainage issues and will be compounded by the building already going on and planned, could cause flooding issues to existing properties nearby. The area at the moment has been left to grow wild which is very good for biodiversity, placing a road through this will undo all that.

One letter of **Comment** has been received raising the following matters:

Discrepancy in proposed wording to condition 21 (Ventilation & Air Conditioning) removal of phrasing *"The equipment shall be installed and maintained thereafter in full accordance with the approved details."*

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT POLICIES

North Norfolk Local Development Framework Core Strategy (September 2008):

- SS 1: Spatial Strategy for North Norfolk (specifies the settlement hierarchy and distribution of development in the District).
- SS 4: Environment (strategic approach to environmental issues).
- SS 5: Economy (specifies expectation for jobs growth through distribution of new employment sites in the District, protection of designated Employment Areas, and specifies criteria for tourism growth)
- SS 6: Access and Infrastructure (strategic approach to access and infrastructure issues).
- EN 2: Protection and enhancement of landscape and settlement character (specifies criteria that proposals should have regard to, including the Landscape Character Assessment).
- EN 4: Design (specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction).
- EN 6: Sustainable construction and energy efficiency (specifies sustainability and energy efficiency requirements for new developments).
- EN 8: Protecting and Enhancing the Historic Environment
- EN 9: Biodiversity and geology (requires no adverse impact on designated nature conservation sites).
- EN 10: Flood risk (prevents inappropriate development in flood risk areas).
- EN 13: Pollution and hazard prevention and minimisation (minimises pollution and provides guidance on contaminated land and Major Hazard Zones).
- CT 2: Development contributions (specifies criteria for requiring developer contributions).
- CT 5: The transport impact on new development (specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport).
- CT 6: Parking provision (requires adequate parking to be provided by developers, and establishes parking standards).

Material Considerations:

National Planning Policy Framework (December 2024)

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

Chapter 17: Facilitating the sustainable use of minerals

Site Allocations Development Plan Document (Adopted Feb 2011)

Policy SH06 - Land Rear of Sheringham House

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide (December 2008)

OFFICER ASSESSMENT:

Background:

The principle of residential development on this site was secured following the adoption of the Site Allocations Development Plan Document in Feb 2011. Policy SH06 (Land Rear of Sheringham House) relates specifically to this site with specific requirements for pedestrian linkage to local services and facilities; protection of mature trees on site; ecological mitigation; suitable capacity is available in the foul water network; and mitigation of visitor pressure on SPA & SAC.

Outline permission was granted for 62 later living retirement apartments under PO/16/1725 with a later reserved matters approval PM/18/1502. Conditions were discharged and a meaningful start was made on site. The principle was developed further by these planning approvals. The extant nature of planning permissions will be a material consideration in the determination any further applications.

Development on site then ceased, a later application PF/22/1928 for variance to was submitted to vary the scheme but maintained similar proposals i.e. 62 retirement dwellings, substituting apartment blocks in the Southeastern corner of the site for 10 detached bungalows, and maintaining four apartment blocks over the remainder of the site. This application was approved on 12.07.2023. It is this permission which the current application seeks to vary.

Development has commenced on site for approval PF/22/1928, plots 1-10 (bungalows are to all intent and purpose complete), with suitable submission of evidence to facilitate conditions discharge.

Main issues for consideration:

- 1. Principle**
- 2. Drainage strategy & Flood risk**

- 3. Access & Highway safety**
- 4. Landscape**
- 5. Ecology**
- 6. Affordable Housing & Infrastructure contributions**

1. Principle

In determining an application for a variation of conditions the Council may only consider the matters which are sought to be varied by the specific changes proposed. In this case the revised design of the proposed dwellings must be assessed in terms of its design implications, residential amenity, highway safety/parking and landscape impact.

The application seeks to vary 9 conditions relating to approved plans, landscape and woodland management, storage sheds, materials, road surfacing materials, on-site parking areas, ventilation/extraction system details, renewable energy scheme together with the flood risk assessment and drainage strategy approved under application PF/22/1928.

The issue of land use principle is addressed by Policy SH06 (Land Rear of Sheringham House) the site is a housing allocation in the current local plan. There are two further planning permissions PO/16/1725 and PF/22/1928 the latter is an extant planning permission for the development of 10 bungalows and a similar number of apartments in similar layout to that proposed on the application site.

The principle of development for 62 dwellings on site is established and accepted.

As such the report will now turn to consideration of the individual matters of variance from the extant permission PF/22/1928. Those matters will be considered in terms of policies relating to the key matters, Drainage, Highway Safety, Landscape, Ecology and climate change, and Impact on Residential Amenity. Officers will report in order of the complexity and level of concerns raised:

2. Drainage strategy & Flood risk

Core Strategy Policy EN 10 considers development and flood risk and seeks to ensure that the sequential test is applied to direct new development to be located only within Flood Risk Zone 1. Development in Flood Zones 2 and 3 will be restricted. Policy EN 10 requires new development to have appropriate surface water drainage arrangements for dealing with surface water run-off. The use of Sustainable Urban Drainage systems is preferred.

The site is located within Flood Risk Zone 1 (the lowest risk of flooding). However, the applicant has identified a spring on the north/northwest site boundary and the site also falls within the Environment Agencies Groundwater Source Protection Zone 1 and 2. This means that careful consideration needs to be given to ensure that surface water drainage is appropriately managed so as not to result in adverse impacts off-site nor adversely affect protected groundwaters.

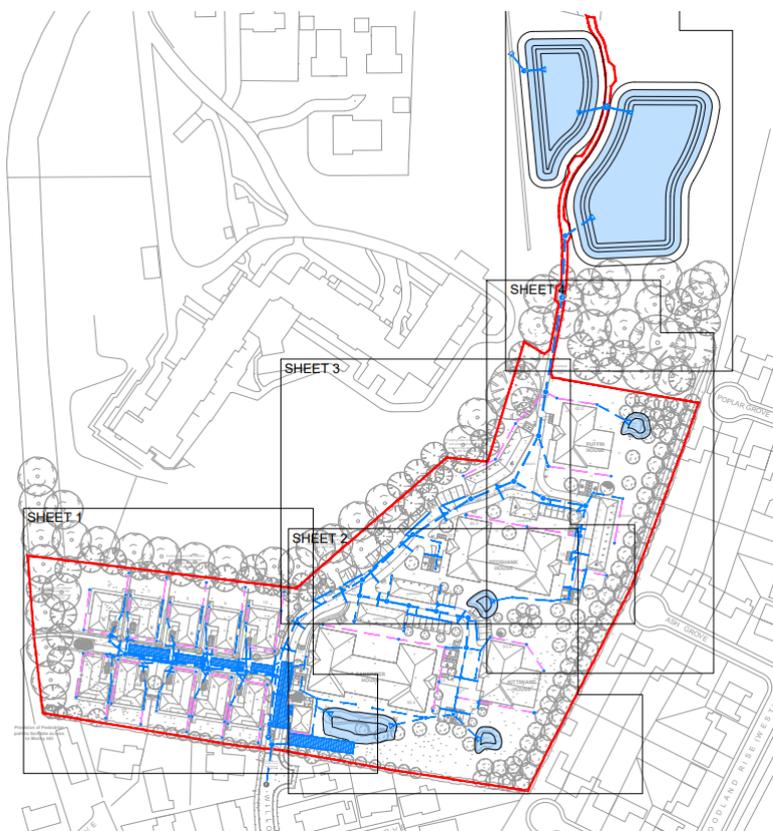
In considering the flood risk implications, the Committee need to be aware that a surface water drainage schemes were agreed for the site in relation to applications PO/16/1725 /

PM/18/1502 and also more recently for application ref: PF/ 22/1928. Those schemes were all approved in detail by the Lead Local Flood Authority (LLFA).

However, as a new planning application, surface water drainage issues are being considered again to ensure they remain policy compliant. The applicant's drainage engineers submitted a flood risk assessment and drainage strategy which has been revised three times and finally agreed in principle by the LLFA on 08 April 2025. The agreement will require a condition to be reworded to take account of the variation in plans, that revised condition appears once more as C27 to the officer's recommendation. Members are requested to note the details condition requires implementation in strict accordance with the approved strategy and a for a scheme of management and maintenance to be agreed under conditions requiring details prior to first occupancy of any dwelling.

The previously approved drainage strategy was a SuDS based proposal which required attenuation from drainage basins to enable discharge at greenfield run off rates via linkages to existing watercourse and an existing sewer. The network is positioned to the north of the site and the south of the site respectively. The ditch runs north, parallel with the back of Knowle Road which is subsequently culverted towards the top of Knowle Road where it flows to the north via gravity. The existing sewer is located within Willow Grove and will only drain the 10no bungalows located in the west of the site. The runoff rate was agreed to be 8.6litres per second.

Previously approved drainage strategy:



It has been agreed that the site cannot effectively utilise surface water percolation to assist by infiltration owing to a combination of ground water levels and poor infiltrations rates. As such a SuDS based proposals represents the most appropriate alternative.

at 3.1 l/s to combined sewer at Willow Grove (agreed Anglian Water, April 2024); and 5.5 l/s to the watercourse on western boundary.

The proposals are based around a SuDS strategy with four aims :

1. *Control the quantity of runoff to support the management of flood risk and protect the natural water cycle.*
2. *Enhance the quality of surface water to protect the environment from pollution picked up from rainwater flowing over man-made surfaces.*
3. *Enhance the amenity of developments, creating and sustaining better places for people alongside water.*
4. *Enhance the biodiversity of developments, creating and sustaining better places for nature to thrive, mimicking the natural environment.*

Two attenuation basins are shown as primary storage and treatment for surface water drainage. The basins will meet LLFA guidance:

- *1.2m max depth of water = 1m temporary storage + 0.2m below outfall invert for interception storage.*
- *Minimum 300mm freeboard to top of bank.*
- *1.5m wide wet benches as standard at 600mm below top of bank (as per RP992).*
- *Side slopes - 1:4 gradient.*
- *3.5m wide maintenance strip*

At the northern end of the site groundwater was recorded at or close to surface level. A land drain will be provided around the northern basin to protect it from groundwater ingress. The land drain would maintain downward migration of any groundwater around the basin to the existing ditch on the western boundary, replicating the pre-development movement of any groundwater in this area.

Officers note that the revisions require a re-routing of the proposed footpath link to Knowle Road to accommodate the northern attenuation basin, further that there is conflict between the re planting requirements of the recently approved Forestry Commission felling license (northern site attenuation basin). No objections are raised by Forestry Commission subject to removal of non-native invasive species from the proposed landscape plan. The re-routing of the proposed footpath creates a minor change from the previously approved route and will be equally commodious for users.

The comments raised relating to potential loss of amenity land associated with the Southern Drainage basin are noted. However, this is compensated for by the loss of the previously approved four smaller attenuation basins removed in the current proposals. The balance is an acceptable one and does not prejudice policy compliance.

Local member concerns reported in the call in notification are respectfully considered to be already managed to officers' satisfaction. It is acknowledged by officers and the LLFA that overland surface water flows are an issue of local concern for some residents to the south of the site. In addition, that the site and immediate surroundings have more complex geological and hydrological profile. Those concerns are set against the riparian responsibility for adjacent landowners to reasonably accept water flows from their upstream neighbours and maintain the local network. Officers note that the proposed attenuation is designed to provide for a

1:100-year flood event and for an increased capacity that will provide a further 45% capacity for the effective. This is a significant betterment from an unmitigated overland flow following gravity to the natural low point of the site where it is discharged in an unmanaged manner into the local network. The proposals will not exacerbate the existing problem, rather they are specifically designed to provide a hydro brake to not worsen the circumstance. Finally, officers note an appendix to the proposed drainage strategy specifically designated to management and maintenance of the proposed drainage system. The annex details regular inspection, maintenance and management to ensure the system functions as designed. The proposals also include a recording and monitoring of the maintenance and management actions which will be made available under request.

Officers are content that the revised proposals will maintain run off rates to the previously approved rate (8.6. l/s), they are based on the same SuDS principles and are considered acceptable in principle by the LLFA. Subject to the above, and a confirmed maintenance and management plan then the development would accord with the aims of Core Strategy Policy EN 10.

3. Access & Highways safety

Core Strategy Policy CT 5 considers the transport impact of new development and sets out that proposals should be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its location

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

The Local Plan site allocation Policy SH 06 requires, amongst other things, that development on this site will not be permitted until improved pedestrian access is provided to the town centre, the health centre and the town's schools (including access to Morley Hill) is secured.

The previously approved schemes PO/16/1725 and PF/22/1928 secured pedestrian linkages. These proposals retain linkages in the same locations which can be secured via suitable planning conditions to be provided before first occupancy of a detailed design which will be agreed as part of the condition discharge process.

The proposal seeks highway access from Woodlands Rise via Willow Grove for the development. Pedestrian access to the town centre would be facilitated via a new footpath to the north to join Knowle Road. The means of access and road layout remain as largely as previously submitted. There is no provision within the current application for any form of vehicular access to Knowle Road, once again this can be secured by suitable planning conditions. NCC Highways confirm that this proposal does not affect the current traffic patterns or the free flow of traffic.

In essence the revised plans and other matters make no change to the approved principles relating to Access & Highway Safety. The proposals will comply with policy CT 5 & 6 together with accessibility requirements under policy SH 06.

4. Landscape

Local Plan Policy EN 2 seeks to protect and enhance the existing landscape and settlement character of the area in respect of location, scale, design and materials to protect, conserve and/or enhance:

- *the special qualities and local distinctiveness of the area.*
- *gaps between settlements, and their landscape setting.;*
- *distinctive settlement character.*
- *the pattern of distinctive landscape features, such as trees and field boundaries, and their function as ecological corridors for dispersal of wildlife; and*
- *visually sensitive skylines.*

The application site/adjoining land contains a number of trees many of which contribute positively to the character and appearance of the area. The applicant has submitted an Arboricultural Impact Assessment (AIA) as well as a Landscape Plan. Based on these submissions, the Landscape Officer has not raised any objection save for the requirements for species planting to be varied.

As noted above the drainage strategy has required a revision from 6 drainage basins to two larger basins. This has altered where amenity space can be provided. However, when taken across the wider site are the amenity spaces will meet previously agreed levels. Subject to conditions to secure the landscape plan, the proposal would accord with the aims of Policy EN 2. In any event, Officers consider that the existence of the implemented permission is a material consideration to which significant weight should be apportioned when assessing the impact on trees and landscape.

5. Ecology

Core Strategy Policy EN2 requires that development should 'protect conserve and where possible enhance the distinctive settlement character, the pattern of distinctive ecological features such as ...field boundaries and their function as ecological corridors for dispersal of wildlife, along with nocturnal character'.

Core Strategy Policy EN 9 sets out that 'All development proposals should: protect the biodiversity value of land and buildings and minimise fragmentation of habitats; maximise opportunities for restoration, enhancement and connection of natural habitats; and incorporate beneficial biodiversity conservation features where appropriate.

Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated areas, or protected species, will not be permitted unless; they cannot be located on alternative sites that would cause less or no harm; the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and prevention, mitigation and compensation measures are provided. Development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.

Where there is reason to suspect the presence of protected species applications should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs.

The previously approved application PF/22/1928 was subject to an Ecological Appraisal and Impact Assessment which was agreed and is subject to suitable planning conditions.

The current application does not seek to vary any of the conditions or mitigation agreed previously. As such subject to the re-imposition of conditions required to secure any required ecological mitigation, the proposal would accord with the aims of Core Strategy Policy EN 9.

6. Affordable Housing & Infrastructure contributions

Core Strategy Policy HO 2 sets out, amongst other things, that:

‘Planning permission for the erection of new dwellings or conversion of existing buildings to dwellings will be permitted provided that, where it is viable to do so, the scheme provides affordable housing in accordance with the following:

- *On all schemes of 10 or more dwellings or sites of more than 0.33 hectares in Principal and Secondary Settlements, not less than 45% of the total number of dwellings proposed are affordable...’*

Core Strategy Policy CT 2 (Developer Contributions) sets out, amongst other things, that:

“On schemes of 10 or more dwellings and substantial commercial development 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...”

A viability assessment was submitted to support the previous application PF/22/1928, it was agreed that development would be unviable in terms of meeting 45% on site provisions. A commuted sum was agreed as viable and set out that £57,292.92 would be made available to specifically support off site affordable homes. Officers remain content that the above contribution is appropriate and can be secured under the existing s106 agreement.

In terms of the total financial contributions to be secured via S106 Obligation secures the following:

- *GI RAMS £ 13,072.08*
- *Library Contribution £ 4,650.00*
- *Community Infrastructure Contribution £ 22,250.00*
- *Affordable Housing Contribution £ 57,292.92*

Total £97,265.00

No further viability evidence has been submitted for consideration and as such officers remain of the view that the submitted evidence and proposed contributions will meet local infrastructure requirements from the proposed development.

Based on the above, Officers consider that sufficient evidence has been provided by the applicant to justify their viability case. The proposal would accord with Core Strategy Policies HO 1 and CT 2 and the above S106 Obligations have already been secured within the S106 Obligation dated 16 May 2024 as part of application PF/22/1928 and which would also bind on this application, in the event it is approved.

Planning Balance and Conclusion

Condition 2 seeks variance of approved plans and supporting evidence, as detailed in the proposed conditions these plans will substitute a revised drainage strategy and update landscape plans and supporting evidence to reflect the changes in layout resulting from these proposals. As above the proposals are considered to comply with Core Strategy Policies EN 2, 9 & 10. Furthermore, there are no substantive changes to matters of highways safety and parking, the proposals remain compliant with policies CT 5 & 6.

Condition 3 seeks to vary the Landscape and woodland management plans previously agreed. The changes reflect the revised site layout and drainage strategy. As noted above subject to agreement on specific species for the landscape planting all matters are agreed, it is considered that the proposals comply with policy EN2.

Condition 10 seeks to vary the provision of storage sheds for prospective residents. The proposals now include specific details for Phase 1 (bungalows at Plots 1-10) for storage of mobility scooters/disabled buggies or waste/recycling stores. The revised condition then seeks to allow for No dwelling on Phase 2 (apartments) to be constructed above slab level prior to precise details being agreed by the LPA. The details submitted for storage at Phase 1 are accepted, the revision to the condition allows for further details for stage 2 to be agreed at slab level and then be effectively managed and enforced. There is no adverse impact on residential amenity the proposals comply with policy En 4.

Condition 11 & 12 seeks to agree precise details of facing materials and surfaces for phase 1 (plots 1-10) and defer for agreement of facing and surfacing materials for phase 2 before slab level. Officers note the initial concern from Sheringham Town Council on potential inconsistency of materials across phases but are content that consistency of appearance and coordination of appropriate materials can be delivered over both phases by the LPA under the revised condition. The proposals comply with policy EN4.

Condition 17 seeks to agree precise details for on-site parking areas for Phase 1 (plots 1-10) at this stage and for Phase 2 (apartments) to be submitted and agreed prior to slab level. Officers note no objections from NCC highways officers to the proposals and again consider that the approved and proposed layout plans will set principles for these matters that can then be agreed in detail prior to slab level for Phase 2. The proposals are considered to comply with Policy CT 6.

Condition 21 seeks to agree precise details for air conditioning / handling for Phase 1 and defer these matters to slab level for Phase 2. No prejudice is created, and officers agree that detailed agreement for phase 2 can be deferred to slab level without prejudice to policy EN

13. Officers will draft the condition to ensure that the equipment shall *then be installed and maintained thereafter in full accordance with the approved details.*

Condition 22 seeks to agree renewable energy scheme details for phase 1 and defer these detailed matters to slab level for Phase 2. As above the principle can be agreed without detriment to either phase under policy EN 6.

Condition 27 seeks to agree a revised Flood Risk Assessment and drainage strategy; this is explored above in detail. Officers note that the drainage strategy achieves the same discharge rates, and discharges to the same points as previously approved under PF/22/1928. Further that the scheme will deliver attenuation which will improve the currently unmitigated surface water shedding from the application site to the local drainage network. The previously approved application represents a realistic fallback, the current proposals are similar and engineered not to worsen drainage from the Fallback. For the reasons given it is considered that the revised proposals will comply with Policy EN 10.

Relevant Core Strategy policies are broadly supportive of this development, the existing S106 will stand under existing clauses to serve this revised application. The legal agreement provides for £ 97,265 in commuted sums towards off site affordable housing, recreational mitigation, library investment and a local Community Infrastructure Contribution.

It is considered that subject to the imposition of conditions, the proposal will not result in any significant adverse effects for the reasons stated above and complies with all relevant policies. In addition, the proposals will provide an updated planning permission to deliver 62 retirement dwellings, these properties will help to cut the shortfall in housing delivery. The proposals will deliver a positive planning balance and be appropriately mitigated.

RECOMMENDATION:

APPROVAL SUBJECT TO:

- **Time limit three years from first approval (16 5 2027)**
- **Approved plans**
- **Landscape and woodland management**
- **Tree & Hedgerow retention**
- **Over 55 age occupancy**
- **Off-site highway improvements**
- **Light Bollards as per approved plan**
- **Compliance with drainage and flood risk strategy**
- **Construction Management Plan**
- **Construction Parking Plan**
- **Compliance with Construction Environmental Management Plan (CEMP), Biodiversity Strategy, and Biodiversity Enhancement**
- **Storage Sheds for mobility scooters**
- **Parking areas for mobility scooters to be agreed.**
- **External materials**
- **Road and pavement surfaces**
- **Fire hydrants**
- **No vehicular access to Knowle Road**
- **Final details of pedestrian path to Knowle Road**

- **Details ventilation A/C units**
- **Renewable energy details**
- **Flood Risk & Drainage Strategy**
- **Phasing plan for drainage strategy**

This page is intentionally left blank

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

ADDENDUM REPORT

REASON FOR ADDENDUM REPORT

Planning application PF/24/1079 proposes a new McDonald's restaurant with drive-through facility. The restaurant would comprise a single storey building with drive-through lanes, customer parking, landscaping and associated works including customer order displays. The site is located to the rear of the Lidl supermarket car park off Holt Road in Fakenham. The site is currently fenced off and unused, albeit with an extant 2007 planning permission covering the site. Industrial and commercial land uses are present immediately adjacent to the eastern and western boundaries of the site, and further south.

The application was considered at the Council's Development Management Committee on 06 March 2025 where it was resolved by 10 votes for, 1 against and 2 abstentions that the application be APPROVED in accordance with the Officers Recommendation which included the imposition of planning conditions and the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution towards the provision of offsite litter bins including the maintenance / emptying for 15 years.

The planning permission has yet to be issued and the matter is being reported back to Committee at the request of the Assistant Director - Planning.

This Addendum Report is to advise members of an additional representation received following the Development Committee decision of the 06 March 2025 relating to the lack of explicit consideration regarding National Planning Policy Framework (NPPF) paragraph 97 within both the Officers report and during the Development Committee meeting debate.

This report should be read in conjunction with the Committee Report and the Development Committee Minutes from the meeting of 06 March 2025 and these are included at **Appendix 1 and 2** of this report.

This Addendum Report will set out Officer opinion in relation to assessment of the proposal against NPPF paragraph 97.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (Dec 2024)

The NPPF is a material consideration that should be taken into account when applications are determined.

Paragraph 97 sets out that:

“Local planning authorities should refuse applications for hot food takeaways and fast food outlets:

a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or

b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour”.

While the original Committee report referred to the Chapter (8) of the NPPF within which paragraph 97 sits, it did not refer explicitly to paragraph 97.

OFFICER ASSESSMENT

Proximity to schools and other places where children and young people congregate

In consideration of NPPF para 97 (a), the application site is located outside of the designated town centre of Fakenham. The nearest schools are the following approximate walking distances away from the application site:

- Fakenham Infant & Nursery School (approx. 1,125 metres)
- Fakenham Junior School (approx. 1,285 metres)
- Duke of Lancaster Academy Special Education School (approx. 1,285 metres)
- Fakenham Academy Secondary School and Sixth Form (approx. 1,770 metres)

At present there is no definition or further detail within the NPPF glossary or Planning Practice Guidance to determine the definition of “walking distance” in the context of paragraph 97. The National Design Guide (MHCLG 2021) suggests a walkable distance to be no more than 10 minutes/800 metres. Manual for Streets (DfT 2007) identifies walkable neighbourhoods as typically characterised by facilities within 10 minutes (up to about 800 metres).

In 2020, Public Health England published “Using the planning system to promote healthy weight environments - Guidance and supplementary planning document template for local authority public health and planning teams”. In the context of planning restrictions on fast food takeaways, this also refers not only to an 800m walking distance but also to 400m as being the preferred distance for identifying applicable walking distance from hot food takeaways and fast-food outlets.

Whether applying the 400m or 800m walking distance threshold in relation to NPPF paragraph 97, Officers consider that it is evident that all of the closest schools within Fakenham lie well outside of the understood definition of “walking distance” from/to the proposed development.

In terms of distance from/to “other places where children and young people congregate”, whilst there are some residential properties within 400m / 800m walking distance of the application site, there are also a number of employment generating uses and a food retailer, none of which are specifically designed to be places for children and young people to congregate. The types of uses designed to be places for children and young people to congregate are located closer to the town centre including the recreation ground and areas designed to provide for a leisure offer such as indoor / soft play facility, cinema or bowling alley.

Officers therefore conclude that, whilst located outside of the designated town centre, the proposal is not within walking distance of schools and other places where children and young people congregate. As such, the proposal would accord with NPPF paragraph 97 (a).

Concentration of Uses

In relation to NPPF paragraph 97 (b), a review of the surrounding area has indicated that hot food takeaways are predominantly concentrated in the town centre of Fakenham. There is no evidence that there is a concentration of such uses in the area surrounding the application

site. Accordingly, Officers consider that the addition of a drive-thru restaurant would not be adding to an existing concentration of the uses identified in paragraph 97 (b) and there has been no public health objection to the proposal.

Officers consider that there is no evidence to demonstrate that the proposal would have an adverse impact on local health, pollution or anti-social behaviour. Issues of pollution were considered in detail within Section 6 of the Development Committee report of the 06 March 2025 (see **Appendix 1**) with conditions and a S106 Obligation recommended.

Summary on NPPF paragraph 97 as a new material consideration

Officers recognise that the proposed drive-thru restaurant is the type of fast-food outlet that NPPF paragraph 97 seeks to control. However, for the reasons outlined above, the proposals accord with **BOTH** NPPF paragraphs 97 (a) and 97 (b) and, as such, there can be no justified grounds for refusal under NPPF paragraph 97.

CONCLUSION AND PLANNING BALANCE

Reading this report in conjunction with the conclusions set out in the Committee Report of 06 March 2025, Officers conclude that In undertaking an overall balance of the competing aspects of the proposal, it is considered that the identified policy conflict would be outweighed by the economic benefits and other material considerations in favour of the development.

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

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

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

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

The proposal has demonstrated compliance with NPPF paragraph 97.

RECOMMENDATION

APPROVAL subject to:

- **The completion of an agreement under section 106 of the Town and Country Planning Act 1990 to secure the addition of litter bins and a financial contribution towards the cost of maintenance / emptying the off-site bins for 15 years*.**

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

*Officers can confirm that the wording of the Section 106 Obligation has been agreed and is awaiting signature(s). A financial contribution has been agreed for the maintenance / emptying the 6 off-site bins for 15 years.

Suggested Conditions:

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

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

Minor Development

Target Date: 11.07.24

Extension of Time: 13.03.25

Case Officer: Jamie Smith

Full Planning Permission

RELEVANT SITE CONSTRAINTS

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

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

The site may contain contaminated land

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

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

The site is location in the Nutrient Neutrality area

RELEVANT PLANNING HISTORY

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

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

THE APPLICATION

Site Description:

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

Proposal

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

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

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

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

REASONS FOR REFERRAL TO COMMITTEE

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

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

HUMAN RIGHTS IMPLICATIONS

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

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

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

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity issues.

LOCAL FINANCE CONSIDERATIONS

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

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

CONSULTATIONS

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

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

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

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

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

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

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

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

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

REPRESENTATIONS

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

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

RELEVANT PLANNING POLICIES

North Norfolk Core Strategy (September 2008):

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 5: Economy

Policy SS 6: Access and Infrastructure

Policy SS 8: Fakenham

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

Policy EN 4: Design

Policy EN 6: Sustainable Construction and Energy Efficiency

Policy EN 9: Biodiversity and Geology

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

Material Considerations:

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF):

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

Other material documents/guidance:

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

OFFICER ASSESSMENT

Background

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

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

Main Issues for consideration:

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

1. Principle of development

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

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

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

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

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

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

Sequential Test

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary of the principle of development

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

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

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

2. Impact on character of the area and design

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

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

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

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

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

3. Access, parking and highway safety

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

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

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

CS Policy CT 5 states that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. Development proposals will be considered against the following criteria:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability.
- the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality.
- outside designated settlement boundaries the proposal does not involve direct access on to a Principal Route unless the type of development requires a Principal Route location.
- the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.

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

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

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

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

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

4. Ecological Impacts

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

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

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

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

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

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

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

Biodiversity Net Gain (BNG)

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

Nutrient Neutrality

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

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

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

5. Arboricultural Impacts

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

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

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

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

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

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

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

Noise

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

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

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

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

On that basis the following conditions are recommended.

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

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

Air Pollution and Odour

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

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

Litter

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

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

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

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

Planning Obligations

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

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

Lighting

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

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

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

7. Flood Risk and Drainage

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

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

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

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

8. Renewable Energy

CS Policy EN 6 states that new development will be required to demonstrate how it minimises resource and energy consumption and how it is located and designed to withstand the longer-term impacts of climate change. All developments are encouraged to incorporate on site renewable and / or decentralised renewable or low carbon energy sources, and regard should

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

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

9. Conclusion and Planning Balance

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

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

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

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

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

RECOMMENDATION:

APPROVAL subject to:

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

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

Suggested Conditions:

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

This page is intentionally left blank

DEVELOPMENT COMMITTEE

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

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

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

Substitute Cllr J Boyle

Also in attendance: Cllr L Withington

1 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A Varley.

2 SUBSTITUTES

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

3 MINUTES

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

4 ITEMS OF URGENT BUSINESS

None.

5 DECLARATIONS OF INTEREST

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

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

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

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

6 SHERINGHAM - PF/24/1229 - ERECTION OF 41 RETIREMENT LIVING APARTMENTS WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING,

ANCILLARY FACILITIES, AND ASSOCIATED WORKS AT LAND AT, THE ESPLANADE, SHERINGHAM, NORFOLK

Officers report

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

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

Public Speakers

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

Local Member

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

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

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

Members debate

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

the threshold of needing to consult the health authority.

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

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

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

UNANIMOUSLY RESOLVED by 13 votes for.

That Planning Application PF/24/1229 be DEFFERED.

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

7 HIGH KELLING - PF/24/1892 - CHANGE OF USE OF EXISTING BUILDINGS FROM CARE HOME TO 35 DWELLINGS WITH ASSOCIATED LANDSCAPING, BICYCLE STORAGE AND REFUSE AND RECYCLING STORAGE AT PINEHEATH CARE HOME, CROMER ROAD, HIGH KELLING, HOLT, NR25 6QD

Officers Report

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

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

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

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

Public Speakers

Joe Haines (Agent)- Supporting

Local Member

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

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

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

Members Debate

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

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

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

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

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

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

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

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

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

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

8 FAKENHAM - PF/24/1079 - ERECTION OF A DRIVE-THRU RESTAURANT, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS, INCLUDING CUSTOMER ORDER DISPLAYS AT LAND TO THE REAR OF LIDL, FAKENHAM, NR21 8JG

Officers Report

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

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

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

Public Speakers

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

Local Member

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

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

Members Debate

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

Councillor J Toye proposed the recommendation.

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

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

9 SHERINGHAM - PF/24/2541 - PROPOSED CHANGE OF USE FROM A SHOP (CLASS E) TO A HOT FOOD TAKEAWAY (NO SPECIFIED USE CLASS), INSTALLATION OF EXTRACTION FLUE AT SHOP 1, 37 HIGH STREET, SHERINGHAM, NORFOLK, NR26 8DS

Officer Report

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

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

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

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

Public Speaker's

Deborah McNeil- Sheringham Town Council Clerk

Local Member

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

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

Members Debate

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

UNANAMOUSLY RESOLVED

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

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

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

10 HOLT - PF/24/1760 - CHANGE OF USE EXISTING DETACHED OUT-BUILDING IN REAR GARDEN TO FOOD PROCESSING ROOM AND COOKING ROOM FOR BUSINESS USE AND ERECTION OF EXTENSION TO HOUSE REFRIGERATION (PART RETROSPECTIVE)

Councillor M Batey left the meeting.

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

RESOLVED: By 10 votes for and 1 abstention.

That Planning Application PF/24/1760 be DEFFERRED.

Councillor M Batey returned to the meeting.

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

Officer's Report

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

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

Public Speakers

Bernard Smith- Objecting

Local Member

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

Member's Debate

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

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

UNANIMOUSLY RESOLVED

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

12 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

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

13 APPEALS SECTION

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

The meeting ended at 1.29 pm.

Chairman

ERPINGHAM - PF/24/1364- Erection of two storey side and single storey rear extension, other external alterations including to shape of roof and replacement windows.

Householder Development

Target Date: 18 November 2024

Extension of time: 5th May 2025

Case Officer: Alice Walker

Householder Planning Permission

RELEVANT SITE CONSTRAINTS:

Within a Countryside Policy Area
Within Hanworth Conservation Area
Within an area susceptible to Groundwater flooding
Within the River Bure Nutrient Neutrality catchment area
Within the GIRAMS Zone of influence

RELEVANT PLANNING HISTORY:

PF/92/1270
Erection of Extension
Approved 10.11.1992

BACKGROUND

The application was considered by the Development Committee on 14 November 2024. After considerable debate, the Committee RESOLVED by 9 votes for and 1 abstention that Planning Application PF/24/1364 be deferred.

The reasons for referral related to matters of design, scale and massing with the Committee raising concerns that the extension should be more subservient to the host dwelling and materials more in keeping with the local vernacular to blend the extension with the host dwelling.

The Committee Report and the Development Committee Minutes from the meeting of 14th November 2024 are included at **Appendix 1** and **2** of this report.

THE APPLICATION AND ACTIONS SINCE NOVEMBER 2024

The proposals seek alterations to the existing cottage, including modifications to the existing roof and a two-storey side extension with a single storey rear extension to replace the existing lean to car port. As originally submitted, plans for a contemporary two storey side/rear extension were recommended for approval by officers when presented to Committee in November 2024. The application was deferred by committee members on the basis of design concerns from the proposed scale, unsympathetic contemporary design and materials of the extension and the resultant heritage harm to the Hanworth Conservation Area. The applicant has since worked proactively with Officers to revise the design, endeavouring to address the issues raised by members of the committee.

A second scheme was submitted and re-consulted on 18th December 2024. These proposals raised further concerns and have now been superseded..

The scheme presented today is an amendment of the second scheme with plans received on the 5th March 2025. These design revisions are discussed below. All other matters remain as before, and are otherwise considered acceptable by officers.

This report should be read in conjunction with the Committee Report and the Development Committee Minutes from the meeting of 14th November 2024 and these are included at **Appendix 1** and **2** of this report.

CONSULTEE COMMENTS:

Conservation and Design: No Objection (to revised scheme submitted 05/03/25)
Objected to plans submitted 18/12/24)

Hanworth Parish Council: Object (on plans submitted 18/12/24)

LETTERS OF REPRESENTATION:

Three letters of representation received in **OBJECTION** to the revised plans and public consultation of 18/12/24. The issues raised are summarised as below:

- The proposal would not visually enhance The Common.
- The proposal would damage the history of the dwelling originally built by the stonemason to the village.
- The size of the proposed cottage would be far too large for its prominent position on the common.
- The loss of the hipped roof would change the character of the property and should be retained.
- The proposed extension would make the property too large/ unaffordable to local people.
- Revised plans do not sufficiently address the concerns of the committee.
- Materials remain the same.

OFFICER ASSESSMENT:

Design

The application site is centrally positioned on Hanworth Common and occupies a prominent position within Hanworth Conservation Area. The topography of the landscape is such that all elevations of the dwelling feature in a series of long-range views from points along both Parrow Lane and The Common. The core of the cottage is likely to date to at least the mid-19th century, and no doubt has long had a close relationship with the common grassland which surrounds it and is still grazed. However over the years there have been several alterations including UPVC glazing, a replacement roof likely dating from the 1970s and a single storey extension in the 1990s. The building is neither a nationally or locally listed building.

In terms of design, whilst the original cottage is a nice example of simple, rural vernacular, it is considered to be of limited architectural or historic merit. The modern additions to the south and west sides are of poor quality and detract from the overall character of the both the host building and the wider conservation area. The removal of one of these additions and the alterations to the other would offer an opportunity for enhancement, along with the replacement of the existing uPVC windows with timber joinery across the main elevations.

The dwelling is situated within a reasonably sized plot which is able to accommodate the proposed additional built form and complies with Policies EN 4 and HO 8 in this regard. The

two-storey extension retains elements of the contemporary character from the originally submitted scheme, notably the off-centre window and a partially jettied first-floor (designed to allow vehicular access to the side of the dwelling for parking). Officers consider that the scale of this section remains subordinate to the host dwelling whilst creating a new addition with design qualities that support the distinct character of the cottage.

The side extension is predominantly constructed from “soft” coloured red brick to match existing brick work which would not dominate or detract from the host dwelling, particularly on the approaches from the east.

On the front elevation, the proposed facing material is “un-finished” hardwood timber boarding. This material will silver down and contrast against the red brick of the existing cottage. The divergence in materials will be breaking up the scale and massing of the front elevation whilst providing a visual distinction between old and new.

Alterations are also proposed to the existing roof of the host dwelling. The cottage has been much altered over the years, the existing roof structure is not original. The proposal seeks to remove the partially hipped gables and create a more traditional fully gabled roof. A full gabled end would also visually enhance the subservience of the side extension on the east elevation and simplifies this connection. Officers consider that keeping the existing ‘gables’ would create an awkward juncture between the two elements. The farmhouse opposite the cottage and the property on the common to the east are predominantly gabled, there are also several fully hipped properties on Parrow Lane. This alteration is considered to be in keeping with the wider Conservation Area and local vernacular character. It is also proposed that the existing chimney stack would be modestly increased by approximately 3 brick courses as part of the new roofline. This emphasises the verticality of the stack and draws the eye upward over the wider design.

The rear extension is reduced by 750mm from the design considered by members at the November meeting, it is now single storey. The roof arrangement has been amended to a low pitched zinc roof which sits against a parapet brick wall that is intended to emulate a garden wall, tapering down at the end. The parapet feature affords the wall a good capping detail of creasing tiles under a brick coping. This will soften its appearance, and drop heights at the southern end. Long-range views from the east will in any event be softened by screening from the existing vegetation, together with the addition of the parapet wall then impact is substantively reduced from the rear extension on the conservation area.

In terms of the impact on the conservation area, the scheme proposes a design that lends the host dwelling a distinct character and makes use of high-quality traditional materials such as red clay pantiles, soft red brick and natural timber cladding, juxtaposed with the innovative use of more contemporary materials such as the Zinc roof to the rear.

There remains a slight reservation in Officers minds as to the footprint of the single storey addition, the lean-to style roof now has to span a wider area than might be considered ideal. The combined effect with a rather shallow pitch gives it a somewhat stretched quality to this element of the design. However, views from the south and west are likely to be limited to long range or being softened by existing vegetation. With that in mind, these reservations are outweighed by the limited impact and more substantive benefits that the wider scheme offers.

Officers will require submission of full materials and joinery details via condition, subject to suitable details being agreed then the application be compliant with the requirement of Local Plan Policies EN 4 and EN 8, as well as Para 212 of the NPPF.

Planning Balance and Conclusion:

Overall the principle of extending an existing dwelling in this location is acceptable in accordance with Policies SS1 and SS2 of the Core Strategy. The scheme, as now revised, is compliant in terms of scale, massing, design and impact on the designated heritage asset under Policies HO 8, EN 2, EN 4 and EN 8.

Ecological enhancements and mitigation can be secured via condition to ensure compliance with Policy EN 9. Furthermore, there are no significant negative impacts in terms of residential amenity and highways.

Overall, the application is considered acceptable and Approval is therefore recommended subject to the imposition of conditions.

RECOMMENDATION:

APPROVAL subject to conditions relating to the following matters:

- Time limit 3 years
- Development in accordance with approved plans
- Materials as submitted
- Ecology-Bat Licence
- Ecology- Mitigation and enhancements
- External lighting

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

ERPINGHAM - PF/24/1364- Erection of two storey rear extension, infill extension and porch to dwelling; other external alterations including to shape of roof and replacement windows to Owlets, The Common, Hanworth.

Householder Development

Target Date: 18th November

Extension of time: 18th November

Case Officer: Alice Walker

Householder Planning Permission

RELEVANT SITE CONSTRAINTS:

Within a Countryside policy area
Within Hanworth Conservation Area
Within an area susceptible to Groundwater flooding
Within the River Bure Nutrient Neutrality catchment area
Within the GIRAMS Zone of influence

RELEVANT PLANNING HISTORY:

PF/92/1270
Erection of Extension
Approved 10.11.1992

THE APPLICATION:

Seeks permission for the erection of a two storey rear extension and infill extension to dwelling; other external alterations including to shape of roof and replacement windows.

REASONS FOR REFERRAL TO COMMITTEE:

The item was called into Committee by Cllr John Toye – as ward member for the site. The item was called in on 30 October 2024 and the grounds for call-in are:

“1. This historical small cottage is in a prominent position on Hanworth common which should be considered as part of the character of the conservation area would be changed beyond recognition should this application be approved.

2. I believe that the glazing and finishes to the property will be out of keeping. Proposed retention of trees and hedging along with improvements will not hide this development.

3. Call in-based on concerns regarding non-compliance with Core Strategy Policies SS 1, SS 2, HO 8, EN 2, EN 4 and EN 8”.

REPRESENTATIONS:

1 letter of representation was received making comments neither supporting nor objecting to the proposal.

5 representations have been made objecting to this application. The key points raised in **OBJECTION** are as follows (summarised):

- Scale massing and materials not in keeping with the surrounding conservation area.
- Extension not subservient to main dwelling
- Object to use of cladding
- Common land should not be fenced in or have wall
- Very visible position
- Too big for the plot
- Very visible position and would detract from the Common
- Would completely change the look of the property
- Concerns regarding capacity and location of the septic tank
- Sets a precedent for future proposed extensions

CONSULTATIONS:

Ward Councillor – Comments provided as above

Hanworth Parish Council – Object. The comments in summary are:

- Would not reflect the heritage of the site.
- Would not comply with the aims of the Conservation Area.
- The proposals would not preserve the character, appearance and heritage of the Common.
- The proposed materials are not in keeping with other buildings on the common or conservation area.
- The proposed extension would not be subservient or sympathetic to the existing dwelling.
- Increased occupancy would increase fowl water and sewage.
- Would set a precedent for the expansion of other modest buildings on or around the common.
- Would result in the loss of a small dwelling for local use.
- The alterations would change the settlement character.

Conservation and Design - Support. The comments in summary are:

- The existing extensions are of poor quality and detract from the overall character of the both the host building and the wider conservation area.
- The removal of one of these additions and the altered roof arrangement of the other will offer an improvement, as would the replacement of uPVC windows with timber joinery across the main elevation.
- The revisions also retain the existing porch, and the volume of glazing in the west elevation of the extension has been reduced, both of which are considered to be positive changes.
- The ridge height and overall length of the new extension have been reduced in line with previous recommendations. The reductions help the main dwelling remain the

dominant structure in the wider streetscape and within views from the surrounding common.

- The replacement hedging to the rear will also in time help with some additional screening.
- Although there remains some hesitation about how comfortably the contemporary design sits against the modest existing building, the revisions combined with the enhancements the scheme offers are considered sufficient to allow C&D to conclude the scheme will no longer result in harm to the character and appearance of the Hanworth Conservation Area.

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT POLICIES:

North Norfolk Core Strategy (2008):

Policy SS 1 Spatial Strategy for North Norfolk

Policy SS 2 Development in the Countryside

Policy HO 8 House Extensions and Replacement Dwellings in the Countryside

Policy EN 2 Protection and Enhancement of Landscape and Settlement Character

Policy EN 4 Design

Policy EN 8 Protecting and Enhancing the Historic Environment

Policy EN 13 Pollution and Hazard Prevention and minimisation

Policy CT 5 Traffic Impact of New Development

Policy CT 6 Parking Provision

Material Considerations

National Planning Policy Framework (December 2023):

Chapter 2 Achieving sustainable development

Chapter 4 Decision-making

Chapter 12 Achieving well-designed and beautiful places

Chapter 16 Conserving and enhancing the historic environment

Supplementary Planning Documents and Guidance:

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

- 1. Principle of Development**
- 2. Design and heritage impact**
- 3. Amenity**
- 4. Ecology**
- 5. Highways**

1. Principle of Development

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

Policy SS 1 sets out that the majority of new development in North Norfolk will take place in the towns and larger villages, defined as Principal and Secondary Settlements and a smaller amount of new development will be permitted within in several designated Service and Coastal Service Villages. The rest of North Norfolk, including all settlements that do not fall under the above criteria such as Hanworth, will be designated as Countryside.

Policy SS 2 limits development in Countryside policy areas to that which requires a rural location in order to protect the character of the rural environment. Policy SS 2 does, however, permit alterations and extensions to existing rural residential properties. The proposal seeks an extension and alterations to an existing dwelling.

Policy HO 8 also has a presumption in favour of proposals to extend dwellings within the countryside where they do not result in a scale of dwelling which is disproportionate to the original dwelling.

Subject to compliance to all relevant Core Strategy policies, the proposal is considered acceptable in principle.

2. Design and heritage impact

Policy EN 4 requires that all development should be designed to a high-quality reinforcing local distinctiveness, be expected to be suitably designed for the context within which it is set and ensure that the scale and massing of buildings relate sympathetically to the surrounding area.

Policy HO 8 only permits extensions and alterations to dwellings in countryside areas that would not result in a disproportionately large increase in the height or scale of the original dwelling and would not materially increase the impact of the dwelling on the appearance of the surrounding countryside.

Furthermore, Policy EN 8 of the Core Strategy seeks to protect the historic environment, in this case the Hanworth Conservation Area, which for the purposes of the NPPF is considered a designated heritage asset. Any development within this area should preserve and enhance the character of the area.

Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 states that

with respect to any buildings or other land within a conservation area, in the exercise of relevant functions under the Planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The application site is centrally positioned on The Common and occupies a prominent position within Hanworth Conservation Area. Owlets is likely to date to at least the mid-19th century, and no doubt has long had a close relationship with the common grassland which surrounds it and is still grazed. The topography of the landscape is such that all elevations of the dwelling feature in a series of long-range views from various points along both Parrow Lane and The Common.

The proposal seeks alterations to the existing cottage including alterations to the roof and a contemporary two-storey side/rear extension to replace the existing lean to car port. As originally submitted, the proposed plans were not considered acceptable by officers however a revised proposal has since been submitted.

In terms of design, whilst the original cottage is a nice example of simple, rural vernacular, the existing modern additions to the south and west sides are of poor quality and detract from the overall character of the both the host building and the wider conservation area. The removal of one of these additions and the altered roof arrangement of the other will offer an improvement, as would the replacement of uPVC windows with timber joinery across the main elevation. The revised proposals also retain the existing porch, and the volume of glazing in the west elevation of the extension has been reduced, both of which are considered to be positive changes. The replacement hedging to the rear will also in time help with some additional screening.

With regards to policy HO 8, the dwelling is situated within a reasonable plot that can accommodate the additional built form. The proposed extension would be set back from the front elevation. The ridge height and overall length of the new extension have been reduced in line with previous recommendations. Although the reductions of 300mm and 500mm may seem minor, together they help the main dwelling remain the dominant structure in the wider streetscape and within views from the surrounding common. The proposal would not be considered to result in a disproportionately large increase in the height or scale of the original dwelling.

In terms of the impact on the conservation area, the scheme proposes a contemporary design with high quality traditional materials such as red clay pantiles, brick and natural timber cladding, juxtaposed with more modern materials such as a glazed link and Zinc dormer. Although there remains some hesitation about how comfortably the contemporary design sits against the modest existing building, the revisions combined with the enhancements the scheme offers are considered sufficient to allow Officers to conclude the scheme would not result in harm to the character and appearance of the Hanworth Conservation Area. As such, the application considered to comply with the requirements of Local Plan Policies HO 8, EN 2, EN 4 and EN 8 as well as Chapter 16 of the NPPF.

3. Residential Amenity

Policy EN 4 sets out that development proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Residents have the right to adequate privacy levels and to be kept free from excessive noise and unwanted social contact.

Owlets has no immediate neighbours on the Common, the closest being a collection of farm buildings at Sycamore Farm to the North. Given the location, scale and nature of the proposal, separation distances and existing boundary treatments there would not be any significant

negative impact as a result of the development in terms of overlooking, overshadowing and overbearing.

The proposal would comply with Core Strategy Policy EN 4.

4. Ecology

Due to the nature of the proposed works to the roof it is considered that there may be potential for protected species to be impacted by these works. The application is supported by Bat Survey Report prepared by Biome Consulting in August 2024. A Preliminary Roost Assessment (PRA) and subsequent nocturnal (dusk emergence) surveys were undertaken. Following the PRA, the dwelling was assessed to be a confirmed roost of Brown Long-Eared bat (day roost of likely one individual) and of moderate potential for other roosting bats. Prior to the commencement of any works, a licence from Natural England will need to be obtained and the recommended mitigation and enhancement measures can be secured via condition.

Subject to the imposition of conditions, the proposal would comply with Core Strategy Policy EN 9.

5. Highways

Policy CT 5 requires development to provide safe and convenient access for all modes of transport, including access to the highway network. Policy CT 6 requires new development to have sufficient parking facilities as set out in Appendix C of the Adopted Core Strategy. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

There are no proposed changes to the exiting access and sufficient parking facilities are provided on site. Therefore the proposal is considered to comply with the aims of Policies CT 5 and CT 6 in terms of Highways Safety.

Other matters

Nutrient Neutrality

As the application is a householder extension to an existing dwelling it would be exempt from Nutrient Neutrality requirements. Objectors have raised concerns regarding the foul water drainage and sewage arrangements at the property, however as this is a householder extension this is outside the scope of this application.

GIRAMS

As the application is a householder extension it would be exempt from the requirements of GIRAMS.

Planning Balance and Conclusion:

Overall the principle of extending an existing dwelling in this location is acceptable in accordance with Policies SS1 and SS2 of the Core Strategy. The scheme is considered to be broadly compliant in terms of scale, massing, design and impact on the designated heritage asset under Policies HO 8, EN 2, EN 4 and EN 8. Ecological enhancements and mitigation

can be secured via condition to ensure compliance with Policy EN 9. Furthermore, there are no significant negative impacts in terms of residential amenity and highways. Overall, the application is considered acceptable and Approval is therefore recommended subject to the imposition of conditions.

RECOMMENDATION:

APPROVAL subject to conditions relating to the following matters:

- Time limit 3 years
- Development in accordance with approved plans
- Materials as submitted
- Ecology-Bat Licence
- Ecology- Mitigation and enhancements
- External lighting

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

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 14 November 2024 in the Council Chamber - Council Offices at 9.30 am

Committee Cllr P Heinrich (Chairman)

Members Present: Cllr R Macdonald (Vice-Chairman)

Cllr A Brown

Cllr P Fisher

Cllr A Fitch-Tillett

Cllr M Hankins

Cllr V Holliday

Cllr G Mancini-Boyle

Substitute Cllr C Ringer

Members Present: Cllr L Paterson

Members also Cllr T Adams

attending: Cllr W Fredericks

Officers in Development Manager (DM)

Attendance: Senior Planning Officer (SPO-AW)

Senior Planning Officer (SPO-MB)

Senior Landscape Officer (SLO-CB)

Development Management Team Leader (DMTL-CR)

Planning Officer (PO-IM)

Trainee Planning Officer (TPO-NW)

Solicitor

Assistant Director for Planning (ADP)

Community Housing Enabler (CHE)

Democratic Services Officer

77 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr M Batey, Cllr K Toye, Cllr J Toye, Cllr L Vickers, Cllr P Neatherway, Cllr A Varley.

78 SUBSTITUTES

Cllrs C Ringer and L Paterson were present as substitutes.

79 MINUTES

The minutes of the Development Committee meeting held Thursday 17th October 2024 were approved as a correct record.

80 ITEMS OF URGENT BUSINESS

None.

81 DECLARATIONS OF INTEREST

Cllr L Paterson declared an interest with respect to the S106 appendix item to note (Oak Farm) he is the landowner.

Cllr A Brown declared a non-pecuniary interest in items 10 and 11, he considered himself pre-determined with respect to the applications, and therefore advised he would abstain from voting on the applications but would speak.

Cllr P Fisher declared a non-pecuniary interest in item 9, he is the Local Ward Member for Wells-next-the-sea.

82 HANWORTH - PF/24/1364- ERECTION OF TWO STOREY REAR EXTENSION, INFILL EXTENSION AND PORCH TO DWELLING; OTHER EXTERNAL ALTERATIONS INCLUDING TO SHAPE OF ROOF AND REPLACEMENT WINDOWS TO OWLETS, THE COMMON, HANWORTH.

Officers report

The SPO-AW introduced the Officers report and recommendation for approval subject to conditions.

She outlined the sites' location, located within the designated countryside under policy SS1 and SS2 of the Core Strategy, and set on the common itself. The site was located within the Hanworth Conservation area and open common land. It was understood that Hanworth is one of the largest fenced commons in England.

The SPO confirmed the existing and proposed floor plans and elevations. Officers

concluded that the building as built was not representative of the majority of the conservation area and, therefore, there was scope for improvement. Further, Officers considered that the proposed dwelling would sit comfortably within the plot.

Following advice from the Conservation and Design Team, revised plans had been received which amended the massing of the extension. Whilst there would be a visible increase in built form, this was considered to be fairly contained and was not considered to be disproportionately large in the context of Policy HO8. The footprint of the extension would remain fairly large, but Officers felt this was acceptable given the size of the plot and the revised height and mass of the extension. Conservation and Design Officers were satisfied that the scheme would not result in harm to the character and appearance of the Hanworth Conservation Area.

In terms of policies EN2 and EN4, Officers considered the proposal to be a contemporary design which makes good use of quality traditional materials including pantiles, brick and natural timber cladding, which would silver down over time and tie in with the grey flints seen on other buildings. The juxtaposition between the existing and proposed extension would help to read this as a modern addition to the dwelling.

Ecological mitigation and enhancements would be appropriately conditioned, and the proposed extension was not considered to have a negative impact on neighbours' amenity.

Concerns had been raised locally regarding the capacity of the septic tank on site, however as this was a householder application this was outside the scope of the application.

Public speakers

Gill Wilton – Hanworth Parish Council

Louise Rice – Objecting

Nick Payne – Supporting

Local Member

The Local Member – Cllr J Toye – outlined the unique history of Owlets, which had a special connection with the village, and which invoked the image of a small rural cottage and not a large four-bedroom house. He considered it important to understand the history which underpinned the significance of why local residents were so concerned about development, its scale and finish.

The Local Member stressed the special character of Hanworth Common, and argued the development would negatively change the views and site lines of the common.

Cllr J Toye was critical of the Conservation and Design teams' assessment, and felt due regard had not been given to local knowledge or to Hanworth Conservation area. He further disagreed with their comments that the existing dwelling was of 'limited architectural and historic merit'. The Local Member considered the proposed extension was not in keeping with the area and failed to be subservient to the host dwelling.

With respect of planning policy EN4, the Local Member considered to proposal would

neither preserve nor enhance the character and quality of the area. Further he challenged whether the application complied with policy EN8, or chapter 16, paragraph 198 of the NPPF.

Cllr J Toye argued that permission would not be granted for a new dwelling on the common, and this scheme, effectively doubling the size of the existing dwelling and which ignores the historical context was unacceptable.

Cllr V Holiday arrived at 9.58am

Members debate

- a. Cllr R Macdonald expressed some concern whether the application would comply with policy HO8 given the size of the extension. He agreed with local residents' comments that if the applicant (who had recently purchased the dwelling) wanted a 4-bedroom house, should they not have purchased a 4-bedroom house.
- b. Cllr L Paterson considered the scale and mass of the extension to be significant and asked what the percentage increase would be to the dwelling's footprint.
- c. The DM advised that figures were unavailable for the percentage increase. With respect to policy HO8 there were two key policy tests for the Committee to consider – whether the proposal would result in a disproportionately large increase in the height and scale of the dwelling, and, if this would materially increase the impact of the dwelling on the appearance of the surrounding countryside. Officers were satisfied the proposal complied with policy HO8, though it was a matter for the Committee to consider the planning balance.
- d. Cllr L Paterson asked if there was a policy consideration in instances where the gentrification of an existing property would make it unaffordable.
- e. The DM advised there was no such policy test within the core strategy.
- f. Cllr A Brown shared in the Committee's concern that this was a disproportionately large extension which would have an overbearing impact on the highly sensitive landscape. He was surprised that the property was not locally listed given its history, nor that the site was afforded greater protection. Cllr A Brown was critical of the Conservation and Design Teams assessment of the scheme.
- g. The Chairman asked if the Conservation and Design Team were available to comment.
- h. The DM advised the Conservation and Design Team weren't available for the meeting. He affirmed that the Planning Authority had a statutory duty to preserve and protect the character and appearance of a Conservation Area. The Officer recommendation gave weight to the submission from the Conservation Officer. He argued that if the Committee were minded to refuse

- the application, policy reasons would need to be articulated for this decision.
- i. Cllr A Fitch-Tillett affirmed that an extension should be subservient to the host dwelling, she was unconvinced this rule had been applied.
 - j. The SPO advised that Officers took a visual assessment of the height, scale and overall massing of an extension. In this instance the proposed ridgeline was stepped down from the host dwelling and would be set back from the front elevation.
 - k. Cllr G Mancini-Boyle asked how many other properties had been extended locally.
 - l. The SPO advised other properties had been extended locally, she noted the representation from the parish council that other extensions had been approved without concern.
 - m. Cllr C Ringer held significant reservations whether the application was compliant with policy HO8, and felt the Officers report and assessment significantly understated the significance of Hanworth Common and the dwellings relationship with it. He argued the application was contrary to policy EN2 and endorsed refusal of the application.
 - n. The Chairman recognised the Committee's concern regarding the scale and massing of the extension and advised that the Committee had the option to defer consideration. He invited the ADP to advise.
 - o. The ADP confirmed the outcomes available to the Committee and stated that if Members considered the information presented to be lacking, this would be a valid reason to defer. He noted Members comments and the desire for additional information with respect to the scale and massing, and the attention of Conservation and Design officers to respond to Committee Comments. He noted that the Committee had previously deferred an application at Binham to allow a better proposal to come forward.
 - p. Cllr A Brown considered there may be merit for a site visit.
 - q. The Chairman stated a site visit at this time of year presented challenges and would result in a speedy resolution.
 - r. Cllr L Paterson did not consider deferral necessary as he felt the application unacceptable due to the scale and massing. He distinguished the differences between this and the Binham application.
 - s. The Chairman noted the Committee were not against an extension to the dwelling in principle, but took issue with the design, scale and massing. He commented that deferral may allow for an improved scheme, and that there was merit in discussing the application with a Conservation Officer present.

- t. Cllr C Ringer stated he was not against the application in principle, or deferral, but that there would need to be marked improvement to the scheme for him to consider it acceptable.
- u. Cllr A Fitch-Tillett proposed deferral of the application.
- v. Cllr C Ringer seconded.
- w. The DM sought clarity what the Committee would like to be re-negotiated with the applicant. He confirmed that the applicant was within their rights to have their application as submitted considered.
- x. Cllr A Fitch-Tillett detailed the Committees requests; that the extension should be more subservient to the host dwelling, and that materials used be more in keeping with the local vernacular.
- y. Cllr G Mancini-Boyle added that more should be done to blend the extension with the host dwelling in a sympathetic manor, as the proposed scheme looked like an entirely separate house.
- z. The SPO noted the proposal made use of clay pantiles and red brick and sought clarity which materials were at issue.
- aa. Cllr A Fitch-Tillett stated it was the cladding at issue. She stated the host dwelling was a traditional Norfolk cottage, and considered the proposals modern design was not in keeping.
- bb. The DM reflected it was a fine balance and commented that it was not unusual for a traditional building to get a modern extension in the district. He thanked Members for their clarity for the matters at issue.

RESOLVED by 9 votes for and 1 abstention.

That Planning Application PF/24/1364 be deferred.

END

This page is intentionally left blank

HINDOLVESTON- PF/23/1091 - Erection of single storey self-build dwelling following removal of remains of derelict cottage at Hope House, 2 Melton Road, Hindolveston

Minor Development

Target Date: 17.07.2023

Extension of Time: 31.04.25

Case Officer: Darryl Watson

Full Planning Permission

RELEVANT SITE CONSTRAINTS:

- The site is within the Countryside for the purposes of the Core Strategy's spatial strategy
- It is within the Zone of Influence of a number of European sites
- It is within the Tributary Farmland (TF1) landscape type as defined in the North Norfolk Landscape Character Assessment
- It is within the surface water catchment of the River Bure, and Hindolveston Sewage Treatment works discharges to the River Bure which is a component part of the Broads Special Area of Conservation and Ramsar site which is affected by nutrient pollution.
- Hope House to the northwest is a grade II* listed building

RELEVANT PLANNING HISTORY:

CL/21/3186: Lawful Development Certificate for existing dwelling within the grounds of Hope House - Application withdrawn

NCC ref. D606: New wash house, bathroom and WC – approved 25/11/1951

THE APPLICATION

Site Description:

The site is within the heart of the village forming part of the extensive grounds to Hope House which is off the east side of Melton Road. It is occupied by the ruined remains of a cottage understood to date from the 19th Century, which are to the southeast of Hope House and its range of outbuildings and set back about 80 metres from the north side of The Street along which there are existing dwellings. Hope House is a grade II* listed building, but the cottage is not within its curtilage and not covered by the listing. Currently there is no physical boundary between the application site and the rest of the grounds. Other than the remains of the cottage, the site comprises a grassed area with a few trees.

Immediately to the southeast are three dwellings (69, 71 and 73 The Street) with a hedge along the boundary with their shared driveway, which continues along the boundary with part of No 73's garden. Along the northeastern boundary there is a mix of hedgerow and post & wire fencing adjoined by open land. To the west are the grounds to Hope House and a driveway with an access to short track to The Street.

Proposal:

A three-bedroom detached dwelling is proposed. It would be on the same footprint as the existing building. The dwelling would have two floors with the first floor contained within the

roof space with dormers to the front and dormers and rooflights to the rear. There would be a lower section on the righthand side of the dwelling. External materials would comprise flint to the front elevation with brick detailing and plinth. The side and rear elevations would be brick to match the main house. Windows and doors would be powder coated aluminium or painted hardwood, with pantiles to the roof.

The existing driveway and vehicular access to Melton Road serving Hope House would be used to serve the proposed dwelling.

REASONS FOR REFERRAL TO COMMITTEE:

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

“The Garden Cottage has been assessed by officers to be a new open market dwelling and as such they take the view that it is unacceptable in principle and contrary to policies SS1 and SS2 of the North Norfolk Core Strategy. The applicant is challenging this conclusion as there are substantive grounds in parish records evidencing the fact that the original cottage was occupied as a standalone residence. I would like this matter determined by Committee as I believe there is merit in the applicant’s suggestion”

CONSULTATIONS:

Hindolveston Parish Council: No objection

North Norfolk District Council Landscape: Comments - raised concerns regarding the initially proposed strategy to deal with nutrient neutrality issue and its appropriateness for a development of this scale, in particular with respect to the practicalities and ongoing management of the willow bed which would need to be secured for an 80-year period.

The applicant is now intending to purchase credits to provide the required mitigation. The amended nutrient budget calculator is considered to be acceptable.

North Norfolk District Council Conservation and Design: Support following amendments to the design of the proposed dwelling.

Norfolk County Council Highways: No objection to the amended access arrangement (utilising existing access to Melton Road serving Hope House), subject to conditions.

Historic England: Not offering advice. Recommend seeking the advice of the Council’s specialist conservation advisor.

Natural England: Comments - refer to the comments made by the Council’s Landscape Officer and on that basis the required HRA, is likely to conclude that there is insufficient information to determine ‘no adverse impacts’ because of the lack of information on nutrient load of the development, scientific certainty in the mitigation measures and a potential connection to the mains sewage (which also raises questions as to how the applicant would adhere to General Binding Rules).

Note - Now it is proposed to purchase credits once details of the credit certificates have been submitted to the Council a Habitats Regulations Assessment would need to be completed and Natural England re-consulted on that.

REPRESENTATIONS:

One received with comments summarised as follows:

- As the application is for full planning permission it is surprising that there is no indication of the vehicular access drive or garage and/or parking areas on the proposed site plans. The exact positioning of these and adequacy of screening could impact on the amenity of adjoining properties to a greater or lesser degree and are a material planning consideration.
- If permission is granted it should include a condition regulating construction days and hours to avoid disturbance to the occupiers of nearby cottages.

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity issues.

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT PLANNING POLICIES:

North Norfolk Core Strategy

SS 1: Spatial Strategy for North Norfolk

SS 2: Development in the Countryside

SS 4: Environment

EN 2: Protection and Enhancement of Landscape and Settlement Character

EN 4: Design

EN 6: Sustainable Construction and Energy Efficiency

EN 8 - Protecting and enhancing the historic environment

EN 9: Biodiversity & Geology

CT 5: The Transport Impact of New Development

CT 6: Parking Provision

Material Considerations:

National Planning Policy Framework

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 5: Delivering a sufficient supply of homes
Chapter 8 Promoting healthy and safe communities
Chapter 9: Promoting sustainable transport
Chapter 12: Achieving well-designed places
Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving and enhancing the historic environment

Supplementary Planning Documents and Guidance:

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

Other material documents/guidance:

Emerging North Norfolk Local Plan
Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)
Technical housing standards – nationally described space standard (March 2015)
Natural England's letter to local authorities relating to development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites (March 2022)

OFFICER ASSESSMENT

Preliminary Considerations

The site is occupied by the remains of a dwelling which is understood to have been built in the 19th century. The fact that historically, it was occupied as a standalone dwelling is accepted, but this was now many years ago. What remains of it however is in a ruinous state and is totally uninhabitable.

As set out in the planning history above, in 2021 an application (ref. CL/21/3186) for a Certificate of Lawfulness was made to establish the lawfulness of the dwelling. This was withdrawn following officer opinion that the lawful residential use of the dwelling/site had been lost through being 'abandoned'.

Any judgement on abandonment is a matter of fact and degree and cases have shown that the time which has to elapse after cessation of use for "abandonment" to have occurred is extremely variable and to a large extent relies on the level of physical deterioration. Abandonment involves the cessation of use in such a way and for such a time as to give the impression to a reasonable onlooker, applying an objective rather than a subjective test, that it was not to be resumed. Case law has established that there are four key criteria against which the question of abandonment needs to be assessed. These are as follows:

- **the physical condition of the land or building;** the condition of the building is very poor and has the appearance of a ruin. The roof as whole is missing along with large parts of the front wall and the gable ends. A reasonable amount of the rear elevation remains but is in part covered with vegetation which, along with self-set trees, is growing within what would have been the interior of the building. There is no evidence of any recent attempts to repair it or preserve the limited remaining fabric.

- **the period of non-use;** This is difficult to establish precisely but the Planning, Design & Access Statement (PDA&S) submitted with the application refers to the cottage having been unoccupied since the 1950s, which is considered to be a considerable amount of time in this context
- **whether there had been an intervening use;** there is no evidence of any other use of the building having taken place
- **evidence regarding the owner's intentions as to whether to suspend the use or cease it permanently.** Again, this is difficult to establish clear evidence as to what owner's intentions were with regard to a building due to changes in ownership over time, most recently understood to be in 2016. From the state of the building, it is considered not unreasonable to assume previous owner/s had not intended to repair and reuse the building as to deteriorate to its present condition is likely to have taken many years. It is also noted that the PDA&S explains that *"the cottage had a demolition order given by the then Walsingham Council after lots were sold off for death duties following the death of the Duke of Westminster"*

On the basis of the above it is considered that the residential use has been abandoned and as such the proposal has been considered as being for a new dwelling rather than a replacement.

Whilst the emerging North Norfolk Local Plan is at an advanced stage, all matters are not yet resolved, and the final form of policies may yet change, so it currently has little weight in decision taking. The site application site itself would, however, remain within the Countryside for the purposes of its spatial strategy and Hindolveston is not identified as a Small Growth Village (which have 1 key and 3 desirable services/facilities)

The two most recent appeals relating to proposals for dwellings on sites elsewhere in the village where the suitability of the location was one of the main issues are also material considerations to which some weight should be given. These are:

- *Appeal Ref: APP/Y2620/W/19/3222639 – The Mill House, Foulsham Road. Proposed construction of two dwellings. Decision date: 25th June 2019*

Appeal allowed - the Inspector acknowledged that the proposal conflicted with Core Strategy (CS) policies SS1 and SS2. Also, that occupiers of the new dwellings would have a relatively high dependency on private car use to access a full range of essential services and facilities, similar to existing residents of Hindolveston. However, he considered that the small degree of further harm from two additional households in this respect had to be balanced against the benefits of maintaining the vitality of the village. In this regard he gave greater weight to the less unequivocal stance of the NPPF, compared to that of the earlier CS, over restricting anything but affordable housing within this rural settlement. In his conclusion the Inspector stated, *"any limited harm deriving from the conflict with CS policies SS1 and SS2 would be outweighed by the modest social benefits provided to rural housing supply and the vitality of the village"*.

- *Appeal Ref: APP/Y2620/W/20/3252915 - Land off The Street. erection of 2 no dwellings with associated access - Decision date: 15 September 2020*

Appeal dismissed – the Inspector referred to the lack of services and facilities in the village and because of the lack of sustainable transport option considered access to and from the proposed development would therefore rely almost wholly on the use of the private car. He stated that *"the principle of the proposed development would not be acceptable, and the appeal site would not be suitable for new housing. It would encourage unsustainable patterns of new development, contrary to Policies SS1 and SS2 of the Core Strategy..."*

These policies seek to ensure that new development is delivered in the right places for its type and function and is restricted in certain areas to support the objective for sustainable patterns of development”.

Main issues for consideration:

- 1. Whether the site is a suitable location for a new dwelling, having regard to accessibility to everyday local facilities and services by a range of modes of transport**
- 2. The design/appearance of the proposed dwelling and its effect on the character and appearance of the area and setting of Hope House**
- 3. The effect of the proposed development on landscape features and the wider landscape**
- 4. The effect of the proposed development on the living conditions of the occupiers of nearby dwelling**
- 5. The effect of the proposed development on highway safety and the surrounding highway network**
- 6. Biodiversity and the effect of the proposed development on the integrity of habitats sites with regards to recreation impacts and nutrient neutrality.**

1. Suitable location

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

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

The application site lies outside of any settlement listed in policy SS 1 of the North Norfolk Core Strategy (the CS) and as such is within the countryside for planning purposes. Within land designated as countryside, policy SS2 seeks to limit development other than that in accordance with a list of exceptions. New market housing as proposed in this case, is specifically restricted in order to prevent dispersed dwellings that will lead to a dependency on travel to reach basic services and ensure a more sustainable pattern of development. The proposal does not satisfy any of the exceptions set out in policy SS 2 of the CS. Policy SS 4 sets the aim that development will be located so as to reduce carbon emissions and mitigate and adapt to future climate change.

Recent appeal decisions including ref. APP/Y2620/W/24/3344911 - *site at The Roost, Mundesley Road, Trunch for a two-bedroom dwelling (decision date 25/01/2025)* continue to confirm that these policies and the Council's spatial strategy are in general accordance with the aim of the NPPF to promote development in sustainable locations with good transport access to existing facilities and services.

Paragraph 110 of the NPPF identifies that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 115, states that in specific applications for

development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.

Further, at paragraph 117 the NPPF advises that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, second – so far as possible – to facilitating access to high quality public transport and create places that are safe, which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

However, paragraph 110 sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.

Hindolveston is quite a small generally linear settlement, with the majority of existing development along The Street. It only has a few services including a village hall, recreation ground, play area, pavilion and church. There is a mobile library (normally every 28 days). The village is lacking a shop, education and employment opportunities and healthcare. The closest Service Villages approximately 6.5km away are Melton Constable/Briston which between them have a reasonable range of everyday services including a primary school, small convenience store and a doctor's surgery. The closest Principal Settlements with a full range of services are Holt and Fakenham, approximately 10km and 11km away respectively.

Buses pass through the village with stops on The Street which are within easy walking distance of the site. There are 5 return services listed on the Travel Norfolk website. The No 24 runs between Fakenham and Norwich once a week on a Monday, The No 80 Wroxham – Dereham operates once a week on Fridays. The No 98 Foulsham – Fakenham operates once a week on a Thursday. Nos 308 and 605 are effectively school services between the village and Fakenham and Reepham respectively, operating on school days only. There are no weekend services.

It is considered that these bus services would be insufficient to rely on for day to day use as a genuine alternative to the use of the private car, particularly for ad hoc visits, appointments and employment. Hindolveston is linked to other settlements by narrow, unlit rural roads without segregated pavements. Given this, the distance and limited public rights of way, walking to reach services in the closest Service Village and Principal Settlements would not be a realistic option. Neither would cycling other than for some experienced, confident cyclists but would not be an attractive option during darker, winter months

Given the distance from the nearest settlement that would provide a full range of services for the day-to-day needs for future occupiers of the proposed development and the lack of sustainable alternatives, it is considered that access to and from it would therefore rely almost wholly on the use of the private car. This is the least sustainable transport option. As stated in the appeal decision relating to the site off The Street in Hindolveston, *"journeys might not be over a substantial distance, but neither would they be short. Given the lack of alternatives, they would be frequent and high in number despite the limited scale of the proposed development"*.

Consideration has also been given to paragraph 83 of the NPPF which advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. In this case, there are few, if any, services in the village that would benefit from having an additional dwelling. Settlements designated as Service Village in the Core Strategy and in the emerging Local Plan along with Small Growth Villages, have been identified as the locations where there is a level of existing services that would be supported by some modest growth.

It is considered that the site is not a suitable location for a new dwelling, with particular regard to the lack accessibility to everyday local facilities and services by a range of modes of transport. The development is therefore contrary to CS policies SS1 and SS2 and the spatial strategy for North Norfolk which aims to achieve sustainable patterns of development.

2. Design, character, appearance and setting

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

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

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

Following concerns raised with the initial proposed plans, significantly revised drawings have now been submitted. Whilst not a facsimile of it, the proposed dwelling would now effectively re-instate the former cottage. The proposal follows the historic evidence and emulates the design, appearance and scale of the former cottage. Similar external materials would be used, and the proposal does not step outside the existing building footprint. On that basis it is considered that the proposal would be suitably designed for its context and would relate sympathetically to the surrounding area

With regards to the effect of the proposal on the setting of Hope House (which, being a grade II* listed building, is a designated heritage asset of the highest significance), it has to be acknowledged that despite the current condition of the remains of the dwelling, the fact that it has been on the site since at least the mid-19th century sets something of a longstanding precedent for the principle of a dwelling in this respect. There is, however, no definitive evidence to demonstrate whether or not the use of the building was ever ancillary to the adjacent Hope House. Historic mapping does not appear to connect the two, despite their close proximity to one another.

As such, re-instating the cottage does not necessarily offer any opportunity to enhance the significance of Hope House, given that without evidence to the contrary, the cottage should be considered an independent dwelling. However, because of the nature of the site, with a high degree of intervisibility between Hope House and the cottage, there is an opportunity to improve the setting of the designated heritage asset. The existing cottage has been allowed

to fall to ruin and has become very overgrown, which does somewhat detract from the main house.

The Conservation & Design officer has suggested that in order to reinforce the separation of the new cottage from Hope House and its outbuildings, the existing planting between the two should be enhanced with additional native planting. This can be secured through a condition. There is also a need to avoid any potential over-domestication of the space around the dwelling, with the introduction of formal enclosures such as close board fencing and ground treatments. Having regard to paragraph 55 of the NPPF, it is considered this provides clear justification for removing national permitted development rights, including those relating to curtilage buildings, extensions to the dwelling and means of enclosure.

The access arrangements and driveway have only been shown indicatively on the submitted plans and there is no clear provision for parking albeit there is plenty of space for it, nor are there any landscaping proposals. Ideally, there should be little to no hardstanding around the cottage, if anything other than grass is required this should be limited and should be gravel or similar. It is considered that these are matters that could be dealt with through conditions.

For the reasons stated, and with the imposition of suitable conditions, the proposal is considered to be acceptable in terms of CS policies EN 4 and EN 8.

3. Landscape

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

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

Officers consider that the proposal would protect and conserve the special qualities and local distinctiveness of the area and therefore would not result in any significant landscape impacts. This is primarily due to the set back location of the site with screening from trees within the grounds of Hope House and surrounding development on The Street and Melton Road, in combination with the modest height and scale of the proposed development.

Two trees would need to be removed to facilitate the development as they sit very close to the each of the gable ends, with one directly abutting the southeast gable. These trees are however, not in particularly good condition and have little, if any amenity value. Replacement trees could be secured as part of the additional planting to provide greater separation between the dwelling and Hope House as referred to above.

It is considered the proposal would accord with the aims of CS Policies EN 2 and EN 4.

4. Living conditions

Policy EN 4 of the Core Strategy requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 135 of the NPPF

states that “developments should create places with a high standard of amenity for existing and future users”.

The closest existing dwellings to the site are nos. 69, 71 and 73 The Street, which are located off a track to the west side of no. 79 and sit to the behind other dwellings on The Street. Their front elevations face the application site’s southeast boundary separated from it by a driveway. Because of the orientation between these dwellings and that proposed, along with the separation distance, it is considered there would be no harmful effects on the living conditions of their occupiers, with no conflict with the amenity criteria in the North Norfolk Design Guide (NNDG). Similarly, there would be no adverse impact on other nearby dwellings on The Street or on the occupiers of Hope House.

The proposed development would provide an excellent living environment for the future occupiers and would have an external amenity space/garden well in excess of the minimum suggested in the NNDG.

The proposed development therefore complies with the requirements of Core Strategy Policy EN 4 in this respect.

5. Highway impacts

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

As amended, the proposal seeks to utilise the existing access onto Melton Road serving Hope House. This is instead of via the track from the south side of the site to The Street, as originally proposed, to address concerns raised by the Highway Authority regarding the available visibility to the east. The access on to Melton Road has better levels of emerging visibility and has adequate width for the first 5 metres from the highway boundary to allow two cars to pass within it. The gates across the access are set sufficiently far back to allow a car to wait off the highway when they are opened. Some upgrading of the first 5 metres of the access is however required, as it is currently surfaced with loose gravel with no drainage. This could be secured through a condition.

Based on the Trip Rate Information Computer System (TRiCs), which is a database of trip rates for developments, the Highway Authority advise that the proposed dwelling would generate 6 daily movements. Whilst the location of the site and the nature of the surrounding rural lanes would likely result in a high reliance on private car for most trips by occupiers of the development, no concerns have been raised in respect of the effect on the surrounding highway network in terms of safety or capacity.

It is therefore considered that with the conditions referred to, the proposed development complies with CS Policy CT 5.

Car parking

Policy CT 6 requires adequate vehicle parking facilities to be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle parking in accordance with the Council’s parking standards, including provision for

people with disabilities. In exceptional circumstances, these standards may be varied where appropriately justified.

The North Norfolk Design Guide states at paragraph 3.3.22 that *“in-curtilage’ parking is recommended where possible to take advantage of personal surveillance and defensible space”*. Based on the current adopted parking standards at Appendix C of the CS for a 3-bedroom dwelling, as proposed, two spaces are required. There is ample space to provide this within the site and, whilst not specifically identified on the application plans, could be secured through a condition. On that basis the proposal complies with CS policy CT 6.

No electric vehicle (EV) charging locations or details have been provided at this stage. The details and the provision of EV charging is required in order address the requirements of Emerging Policy CC 8, as well as the latest Building Regulations requirements. Again, this could be secured through a condition.

6. Biodiversity and effect on habitats sites

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

Core Strategy Policy SS 4 states that *“areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged”*. Policy EN 2 requires that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife.

Policy EN 9 requires that all development should protect the biodiversity value of land and buildings and minimise the fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate.

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

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

Due to the state of the building and in particular as it has no roof, it was considered that a Preliminary Ecological Appraisal was not required as the potential for protected species to be present would be low. Notwithstanding this and the fact that the development would be exempt from the statutory biodiversity net gain requirements, in order to accord with the aims of Policy EN 9, the development should deliver some ecological enhancements such as the installation of bird boxes which could be secured through a condition. On that basis it is considered the proposal would comply with policy EN 9 in this respect.

Nutrient Neutrality

Foul water disposal from the dwelling is proposed to be via the public sewer. This accords with the foul drainage hierarchy (Planning Practice Guidance Paragraph: 020 Reference ID: 34-020-20140306), where the first presumption is for new development to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (operated by a sewerage undertaker). In this case the public sewer connects to Hindolveston Wastewater Treatment Works that discharges to the River Bure, which is a component part of the Broads Special Area of Conservation (SAC) and Ramsar site. This is a phosphorus and nitrogen sensitive catchment area and long-term nutrient pollution has led to adverse impacts upon Habitats Sites including these to the extent their condition is no longer considered favourable as set out in the guidance issued by Natural England on 16th March 2022.

This requires competent authorities to ensure any planning applications proposing a net gain in overnight accommodation (e.g. new homes) must evidence there will be no net increase in nutrient loads created within an affected catchment area as a result of the proposed development, i.e. the development will be nutrient neutral.

Based on the submitted and agreed Norfolk Budget Calculator, connecting the dwelling proposed would lead to an annual increase in nutrient discharge of 0.54 kg of Phosphorous/year and 2.26 kg of Nitrogen/year, thus mitigation would be required to provide an overall nutrient neutral development. The applicant has indicated mitigation is proposed through the purchase of credits. Once evidence of this has been provided to the council, a Habitats Regulation Assessment would need to be completed and Natural England reconsulted.

Therefore, at this stage it cannot be demonstrated beyond reasonable scientific doubt, that the development would be nutrient neutral to enable the council, as competent authority, to confirm that it is acceptable in this respect and in accordance with CS policy EN 9.

Recreational Impacts

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

In line with the RAM strategy a mechanism has been secured to ensure the appropriate financial contribution per dwelling prior to occupation as part of this proposal at the time planning permission is approved. It is considered that the contribution (£210.84) which was current at the time it was made, is sufficient to conclude that the project will not have an adverse effect on the integrity of the above identified European sites from recreational disturbance, when considered alone or 'in combination' with other development. As such the proposal complies with CS policy EN 9.

Biodiversity Net Gain (BNG)

Due to the date on which the application was submitted it is subject to the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

Other matters

Energy efficiency - Core Strategy Policy EN 6 states that “new development will be required to demonstrate how it minimises resource and energy consumption and how it is located and designed to withstand the longer-term impacts of climate change”. All developments are encouraged to incorporate on site renewable and / or decentralised renewable or low carbon energy sources, and regard should be given to the NNDG in consideration of the most appropriate technology for the site.

The applicant has been asked to consider the use of an air source heat pump for the heating of the building which can be secured by condition, to ensure that the proposed development would accord with Policy EN 6.

Previously developed ('brownfield') land – this is defined in Annex 2 of the NPPF as “land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land...” Whilst it is considered that the residential use has been abandoned for the reasons explained above, having regards to this definition, it is considered reasonable to conclude that the site is previously developed land.

Chapter 11 of the NPPF emphasises the need to make effective use of land. Paragraph 125c) states “planning...decisions should give substantial weight to the value of using suitable brownfield land in settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused”. It is considered that the reuse of the land weighs in favour of the proposal but not to a degree that would outweigh the harm to the aims of the spatial strategy to achieve sustainable patterns of development

Disturbance during construction – given the scale and nature of the development proposed, it would be unlikely to result in noise and disturbance that would justify the inclusion of a condition regulating construction days and hours.

PLANNING BALANCE AND CONCLUSION:

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

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

- i) the application of policies in the NPPF that protect areas or assets of particular importance (which includes designated heritage assets) provides a strong reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The proposed development is acceptable all respects other than in principle because of the site's unsustainable location. It is considered the harm that would arise must be given significant weight.

The main benefits are

Economic – these would be provided through the construction of the development with work for local contractors, trades people and suppliers. This, however, would be limited and short lived. Occupiers of the development would contribute to the local economy by spending within the surrounding area and the wider District.

Social – the provision of a new dwelling would add to choice and mix locally, increasing social cohesion and community as well as making a very modest contribution to the District's housing land supply

Environmental – the development would involve the reuse of a brownfield site. It would also provide some enhancement of the setting of Hope House which is a designated heritage asset. The building would be energy efficient and make use of renewable energy sources. The landscaping of the site would potentially deliver biodiversity gains

On balance, it is considered that the benefits of the proposal are outweighed by the adverse impacts of the development when assessed against the policies in the NPPF taken as a whole – most notably the unsustainable location of the proposed development.

Whilst the applicant's intention is to purchase credits to ensure the proposed development is nutrient neutral, as they are not yet secured, the development would result in harm to the integrity of habitats sites which would conflict with paragraph 193 of the NPPF.

As such, the recommendation is one of refusal.

RECOMMENDATION:

REFUSAL for reasons relating to:

- 1. Conflict with the District's spatial strategy and Core Strategy Policies SS 1 and SS 2 resulting in an unsustainable form of development.**
- 2. Nutrient neutrality and the effect on the integrity of habitats sites**

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

NORTHREPPS – PF/25/0384 - Change of use of land to allow for the siting of two glamping pods (retrospective) at Land East Of Hungry Hill House, Hungry Hill, Northrepps

Minor Development

Target Date: 02 May 2025

Extension of time:

Case Officer: Olivia Luckhurst

Full Planning Permission

CONSTRAINTS:

Norfolk Coast National Landscape (formerly AONB)

Undeveloped Coast

Countryside

Landscape Character Assessment - Tributary Farmland

RELEVANT PLANNING HISTORY:

DE21/17/0010 - Land Adjacent to Farm Buildings At Hungry Hill, Northrepps, NR27 0LN
Proposed change of use to "Glamping Site"

Advice Given (Proposal considered contrary to Core Strategy Policies EC 10 and EC 7)

ENF/24/0195 - Land Adjacent Hungry Hill House, Hungry Hill, Northrepps, Cromer, Norfolk, NR27 0LN - Unlawful development of 2 glamping pods – Enforcement Notice Served.

APP/Y2620/C/25/3363092 - Land Adjacent Hungry Hill House, Hungry Hill, Northrepps, Cromer, Norfolk, NR27 0LN - Unlawful development of 2 glamping pods – Awaiting Decision

THE APPLICATION

Retrospective "Full" planning permission is sought for the change of use of land to allow for the siting of two glamping pods.

The site currently accommodates an agricultural business, accessible via Hungry Hill, and features existing agricultural structures along with Hungry Hill House to the west.

The proposed glamping pods will be situated at the rear of the property, surrounded by close-boarded fencing. The site is located in the countryside policy area and falls within the Norfolk Coast Area of Outstanding Natural Beauty (AONB) and an area designated as Undeveloped Coast.

The retrospective proposal was brought to the attention of the Council's Enforcement team in 2024 which led to the serving of an Enforcement Notice which is currently being reviewed under appeal (APP/Y2620/C/25/3363092).

REASONS FOR REFERRAL TO COMMITTEE:

The application has been referred to committee at the request of Councillor Fitch-Tillett for the following reasons:

Contrary to the position of Council Officers, I believe this proposal should be approved as, in my opinion, it complies with policy EC7 (The location of New Tourism Development) and is in accordance with Policy EC1 (Farm Diversification) as the proposal would make an

ongoing contribution to sustaining the agricultural enterprise as a whole. In addition, the pods replaced large unsightly, and glare producing, glasshouses.

CONSULTATIONS:

Parish/Town Council – No comments received

County Council Highways (Cromer) – **No objections** subject to conditions

Landscape (NNDC) – Objection

The site lies within the Norfolk Coast National Landscape (formerly AONB), a national designation recognising the natural beauty of a landscape. Para 189 of the NPPF requires that 'great weight' is given within planning decisions to the conservation and enhancement of the landscape and scenic beauty of this protected landscape.

In this part of the Norfolk Coast National Landscape, the defined special quality of 'a sense of remoteness, tranquillity and wildness' is particularly relevant to the sparsely populated landscape between the coastal settlements. Dark night skies are a stated feature of this special quality and the area around Hungry Hill between Northrepps and the coast is quiet and rural. This development could not be considered to conserve or enhance this special quality by creating increased activity, traffic movements and external lighting. In this regard there is conflict with Local Plan Policy EN1 and para 189 of the NPPF.

The site also lies within Undeveloped Coast as designated within Policy EN 3 of the adopted Local Plan. Para. 3.3.10 explains that this designation is designed to minimise the wider impact of general development, additional transport and light pollution on the distinctive coastal area. The only development that will be permitted within this designation is that which can be demonstrated to require a coastal location and will not be significantly detrimental to the open coastal character. This is reinforced in paragraph 187 c) of the NPPF which requires planning policies and decisions to 'maintain the character of the undeveloped coast'. This development would be contrary to EN3.

The development is also directly contrary to Local Plan Policy EC10: Static and Touring Caravan and Camping Sites which states that new caravan and camping sites will not be permitted within the Norfolk Coast National Landscape.

The site is a small field in an elevated position tucked behind existing farm buildings in a rural location 800m inland from the coast. Close board timber fencing on the north, east and part of the west site boundaries is not an appropriate boundary treatment in a rural area such as this. That said, the farm buildings obscure views of the site from the north and west. The south and wider east boundary is formed by a mature high hedge which minimises wider visual impact of the fencing and the pods to the east and south.

There is a strong network of public rights of way in the area with Northrepps FP6 extending along the west site boundary and linking to other routes. The landscape and visual impact of the development is relatively contained by the farm buildings and the existing hedge, such that the harm to the designated landscape and the prevailing landscape character would not be assessed as significant, although there would be increased traffic and human activity by day and night.

Should this application go forward for approval, the business should be tightly confined within the red line boundary and should not expand into adjacent fields, as appears to currently be the case with a bell tent in the field south of the site and stored motorhomes west of the site. Minimal external lighting should be secured by condition.

In consideration of all policies relating to this application in this sensitive location there will need to be robust justification for departure from key spatial policies EN1, EN3 and EC10.

REPRESENTATIONS:

No public representations received, public consultation period has expired

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT POLICIES:

North Norfolk Core Strategy (September 2008):

Policy SS 1 - Spatial Strategy for North Norfolk

Policy SS 2 - Development in the Countryside

Policy SS 4 - Environment

Policy SS 5 - Economy

Policy EN 1 - Norfolk Coast Area of Outstanding Natural Beauty and The Broads

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

Policy EN 3 - Undeveloped Coast

Policy EN 4 - Design

Policy EN 6 - Sustainable Construction and Energy Efficiency

Policy EN 9 - Biodiversity & Geology

Policy EC 1 - Farm Diversification

Policy EC 7 - The Location of New Tourism Development

Policy EC 10 - Static and Touring Caravan and Camping Sites

Policy CT 5 - The Transport Impact of New Development

Policy CT 6 - Parking Provision

Material Considerations:

National Planning Policy Framework (NPPF):

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 6 – Building a strong, competitive economy

Section 8 - Promoting healthy and safe communities

Section 12 - Achieving well-designed places

Supplementary Planning Documents and Guidance:
North Norfolk Landscape Character Assessment

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION

- 1. Relevant Appeal Decision**
- 2. Principle of Development**
- 3. Design and Impact on the Character of the Area**
- 4. Impact on Amenity**
- 5. Highways**
- 6. Biodiversity**
- 7. Planning Balance and Conclusion**

1. Relevant Appeal Decision

It should be noted that a full application for the siting of two glamping pods for holiday use located some 700m to the west of the application site was recently refused and upheld at appeal (application ref: PF/22/1708), a copy of the decision attached at **Appendix 1**.

In that case, the Inspector concluded that the proposal used was not suitably located and failed to conserve or enhance the Norfolk Coast National Landscape (formerly known as AONB). In addition, the Inspector stated that "occupiers of the pods are more likely to travel by private motor vehicle to nearby recreation sights and services/facilities, increasing traffic levels, light pollution and noise undermining the tranquillity of the surroundings and dark night skies later in the evenings. As a result, the proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. "

Officers consider that the above appeal decision is a material planning consideration which should attract significant weight in the determination of this application. The appeal relates to similar proposals in a similar location assessed under identical policies.

2. Principle of Development

Planning applications are considered against the policies within the North Norfolk Core Strategy that are relevant to the particular proposal, as identified above.

The Council's Spatial Planning Strategy is set out in policy SS 1 of the Core Strategy. This policy defines a settlement hierarchy with the aim of directing most development to the district's larger settlements and lesser amounts to lower tiers in the hierarchy. All the remaining area falls within the lowest tier of the hierarchy, being defined as Countryside, where development is restricted to particular types of development only.

The types of development acceptable in principle within the Countryside area are set out in policy SS 2. These include proposals for recreation and tourism. Proposals for such uses would then need to be considered against other policies with more detailed, specific criteria.

Policy EC 1 supports development in the countryside for the purposes of farm diversification where it can be demonstrated that the proposal would make an ongoing contribution to

sustaining the agricultural enterprise as a whole and the proposal would not involve new-build development on undeveloped sites unless it is directly related to the agricultural business.

The supporting statement from the applicants indicates that due to continuous changes and heightened competition in the horticultural sector, along with the limited profits generated from this aspect of their operations, Northrepps Farming Company has decided to shut down the nursery site. In light of this, they are now focused on optimising the returns from their land and are actively seeking to diversify their income sources. While the broader farming activities persist, the introduction of small-scale tourist accommodation presents a new revenue opportunity on the site previously occupied by the nursery glasshouse.

Therefore, the proposal is considered to comply with policy EC 1, however, the development conflicts with other policies in the Development Plan as explained below.

Policy EC 7 supports new tourist accommodation and attractions located in a sequential approach. Proposals for new build tourist accommodation and attractions should be located within the principal and secondary settlements. Within the service villages, coastal service villages and the countryside, proposals for new tourist accommodation and attractions will be permitted in line with other policies. However, the policy goes on to confirm that proposals for new build unserviced holiday accommodation in the countryside will be treated as though they are permanent residential dwellings and will not be permitted.

Given the location of the site within the designated countryside, it is considered that the proposed development conflicts with Policy EC 7.

Policy EC 10 of the Core Strategy states that proposals for new static caravan sites or woodland lodge holiday accommodation will only be permitted where they result in or the removal of an existing cliff top static caravan site or the relocation of existing provision which is within the coastal erosion constraint area or Environment Agency Flood Risk Zone 3. However, the policy goes on to state that new touring caravan and camping sites will not be permitted within the Norfolk Coast AONB, undeveloped coast or Environment Agency Flood Risk Zone 3. With regards to the proposal, none of these exceptions apply and furthermore, the site is located within Norfolk Coast National Landscape (formerly AONB) and an area of Undeveloped Coast.

Accordingly, Officers consider that the proposed development would conflict with the aims of Core Strategy Policies EC 7 and EC 10 and this conflict would weigh heavily against the grant of planning permission.

3. Design and Impact on the Character of the Area

The site is located within the Norfolk Coast National Landscape (formerly AONB), underscoring its natural appeal. As stated in paragraph 189 of the National Planning Policy Framework (NPPF), planning decisions should prioritise the conservation and enhancement of the landscape's scenic beauty. This particular section of the Norfolk Coast National Landscape is notable for its unique sense of remoteness, tranquillity, and wildness, especially in the sparsely populated areas between coastal settlements. The region features dark night skies, with the area around Hungry Hill, situated between Northrepps and the coast, being particularly quiet and rural. The proposed development would not maintain or enhance this distinctive quality, as it would result in increased activity, traffic, and external lighting, thus conflicting with Core Strategy Policy EN 1 and paragraph 189 of the NPPF.

Furthermore, the site is classified as part of the Undeveloped Coast under Policy EN 3 of the Core Strategy. Paragraph 3.3.10 specifies that this designation seeks to mitigate the broader impacts of development, transportation, and light pollution on the unique coastal environment.

Only developments that can prove a necessity for a coastal location and that do not significantly compromise the open coastal character will be allowed. This requirement is reinforced by paragraph 187 c) of the NPPF, which stresses the importance of preserving the character of the undeveloped coast. Consequently, the proposed development would be at odds with Policy EN 3.

In addition, the site is classified as Tributary Farmland within the North Norfolk Land Character Assessment. The Tributary Farmland Type is characterised by generally open and rolling/undulating rural farmland with some elevated plateau areas and a rich diversity of minor settlement, woodland and historic estates. Areas of this kind are protected by policy EN 2 which states '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.'

The development proposes two glamping pods designed with cream composite timber cladding and anthracite windows and doors. Each pod offers a raised decking area and accommodates one unit with a single bed and another with two beds. Additionally, the site features a gravel parking area and formal brick weave pathways that connect to the pods. Surrounding the area is close-boarded timber fencing, with existing structures located to the south.

The site is a modest field located at a higher elevation, tucked behind existing agricultural structures in a rural area about 800 meters from the coast. This elevated position provides a distinctive view of the surrounding landscape, merging agricultural and natural elements. While the close board timber fencing along the northern, eastern, and part of the western boundaries serves a functional purpose, it seems somewhat incongruous in this rural context, diminishing the area's overall aesthetic appeal. Nevertheless, the presence of farm buildings effectively blocks views from the north and west, offering a level of privacy and seclusion. To the south and along much of the eastern boundary, a mature, tall hedge significantly reduces the visual impact of both the fencing and the pods situated to the east and south.

The area boasts a robust network of public rights of way, with Northrepps FP6 running along the western boundary and connecting to various other paths. The visual and landscape impact of the development is largely mitigated by the presence of farm buildings and existing hedgerows, suggesting that any adverse effects on the designated landscape and its character would not be deemed significant. However, it is important to note that there will be an increase in traffic and human activity both during the day and at night as a result of the proposed development.

Overall, whilst the proposal is well enclosed by fencing and hedging and would be partially screened by the existing agricultural buildings, some views of the pods would still be available from the public realm. In addition, the use would result in additional traffic and user activity in a rural area. The site is considered to be in an unsuitable location given its position within the Norfolk Coast National Landscape, area of Undeveloped Coast and the open countryside. Development of this type is not considered appropriate in such sensitive areas and therefore, the proposal is considered contrary to Core Strategy Policies EN 1, EN 2 EN 4, EC 7 and EC 10.

4. Impact on Amenity

Policy EN 4 of the Core Strategy stipulates that development proposals must not significantly harm the residential amenity of adjacent properties.

The proposed glamping pods are located behind existing agricultural buildings and enclosed by close-boarded timber fencing. Positioned away from the road, with a large parking and

turning area to the north separating the site from the street scene. The nearest residential property is 125m to the southwest, across Hungry Hill Road, providing a sufficient buffer between the site and adjacent properties.

Additionally, the glamping pods have access to a limited amenity area, which restricts activities that may produce noise. Given the small scale of the development and the distance from neighbouring properties, Officers consider that the proposal would not result in significant noise disturbances or loss of privacy and therefore, complies with Core Strategy Policy EN 4.

5. Highways

The application site is host to an existing access off Hungry Hill Road which will be utilised by the proposed glamping pods and for agricultural operations. No objection has been received from the Highway Authority.

The site provides a sufficient amount of parking and, as such, is considered to comply with Core Strategy Policies CT 5 and CT 6.

6. Biodiversity / Ecology

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

Biodiversity Net Gain

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

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development. However, certain types of developments are not subject to Biodiversity Net Gains requirements, retrospective planning permission being one of these.

GIRAMs

A new Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) came into effect from 1 April 2022. This is a strategic approach to ensure no adverse effects are caused to European sites across Norfolk, either alone or in combination from qualifying developments and ensures that applicants and local planning authorities meet with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended). The GIRAMS Strategy applies to all net new residential and tourism-related growth. The proposed development would result in the creation of two new self-contained units of tourist accommodation and a RAM'S tariff of £147.85 is required in line with the above strategy. The agent confirmed agreement to the payment of this tariff, and this has now been received as of 11.03.2025. For the above reasons, the proposal is considered to comply fully with the GIRAM requirements and comply with Core Strategy Policies SS 4 and EN 9.

7. Planning Balance and Conclusion

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

Although the proposed development is viewed as a form of farm diversification that could provide an additional income stream for the farming business in line with policy EC 1, its location within the Norfolk Coast National Landscape (previously designated as an AONB) and an area of Undeveloped Coast weighs against the grant of planning permission. While the proposal benefits from being well-enclosed by fencing and hedging and would be partially obscured by existing agricultural structures, some visibility of the pods would remain from public areas.

Furthermore, the development would lead to increased traffic and activity in this rural setting. Consequently, the proposal is deemed inconsistent with Core Strategy Policies EN 1, EN 2, EN 4, EC 7 and EC 10 of the Core Strategy, as well as paragraphs 135 and 89 of the NPPF.

RECOMMENDATION:

REFUSAL for the following reasons:

1. The proposed development would result in the introduction of new build tourist accommodation on land designated as 'Countryside' in Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy, where Policy EC 7 states that Proposals for new build unserviced holiday accommodation in the Countryside will be treated as though they are permanent residential dwellings and will not be permitted and where Policy EC 10 specifically prohibits the principle of new caravan and camping sites within sensitive landscape designations including the Norfolk Coast Area of Outstanding Natural Beauty. Therefore, the proposed development is considered to be contrary to policies SS 1, SS 2, EC 7 and EN 10 of the Core Strategy.
2. A development of 2 no. glamping pods in this location would constitute an unacceptable form of development within the Norfolk Coast National Landscape and would harm the special qualities of the area, in particular its remoteness, tranquillity, and rural attributes. contrary to the requirements of Policies EN 1, EN 2 and EN 4 of the adopted North Norfolk Core Strategy, Chapter 15 of the National Planning Policy Framework and the principles set out in the North Norfolk Landscape Character Assessment (2021) and the North Norfolk Design Guide Supplementary Planning Document.

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

DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – 02 May 2025

1. INTRODUCTION:

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

Performance Measure	Actual Performance	Target	Comments
(Speed) Decisions Made <i>(Period March 2025)</i>	Major 5 decisions issued <i>100% within time period</i>	60% (80% NNDC)	24 month average to 31 March 2025 is 100.00% 
	Non-Major 36 decisions issued <i>94% within time period (2 cases over time)</i>	70% (90% NNDC)	24 month average to 31 March 2025 is 97.00% 
(Quality) % of total number of decisions made that are then subsequently overturned at appeal	Major	10% (5% NNDC)	24 month average to 31 March 2025 is 1.52% (one case RV/22/1661) 
	Non-Major	10% (5% NNDC)	24 month average to 31 March 2025 is 0.75% 

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

2. S106 OBLIGATIONS

2.1 A copy of the list of latest S106 Obligations is attached. There are currently four S106 Obligations being progressed.

3. RECOMMENDATIONS:

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

SCHEDULE OF S106 AGREEMENTS

UPDATE FOR DEVELOPMENT COMMITTEE:

02 May 2025

Application reference	Site Address	Development Proposal	Parish	Planning Case Officer	Committee or Delegated Decision	Date of Resolution to Approve	Eastlaw Officer	Eastlaw Ref:	Current Position	RAG Rating
PF/24/1634	Land North Of Kettlestone Road Little Snoring Fakenham	Construction of 19 dwellings (Class C3) with associated parking, infrastructure, open space and landscaping	CP064 - Little Snoring	Russell Stock	Committee	06/02/2025	Fiona Croxon	TBC	S106 being signed	Green
PF/24/1079	Land To Rear Of Lidl Fakenham NR21 8JG	Erection of a drive-thru restaurant, car parking, landscaping and associated works, including Customer Order Displays	CP030 - Fakenham	Jamie Smith	Committee	06/03/2025	Fiona Croxon	TBC	S106 Completed but awaiting signature	Green
PF/24/1892	Pineheath Care Home Cromer Road High Kelling Holt Norfolk NR25 6QD	Change of use of existing buildings from care home to 35 dwellings with associated landscaping, bicycle storage and refuse and recycling storage	CP045 - High Kelling	Mark Brands	Committee	06/03/2025	Fiona Croxon	TBC	The s106 obligation is substantially agreed save for the highways contribution figure	Green
PF/22/0229	Colby Hall Farm Church Road Colby Norwich Norfolk NR11 7EE	Change of use of agricultural buildings and external alterations to form short term living accommodation for agricultural students	CP020 - Colby and Banningham	Phillip Rowson	Delegated	TBC	Fiona Croxon	TBC	Draft s106 is with the applicant for approval.	Red

This page is intentionally left blank

**OFFICERS' REPORTS TO
DEVELOPMENT COMMITTEE 02-May-2025**

APPEALS SECTION

NEW APPEALS

COLBY AND BANNINGHAM - PF/23/0913 - Erection of five bedroom detached dwelling and detached garage

Land East Of Archway, Bridge Road, Colby, Norfolk

For Mr James Walker

WRITTEN REPRESENTATION

Appeal Start Date: 04/03/2025

Appeal Decision:

Appeal Decision Date:

HOLT - PF/24/1401 - Change of use from garage and first floor offices to dwelling (retrospective)

The Gatehouse, The Grove, Cromer Road, Holt, Cromer, Norfolk, NR25 6EB

For Jamie Rennie

WRITTEN REPRESENTATION

Appeal Start Date: 02/04/2025

Appeal Decision:

Appeal Decision Date:

SHERINGHAM - PF/24/1827 - Change of use of ground floor former shop (Class E) to hot food takeaway (no specified use class), installation of extraction and ventilation equipment; external alterations

10 Church Street, Sheringham, Norfolk, NR26 8QR

For Pegasus N/A

WRITTEN REPRESENTATION

Appeal Start Date: 14/03/2025

Appeal Decision:

Appeal Decision Date:

STODY - PF/24/1219 - Erection of 4no. two storey self build dwellings and creation of new access (self build)

Land Adjacent To Bertha Bloggs Cottage, King Street, Hunworth

For Mr David Moore

WRITTEN REPRESENTATION

Appeal Start Date: 04/04/2025

Appeal Decision:

Appeal Decision Date:

INQUIRIES AND HEARINGS - IN PROGRESS

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

27 Shipden Avenue, Cromer, Norfolk, NR27 9BD

For Mr Andrew Crane

FAST TRACK - HOUSEHOLDER

Appeal Start Date: 22/11/2024

Appeal Decision:

Appeal Decision Date:

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

27 Station Road, Sheringham, Norfolk, NR26 8RF

For Mr Yusuf Soy Turk

FAST TRACK - HOUSEHOLDER

Appeal Start Date: 11/02/2025

Appeal Decision:

Appeal Decision Date:

WRITTEN REPRESENTATIONS APPEALS - IN HAND

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

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

For Mr David Gay

WRITTEN REPRESENTATION

Appeal Start Date: 05/08/2024

Appeal Decision:

Appeal Decision Date:

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

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

For Mr J Amos

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision:

Appeal Decision Date:

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

Ambrose House , Mill Road , Banningham, Norfolk, NR11 7DT

For Mr Matthew Ambrose

WRITTEN REPRESENTATION

Appeal Start Date: 11/02/2025

Appeal Decision:

Appeal Decision Date:

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

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

For Mr Stuart Parry

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision:

Appeal Decision Date:

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

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

For Mr Stuart Parry

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision:

Appeal Decision Date:

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

The Muster, The Street, Itteringham, Norwich, Norfolk, NR11 7AX

For Mr Eric and Penelope Goodman and Blake

WRITTEN REPRESENTATION

Appeal Start Date: 06/08/2024

Appeal Decision:

Appeal Decision Date:

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

Sloley House, 27 Briston Road, Melton Constable, Norfolk, NR24 2DG

For Mr & Mrs Dean & Sonia James

WRITTEN REPRESENTATION

Appeal Start Date: 18/11/2024

Appeal Decision:

Appeal Decision Date:

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

19 Earl Of Bandon Avenue, West Raynham, Fakenham, Norfolk, NR21 7DQ

For Miss Stephanie Inns

WRITTEN REPRESENTATION

Appeal Start Date: 30/09/2024

Appeal Decision:

Appeal Decision Date:

ROUGHTON - CL/23/1650 - Lawful Development Certificate for use of land for siting of static caravan, and use of static caravan as a dwelling.

Static Caravan At, Woodview, Thorpe Market Road, Roughton, Norwich, Norfolk, NR11 8TB

For Mr Alexander Brackley

WRITTEN REPRESENTATION

Appeal Start Date: 10/11/2023

Appeal Decision:

Appeal Decision Date:

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

Land To The East Of , Cross Street , Salthouse, Holt, Norfolk

For Mr James Bunn

WRITTEN REPRESENTATION

Appeal Start Date: 03/10/2024

Appeal Decision:

Appeal Decision Date:

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

Land North Of East Court , Abbey Road, Sheringham, Norfolk

For GSM Investments Ltd

WRITTEN REPRESENTATION

Appeal Start Date: 31/10/2024

Appeal Decision:

Appeal Decision Date:

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

Smallburgh Hall, Hall Drive, Smallburgh, Norwich, Norfolk, NR12 9FW

For Mr Garry Coaley

WRITTEN REPRESENTATION

Appeal Start Date: 11/12/2024

Appeal Decision:

Appeal Decision Date:

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

Land East Of Lincoln Cottage, (known As The Cottage), Common Road, Bradfield Common, Bradfield, Norfolk

For Dr Clare Walters

WRITTEN REPRESENTATION

Appeal Start Date: 09/09/2024

Appeal Decision:

Appeal Decision Date:

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

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

For Gibbons

WRITTEN REPRESENTATION

Appeal Start Date: 08/04/2024

Appeal Decision:

Appeal Decision Date:

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

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

WRITTEN REPRESENTATION

Appeal Start Date: 16/09/2024

Appeal Decision:

Appeal Decision Date:

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

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

WRITTEN REPRESENTATION

Appeal Start Date: 16/09/2024

Appeal Decision:

Appeal Decision Date:

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

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

For Mr Robert McNeil-Wilson

WRITTEN REPRESENTATION

Appeal Start Date: 03/02/2025

Appeal Decision:

Appeal Decision Date:

APPEAL DECISIONS - RESULTS AND SUMMARIES

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

Barn To Rear Of, Abbott Farm Barn, Walsingham Road, Binham, Fakenham, Norfolk, NR21 0AW

For Jonathan and Tina Sneath

WRITTEN REPRESENTATION

Appeal Start Date: 09/09/2024

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 03/03/2025

Total Number of Appeals listed: 24

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

*Appeals Information for Committee between
26/02/2025 and 20/04/2025*

02-May-2025

APPEALS SECTION

NEW APPEALS

BLAKENEY - ENF/24/0158 - Change of use of the land for the siting of a static caravan

Villeroche, Langham Road, Blakeney, Holt, Norfolk, NR25 7PW

WRITTEN REPRESENTATION

Appeal Start Date: 26/02/2025

Appeal Decision:

Appeal Decision Date:

WRITTEN REPRESENTATIONS APPEALS - IN HAND

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

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

WRITTEN REPRESENTATION

Appeal Start Date: 24/07/2023

Appeal Decision:

Appeal Decision Date:

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

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

WRITTEN REPRESENTATION

Appeal Start Date: 19/02/2025

Appeal Decision:

Appeal Decision Date:

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

Dam Hill Plantation, Holt Road, Edgefield, Norfolk

WRITTEN REPRESENTATION

Appeal Start Date: 23/02/2024

Appeal Decision:

Appeal Decision Date:

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

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

WRITTEN REPRESENTATION

Appeal Start Date: 06/02/2025

Appeal Decision:

Appeal Decision Date:

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

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

WRITTEN REPRESENTATION

Appeal Start Date: 09/01/2024

Appeal Decision:

Appeal Decision Date:

SOUTHREPPS - ENF/22/0281 - Stationing of caravan and associated works including installation of septic tank and engineering works.

Land Rear Pit Street, Southrepps, Norwich, Norfolk, NR11 8UX

WRITTEN REPRESENTATION

Appeal Start Date: 23/05/2023

Appeal Decision:

Appeal Decision Date:

WELLS-NEXT-THE-SEA - ENF/23/0124 - Material change of use of the land for the siting of a pizza van

Land West Of 3, The Quay, Wells-next-the-sea, Norfolk

WRITTEN REPRESENTATION

Appeal Start Date: 31/08/2023

Appeal Decision:

Appeal Decision Date:

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

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

WRITTEN REPRESENTATION

Appeal Start Date: 29/04/2024

Appeal Decision:

Appeal Decision Date:
