

# Development Committee



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

Wednesday, 21 May 2025

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 29 May 2025 at 10.00 am.**

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

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

## **PUBLIC SPEAKING :**

Members of the public who wish to speak on applications must register **by 9 am on the Tuesday before the meeting** by telephoning **Reception on 01263 513811** or by emailing [reception@north-norfolk.gov.uk](mailto:reception@north-norfolk.gov.uk) Please read the information on the procedure for public speaking at Development Committee on our website or request a copy of "Have Your Say" from Customer Services.

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

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

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

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

**Emma Denny**

**Democratic Services Manager**

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

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

All other Members of the Council for information.

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



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

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

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## A G E N D A

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

**1. CHAIRMAN'S INTRODUCTIONS**

**2. TO RECEIVE APOLOGIES FOR ABSENCE**

**3. SUBSTITUTES**

**4. MINUTES**

(Pages 1 - 30)

To approve as a correct record the Minutes of a meeting of the Committee held on 23<sup>rd</sup> January, 6<sup>th</sup> February and 2<sup>nd</sup> May 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 31 - 36)

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

### **OFFICERS' REPORTS**

**8. SHERINGHAM - PF/24/1229 - ERECTION OF 41 RETIREMENT LIVING APARTMENTS WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING, ANCILLARY FACILITIES, AND ASSOCIATED WORKS AT LAND AT, THE ESPLANADE, SHERINGHAM, NORFOLK**

(Pages 37 - 74)

**9. FAKENHAM - PF/24/2418 - DEMOLITION OF EXISTING PAVILION, EXTENSION OF THE EXISTING LEISURE CENTRE PROVIDING A**

(Pages 75 - 82)

**NEW 4 LANE 25M COMMUNITY SWIMMING POOL AND A CIRCA. 55 STATION FITNESS SUITE, REFURBISHMENT OF THE EXISTING STUDIO SPACES AND CHANGING AREAS AT FAKENHAM SPORTS & FITNESS CENTRE, TRAP LANE, FAKENHAM**

10. **SOUTH RAYNHAM - PF/25/0091 - INSTALLATION OF 2.408MW OF GROUND-MOUNTED SOLAR PV AND 2.392MW OF BATTERY ENERGY STORAGE SOLUTION (BESS) ON LAND KNOWN AS SANDPITS. LAND AT UPHOUSE FARM, SWAFFHAM ROAD, SOUTH RAYNHAM** (Pages 83 - 94)
11. **DILHAM - PF/25/0610: INSTALLATION OF 36KW GROUND MOUNTED SOLAR PV ARRAYS AT DILHAM HALL HONING ROAD, DILHAM FOR CLLR L PATERSON** (Pages 95 - 100)
12. **HEMPTON- PF/21/3314 - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 3 NO. TWO-BED DWELLING HOUSES, AT LAND BETWEEN 13 & 19, SHEREFORD ROAD, HEMPTON, FAKENHAM** (Pages 101 - 116)
13. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 117 - 120)
14. **APPEALS SECTION** (Pages 121 - 130)
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**

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## DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 23 January 2025 in the Council Chamber - Council Offices at 9.30 am

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

Cllr M Batey  
Cllr P Fisher  
Cllr V Holliday  
Cllr J Toye  
Cllr L Vickers

Cllr A Brown  
Cllr M Hankins  
Cllr P Neatherway  
Cllr K Toye

**Members attending:** Cllr M Taylor  
Cllr A Fletcher

**Officers in Attendance:** Assistant Director of Planning (ADP)  
Principal Lawyer (PL)  
Development Management Team Leader (DMTL)  
Planning Officer (PO) Lawyer, Assistant Director for Planning and Democratic Services & Governance Officer

### 1 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Fitch-Tillett, G Mancini-Boyle and A Varley.

### 2 SUBSTITUTES

Councillor K Bayes was present as a substitute.

### 3 MINUTES - THURSDAY 14TH NOVEMBER 2024

The minutes of the Development Committee held on Thursday 14<sup>th</sup> November 2024 were agreed as a correct record subject to the following amendment proposed by the Chairman, Councillor P Heinrich:

Page 5 – Clause q. The Chairman stated a site visit at this time of year presented challenges and would be result in a speedy resolution.

Change to:

The Chairman stated a site visit at this time of year presented challenges and would not result in a speedy solution.

### 4 MINUTES - THURSDAY 12TH DECEMBER 2024

The minutes of the Development Committee held on Thursday 12<sup>th</sup> December 2024 were agreed as a correct record.

## 5 ITEMS OF URGENT BUSINESS

There was none.

## 6 DECLARATIONS OF INTEREST

Councillor L Vickers declared a direct pecuniary interest in item 14, as this was a house she was renovating to live in.

Councillor K Bayes declared an interest in items 10 and 11 and asked for the opportunity to speak and vote on the applications. The Chairman, Councillor P Heinrich sought clarification from the Council's Solicitor, Fiona Croxen. Councillor K Bayes confirmed that he was not predetermined, and it was agreed that Councillor K Bayes could speak and vote on those applications.

Councillor J Toye advised he was a Member for Erpingham and confirmed he was not predetermined in respect of item 13.

## 7 **STALHAM - PF/21/1532 (APPLICATION 1) - EXTRA CARE DEVELOPMENT OF 61 INDEPENDENT ONE AND TWO BEDROOM FLATS, WITH SECURED LANDSCAPED COMMUNAL GARDENS, ASSOCIATED VISITOR AND STAFF CAR AND CYCLE PARKING, EXTERNAL STORES AND A NEW VEHICULAR ACCESS ONTO YARMOUTH ROAD.**

### Officers report

The ADP introduced the report and advised he would present applications PF/21/1532 and PF/21/2021 together.

The ADP reminded the Committee that both applications had been presented at a Development Committee meeting in March 2022 and the Committee decided that they were happy with both applications and authorised officers to grant permissions prior to the conclusion of a S106 agreement and conditions. He added that the scheme was affected by Natural England's position on nutrient neutrality and officers took the view at the Development Committee meeting in March 2022 that they could not issue those decisions without the nutrient neutrality position being resolved. The ADP confirmed that this had now been resolved.

The ADP explained that all other matters had largely unchanged and commented that the National and Local Policy position would be more in favour of approving housing schemes now than back in 2022.

Officers took the Monitoring Officer's view that these applications would need to come back to the Development Committee for determination.

The ADP outlined the site location and explained that the application sites were just off Yarmouth Road with Ingham Road to the north/west and highlighted to the Committee that there was an existing and completed Hopkins scheme to the north of the application sites. The ADP added that the application for the extra care development was located at the centre of the site and the application for the new residential development was located to the north and south of the site.

Photographs of the site from 2025 and 2022 were shared to the Committee showing various views of the site and the overall site and landscaping plans were presented

for both applications.

#### Public Speakers

John Daulby - Sutton Parish Council

Katie Newman - Objecting

Lynn Weisner - Objecting

#### Local Members

Councillor M Taylor explained that he and Councillor K Bayes had met with the ADP following concerns received from residents that process was not properly followed and that the applications had been rushed and pushed through without re-consultation. Councillor M Taylor commented that he was not surprised that local people were concerned about the scale of the development. He added that this development would place more pressure on the existing water supply and drainage, highways infrastructure and social infrastructure. Councillor M Taylor commented that they could not allow for this development to move forward without significant contributions to offload and control the added pressure and asked for the creation of a Stalham infrastructure fund funded through S106 agreement to be built up throughout the coming years and reinvested into the community of Stalham to address pressing highways issues. Councillor M Taylor also made comments in relation to the materials.

Councillor K Bayes echoed the comments which Councillor M Taylor. He added and highlighted the failures of the last developer Hopkins. Councillor K Bayes asked if the affordable housing was the original intention of the developer or whether it was seen to help increase the probability of the supported living happening.

The ADP addressed comments raised by speakers in relation to issues with drainage and surface water and explained that within the report, there were comments from all the statutory authorities confirming the development would be ok to approve subject to conditions and added that both approvals had relevant conditions included with them.

The ADP referred to Councillor M Taylor's suggestion of a Stalham infrastructure fund and commented that he did not think it would be viable for the development at this time. He also referred to comments made by Councillor M Taylor in relation to the materials and explained that these could be controlled by conditions. The ADP explained that units 1 to 6 which Councillor M Taylor specifically referred to were currently proposed as red brick at ground floor level, cream render at first floor level and red pantile roofs which was not out of keeping with Stalham.

The HSM referred to the independent living care and clarified to the Committee this was 61 affordable housing, social rent units for older people with care on site as required. She explained the aim of the independent living was to prevent residential care and to provide better and suitable homes for residents struggling to live on their own. The HSM explained employment would be care jobs and available on site. She commented an estimate of 35 to 40 jobs including café workers and hairdressers.

The HSM advised 40 general needs scheme were being considered for families in housing need and in detail clarified the extend of the housing need within the district. She highlighted to the Committee there was a housing crisis and availability of rental properties was scarce. She outlined there was 60 households in B&B as there was not affordable housing. She stressed the importance and impact of 101 affordable houses in this scheme.

### Members debate

- a. Councillor M Hankins asked what was covered under the S106 agreement in respect of the application.
- b. The ADP referred to page 69 of the Committee report and explained the S106 agreement would cover four different components:
  - Ensure both applications deliver affordable housing
  - GIRAMS contribution
  - Green infrastructure related
  - Predominantly in a separate S106 agreement would be related to nutrient neutrality
- c. Councillor M Hankins raised a further question and asked what compensation the landowners would expect to receive for giving up the land.
- d. The ADP commented that the agricultural land was owned by a third party to the development and added that any financial agreements or other agreements which the developers come to with that party would be a matter for those two organisations, not the Council. He added that the Council had legal confidence that the land would be taken out of agricultural use and that nutrient neutrality would be delivered.
- e. Councillor J Toye referred to nutrient neutrality and commented that ponds of a certain size needed planning consent and asked if challenges would arise in terms of timescale. Councillor J Toye also referred to the landscape management plan and asked whether it would be tied up in a legal agreement to ensure someone maintained it in the future to meet the targets which were set.
- f. The Senior Landscape Officer explained as it was related to the nutrient budget calculator, one of the definitions that Natural England gave was water which would be for the pond use and added if they wanted to come forward with that, it would require permission. In respect of the landscape management plan, the Senior Landscape Officer confirmed it would be part of the section 106 agreement.
- g. Councillor J Toye commented that the town centre would benefit from footfall and proposed the officer's recommendation for both applications.
- h. Councillor V Holliday asked if the employment land could be resuscitated.
- i. The ADP explained if the Committee went with the recommendation to approve and an approval was issued, it did not guarantee the development to happen. The ADP advised that there was nothing to stop the landowner from coming back in with an employment proposal and added there was a historic approval for employment.
- j. Councillor V Holliday referred to the report in which it stated 194 residents would need affordable elder care by 2028 and sought clarification how many people were in need currently.
- k. The HSM explained the number of applicants which were on the housing list were older was different to residents who needed housing with care or

independent living because it was not a housing need until it was a care need. She added a resident may be housed but the house may not suit their need. The HSM confirmed there was 840 residents who showed an interest or included Stalham as a place they wished to live. She confirmed 203 of those households were of pensionable age.

- l. Councillor V Holliday referred to appendix F and nutrient neutrality and sought clarification as there was discrepancy in mitigation and was it the difference being provided by suds. She questioned if it was not sufficiently mitigated for nitrogen until 2030.
- m. The Senior Landscape Officer confirmed the accurate figures for nitrates was 219 kilograms of nitrogen per year before 2030. He referred to appendix F and explained because land parcel A and B were removed and parcel G was part of the mitigation strategy. He advised the table showed pre and post 2030.
- n. Councillor V Holliday sought clarification on the average water usage and asked for reassurance there was to be a reduction in usage.
- o. The Senior Landscape Officer explained the 110 litres per person per day was the higher optional water efficiency standard however this wasn't in the current local plan but was included in the emerging local plan. He advised this standard could be set by a planning condition.
- p. Councillor P Neatherway referred to sewage works and asked if there was any intentions to expand along with any sewage issues the Committee should be aware of.
- q. The ADP commented Anglian Water had been consulted and were satisfied with the proposal and there was capacity in the system. He commented further Anglian Water had been doing works within the district.
- r. Councillor K Toye expressed her concern was drainage and the effect it would have on current local residents. She understood the drainage had been considered and there were mitigations in place but was concerned whether this was maintained by Anglian Water. She commented the lack of services was a national shortage and therefore it was difficult to identify any area with the capacity to take on additional service users. She highlighted these issues were out of the Council's control and therefore seconded the officer's recommendation for both applications.
- s. Councillor K Bayes sought clarification in the contributions made by North Norfolk and Norfolk County Council and was affordable housing part of the original intention or was this added to help the probability of the applications being approved. He commented a local farmer had been in contact and provided evidence of pumping into dykes and river where there was no rain for 6 weeks. He questioned if there had been previous applications which had been approved where it was then proven, that Anglian Water have then not had capacity.
- t. Councillor Heinrich highlighted to the Committee, Anglian Water had attended an Overview and Scrutiny Committee meeting over these issues.
- u. The HSM referred to Councillor Bayes comments on affordable housing and she clarified this scheme was 100% affordable housing from day one and purely an

affordable development. She explained the developer only develops affordable extra care which Norfolk County Council only funds by grants.

- v. The ADP confirmed the scheme was delayed by nutrient neutrality and the application had not previously been approved or refused. He confirmed there was previously authority given to Officers to approve it subject to conditions before nutrient neutrality caused a delay. He commented further drainage and surface water has improved in terms of planning and it is considered in detail. He commented he was not aware of proof in relation to Anglian Water having capacity and if there was an issues It was hard to determine this would be Anglian Waters issue.
- w. Councillor A Brown highlighted he voted to approve the application back in 2022 when he was a member of the Committee. He agreed with Councillor K Toye the focus needed to be on nutrient neutrality and to resolve this issue. He commented the balance which needed to be considered and there was a pressing need for affordable housing and the most elderly demographic in county has increased since 3 years ago when the previous application was presented. He added the importance of housing for the elderly would allow housing for families and the non-elderly population. He highlighted the function of this committee was to look at the wider benefits and needs of the district. He further added the Economic Development team confirmed this land was not viable as employment land site. He further added if the application was to be approved, he hoped more vernacular materials fronting Yarmouth Road would be addressed and encouraged the Town Council to come forward with a neighbourhood plan.
- x. Councillor J Toye commented as the Portfolio Holder for sustainable growth, commented he attend a webinar with Advanced Regional Water Resources Planning in which the plan was to go down to 90 litres in the future instead of 110 litres. He commented the role of the Committee was to work with the professional advice given by Anglian Water.
- y. Councillor K Bayes advised Stalham had submitted a neighbourhood plan. He commented there had been changes in Stalham since the application had been submitted where the Primary School had closed and school traffic went through Yarmouth Road and therefore heavily impacted by traffic. He questioned if there would be improvements to the pavements as they were not suitable for access.
- z. The ADP confirmed the Highways team have recommended conditions as part of the approval.
  - aa. Councillor R Macdonald referred to a condition for Flint on units one to six which Councillor K Bayes referred and commented this was not an unreasonable request and suggested his support in approval of the application.
  - bb. Councillor P Heinrich referred to the surface drainage and questioned if the Committee could impose a condition for rainwater harvesting.
  - cc. The ADP commented if the Committee wished the material observation to be conditioned then this could be in application PF/21/2021 and explained the conditions which would need to be amended. The ADP asked if Councillor J Toye wished to amend his proposal.
  - dd. Councillor J Toye proposed both conditions to be included.

- ee. Councillor V Holliday questioned if there were any health obligations for 100 dwellings and if there wasn't, then should there be.
- ff. The ADP confirmed there was no health obligations and none had been sought, he explained if they had been sought then as included on page 63 of the report, there was marginal viability would override any health obligations.
- gg. Councillor P Heinrich sought clarification the heating will be by air source heat pumps and if an assessment was completed to determine the noise which these might create.
- hh. The ADP confirmed this was unknown but building regulations standards needed to be met which would control any issues such as the noise from the air source heat pumps.

**RESOLVED:** by 11 for and 1 abstention.

**That Planning Application PF/21/1532 be APPROVED in accordance with the Officers recommendation.**

**RESOLVED :** by 11 for and 1 abstention.

**That Planning Application PF/21/2021 be APPROVED in accordance with the Officers recommendation.**

- 8 STALHAM - PF/21/2021 (APPLICATION 2) - A NEW RESIDENTIAL DEVELOPMENT OF 40 AFFORDABLE HOUSES COMPRISING 22 AFFORDABLE/SHARED OWNERSHIP HOUSES AND ONE BLOCK OF 18 AFFORDABLE FLATS CONSISTING OF 9, ONE BEDROOM FLATS AND 9, TWO BEDROOM FLATS WITH ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS. LAND NORTH EAST OF YARMOUTH ROAD, STALHAM**

This application was present with application PF/21/1532 in which Members Debated and voted on.

*The meeting adjourned at 11:08am and reconvened at 11:24am*

*Councillor M Taylor left the meeting.*

- 9 BRISTON - PF/24/1030 - ERECTION OF 9 DWELLINGS WITH GARAGES (4 NO. TWO-STOREY DETACHED DWELLINGS, 3 NO. 1 ½ STOREY DETACHED DWELLINGS AND 2 NO. SEMI-DETACHED BUNGALOWS); ASSOCIATED ACCESS ROAD AND DRIVEWAYS; DETACHED AND ATTACHED GARAGES AT LAND TO THE REAR OF, HOLLY HOUSE, THE LANE, BRISTON**

Officers Report

The PO-RS presented the report and explained the application was for the erection of nine dwellings. He highlighted to the Committee there was two previous planning applications on this site which was an allocated site according to the site allocation document 2011 BRI24. He commented credits were purchased from the Norfolk environmental credit scheme to address the nutrients impact. He highlighted there were no objections from Highways but conflicts to policies HO1. He referred the

Committee to page 150 of the agenda which sets out in detail, the planning balance concludes the benefits or would not significantly demonstrably outweigh the benefits associated with the scheme.

The PO-RS advised the recommendation was for approval subject to the conditions outlined in the report. He highlighted to the Committee the location and access of the site. He explained to the Committee the proposed site layout along with the lapsed proposed and approved layouts. He advised of the proposed floor plans and elevations along with photos of the access.

### Public Speakers

John Davies- Parish Council

### Local Member

Councillor A Fletcher- Local Member expressed his concern and explained the site was unsuitable as it was less than a hectare. He added this exempts developers from the rules of affordable housing and biodiversity net gain. He added the proposed housing would not accommodate young families who were in need of housing. He expressed further concern of another designated development zone within Briston resulting in inadequate services and dependence on surrounding villages and towns.

### Members Debate

- a. The PO-RS referred to page 149 of the report and clarified this was not a major development therefore in line with the NPPF, affordable housing should not be sought for such developments. He explained discussions had taken place with the applicant to see if units could be secured as affordable housing. He added in terms of policy the application was compliant. He explained Biodiversity Net gain was mandatory by statutory legislations and there were penalties for this being delivered further away. He confirmed there was no objections from Highways as this site was allocated and in relation to community infrastructure, he confirmed the application fell below the government's threshold.
- b. Councillor P Heinrich sought clarification on biodiversity net gain being conditioned within the village.
- c. The PO-RS explained there was a condition of delivery but not a condition of where. He explained there was a hierarchy with the starting point being biodiversity net gain on site.
- d. The ADP provided further information on biodiversity net gain and commented the authority were heavily constrained by the national position.
- e. Councillor L Vickers sought clarification on the internal layout of the property to gather an understanding on the proposed houses not being suitable for families. She echoed Councillor Fletcher comments on the congestion and traffic surrounding the school.
- f. Councillor A Fletcher clarified his point the proposed houses were not affordable for families and did not mean the layout was not suitable.

- g. The PO-RS highlighted to the Committees the proposed affordable houses and showed the layout designs.
- h. Councillor V Holliday commented she understood the concerns for the highway access as Orchard Close looked congestion already. She sought assurance the access would be satisfactory as there was no visitor parking included in the proposal.
- i. The PO-RS highlighted two visitor parking spaces at the access of the site which met the requirements.
- j. Councillor A Brown commented he was familiar with the site and agreed with highways pressure from the school was chronic and this scheme highlighted affordable housing was used in a financial term rather than planning policy. He commented the benefit of approving the application was this would be the first scheme in North Norfolk which qualified for nutrient neutrality certificate.

The Officer Recommendation was proposed by Councillor A Brown and seconded by Councillor L Vickers

**RESOLVED:** by 10 for and 2 against.

**That Planning Application PF/24/1030 be APPROVED in accordance with the Officers recommendation.**

*Councillor A Fletcher left the meeting at 11:52am*

**10 ERPINGHAM - PF/22/0801 - REMOVAL OF STABLES, TENNIS COURT AND OUTBUILDINGS, AND THE CREATION OF SELF-HEATED DWELLING WITH ASSOCIATED ACCESS AND LANDSCAPING WORKS AT 1 WALPOLE BARN, THWAITE COMMON, ERPINGHAM, NORWICH**

Officers Report

The DMTL referred the Committee to third party objections after the agenda was published with the Chair's permission. He outlined the objection was from the Occupiers at Nutmeg Cottage which included the concerns on the conservation area for Mannington and Wolterton, along with concerns on the tree clearance in a county wildlife area. The objectors outlined the contradictions to planning policy SS2, landscape policy EN2 and design policy N4.

He introduced the report and outlined the extensive application site which lead to forms of mitigation offered by the applicant. The DMTL advised the focus was on the characteristics and the settlement of the site in accordance with Countryside Policy and NPPF paragraph 84. He explained the points of the access of the site and highlighted photos of the site along with the proposed dwelling. He added as part of the Landscape Management plan there was improvements to biodiversity. The DMTL provided a presentation which identified the proposed floor plans and elevations. He highlighted to the Committee the application was to be considered as an exceptional form of design under the exemptions policy in the NPPF.

The DMTL outlined the key issues, which were principle of development, impact on character of the area, heritage and design, fallback and planning balance.

*Councillor M Taylor rejoined the meeting at 11:58am.*

### Public Speakers

Will Cutts- Parish Council  
Alistair Mackinnon – Supporting

### Local Member

Councillor J Toye- Local Member- thanked officers for their consultations and balancing on this application. He commented he believed Officers have dealt with the paragraph 84 NPPF as it is neither remote or significantly innovative and has been done before as shown in the documentations with the grand design example. Councillor J Toye outlined to the Committee the comparison of this application to the grand design. He referred to the proposal including an air source heat pump and questioned the need. He commented if the applicant cared for the environment, the applicant could use what they currently have instead of removing this delicate and sensitive area.

Councillor J Toye highlighted the use of GGBS concrete instead of zero carbon concrete. He commented one property in a remote location will not make a difference to the housing land supply. He explained this application would not provide environmental benefits and offer nothing to the community.

### Members Debate

- a. Councillor L Vickers commented the refusal was counterintuitive and there was a possibility of a hanger where helicopters resulting in high fuel consumption and noise pollution or a house which in accordance with the climate and environmental policy team identifies the application as above and beyond the planning requirements. She outlines the policies in which the application does support and questioned the recommendation for refusal and suggested her approval for the application.
- b. Councillor K Toye commented she supported building to people's own design with conditions and advised she believe the application did not meet the correct criteria in her opinion due to the impact on neighbouring dwellings. She expressed her support in refusal of the application and proposed the recommendation.
- c. Councillor P Fisher commented this was a difficult application but advice from Officers has been helpful. He highlighted the application did not meet criteria and seconded the proposal.
- d. Councillor M Hankins commented he felt it was difficult to make a decision on this application. He added the application was for a innovative and modern building which was zero carbon and efficient. He advised he was going to vote against the recommendation for refusal.
- e. Councillor R Macdonald sought clarification on the late objection from the occupiers of Nutmeg Cottage.
- f. The DMTL summarised the objections made; concerns on the impact of the conservation area for Mannington and Wolterton, along with concerns on the

tree clearance in a county wildlife area. The objectors outlined the contradictions to planning policy SS2, landscape policy EN2 and design policy N4. The DMTL stressed the importance of the strategic policies as they identify where the development can go and are key when decisions are made. He explained to the Committee, if paragraph 84 of the NPPF is applicable, the Committee must consider that the site is isolated and the design is innovative.

- g. Councillor A Brown sought further clarification on paragraph 84 and the proposal has to be innovative or not and or of very high quality design.
- h. The ADP provided the Committee with the relevant part of paragraph 84 which included; planning decision should avoid the development of homes in the Countryside unless the design is of exceptional quality in that it is truly outstanding reflecting the highest standards in architecture and would help to raise standards of design in rural areas and significantly enhance its immediate setting and the defining characteristics of the local area.
- i. Councillor A Brown asked if the site location was in the Conservation Area of in the shadow of a boundary and therefore outside.
- j. The DMTL provided the aerial view of the conservation area and the location plan which clarified the dwelling will sit immediately adjacent to the conservation area. He explained the site area will impact the Conservation area and the County wildlife site.
- k. Councillor A Brown commented planning policy needed to be applied strictly and if the application was not paragraph 84 compliant, there was no material considerations to go against the planning policy and there was no wider benefit for the community. He advised he would be voting in accordance with the recommendation.
- l. Councillor P Heinrich highlighted an application for a very large neoclassical country house that was deemed small which some members would recall.
- m. Councillor K Bayes commented he would be voting to approve the application but questioned, the comment made by the Parish speaker on the industrial nature of the building.
- n. The DMTL highlighted to the Committee the amount of road side screening from existing hedge rows in and around the site, the hanger building was approved in context with additional planting in which officers were satisfied this would not have a significant impact on the landscape.
- o. Councillor V Holliday sought clarification on the glazing being electrochromic as implied.
- p. The DMTL clarified the design and access statement did not include glass within the building which was specifically designed to reduce visible light transmission. He explained the building was presented with a screen in front of the large glaze panel which was designed to create refraction and stop elements of light pollution.
- q. Councillor J Toye clarified he was not against innovative design however it needs to be in the right place. He explained his concern the proposal was

already on the edge of the protected area this was going to be damaged to potentially get some gain however the damage is not quantifiable.

r. Councillor P Netherway agreed with Councillor Vickers comments.

*Councillor K Bayes left the meeting .*

**RESOLVED 7 For and 6 against including the additional vote of the Chair.**

**That the Planning Application PF 22/0801 be APPROVED in accordance with the Officers Recommendation.**

*Councillor L Vickers and A Brown left the meeting.*

**11 WALSINGHAM - LA/24/2551 - CONSTRUCTION OF LIGHTWEIGHT FIRE-RESISTANT PARTITION IN GROUND FLOOR AT MILL HOUSE, 5 SCARBOROUGH ROAD, WALSINGHAM, NORFOLK, NR22 6AB**

Officer Reports

The PO presented the application for a fire resistant partition new door in a grade two listed building. She explained the application was in front of the Committee today as it was made by Councillor L Vickers. The PO presented the existing and proposed site location plan. The PO showed photos of the existing dwellings and explained the partition was to be placed in front of the stairs and the new door way. The PO highlighted the existing and proposed floor plans and the key issue of the application was the impact on the heritage asset.

The PO advised the recommendation was for approval with the conditions relating to the matters, time limit, development in accordance with approved plans, materials and appearance of kitchen door as requested by the Conservation Team.

Members Debate

No questions were asked by the Committee.

Councillor M Batey proposed and Councillor R Macdonald seconded the Officer recommendation.

**RESOLVED: 10 For and 1 Abstention**

**That the Planning Application LA/24/2551 be APPROVED in accordance with the Officers Recommendation.**

**12 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

The ADP presented the performance update on page 185/186 of the agenda and highlighted they were all positive. He drew the Committee attention to Section 106 agreements on page 187 of the agenda, specifically the Paston College Field Development at North Walsham which has been approved.

Councillor A Brown thanked the Planning Team on the performance and the Planning Solicitor efficiency.

**13 APPEALS SECTION**

The ADP introduced the report and highlighted the appeal which was allowed on page 193. He advised the appeal was allowed in regard to feedback position of a caravan so the inspector took the view if a caravan was allowed then so was a holiday lodge.

**14 MHCLG WORKING PAPER - PLANNING REFORM: MODERNISING PLANNING COMMITTEES**

The ADP explained previous comments have influenced the report and explained Central Government were informally consulting on modernise Planning Committees and provided options for Council's to comment on. He commented and referred to the report, Committees can be constructed in a manner that facilitates faster delivery of quality homes and places that our community need buy in greater standardisation over the operation of Committees in turn to give greater certainty to applicants.

He explained in Appendix 2 were drafter answers in response to question asked by Central Government. The ADP invited comments from the Committee.

Councillor J Toye asked if the Council could send links to their YouTube and training then they would received a better understanding.

The ADP advised policies would be shared with Councillor P Heinrich, Councillor A Brown, Councillor V Holliday and Councillor M Hankins before determining if circulation was needed to the rest of the Committee

Councillor A Brown would encouraged Members to comment if asked to do so and advised if the Chair and himself was copied in to these emails.

Councillor V Holliday proposed and Councillor J Toye seconded the recommendation.

**UNANIMOUSLY RESOLVED**

The meeting ended at 12.59 pm.

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Chairman

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## DEVELOPMENT COMMITTEE

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

**Committee Members Present:** Cllr P Heinrich (Chairman) Cllr M Batey  
Cllr A Brown Cllr M Hankins  
Cllr G Mancini-Boyle Cllr P Neatherway  
Cllr J Toye Cllr K Toye  
Cllr A Varley Cllr L Vickers

**Substitutes** Cllr K Boyes

**Members also attending:**

**Officers in Attendance:** Development Manager (DM)  
Planning Officer (PO)  
Principle Lawyer (PL)  
Housing Strategy Manager (HSM)  
Community Housing Enabler (CHE)  
Democratic Services Officer (DSO)

### 1 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor R Macdonald, Councillor P Fisher, Councillor A Fitch-Tillet and Councillor V Holliday.

### 2 SUBSTITUTES

Councillor K Boyes was present as a substitute for Councillor V Holliday.

### 3 MINUTES

The minutes of the Development Committee meeting held on Thursday 23<sup>rd</sup> January will be presented at the next Development Committee meeting.

### 4 ITEMS OF URGENT BUSINESS

None.

### 5 DECLARATIONS OF INTEREST

Councillor G Mancini-Boyle declared an interest in Item 8, PF/24/1634 and confirmed he previously employed by the applicant, Broadland Housing Association.

### 6 LITTLE SNORING - PF/24/1634 - CONSTRUCTION OF 19 DWELLINGS (CLASS C3) WITH ASSOCIATED PARKING, INFRASTRUCTURE, OPEN SPACE AND LANDSCAPING AT LAND NORTH OF KETTLESTONE ROAD, LITTLE SNORING

Officer's Report

The PO-RS introduced the application and outline permission was requested for 10 affordable dwellings cross subsidised by 9 market dwelling as a part of a rural exception scheme in Little Snoring. He explained to the Committee the proposed application was acceptable in line with the policy H03 which was the rural exception policy. The PO-RS highlighted there was a conflict with policy H01 in relation to the market homes as the policy seeks to provide a mix of dwellings in regards to the dwelling size and number of beds.

The PO-RS highlighted to the Committee the application included open space of 3470 metres square and the applicant agreed to pay a contribution of £9004 to Little Snoring recreation ground. There was a conflict with policy CT6 in relation to lack of cycle storage but this was considered waived under the planning considerations.

The PO-RS advised that this application was recommend for approval and that the conflicts with policies mentioned would not significantly outweigh the benefits of the development.

### Public Speakers

Sophie Sadler- Broadland Housing Association- Supporting

*Councillor M Hankins joined the meeting at 9:41am. The Chair reminded Councillor M Hankins that he was unable to speak or vote on this application.*

### Local Members

The Local Member- Councillor T FitzPatrick- expressed the concerns of residents of Walsingham which included the plot was too small for the number of proposed dwellings. He highlight residents felt the village was being expanded in a way the infrastructure would not cope. He outlined there would be a loss of green space and hedgerow. Councillor T FitzPatrick added the development would cause additional concerns and add disturbance to existing highway safety and parking. He highlighted there was no additional pavement for pedestrians proposed as part of the application.

Cllr Fitzpatrick noted the proposal included 10 affordable dwellings and asked the committee to consider appropriate conditions to reflect the concerns of the residents.

### Member's Debate

- a. Councillor P Netherway sought clarification on the location of the School in relation to development site.
- b. The PO-RS highlighted to the Committee the School was located south west to the site.
- c. Councillor G Mancini- Boyle referred page 25 of the report and sought clarification on further information on EV charging points.
- d. The PO-RS confirmed those details of the EV charging point were to be conditioned. He explained it was in relation to the appearance of the EV charging points and provisions to be secured.
- e. Councillor J Toye commented some of the concerns and objections from residents had been mitigated already with adjustments made to the

application.

- f. The PO-RS added the applicant had addressed some residents comments in terms of the scheme and principal of the application.
- g. Cllr Toye proposed acceptance of the officer's recommendation.
- h. Councillor A Varley commented this was a finely balanced decision but acknowledged the local need for both affordable and market dwellings. He was encouraged to see PV, air source heat pumps which contributed towards 2045 net zero position and ensure the tenants and occupiers of these dwellings benefitted from lower energy bills. Cllr Varley seconded the acceptance of the officer's recommendation.
- i. Councillor A Brown acknowledged the understandable nervousness in the community over such a development and reflected that the conditions were important to address those concerns of local residents. He highlighted the need and lack of affordable housing in the district. He noted that there was little objection or comment from any of the consultees and he confirmed his support for the proposal.
- j. Councillor G Mancini-Boyle asked further if capacity of internet connection was relevant for inclusion in the reports for future.
- k. The PO-RS In response to Councillor G Mancini- Boyle's further question, the Local Plan reference the capacity of internet connection.

**UNANIMOUSLY RESOLVED** by 10 votes.

**That Planning Application PF/24/1634 be APPROVED in accordance with the Officers recommendation.**

*Councillor T Adams joined the meeting at 9:55am.*

**7 CROMER - PF/24/2341 - ERECTION OF 5 COMMERCIAL UNITS FOR USES WITHIN USE CLASSES E(C)(I) - FINANCIAL SERVICES, E(G)(I) - OFFICES, E(D) - INDOOR SPORT, RECREATION OR FITNESS, B8 - STORAGE OR DISTRIBUTION AT HOME FARM ENTERPRISE ZONE, HALL ROAD, CROMER, NORFOLK**

Officer's Report

The PO-RS introduced the report and highlighted to the Committee the recommendation was for refusal. The proposal was for 2 buildings containing 5 units with associated hard standing for parking. The PO-RS brought to the Committee's attention the site plans, existing and proposed elevations, photographs and the location of the site which was next to existing agricultural and commercial units. He highlighted the objections which included the impact on the town centre, highways, heritage, drainage, ecological and trees.

The PO-RS outlined the benefits of the application together with the issues raised in the report considered the harm outweighs the benefits of the application at this stage.

Public Speakers

Councillor David Roberts- Town/Parish

### Local Member

Local Member- Councillor J Boyle expressed her support for this application as it complied with both policies EC3 and EC5 allowing additional units alongside the existing use. She highlighted the local community would benefit from the additional units which would not otherwise be available within the town therefore allowing existing business to continue. Councillor J Boyle explained there would be minimal impact on traffic and road structure as existing infrastructure would be used. She believed the site could be suitably concealed, that the area was already used for parking and storage of agricultural vehicles and was not the most attractive use currently and the new building would not be majorly visible.

Local Member- Councillor T Adams expressed support for this application stating one of the units already had permission and his belief that it met the policy criteria and aligned with appropriate economic objective of the national planning policy framework. He commented the development was needed as homes for existing longstanding Cromer businesses which would otherwise not have suitable units available to them. Councillor Adams believed there was unlikely to be detrimental traffic impact given the traffic was already on the local roads and noted the reduction in speed limit on Hall Road to 30mph. He brought to the Committee's attention the site was heavily concealed and was barely visible in the area and in his view would not negatively impact on the listed building. He concluded that the existing use and appearance was relevant and needed to be weighed up in the consideration of benefits given that Cromer in his view needed this development and that there had been no objections from local residents.

### Member's Debate

- a. Councillor J Toye, commented as the Portfolio Holder for sustainable growth, small businesses need the opportunity to expand, as the most of them are rurally located and therefore needed to be sited accordingly. He commented further he did not believe the roads in the area were an issue and suggested that appropriate conditions would enable the development to be approved. He added he did not support the Officer's recommendation as he believed the issues could be resolved by conditions.
- b. Councillor A Varley echoed and agreed with Councillor J Toye comments and felt as a Council businesses and economic development should be encouraged. He believed with suitable conditions the proposal could be acceptable. He did not support the Officer's recommendation.
- c. Councillor P Netherway echoed the comments of Councillor A Varley and Councillor J Toye. He added he did not agree with the recommendation.
- a. The DM provided the committee with further information as to the reasons for the recommendation, stating that the application came before the committee at a relatively early stage because there were many issues including ecology, trees, highways and heritage. He commented if there was a need for units in Cromer there needs to be consideration as to where best to locate those units. He advised, Members could reject the recommendation, or they could defer the matter asking for further information from the applicant to allow a decision to be made.
- d. Councillor A Brown commented the committee were legally required to make decisions in accordance with planning policy unless there were material considerations that dictated otherwise. He commented that with the lack of

information on ecology, bio diversity net gain, and policy EC3 sequential test to determine the need. He was in support of the recommendation of refusal to then defer the decision to a following meeting. Councillor A Brown sought clarification on the reference to a planning application in 2003 and the associated Section 106 agreement included in the report.

- e. The PO-RS confirmed the referred 2003 application and associated permission was relating to what you can currently see on site and explained this was contrary to the policies at the time. He outlined as part of the 2003 application there was a financial contribution which was a material consideration and therefore justified the contradiction to the policies.
- f. The DM commented the Section 106 agreement for that application would be checked to ensure it was fulfilled.
- g. Councillor G Mancini-Boyle commented appendices 3,5,6,7,10 all stated insufficient information was provided and therefore agreed with deferment to allow for more information.
- h. Councillor P Heinrich questioned if there were alternative developments sites in Cromer which could be used.
- i. Councillor T Adams, confirmed there were no other sites available and commented a sequential test could be carried out. He added further he had no concerns on landscape, trees or biodiversity net gain. He added the Highway issues were being mitigated.

Councillor P Heinrich, as Chair proposed and seconded the Officer recommendation.

**The Officer Recommendation was refused.**

Cllr J Toye proposed a deferral of the matter on grounds of insufficient information to make a decision and the matter be brought back with more information to allow a proper decision to be made.

Cllr L Vickers seconded the proposal.

**UNANIMIOUSLY RESOLVED**

**That Planning Application PF/24/2341 be DEFERED.**

*Councillor T Adams left the meeting at 10:24am.*

**8 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

The DM presented the report which referred to the performance for December 2024. He highlighted to the Committee there was 100% for major applications and 97% for non-majors. He commented the authority were below both government and NNDC targets relating to the number of appeals.

Cllr A Brown thanked the Planning team for their efforts.

**9 APPEALS SECTION**

The DM referred the committee to the report and commented on recent decisions from the Planning Inspectorate supporting the NNDC decisions.

Cllr A Brown asked for information about the resourcing of the Panning Inspectorate.

The DM commented on the lack of experienced Planning Officers which the Inspectorate will also be suffering from and there would be recruitment issues.

*Councillor T Adams joined the meeting at 10:34am.*

**10 EXCLUSION OF PRESS AND PUBLIC**

The agenda circulated contained no exempt/confidential business and there was therefore no requirement to exclude the press and public to allow for its consideration.

The meeting ended at 10.35 am.

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Chairman

## **DEVELOPMENT COMMITTEE**

**Minutes of the meeting of the Development Committee held on Friday, 2 May 2025 in the Council Chamber - Council Offices at 10.00 am**

<b>Committee</b>	Cllr P Heinrich (Chairman)	Cllr R Macdonald (Vice-Chair)
<b>Members Present:</b>	Cllr M Batey Cllr P Fisher Cllr M Hankins Cllr P Neatherway Cllr L Vickers Cllr J Boyle (substitute)	Cllr A Brown Cllr A Fitch-Tillett Cllr V Holliday Cllr A Varley Cllr T Adams (substitute)

<b>Member also Attending</b>	Cllr J Punchard (item 9 only) Cllr L Withington (item 8 only)
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<b>Officers in Attendance:</b>	Assistant Director of Planning (ADP) Development Manager (DM) Development Manager- Team Leader (s) (DM-TL) Senior Planning Officers (s) (SPO) Legal Advisor (LA) (except item 8) Principal Solicitor (PS) (item 8 only) Senior Landscape Officer (Arboriculture) (SLO) (item 8 only) Democratic Services Officer(s) (DSO)
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### **1 CHAIRMAN'S INTRODUCTION**

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

### **2 TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies received from Cllr J Toye and Cllr K Toye.

### **3 SUBSTITUTES**

Cllr T Adams and Cllr J Boyle were present as substitutes.

### **4 MINUTES**

The minutes of the Committee held on the 3<sup>rd</sup> April 2025 were approved as a correct record and signed by the Chair.

### **5 ITEMS OF URGENT BUSINESS**

None

### **6 DECLARATIONS OF INTEREST**

Cllr Vickers indicated that with regard to PF/24/1351 (Fakenham) she was pre-determined and therefore would speak but not vote. She also declared that she had attended a site visit with others in connection with PF/23/1091 (Hindolveston) but was not pre-determined and would vote.

Cllr Fitch-Tillett confirmed that in connection with PF/25/0384 (Northrepps) she would speak but not vote as she was pre-determined.

Cllr Adams declared that he had previously had discussions with the applicant of PF/24/1079 (Fakenham) but had not indicated support for the application but would abstain at the vote.

Cllr Macdonald stated that the applicant in PF/24/1079 (Fakenham) was a customer of his and therefore he would be considered pre-determined and therefore would abstain at the vote.

Cllr Hankins declared that he was pre-determined in relation to PF/23/1091(Hindolveston) and therefore would not vote.

**7 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**

- Officers report
- The DM-TL presented the report, the proposals relating to the variations in the phasing of conditions, and the proposals to revise the site wide drainage strategy previously agreed.
- The DM-TL explained the main issues for consideration and highlighted the previously approved drainage strategy and compared it to the proposed drainage strategy. He took the Committee through the reasons for the recommendation to approve subject to the conditions detailed in the report.
- Public speakers
- Lauren Taylor Brown- objecting
- Samuel Heath- objecting
- Asa Soderberg (Agent for Applicant)
- Local Member
- Cllr Withington spoke as local member. She noted the level of concern from local residents and expressed the importance of the resident's voices being heard. Whilst she believed that local residents broadly supported the development there was a legal obligation not to harm local homes and

residents believed that the issues were more complex than identified. She stated that the flooding in the area had worsened since the development commenced and, since tree removal, had deteriorated further. The drainage system relied on drainage into a culvert with no assessment as to the capacity of that culvert. She believed there were relevant planning breaches as well as damage to trees and therefore asked the Committee to consider a range of additional conditions, including connection to the sewage system, and, if that was not possible, commissioning of an independent report relating to the drainage system together with a site visit by the Committee and LLFA.

- Members Debate

- The Chair asked the SLO to comment. She noted that the area was covered by tree preservation orders and that there had been a subsequent felling licence issued. There was extensive Ash dieback within the area. She confirmed she was comfortable that the developer was undertaking work in compliance with the tree preservation order obligations. There would be extensive restocking and re-establishment work to do which would take some time.
- The DM-TL confirmed that this scheme and the previous one relied on riparian responsibilities of those who are downstream of the site. The principle looking to be achieved was that the attenuation from this development arrived at nil detriment for those downstream. He confirmed that if the Committee came to the conclusion that they believed the scheme did arrive at a nil detriment, that it would be reasonable for the Committee to rely on the riparian responsibilities of those downstream. The LLFA has confirmed that they stand by their decision and agree that the proposals deliver at least nil detriment and some betterment in terms of immediate surface water run-off. He also confirmed the fall-back position is the existing 2022 permission.
- Members throughout the debate noted the local residents' concerns and expressed their own concerns about flooding in the area. Cllr Adams and Cllr Holliday requested further clarification regarding the position of the LLFA and in particular whether the LLFA had carried out an investigation following a recent flooding incident. The DM-TL stated that the LLFA had not investigated following their circulation of questionnaires to residents as no homes had been flooded.
- Cllr Varley was pleased to note the landscape plan and noted the comments from the Senior Landscape Officer.
- Cllr Fitch-Tillett noted the understandable concerns from local residents and was reassured by the position of the LLFA and believed the Officer had made a sensible recommendation.
- Cllr Brown expressed concern that Anglia Water were not willing to adopt the culvert and acknowledged the complicated issues surrounding riparian rights. He expressed concern that the Applicant was proposing to leave the

responsibility for its riparian rights of the development site in the hands of a long term management company. The Chair asked for clarification from the Applicant on this point who confirmed that the management committee would be owned by the residents of the site in accordance with normal practice.

- Cllr Fitch-Tillett proposed and Cllr Fisher seconded the recommendation
- It **was RESOLVED** by 12 votes in favour with 1 abstention
- **That Planning Application RV/24/1351 be Approved in accordance with the Officers recommendation.**

**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 provided an update to the Committee on recent objections. She informed them of a late objection letter received the day before Committee which raised issues relating to Paragraph 97 of NPPF, sustainability and transportation issues, accuracy of site plan, evidence base for the level of job creation, how proposed conditions should be presented to Committee and issues relating to the proposed S.106. Officers have considered these points and do not consider the issues change the recommendation.

The SPO-JS also informed the Committee that Fakenham Town Council had changed their position, and now object to the Application based on its proximity to school.

The SPO-JS presented the report and outlined to the Committee the site location boundaries, photographs of the property and relevant issues. Further information was provided regarding paragraph 97 of NPPF in terms of proximity to schools and other places where children and young people congregate and other concentration of uses.

The SPO-JS confirmed the recommendation was for approval subject to conditions and a S.106 agreement.

Public Speakers

None

Local Member

Cllr Punchard spoke as a local member and noted that:-

- a. There had been a net gain in terms of the large vehicles in the area given the change of usage of the site over recent years;
- b. The hours of operation were to be limited;
- c. Approximately 120 flexible jobs were likely to be created;
- d. It was development of a brownfield site;

- e. It was some distance from local schools;
- f. There would be no real visual impact;
- g. It was some way back from the highway;
- h. He had some concerns over pedestrian safety and had made representations to the County Council in this regard.

#### Members debate

- a. The ADP explained to the Committee the reasons for representing this application, that the previous report considered by the Committee didn't actively consider Paragraph 97 of NPPF and following a discussion with the Applicant he felt it was better that the matter came back before the Committee with explicit consideration of Paragraph 97.
- b. Cllr Holliday asked for clarification to reference to public health in the report and the SPO-JS confirmed Public Health were not a consultee.
- c. Cllr Brown noted that he felt the report dealt adequately with the issues surrounding paragraph 97. He supported Cllr Punchard's views regarding pedestrian safety.

Cllr Brown proposed and Cllr Batey seconded the recommendation.

It **WAS RESOLVED** by 9 votes in favour, 1 against and 3 abstentions

**That Planning Application PF/24/1079 be Approved in accordance with the Officers recommendations.**

**The Committee adjourned at 11.38 and Cllr MacDonald left the meeting**

**The Committee reconvened at 11.50**

- 9 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.**

#### Officers Report

The SPO-AW presented the report for this application that had previously been deferred and had now been resubmitted with an altered design. The SPO-AW took the Committee through key issues including the impact on the character of the area, heritage and design together with the recommendation for approval subject to conditions.

#### Public Speakers

Gill Wilton-Hanworth Parish Council  
Louise Rice- Objecting  
Tim Powter-Robinson- Agent for the Applicant.

#### Local Member

In the absence of Cllr J Toye, his representations were read to the Committee. Cllr Toye clarified that this Application is on a site on Hanworth Common which is the largest enclosed common in England. He noted that when the matter was deferred it was suggested that the Applicant could engage with locals to find a compromise, Cllr Toye noted that the Applicant had engaged with Planning Officers but not locals despite a site visit he had attended.

Cllr Toye commented that the shape of the roof had been an ongoing concern. Whilst he acknowledged that some changes had been made to the Application which made it more acceptable, the distinctive shape of the roof would be lost. He suggested that local residents are not against development and proposed a Committee Site visit.

#### Members debate

- f. The Chair noted that this application related to a site on Hanworth Common.
- g. Cllr Adams noted it was important that conservation concerns were not overlooked.
- h. Cllr Adams, Cllr Holliday, Cllr Brown and Cllr Fitch-Tillett all addressed the issue of parking, given that parking is not permitted on the Common. SPO-AW confirmed that the application complied with policy CT6 relating to the amount of parking on site.
- i. Cllr Adams, Cllr Holliday and Cllr Brown all expressed disappointment over the loss of the unique roof, with Members noting that there is not a Conservation Area appraisal of the area.

Cllr Fisher Proposed and Cllr Fitch-Tillet seconded the recommendation

It **WAS RESOLVED** by 10 votes in favour and 2 against

**That Planning Application PF/24/1364 be approved in accordance with Officers recommendations.**

#### **10 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**

##### Officers report

The DM-TL presented the report noting that the dwelling was considered abandoned, and took the Committee through the site location, boundaries, elevations and photos of the proposed development. The DM-TL confirmed the recommendation was refusal primarily relating to conflict with the Districts Spatial Strategy and policies SS1 and SS2.

##### Public Speakers

Jacqueline Barnes- Supporting

##### Local Member

Cllr Hankins commended the Applicant and the Officers for their patience in this matter. Cllr Hankins noted that no consultee had any objection to this

development. Whilst the Officer considered this a new market dwelling, Cllr Hankins disputed this fact and believed there was clear evidence that there was previous occupation of this cottage, albeit with a gap. He believed the opportunity to refurbish this cottage and provide a young family with accommodation should be taken. He noted the vibrancy of the village but that the village needed families to live in the community.

#### Members debate

- a. The DM-TL provided clarification following a question from Cllr Vickers that the Application was for a sperate dwelling not an annex.
- b. Cllr Brown commented that whilst he was sympathetic to the Applicant he was not convinced that the Application met the relevant policies.
- c. The DM explained to the Committee the need for clear material considerations should they be minded to reject the Officer's recommendation
- d. Cllr Adams stated that he considered that this was previously developed land, the circumstances were rare and that the considerable benefits outweighed any policy concerns in this instance.
- e. .Cllr Varley endorsed Cllr Adam's assessment and noted that appropriate conditions relating to landscape, environmental issues and energy efficiency could be imposed.

Cllr Brown proposed and Cllr Fitch Tillet seconded the Officer's Recommendation

It **WAS RESOLVED** by 7 for against, 3 votes in favour and 1 abstention

**That the Officers recommendation for refusal be rejected.**

Cllr Adams proposed and Cllr Varley seconded that the application be approved subject to conditions.

- f. The ADP clarified that his understanding that the recommendation was that the Application be approved with the Committee delegating approval to Officers to apply conditions they believed appropriate taking into account the suggestions made during the debate and the prior resolution of any nutrient neutrality issue.
- g. The Chair confirmed that the recommendation is to delegate approval subject to such conditions Officers deem appropriate.

It **WAS RESOLVED** by 8 votes in favour, 2 against and 1 abstention

**That Planning Application PF/23/1091 be Approved subject to appropriate conditions.**

11 **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**

### Officers report

The SPO-OL took the Committee through the report showing photos of the site and providing a planning history. The SPO-OL explained the main issues for consideration including a relevant appeal decision, the principle of development and design and impact on the character of the area. The recommendation was for refusal of the Application.

### Public speakers

Lorna Fish- Northrepps Parish Council

John Norfolk-Applicant

### Local member

Cllr Fitch-Tillett commented on the main issues for consideration noted in the report.

- a. She stated the appeal decision was not relevant given that this site was half a kilometre away and located on a different highway;
- b. Previously there been highly reflecting polytunnels in this location;
- c. There was no impact on the character or amenity of the area;
- d. Highways had no objection;
- e. Any biodiversity issues could be managed by condition.

### Members debate

- a. Cllr Adams, Cllr Neatherway and Cllr Vickers noted that the site was a farm yard and wasn't visible from the area and that the impact was small.

Cllr Adams left the meeting at 13.15.

- b. Cllr Hankins asked for clarification as to what use would be permitted if the Application was granted and the SPO-OL stated conditions could limit to holiday use.
- c. Cllr Holliday noted the relevant policies referred to within the report
- d. Cllr Varley expressed support for the recommendation, but was of the view that diversification for a farm was critical and a common sense approach was needed.

Cllr Holliday proposed and Cllr Fisher seconded the recommendation

**It WAS RESOLVED by 8 votes against and 2 in favour**

**That the Officer's recommendation be rejected.**

- e. The ADP summarised his understanding of the debate, he understood that the Committee was considering delegating approval to Officers subject to relevant conditions and that, in doing so, they had taken account of the proximity to the farm and farmyard and what was in place on the site before.
- f. Cllr Holliday requested that the conditions tightly confine the site within the redline boundary and the lighting be conditioned.

Cllr Brown proposed and Cllr Neatherway seconded approval of the application subject to conditions.

It **WAS RESOLVED** by 8 votes in favour, 1 vote against and 1 abstention

**That the application be Approved subject to appropriate conditions.**

**12 APPENDIX - APPEAL DECISION**

The Committee noted the report

**13 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

The Committee noted the report.

**14 APPEALS SECTION**

The Committee noted the report.

The meeting ended at 1.29 pm.

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Chairman

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## Registering interests

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

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

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

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

## Non participation in case of disclosable pecuniary interest

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

## Disclosure of Other Registerable Interests

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

## Disclosure of Non-Registerable Interests

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

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

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

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

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

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

**Table 1: Disclosable Pecuniary Interests**

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

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

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

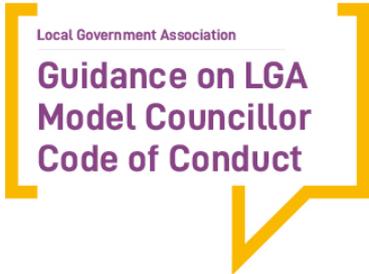
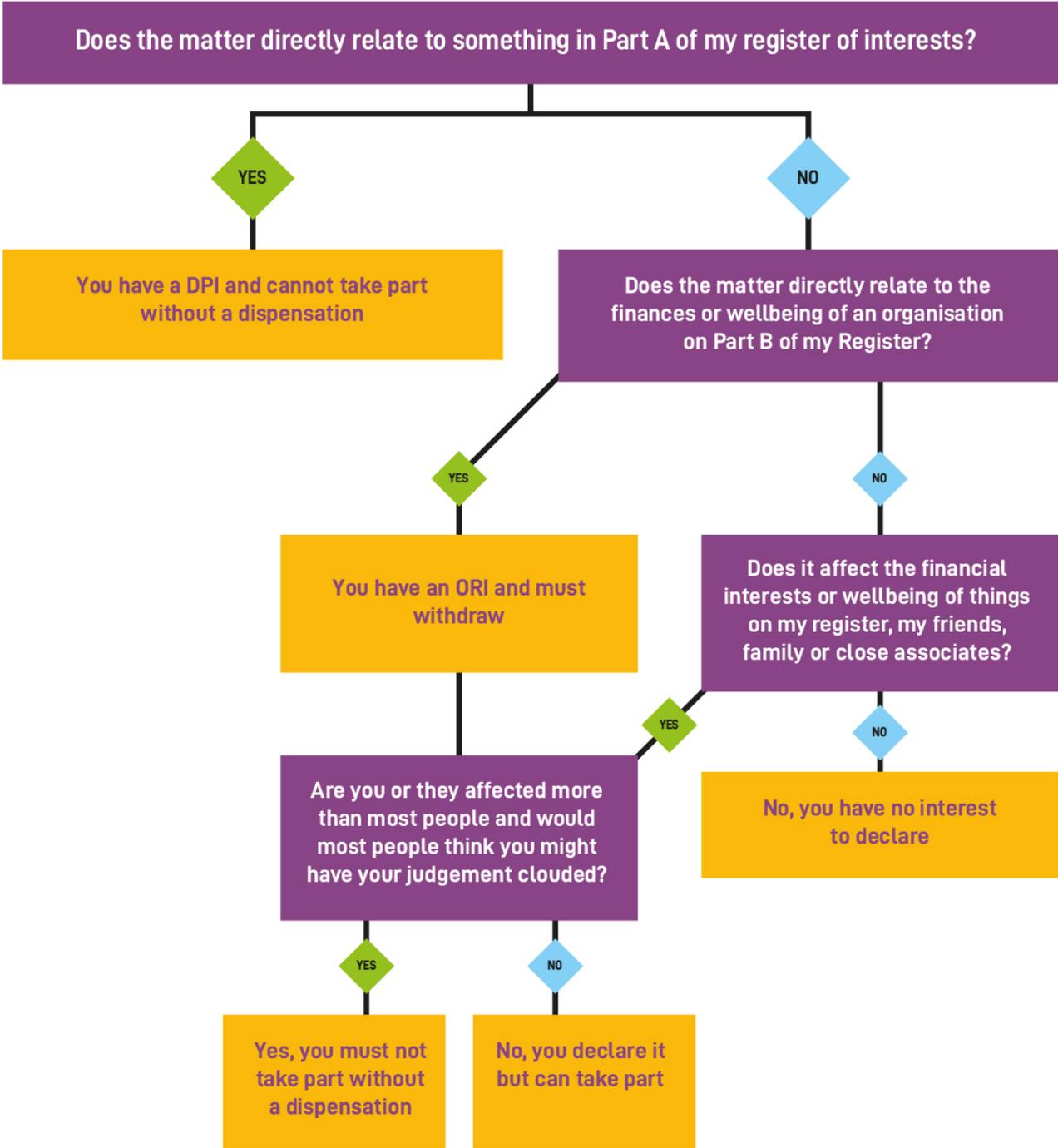
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

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

**Table 2: Other Registrable Interests**

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

## **ADDENDUM REPORT**

### **REASON FOR ADDENDUM REPORT**

This Addendum Report is to update members with regards to the matters that led to their deferral of the consideration of this planning application at the meeting of the Development Committee on 6 March 2025. 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.

### **UPDATE**

At the meeting on 06 March 2025 Members raised concerns that the application site boundary did not include sufficient land required for cars to access the seven car parking spaces on the western part of the site where an existing garage block was to be demolished. Queries were also raised about the applicant's rights of access over parts of the site.

An amended site location plan with the land referred to above included within the application site boundary has subsequently been received and the proposed site plan also amended to reflect this.

The applicant also served the requisite notice under Article 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 on the Upcher Court Residents Association Limited (UCRA).

Whilst a separate legal, rather than planning matter, the applicants have explained how they have all rights required to construct, access and utilise the land in any way as required for the purpose of the proposed development. The Council's Solicitor has confirmed the explanation provided has dealt with the matter of access.

UCRA have confirmed that the amended red line of the Site Location Plan correctly shows the southern boundary between Upcher Court and the site.

In terms of the 7 garages that would be demolished, the agent has confirmed these have all been, and remain in, the ownership of the current landowner and have not been transferred to UCRA. They were never allocated to any of the flats in Upcher Court and the landowner has informed the agent that the garages have solely been used as storage space for their own use and have never been used as car parking. Therefore, the demolition of these garages as part of the proposed development would not result in a loss of parking provision for the existing Upcher Court flats.

### **OTHER MATTERS**

As reported verbally at the meeting on 06 March 2025, Norfolk County Council sent further comments on 04 March 2025 requesting a contribution of £7,585 to increase the capacity of the library serving the development (in addition to the fire hydrant originally requested). This is because the proposed development would place increased pressure on the existing library service in relation to library stock such as books and information technology.

The GIRAMS tariff increased on 01 April 2025 from £221.17 per dwelling to £304.17 and as the payment has not yet been made, the new tariff applies. The payment now required is £12,470.97 (was £9,067.97 previously). The recommendation has been updated to reflect this and, the library contribution.

UCRA have submitted further representation, objecting to the proposed development. They consider it would not be “a well-designed place” having regards to the National Planning Policy Framework and the National Design Guide, especially in relation to its adverse impacts on neighbours and the wider surroundings. In summary, whilst accepting that the land would be developed at some stage and being ware of the extant permission, they reiterate the main objections set out in the attached committee report, which include:

- The excessive scale and mass of the proposed development which should be reduced. It is too big, bulky and overbearing, being too close to the road. Too many apartments are proposed for the size of the site and the parking that would be needed.
- UCRAL have always assumed the new development would be within the footprint and scale etc of that with extant permission. The proposed building with the addition of the pitched roof would be 2.5 metres higher. It should be a storey lower with the top floor contained within the roof space.
- The main entrance should be on the east/front elevation to The Boulevard. As proposed deliveries, drop-offs and general servicing etc would be to the rear where there is no drop off area or turning circle. As such all arrivals will need to reverse into a space or driveway to turn which would be noisy, inefficient and potentially hazardous. The best option, however, would be to have the access the same as for the extant permission.
- Insufficient parking
- Constraints of the access – while it would be wide enough for 2 cars to pass within it, but it would be difficult for two supermarket delivery vehicles for example. Access to the rear of Upcher Court for fire appliances would be reduced compared to the extant permission,
- Lack of greenspace. Some of the landscaping is too close to the southern boundary of Upcher Court reducing views for ground floor occupiers.
- The need for a Construction and Environmental Management Plan. If the application is approved UCRA should be involved in its preparation in terms of its scope and contents.

These matters have been considered previously as set out in the committee report.

With regards to a Construction and Environmental Management Plan which is it recommended be secured through a condition, the applicant’s agent has confirmed that they would be agreeable to a requirement within the condition to include “*details of public engagement both prior to and during construction works*”.

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

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

- i) the application of policies in the NPPF that protect areas or assets of particular importance (which includes designated heritage assets) provides a strong reason for refusing the development proposed; or

- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

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

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

The main benefits are

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

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

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

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

## **RECOMMENDATION**

**APPROVAL subject to:**

**1. The completion of an agreement under section 106 of the Town and Country Planning Act 1990 to secure:**

- **£12,470.97 GIRAMs tariff payment to ensure that the development would not have an adverse effect on the integrity of the relevant European Sites from recreational disturbance, when considered alone and 'in combination' with other development;**
- **£7,585 to increase the capacity of the library serving the development; and**

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

**Suggested Conditions:**

1. Time limit
2. Development in accordance with approved plans
3. Samples of external materials
4. Large scale design details
5. Landscaping
6. Construction and Environment Management Plan
7. Refuse and recycling bin storage
8. Sound insulation
9. Details of plant and machinery etc
10. Energy consumption reduction scheme
11. Ecological mitigation/enhancement measures
12. BNG Implementation
13. Habitat Management and Monitoring Plan
14. Tree protection measures
15. Notification of commencement for GIRAMS
16. Occupancy age restriction
17. Sewer diversion
18. Surface water strategy/drainage scheme implementation
19. External lighting
20. Fire hydrant
21. Access upgrade works
22. Car Parking including EV charging

**SHERINGHAM - PF/24/1229 - Erection of 41 retirement living apartments with associated access, car parking, landscaping, ancillary facilities, and associated works at Land at, The Esplanade, Sheringham, Norfolk**

**Major Development**

**Target Date:** 14 March 2025

**Extension of time:** 14 March 2025

**Case Officer:** Darryl Watson

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS**

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

**RELEVANT PLANNING HISTORY**

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

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

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

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

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

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

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

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

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

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

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

## **THE SITE**

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

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

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

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

## **THE APPLICATION**

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

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

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

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

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

## **BACKGROUND**

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

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

## **REASONS FOR REFERRAL TO COMMITTEE:**

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

## **REPRESENTATIONS**

Application as first submitted

**56 received**

**51 objecting on the following grounds**

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

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

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

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

#### Insufficient parking and shortcomings of the access

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

### No need for further retirement accommodation in the town

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

### Effect on living conditions

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

### Should provide affordable homes.

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

### Other concerns/comments.

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

### **5 supporting/commenting**

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

### Application as amended

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

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

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

## CONSULTATIONS

### **Sheringham Town Council:**

*Application as first submitted*

**Object** on the following grounds:

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

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

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

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

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

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

*Application as amended*

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

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

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

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

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

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

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

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

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

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

#### **Anglian Water – No Objection**

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

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

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

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

## **Conservation and Design (NND) - Objection**

*Application as first submitted*

### **Object**

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

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

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

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

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

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

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

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

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

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

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

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

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

#### *Application as amended* **Objection**

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

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

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

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

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

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

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

### **Environmental Health - Comment**

With regards to:

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

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

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

### **Landscape (NNDC) - No objection**

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

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

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

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

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

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

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

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

#### **Climate & Environmental Policy (NNDC) - No comments**

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

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

#### **SMB Property Consultancy - independent financial viability assessor - Comment**

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

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

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

#### **HUMAN RIGHTS IMPLICATIONS**

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

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

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

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

#### **CRIME AND DISORDER ACT 1998 - SECTION 17**

The application raises no significant crime and disorder issues.

## **LOCAL FINANCE CONSIDERATIONS**

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

## **RELEVANT POLICIES:**

### **North Norfolk Core Strategy**

SS 1 - Spatial Strategy for North Norfolk

SS 3 – Housing

SS 4 – Environment

SS 6 - Access and Infrastructure

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 6 - Sustainable construction and energy efficiency

EN 8 - Protecting and enhancing the historic environment

EN 9 - Biodiversity and geology

EN 10 – Development and Flood risk

EN 13 - Pollution and hazard prevention and minimisation

HO 1 - Dwelling mix and type

HO 2 - Provision of affordable housing

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

CT 2 - Developer contributions

CT 5 - The transport impact of new development

CT 6 - Parking provision

### Material Considerations:

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

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 - Achieving well-designed places

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

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

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

North Norfolk Design Guide (2008)

North Norfolk Landscape Character Assessment (2021)

## **OFFICER ASSESSMENT:**

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

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

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

## 1. Principle

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

## 2. Character and appearance, heritage assets

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **3. Highways and parking**

#### *Access and effect on surrounding road network*

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

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

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

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

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

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

#### *Parking provision*

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

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

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

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

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

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

#### **4. Living conditions**

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

Paragraph 3.3.10 of the North Norfolk Design Guide states that residents have the right to adequate privacy levels, nor should new development lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact.

The extant planning permission is also a consideration in this respect.

*Nearby occupiers*

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

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

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

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

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

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

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

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

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

#### *Future occupiers of the development*

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

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

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

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

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

## **5. Need**

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

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

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

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

An aim of CS policy HO 1 is to ensure developments include a proportion (at least 40% on schemes of five or more dwellings) of smaller dwellings (below 70m<sup>2</sup> floorspace) and a proportion (20%) that are suitable or easily adaptable for occupation by, amongst others, the elderly. Twenty-four of the apartments (58%) would have a floorspace below 70m<sup>2</sup> so the development would exceed this requirement and all would be suitable for occupation by the elderly.

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

## **6. Developer contributions**

CS Policy SS 6 requires development to be supported by and have good access to, infrastructure, open space, public services and utilities. Policy CT 2 states that for schemes of 10 or more dwellings, where there is not sufficient capacity in infrastructure, services, community facilities or open space, improvements which are necessary to make that development acceptable will be secured by planning conditions or obligations.

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

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

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

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

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

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

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

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

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

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

## **8. Energy efficiency**

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

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

For space heating electric panel heaters are proposed with water heating by an air source heat pump hot water cylinder. Mechanical ventilation with heat recovery would be used in the apartments, reducing the need to use the main heating system by providing background heating. In communal areas, lighting would be on sensors. The ECS suggests that the measures proposed would result in a 54.6% reduction in the amount of CO<sub>2</sub>/year against the notional amount such that current BR requirements would be exceeded. The applicant's preferred option to meet the 10% renewable requirement is with roof mounted PV panels.

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

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

## **9. Ecology**

### *Protected species*

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

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

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

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

### *Recreational impacts*

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

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

### *Biodiversity Net Gain*

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

## **10. Trees**

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

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

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

## **11. Effective use of land**

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

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

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

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

### **Other considerations**

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

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

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

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

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

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

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

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

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

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

The main benefits are

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

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

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

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

### **RECOMMENDATION:**

**APPROVAL subject to:**

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

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

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

**Suggested Conditions:**

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

## **DEVELOPMENT COMMITTEE**

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

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

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

**Substitute** Cllr J Boyle

**Also in attendance:** Cllr L Withington

### **1 TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor A Varley.

### **2 SUBSTITUTES**

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

### **3 MINUTES**

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

### **4 ITEMS OF URGENT BUSINESS**

None.

### **5 DECLARATIONS OF INTEREST**

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

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

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

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

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

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

### Officers report

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

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

### Public Speakers

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

### Local Member

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

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

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

### Members debate

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

the threshold of needing to consult the health authority.

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

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

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

**UNANIMOUSLY RESOLVED** by 13 votes for.

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

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

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**FAKENHAM – PF/24/2418 - Demolition of existing pavilion, extension of the existing leisure centre providing a new 4 lane 25m community swimming pool and a circa. 55 station fitness suite, refurbishment of the existing studio spaces and changing areas at Fakenham Sports & Fitness Centre, Trap Lane, Fakenham**

## **Major Development**

**Target Date: 21<sup>st</sup> February 2025**

**Extension of time: 5<sup>th</sup> June 2025**

**Case Officer: Joseph Barrow**

**Full Planning Permission**

## **RELEVANT SITE CONSTRAINTS:**

Settlement Boundary – Fakenham

Adjacent to Fakenham RB11 Public Right of Way

Adjacent to Trap Lane unclassified road

Landscape Character Assessment – Rolling Open Farmland

## **RELEVANT PLANNING HISTORY:**

App No. PO/01/0327

Description Erection of leisure facility building with car parking

Outcome Approved

App No. PF/02/1385

Description Erection of community sports and leisure facility

Outcome Approved

## **THE APPLICATION**

Proposes the demolition of the existing pavilion within the current car park area serving the leisure centre. An extension to the leisure centre is proposed, comprising a new 4-lane swimming pool and a circa. 55 station fitness suite. Existing studio spaces and changing areas are to be refurbished as well.

## **REASONS FOR REFERRAL TO COMMITTEE:**

The Council's Constitution requires that where applications submitted by or on behalf of the District Council receive representations through the consultation process then they shall be determined by Development Committee.

## **CONSULTATIONS:**

**Fakenham Town Council - No Objection** - welcomed the application.

**North Norfolk District Council Environmental Protection Officer - No objection subject to conditions.**

**Norfolk County Council Highways – No objection subject to conditions** (Updated comments still awaited)

**Sport England - No objection** in their statutory capacity. Observations offered about the layout of the leisure centre.

**North Norfolk District Council Landscape Officer - No objection subject to conditions.**

**North Norfolk District Council Economic Development Officer - Supports the application.**

**Norfolk County Council Lead Local Flood Authority - No comment.**

**Norfolk County Council Public Rights of Way Officer - No objection** subject to the full legal extent of Fakenham Restricted Byway 11 remaining open and accessible for the duration of the development and subsequent occupation.

#### **REPRESENTATIONS:**

**15 letters of OBJECTION** received in total. All from members of Fakenham Town Band objecting to the loss of the pavilion.

#### **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

#### **RELEVANT POLICIES:**

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

Policy SS 1 – Spatial Strategy

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 7 – Renewable Energy

Policy EN 9 – Biodiversity and Geology

Policy CT 3 – Provision and Retention of Local Facilities and Services

Policy CT 5 – The Transport Impact of New Development

Policy CT 6 – Parking Provision

##### **North Norfolk Site Allocations:**

Policy F01 – Land North of Rudham Stile Lane

## Material Considerations:

### **National Planning Policy Framework (NPPF) (December 2024):**

Chapter 2 – Achieving Sustainable Development

Chapter 4 – Decision-Making

Chapter 8 – Promoting Healthy and Safe Communities

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed Places

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

Chapter 15 – Conserving and Enhancing the Natural Environment

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

North Norfolk Design Guide

North Norfolk Landscape Character Assessment

## **OFFICER ASSESSMENT:**

### **MAIN ISSUES FOR CONSIDERATION**

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

### **The Site and Application**

The site currently accommodates Fakenham Leisure Centre, with parking and access to the south-east corner, and playing fields with cricket pitch to the north. Pedestrian access is also offered to the south, making use of Fakenham restricted Byway 11 and connecting to the neighbouring school.

The proposal includes the demolition of the existing pavilion structure sited in the middle of the car park. The car park is then to be remodelled, with an extension to the leisure centre proposed to the north and east of the current building.

The application was originally submitted, with a proposed floodlit artificial sports pitch on land to the north of the leisure centre, with the existing cricket pitch on the site relocated further to the north. Following consultation with Sport England and the applicant, this element of the application has been removed. The playing pitches are now intended to be submitted as a second phase of development under a separate planning application with due consideration of local comments and the views of Sport England taken in the later application.

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

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

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.

This site is located to the north of Fakenham Academy, within the settlement boundary of Fakenham, which is classified as one of the district's principal settlements as per Policy SS 1 of the Core Strategy (CS). The site is also located within the allocation for Fakenham under the adopted Site Allocations Development Plan Document titled "*Land north of Rudham Stile Lane*". Policy SS 8 of the CS also refers to the allocation F01, requiring delivery of 'community facilities and open space'.

Policy CT 3 of the CS is also relevant, permitting proposals for '*new or improved community facilities or services... within the principal and secondary settlements...where they meet the identified needs of the community*'. This policy also seeks to control proposals that result in the loss of important local facilities. The local representations received draw attention to this aspect of the scheme, with the demolition of the pavilion requiring an alternative location for the town band. It is understood that alternative arrangements have now been made for the town band to continue elsewhere

That said, regard must be had to the overall net gain in terms of community facilities with the improvement in sports facility capacity and quality that this development would bring about. The applicant has engaged with the town band in terms of arranging an alternative location to house the band's activities.

Overall, it is considered that this proposal is suitably located within a sustainable location in accordance with the district's spatial strategy. It is also considered that the loss of the pavilion is sufficiently offset by the delivery of the amount and quality of additional sport facilities benefitting the wider local community.

The application is therefore found to be acceptable in principle, having regard to Policies SS 1, SS 8, and CT 3 of the CS, Policy F01 of the North Norfolk Site Allocations, as well as Chapters 2 and 8 of the NPPF (2024).

## **2. Design and Impact on the Character of the Area**

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.

The design of the proposed extension is a contemporary flat roof structure sitting below the taller, asymmetric, curved form of the current building. The east elevation, containing the main entrance, is to be rendered white with substantial glazing facing the car park. Both the new south-facing walls are to be finished in timber effect rainscreen cladding, with the rear and side walls finished in contrasting black rainscreen cladding.

The design is contemporary and draws similarities to that used at The Reef Leisure Centre in Sheringham – a recent scheme similar in nature. Its form and scale are considered appropriate for the landscape, sitting at a height below that of the existing structure. The proposals will

assimilate well and will be softened by the retention of the wider site screening to the boundary of the playing field to the north.

Taking account of the above, the proposal is considered to be acceptable in terms of its design, having regard to Policies EN 2 and EN 4 of the CS, Chapter 12 of the NPPF (2024) and the North Norfolk Design Guide SPD.

### **3. Impact on Amenity**

CS Policy EN 4 (Design) sets out that development proposals “should not have a significantly detrimental effect on the residential amenity of nearby occupiers”

Officers consider that the proposed building itself is of an appropriate scale and position so as to avoid any overbearing or overshadowing impacts upon neighbouring residential properties. Concerns about residential amenity with this proposal would be confined to potential disturbance from increases in vehicle traffic and / or the increased use of Air Source Heat Pumps (ASHP).

The proposal would increase the number of parking spaces from 46 to 58, 11 of which are gravel overflow spaces. All the proposed spaces are located to ensure a minimal impact in terms of car park noise. An opening hours condition is recommended to be attached, which will minimise use of the car park during quieter night time hours. In addition, a condition relating to gating of the site is included so as to remove the prospect of overnight use of the site. These factors are considered sufficient to control the impact of the additional spaces in terms of amenity impacts.

The proposed ASHP installation has been given due consideration by the Council’s Environmental Protection (EP) Team. Two enclosures are proposed, at ground floor level – one to the west of the existing building adjacent to the school access, and the other to the rear of the building. The siting of these enclosures is considered sufficiently far from neighbouring dwellings to avoid unacceptable negative impacts with the leisure centre providing acoustic screening between each of the enclosures and residential properties. The Council’s EP Team have also considered the potential for disturbance to the school, finding that relationship to be acceptable.

The EP Team request conditions in relation to the specification and design of the ASHPs and their enclosures. Subject to these conditions, this application is considered to be acceptable in terms of its impact upon residential amenity, having regard to Policy EN 4 of the CS, Chapter 12 of the NPPF (2024) and the North Norfolk Design Guide SPD.

### **4. Highways**

As mentioned above the proposal includes an increase in the number of parking spaces on the site from 46 to 58, seven of which are to be accessible. All traffic flows are proposed to remain from the existing access i.e., leaving the site onto Trap Lane for a short distance before joining Rudham Stile Lane to the south. In addition, an opening through the hedgerow on the eastern boundary is proposed. This will be conditioned to be temporary to enable Town Council access, as well as playing field access for the duration of the building phase of this development.

Following consultation with the County Council Highway Authority it is considered that the parking and access arrangement is appropriate, subject to conditions. The proposal is

therefore found to be acceptable in terms of highways impacts, having regard to Policies CT 5 and CT 6 of the CS as well as Chapter 9 of the NPPF (2024).

## **5. Biodiversity**

CS 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.

### Ecology:

The application is supported by an Ecology Report prepared by Wild Frontier Ecology. The proposal involves demolition of an existing building, building of a new extension over various surfaces, as well as the opening of a new gap in the hedgerow on the eastern boundary.

Following a Preliminary Roost Assessment (PRA) it has been highlighted that day roosts for three individual common pipistrelle bats are present within the building that is proposed to be demolished. Consequently, any works to that structure may only legally proceed under a European Protected Species mitigation licence, which will need to be supported by fresh surveys for licensing purposes. It is understood that these are being undertaken at the time of writing, and will be ready for the submission of any required license application.

Conditions are attached to this recommendation to ensure that such a licence is obtained and submitted to the Council, along with other mitigation measures such as sensitive lighting schemes and hedgerow removal only outside of bird nesting season.

Subject to conditions, it is considered that this proposal is acceptable in terms of impact upon protected species, having regard to Policy EN 9 of the CS and Chapter 15 of the NPPF (2024).

### Biodiversity New Gain (BNG):

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

A Biodiversity Statement has been submitted by the applicant. The Council's landscape team have reviewed the submitted information and find the baseline information to be acceptable in terms of BNG. It will be for the applicant to comply with the standard BNG conditions that would be attached to any grant of permission.

## **6. Sustainability**

CS Policy EN 6 sets out that:

“All new development will be required to demonstrate how it minimises resource consumption, minimises 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...’

‘...Development proposals over 1,000 square metres will be required to include on-site renewable energy technology to provide for at least 10% of predicted total energy usage.’

The applicant’s Design and Access Statement sets out that:

“Swimming pools require a significant amount of energy to heat pool water and maintain a safe and comfortable environment for users, but careful consideration has been put into the development of on-site energy production strategies to mitigate the necessary technical requirements of operating a swimming pool, and to set ambitious low-carbon targets.

The new building will therefore aspire to achieve net-zero carbon in operation, achieved through the development of a heat-pump based primary heating strategy complimented by photovoltaic solar panels suitably located on the available roof space to maximise efficiency”.

The applicant has set out the following items that contribute to the sustainability strategy:

- Primary heating system for the new building is to be an Air Source Heat Pump system, providing energy for the domestic hot water and space heating systems.
- Photovoltaic solar panel arrays to offset the carbon factors associated to the gas/electricity usage of the existing building, as well as emissions from the new building. The array will be located upon the existing Sports Hall roof and the new Pool Hall roof, identified as the most suitable locations to gain maximum production efficiency.
- Air tight / thermally efficient new building fabric, retaining as much energy expended in the building as possible.
- Low energy internal & external LED lighting.
- Active travel: promoting active travel with upgrades to the pedestrian access to the site, as well as covered cycle storage located close to the entrance to the building.
- An EVC (Electric Vehicle Charging) point and future proofing for approximately 15 more.
- Sustainable urban drainage system (SUDs).
- Commitment to improve the biodiversity condition of existing habitats on site by 10%
- Embodied carbon reduction via the use of industry tested GGBS (blast-furnace waste product) within the concrete.

The applicant has also provided an Energy Statement. This sets out that in order to achieve compliance with CS Policy EN 6 energy amounting to **20.19kWhs/m2** would need to be generated from PV, which equates to a PV array of 120m2 of panels. Officers note this figure is based on a higher 20% EN 6 requirement but only 10% would be required under this Policy.

Subject to the imposition of conditions securing the renewable energy technology to provide for at least 10% of predicted total energy usage, the proposal would accord with the aims of CS Policy EN 6.

## **7. Planning Balance and Conclusion**

Overall, this development proposal is sustainably located, complying with the district’s spatial strategy and contributing to stated requirements within Policy F01 of the Allocations Plan. It is also a scheme that is acceptable in terms of its impact upon the character and appearance of the area, residential amenity, highway safety, and biodiversity.

Subsequently, it is recommended that this application be approved, subject to conditions.

**RECOMMENDATION:**

**APPROVAL subject to the following conditions:**

1. Time limit
2. Plans
3. Materials
4. Opening hours
5. Laying out of parking area
6. Protection of breeding birds
7. Closure of the temporary access from Trap Lane and hedge reinstatement
8. Further bat emergence survey required prior to commencement
9. Development to otherwise proceed in accordance with the ecological assessment
10. Protected species licence
11. Submission of a sensitive lighting plan
12. Construction Environmental Management Plan: Biodiversity
13. Contaminated Land
14. Details of plant / machinery / ventilation / air conditioning / heating / extraction
15. Details of kitchen extraction
16. Details of external lighting
17. Provision of refuse areas
18. Biodiversity Net Gain
19. Policy EN 6 10% compliance

**Final wording of conditions and informative notes to be delegated to the Assistant Director for Planning.**

**SOUTH RAYNHAM - PF/25/0091 – Installation of 2.408MW of ground-mounted solar PV and 2.392MW of battery energy storage solution (BESS) on land known as Sandpits. Land At Uphouse Farm, Swaffham Road, South Raynham**

**Major Development**

**Target Date:** 29<sup>th</sup> May 2025

**Extension of Time:** 30<sup>th</sup> May 2025

**Case Officer:** Ana Nash

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS**

- The site lies within the Countryside for the purposes of the spatial strategy for the District
- The site lies within Rolling Open Farmland Landscape Type as defined in the North Norfolk Landscape Character Assessment
- The site lies within and areas Susceptible to groundwater flooding
- The site is agricultural land graded 2 for the purposes of the agricultural land classification

**RELEVANT PLANNING HISTORY**

DE21/24/0423: Proposed solar array and battery storage for the use of Uphouse Farm to offset their energy and become energy sufficient. - Advice Given (for pre-apps)

**THE SITE**

The site is located south of the A1065, designated as a 'Principal Route' and 'Corridor of Movement'. Uphouse Farm and its farm structures lie west of the proposed site separated by an agricultural field and the large access track corridor. Along the main A1065 (Swaffham Road), a cluster of residential properties can be found at the junction with the local access track.. The terrain in the area is generally flat, with Raby's woodland situated to the northeast and two ponds north of the site.

The site is approximately 3.55 hectares in size and is bordered on three sides (north, east, and south) by agricultural land.

**THE APPLICATION**

The proposed scheme involves installing a 2.408MW ground-mounted Solar PV system (comprising approximately 5,600 ground-mount solar photovoltaic panel arrays) on 3.55 hectares of agricultural farmland. In addition, a battery energy storage solution (BESS) of approximately 2.392MW is proposed. The project would include any associated infrastructure, including fencing, cabling, and access tracks.

The panels would be orientated to face approximately south, at a fixed angle (typically between 20-25°), with a maximum height above ground of roughly 3 metres, and sited in rows between 2 m and 6 m apart – depending on the topography. They would be arranged in three groups of rows from north to south to maximise solar gain. The extent of the site is clearly delineated by the red line boundary on the Solar PV Battery Storage Layout Plan.

Two additional access tracks will branch off this existing route to serve the site, minimising the need for new infrastructure. The tracks constructed using Type 2 hardcore and are required solely to provide access to the battery units. The system will not require any additional inverters on site, as Uphouse Farm already benefits from a smaller solar scheme approved in 2012 (Breckland Council, Ref: 3PL/2012/1333/F). As part of that earlier permission, four inverters were installed, which will also serve the current proposal. Therefore, the DC cables will feed directly into four busbars located at the battery inverters.

The electricity generated will be stored within the four battery storage units and be solely used by the Uphouse Farm. The proposal would generate 1,581,182 kilowatt-hours (kWh) of electricity each year with a proposed operational period of 40 years, after which the site would be returned to its current condition.

The proposed development would be enclosed by a 2m high deer stock fence using wooden posts. No CCTV cameras or lighting within the site are proposed. A landscaping scheme is proposed.

## **REASON FOR REFERRAL TO COMMITTEE**

Because the proposal is for ground mounted solar panels in excess of 250kW capacity or with a site area of 0.5 hectares or greater a committee decision is required in accordance with Section 6.2 (Determination of Planning and Listed Building Applications) *Note (4) (b)* of the Council's Constitution.

## **REPRESENTATIONS**

None received.

## **CONSULTATIONS**

**Raynham Parish Council - No comments submitted.**

**Conservation & Design (NNDC) – No objection**

**Landscape (NNDC) – No objection** following submission of further information. Conditions requested

**County Council Highways – No objection**, following submission of a Construction Traffic Management Plan. Conditions requested.

**County Council Historic Environment Service – No objection**, conditions requested

**Breckland District Council - No comment** submitted

## **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 (September 2008):**

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 2: Development in the Countryside

Policy SS 4: Environment

Policy SS 6: Access and Infrastructure

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

Policy EN 4: Design

Policy EN 7: Renewable Energy

Policy EN 9: Biodiversity & Geology

Policy EN 10: Development and Flood Risk

Policy EN 13: Pollution and Hazard Prevention and Minimisation

Policy CT 5: The Transport Impact of New Development

Policy CT 6: Parking Provision

#### Material Considerations

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

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 6 – Building a strong, competitive economy

Chapter 8 – Promoting healthy and safe communities

Chapter 11 – Making efficient 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

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

North Norfolk Landscape Character Assessment (2021)

North Norfolk Landscape Sensitivity Assessment SPD (2021)

### **OFFICER ASSESSMENT**

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

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

2. **Effect on landscape**
3. **Loss of grade 2 agricultural land**
4. **Effect on residential amenity**
5. **Flood risk and drainage considerations**
6. **Highways**
7. **Biodiversity Net Gain**

## 1. Principle of development

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the North Norfolk Core Strategy.

The site is located within the area designated as Countryside under Core Strategy (CS) Policy SS 1 for planning purposes. Within land designated as countryside, Policy SS2 seeks to limit development other than that in accordance with a list of exceptions. Such exceptions include development for renewable energy projects.

CS Policy EN 7 indicates that renewable energy proposals will be supported and considered in the context of sustainable development and climate change, considering the wide environmental, social, and economic benefits of renewable energy. It states that: *“Proposals for renewable energy technology, associated infrastructure and integration of renewable technology on existing or proposed structures will be permitted where individually, or cumulatively, there are no significant adverse effects on:*

- *the surrounding landscape, townscape and historical features/areas, or;*
- *residential amenities (noise, fumes, odour, shadow flicker, traffic, broadcast interference), and*
- *specific highway safety and designated nature conservation or biodiversity considerations”.*

CS Policy SS 4 requires that *“all developments to contribute to the delivery of sustainable development, ensure protection and enhancement of natural and built environmental assets and geodiversity, and be located and designed so as to reduce carbon emissions and mitigate and adapt to future climate change”.*

The National Planning Policy Framework (NPPF) indicates that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts. It should support renewable and low carbon energy and associated infrastructure.

NPPF paragraph 168 states that when determining planning applications for all forms of renewable and low-carbon development, local planning authorities should, amongst other things, *“not require applicants to demonstrate the overall need for renewable and low-carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future”.*

The Planning Practice Guidance (paragraph 013 (Reference ID: 5-013-20150327)) on renewable and low carbon energy refers to the fact that large schemes can *“have a negative impact on the rural environment, particularly in a very undulating landscape. However, the visual impact of a well-planted and well-screened scheme can be properly addressed within the landscape if planned sensitively.”*

Although this proposal is modest compared to large-scale solar farms, the underlying principle remains to ensure that any adverse impacts on the local landscape are minimised and appropriately mitigated. Under the same PPG Paragraph 013 (Reference ID: 5-013-20150327), the Local Planning Authority is required to consider a range of factors, including the need for biodiversity enhancements around the solar arrays through appropriate landscape planting, the assessment of glint and glare, the visual and environmental impact of security measures, potential effects on heritage assets, opportunities for mitigation through landscaping, and the overall energy-generating potential of the site.

For the reasons stated the proposed development is acceptable in principle in terms of CS policies SS 1, SS 2 and EN 7 and, is supported by national planning guidance in the NPPF.

Whilst not adopted planning policy or guidance weight also be attached to the fact that the proposed development would align with the aims of the North Norfolk Net Zero 2030 Strategy & Climate Action Plan, which is directly linked to the UK's commitment to reducing the impact of climate change. The direction of both international and national policy is to increase the amount of energy produced from renewable sources.

## **2. Effect on landscape**

One of the criteria in CS policy EN 7 is the effect of a renewable energy proposal on the surrounding landscape.

CS policy EN 2 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 the relevant settlement character areas”.*

Proposals should demonstrate that their location, scale, design, and materials will amongst other things, protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area, settlement character and setting of and views from, Conservation Areas.

The site is located within the Rolling Open Farmland landscape type in the North Norfolk Landscape Character Assessment (LCA). Key characteristics of this landscape include its open, exposed nature, shaped by extensive arable land, limited woodland, large field parcels, low-managed hedgerows, and gently sloping elevated plateau landforms. The lack of visual screening or containment increases its susceptibility to many types of new development.

While the gently rolling landform, large-scale pattern of regular arable fields, and relatively low density of ecological or cultural designations reduce sensitivity to field-scale solar PV development, several factors contribute to increased sensitivity. These include the strongly rural character, visually prominent slopes and undeveloped skylines, limited opportunities for localised screening, and the area's relatively high scenic quality. Overall, sensitivity to the type of development proposed considered moderate to high, and careful siting is therefore considered to be essential to avoid negative impacts.

Localised areas of lower sensitivity include those where flatter landforms, in combination with existing mature linear shelter belts, woodland blocks, and higher hedgerows, may afford greater visual screening and containment of solar panels.

The Landscape Sensitivity Assessment (2021) (LSA) supports the LCA and aims to inform appropriate locations for different types of renewable energy development based on an

assessment of landscape character types. It is noted that renewable energy developments are a potential detractor of landscape character, with elements such as solar PV developments on farmland and the introduction of permanent structures such as sub-stations. The LCA highlights the need to ensure that any new development conserves the sense of rurality in such locations, with limited capacity to visually contain development within this context.

A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application. This appraises and addresses the potential landscape and visual impacts of the proposed development in a locally quite open location. The LVIA identifies a number of viewpoints considered as being representative of potential effects at a range of receptors, not only those actually located at each viewpoint but also those nearby, at a similar distance and/or direction.

The LVIA indicates that the closest visual receptor, people passing by on the nearby section of Wellingham Road, would be affected moderately in the short term, reducing to a minor adverse visual effect with the successful establishment of boundary hedging. Minor or minor-negligible initial levels of visual effect harm have also been predicted for people travelling along three other rural lanes within 1 or 2km from the proposed development. Again, these effects would also be lessened with the establishment of the proposed boundary hedging. The LVIA concludes that, once the hedgerow reaches an established height of approximately 2.5 metres, the development would be in keeping with the character of the local landscape. It would also contribute positively by breaking up the expansive open arable fields and partially restoring the historic field structure, with smaller parcels defined by hedgerows and scattered trees.

A condition is recommended to secure and formalise the proposed landscaping/planting. In addition a condition requiring the submission and approval of a Landscape and Ecological Management Plan (LEMP) is recommended. This will ensure the effective delivery of landscape and also ecological enhancements by requiring comprehensive details on the implementation, establishment, and ongoing management of the soft landscaping.

#### Existing landscape features

Arboricultural information has been submitted in support of the application. This assessment confirms that no trees will be removed. Directional drilling will be used to create two cable routes, connecting the solar array and battery storage to the existing buildings at Uphouse Farm. The creation of these routes will, in parts, encroach upon tree Root Protection Areas (RPAs), resulting in potential conflict with established trees. Tree protection measures are required in order to prevent damage to retained trees while the construction work takes place. A condition is recommended to secure them.

The revised Landscape Proposals Plan includes the planting of a number of trees (oak and field maple) on the northern site boundary.

Subject to the imposition of conditions, the proposal is considered to be acceptable in terms of CS policies EN 2, EN 4 and EN 7 with regards to landscape impacts.

### **3. Loss of grade 2 agricultural land**

The proposed site is classified as arable and horticulture (grade 2) as per UK Soil Observatory guidance. Grade 2 land is defined as 'very good quality' agricultural land. The Planning Practice Guidance guides development away from the 'best and most versatile land' i.e. that graded between the best (Grade 1) and Grade 3. There was however, no requirement to

consult Natural England in this case as the area of land affected would be less than 20 hectares.

Schemes such as that proposed are “temporary” albeit for a duration of many years, comprising installations designed for easy disassembly and removal. Once the solar infrastructure is no longer in use, the land can be reinstated to its former condition and previous use with minimal long-term impact.

The site will however continue to be used for agricultural purposes as, under the solar panels, sheep will graze at appropriate times of the year, and wildflower and pollinator-friendly seed mixes will be sown beneath and around the PV arrays. This would enable an optimal use of the land by fulfilling both energy generation and agricultural functions.

The development is not considered to result in a permanent change of land use, as the land retains the potential to return to full agricultural arable use in the future, assuming the soil is properly maintained during the operational period of the solar installation.

It is therefore considered that the proposal, on balance, complies with the aims of CS policies SS 4 and EN 9.

#### **4. Effect on residential amenity**

CS Policy EN 4 requires that proposals do not significantly detrimentally affect the residential amenity of nearby occupiers. Policy EN 7 states that renewable energy proposals will be permitted provided there is no significant impact on residential amenities.

CS Policy EN 13 sets out the requirements for all development to minimise and, where possible, reduce all emissions and other forms of pollution, including light and noise pollution. Proposals will only be permitted where, individually or cumulatively, there are no unacceptable impacts on the natural environment and general amenities, health and safety of the public, and air quality if they cannot be suitably mitigated.

Paragraph 135 f) of the NPPF emphasises the importance of securing a high standard of amenities for both current and future users. Planning should aim to prevent development from being adversely affected by or contributing to unacceptable levels of air or noise pollution..

Paragraph 198 of the NPPF highlights the importance of ensuring that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions, and the natural environment. This involves assessing the sensitivity of the site or wider area to potential impacts arising from a proposed development.

With regards to the potential effects from glare, the nearest dwellings are situated along the A1065 north of the site and around 480 metres away. Some of these properties benefit from good levels of screening from the dispersed mature vegetation (such as trees, large shrubs and evergreen species). However, several properties on the south side of the A1065 lack any meaningful screening from the proposed site and have clear views across the adjacent fields.

The glare assessment provided with the application does not account for this area, having instead focused primarily on the south and southwest of the site. Uphouse Farmhouse is the closest property to the west, Manor Farm is to the southwest and Manorhouse Farm is to the south. The site lies approximately 400 metres from Uphouse Farmhouse, around 1,260 metres from Manor Farm (in Wellingham) and 2,280 metres from Manorhouse Farm (in Tittleshall). The glare analysis indicates that Uphouse Farmhouse is likely to be the most affected receptor, with the greatest impact occurring during the April and August. During these periods,

the assessment suggests a more pronounced glare duration on the west side of the property, with approximately 66 minutes/day of green glare' and 44 minutes/day of 'yellow glare' respectively. In a Glint and Glare Assessment, yellow and green glare typically refer to levels of visual impact caused by reflected sunlight from solar panels. Green glare usually indicates low intensity or short duration and is considered non-hazardous. In contrast, yellow glare represents moderate intensity or duration and may result in a noticeable visual impact, potentially causing some discomfort or distraction.

Mitigation measures proposed to reduce or compensate for otherwise potentially harmful and visual effects primarily include installing the solar panels at a 35-degree angle with a matt black finish to minimise visual prominence, enclosing the site with 2.5m high security/deer fencing, and implementing landscape treatments such as hedgerow and tree planting to further soften and screen the development. With these and given the separation distance between the site and Uphouse Farmhouse, the south-facing orientation of the solar panels, it is considered that the development would not give rise to any materially harmful effects in respect of glare.

Most noise generation would occur during the construction and installation phases for a short period and largely be from site traffic. It is considered that the noise level is likely to be relatively low which, in combination with the separation distance from the nearest neighbouring properties, would not result in any significant negative amenity impacts.

Given the nature of the solar array, it is considered there would be no significant detrimental impacts on the residential amenities of neighbouring occupiers in terms of overbearing, overshadowing, overlooking or loss of outlook, The proposal is therefore considered to be in accordance with CS Policies EN 4, EN 7 and EN 13.

## **5. Flood risk and drainage considerations**

CS policy EN 10 seeks to protect the district from flooding and to ensure developments are not adversely affected by flooding or increase flood risk in the surrounding area.

The application is supported by a Flood Risk Assessment which found the following:

- The site is located within the Flood Zone 1 therefore all uses of land are appropriate in this zone.
- It is considered that there is a low risk of groundwater flooding and a low risk of flooding from other sources.
- There is a very low surface water flood risk.
- Safe access/egress can be achieved at all times.

Given the above findings the proposal is considered to be acceptable in terms of flood risk and complies with CS Policy EN 10.

## **6. Highways**

CS Policy CT 5 relates to the transport impact of new development and indicates development proposals will be considered against a number of criteria including whether the proposal is capable of being served by a safe access to the highway and; that the expected nature and volume of traffic generated by the proposal could be accommodated on the existing road network without detriment to the amenity or character of surrounding area or highway safety.

Paragraph 116 of the NPPF states that “developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation would be severe taking into account all reasonable future scenarios”.

The application is supported by a Highway and Access Assessment (March 2025), which sets out information on the anticipated traffic movements, access arrangements associated with the proposed development, along with measures to ensure the safety and efficiency of the local road network during the development’s construction and operational phases (see **Table 1** below).

Week Number	Delivery Type	Vehicle Type	Vehicle Number
1	Plant Delivery	Articulated Lorry	1
1	Welfare	Pickup/Van	4
1	Compound	7.5 Tonne Lorry	3
1	Skip Delivery	7.5 Tonne Lorry	4
2	Framework	Articulated Lorry	3
4	Solar Panels	Articulated Lorry	6
6	Cable Delivery	Articulated Lorry	2
6	Plant Delivery	Articulated Lorry	2
10	Concrete Delivery	Concrete Mix Lorry	2
11	Skip Pick Up/delivery	7.5 Tonne Lorry	4
11	Battery and GRP	Articulated Lorry	2
11	Battery Equipment	Articulated Lorry	2
11	Ancillaries	Van	6
14	HV Panel Delivery	Articulated Lorry	2
20	Fencing	7.5 Tonne Lorry	4
23	Welfare Pick Up	Pickup/Van	4
23	Skip Pick Up/delivery	7.5 Tonne Lorry	2
24	Compound Pick Up	7.5 Tonne Lorry	3
24	Plant Pick Up	Articulated Lorry	2
1 to 24	Contractors	Van	135

**Table 1 - Estimated Vehicle Movements During Construction**

Traffic impacts would mainly occur during the construction phase of the development. Access to the site will be taken from the main entrance to Uphouse Farm, which connects directly to the A1065 (Swaffham Road), a designated ‘Principal Route’ and ‘Corridor of Movement’. This established access is well-suited for construction traffic, including the delivery of solar panels, batteries, and associated plant and equipment. The agent informed the officer that the main entrance to Uphouse Farm has a generous visibility splay of over 20 metres in width, providing safe and efficient access for all vehicle types expected during the development process.

The access tracks located to the south and west of the site are considered wide enough to accommodate the movement of HGVs delivering all required equipment, including solar panels, batteries, and construction machinery, without the need for significant upgrades or alterations. To ensure safe and efficient vehicle movements on site, particularly in areas with restricted visibility, a qualified banksman would be employed to manage and guide all manoeuvres.

During the operation of the development of the completed development, the traffic impact on the local highway network would be negligible, generating only a modest number of vehicular trips to ensure inspection, monitoring and general site upkeep.

The Highway Authority have raised no objection to the proposal subject to conditions regarding construction traffic. Overall, the proposal is considered to comply with Policies SS 6 and CT5.

## **7. Biodiversity Net Gain**

This application includes a BNG calculation on the total area to be used for the proposed development. The Landscape Officer has assessed the calculation finding some errors within the metric. Therefore, the baseline and habitat plan will need to be amended and this can be resolved post-determination at the point where the mandatory Net Gain Plan is submitted for approval.

Biodiversity Net Gain would be achieved on-site through the reinforcement of existing hedgerows and the planting of new hedgerows where required, as well as through the planting of native grass species within the solar farm itself and wildflower grass meadows around the perimeter edges of the solar farm.

### **Other considerations**

#### Effect on protected species

Solar PV arrays will have implications for habitat loss, fragmentation, modification and the displacement of species. However, habitats can be created of undisturbed grassland for a number of years, wildflower meadows, planting of hedgerows and trees.

The Ecological Assessment supporting the application identifies That most of the site is covered with elephant grass, which has limited ecological value. To the west side of the site, there is a mature hedgerow and a number of scattered trees bordering the long access road. Opposite the hedgerow and access road stands a group of mature hybrid black poplars, which form a prominent feature in the landscape and contribute to the area's established character.

The hedgerow at the site boundary provides a suitable habitat for foraging and commuting bats. The linear group of poplars located outside the site boundary was assessed from the ground level as having negligible potential for roosting bats. One tree featured a knothole approximately 6 metres up the stem that could offer a suitable roosting habitat, warranting further investigation. However, this will not be affected by the proposal.

The remainder of the site lacked vegetation and was unsuitable for roosting bats. However, generalist bat species may commute over the site between adjacent habitats. The planned landscape enhancements and habitat creation would help to make the site suitable for foraging and commuting bats following the completion of the proposed development.

The site will be managed through seasonal sheep grazing, with temporary electric fencing to protect and maintain the field margins (7-10m). A 2 metre high site security and deer fence will be installed around the perimeter, incorporating a 10 cm gap at the base to allow for small mammal movement and maintain ecological connectivity.

It is therefore considered that the proposal complies with CS policy EN 9.

### Effect on heritage assets

The site is situated southwest of the grade II-listed Uphouse Farmhouse, which features a courtyard arrangement of traditional farm buildings, including traditional and early modern structures. Within the farm complex, five cottages serve as employee accommodations along the access road from the A1065.

The immediate setting of the farmhouse has already been significantly altered by the construction of modern agricultural buildings nearby, which has somewhat diminished the significance of the listed building and its surroundings.

Given the relatively low profile of the solar panels within the landscape and the distance between the listed building and the application site, it is considered that there would be negligible additional harm to the setting of the listed building and therefore its significance as a designated heritage asset.

Even if it were to be concluded that some, albeit limited, harm would arise to heritage assets, this harm would be regarded as “less than substantial” and any harm would be outweighed by the public benefits associated with renewable energy generation.

On that basis it is considered that the proposal complies with CS Policy EN 8 and the Local Planning Authority would comply with its obligations under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990.

### **Planning Balance and Conclusion**

This application proposes the erection of a ground-mounted solar photovoltaic array with associated infrastructure. The proposal will help support an existing farm enterprise by providing a secure and sustainable energy source, offering resilience against volatile energy prices, and reducing operational costs through on-site generation. This would significantly reduce the emissions and greenhouse gasses the business generates and ensure a more sustainable business. No significant adverse impacts would arise from the proposal on amenity, the landscape, ecology, the historic environment or highway safety.

Subject to the imposition of conditions, the proposal is considered to be in accordance with the relevant CS policies listed above.

### **RECOMMENDATION**

**APPROVAL** subject to conditions to cover the following matters:

- Time limit for implementation
- Approved plans:
- Archaeological written scheme of investigation
- Landscape and ecological management plan (LEMP)
- Construction Management Traffic Plan and construction parking
- Tree protection
- Landscape scheme

- Replacement planting
- Ecological mitigation and enhancement
- Biodiversity Net Gain
- No removal of trees/hedges during bird breeding season
- External lighting
- Fencing to be in accordance with submitted details
- Removal of panels and equipment after 40 years.
- Removal of panels if no longer required for the generation of electricity.

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

**DILHAM – PF/25/0610: Installation of 36kW ground mounted solar PV arrays at Dilham Hall Honing Road, Dilham for Cllr L Paterson**

**Minor Development**

**Target Date:** 28 May 2025

**Extension of Time:**

**Case Officer:** Rob Arguile

**Full Planning Permission**

**RELEVANT CONSTRAINTS**

Countryside LDF

Landscape Character Assessment (Low Plains Farmland)

Areas Susceptible to Groundwater SFRA

EA Risk Surface Water Flooding + CC SFRA

**RELEVANT PLANNING HISTORY**

No planning history.

**THE APPLICATION**

The application seeks planning permission to install 36kW ground mounted solar PV arrays.

**REASONS FOR REFERRAL TO COMMITTEE:**

The applicant is a ward councillor

**CONSULTATIONS**

**Dilham Parish Council - No Comment**

**Landscape NNDC - No Objection.** The site is situated within the Low Plains Farmland Type and is characterised by a flat or gently undulating open landscape with long, uninterrupted views, predominantly arable land use and dispersed rural settlements.

The need for renewable energy is listed as a potential detractor for this landscape type, however, the established field boundaries of native broadleaf hedgerows will be able to adequately contain the solar array and maintain the traditional farmland character.

In order to preserve the local and wider landscape it should be conditioned that the surrounding boundary hedge be retained at a minimum of 1.5m height and that all works be carried out to NJUG: Volume 4, Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) standards.

**Climate and Environment Officer – Support.** Ground solar has been seen to improve biodiversity coupled with the retention of farm animals to be able graze. Benefits to decarbonising, even in small scale examples like this.

## **REPRESENTATIONS:**

None received.

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

## **RELEVANT POLICIES:**

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

Policy SS 1 - Spatial Strategy for North Norfolk

Policy SS 2 - Development in the Countryside

Policy SS 4 - Environment

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

Policy EN 4 - Design

Policy EN 7 - Renewable Energy

Policy EN 9 - Biodiversity & Geology

### Material considerations

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

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 12: Achieving well designed places

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

Chapter 15: Conserving and enhancing the natural environment

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

Design Guide Supplementary Planning Document (December 2008)

North Norfolk Landscape Character Assessment (2021)

## **OFFICER ASSESSMENT:**

## MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Landscape
3. Amenity
4. Design
5. Biodiversity
6. Environment
7. Planning Balance and Conclusion

### 1. Principle

This planning application seeks the installation of install of 36kW ground mounted solar PV arrays. The site lies on the edge of the village of Dilham, within the grounds of Dilham Hall. The wider site is an active farm with the proposal site used for grazing of animals.

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the North Norfolk Core Strategy.

The site is located within the area designated as Countryside under Core Strategy (CS) Policy SS 1 for planning purposes. Within land designated as countryside, Policy SS2 seeks to limit development other than that in accordance with a list of exceptions. Such exceptions include development for renewable energy projects and proposals for '*extensions to existing businesses*'.

CS Policy EN 7 indicates that renewable energy proposals will be supported and considered in the context of sustainable development and climate change, considering the wide environmental, social, and economic benefits of renewable energy. It states that: "*Proposals for renewable energy technology, associated infrastructure and integration of renewable technology on existing or proposed structures will be permitted where individually, or cumulatively, there are no significant adverse effects on:*

- *the surrounding landscape, townscape and historical features/areas, or;*
- *residential amenities (noise, fumes, odour, shadow flicker, traffic, broadcast interference), and*
- *specific highway safety and designated nature conservation or biodiversity considerations*".

CS Policy SS 4 requires that "*all developments to contribute to the delivery of sustainable development, ensure protection and enhancement of natural and built environmental assets and geodiversity, and be located and designed so as to reduce carbon emissions and mitigate and adapt to future climate change*".

The National Planning Policy Framework (NPPF) indicates that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts. It should support renewable and low carbon energy and associated infrastructure.

NPPF paragraph 168 states that when determining planning applications for all forms of renewable and low-carbon development, local planning authorities should, amongst other things,

*“not require applicants to demonstrate the overall need for renewable and low-carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future”.*

On the basis that the proposal is seeking the installation of renewable energy generating structures as part of an existing rural business, the principle is considered acceptable and would comply with the aims of Core Strategy Policies SS 1, SS 2 and SS 4. Further assessment of the proposal against Policy EN 7 will be set out below.

## **2. Landscape**

Policy EN 2 requires that proposals for development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies. Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance.

The proposal site lies within the ‘Low Plains Farmland’ character type, of which ‘*renewable energy development*’ is listed as a force for change/detractor. Despite this however, the proposal is modest in nature. Furthermore, ‘*woodlands, hedgerows and hedgerow trees*’ are given as valued features and qualities of this type - ‘*hedgerows and hedgerow trees contribute to the habitat network as well as contributing to visual amenity*’. Following consultation with the Landscape Officer, it is acknowledged that the established field boundaries of native broadleaf hedgerows will be able to adequately contain the solar array and maintain the traditional farmland character.

With this in mind it is considered that subject to conditions ensuring the works be carried out per National Joint Utilities Group (NJUG) standards and the hedgerows to be retained at a minimum 1.5m in height, this would enable the development to protect and conserve wider landscape.

On balance, the impact on the landscape is considered acceptable under Core Strategy Policy EN 2.

## **3. Amenity**

Policy EN 4 requires that development proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide an acceptable level of residential amenity.

As the site is not located in close proximity to residential properties, Officers consider that the proposal is unlikely to have a detrimental impact on the residential amenity of the area, making it acceptable under Core Strategy Policy EN 4.

## **4. Design**

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

The design of the proposal takes the form of three solar PV panel systems on raised structures measuring 2.8m in height. The design allows for the land underneath to be retained as grazing land and the animals to pass underneath.

Given their practical design, siting and energy efficient design, is it considered that the proposal preserves the character of the area and complies with the aims of Core Strategy Policy EN 4.

## **5. Biodiversity**

Under Policy EN 9 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.

The scale of the proposal is not considered to have a detrimental impact upon biodiversity. Subject to the landscaping condition, this will conserve the hedgerow as a suitable habitat for biodiversity additionally to its function in the wider landscape.

With regard to Biodiversity Net Gain, the proposal is considered exempt under the *de minimis* grounds on the basis that:

- The De Minimis exemption considers the area of habitat impacted/lost as a result of development, as opposed to the size of the site itself;
- The proposal, is unlikely to result in impacts to the grassland due to the height at which the arrays are to be installed with space to allow grazing to continue beneath;
- The position of the arrays, being set apart, in addition to the height of the installation, results in a significant reduction to the degree of shading that would be typical of a large uninterrupted area of ground mounted panels

Accordingly, the proposal is acceptable under Core Strategy Policy EN 9.

## **6. Environment**

Policy EN 7 requires that renewable energy proposals will be supported and considered in the context of sustainable development and climate change. They also must take account of the wide environmental, social and economic benefits of renewable energy gain and their contribution to overcoming energy supply problems in parts of the District. Proposals for renewable energy technology, associated infrastructure and integration of renewable technology on existing or proposed structures will be permitted where individually, or cumulatively, there are no significant adverse effects on; the surrounding landscape, townscape and historical features/areas; residential amenity (noise, fumes, odour, shadow flicker, traffic, broadcast interference); and specific highway safety, designated nature conservation or biodiversity considerations.

Under para 168(a) of the NPPF it states that '*significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future*' Para 168(b) also states that '*small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions*'.

With the previous considerations being acceptable, no adverse effects are expected from the landscape, amenity nor conservation matters. As such, the proposal is considered to be compliant with Core Strategy Policy EN 7.

## **7. Planning Balance and Conclusion**

In conclusion the proposal would allow for an increase in renewable energy provision for Dilham Hall, located in a suitable parcel of land within the farm, with no design or amenity concerns and with no wider impact upon the surrounding landscape. The proposal would accord with the aims of Development Plan Policy.

### **RECOMMENDATION:**

**APPROVAL subject to conditions relating to the following matters:**

- Time limit – 3 years
- Accordance with approved Plans
- Retention of existing boundary hedgerow at a minimum height of 1.5m
- Compliance with NJUG standards during installation.
- Removal of panels if no longer required for the generation of electricity.

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

**HEMPTON- PF/21/3314 - Demolition of existing building and erection of 3 no. two-bed dwelling houses, at land Between 13 & 19, Shereford Road, Hempton, Fakenham**

**Minor Development**

**Target Date:** 07/02/2022

**Extension of Time:** TBC

**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 Hempton Conservation Area
- It is within the Zone of Influence of a number of European sites
- It is within the River Valleys (RV1) landscape type as defined in the North Norfolk Landscape Character Assessment
- The west part of the site is potentially contaminated land
- It is within the surface water catchment of the River Wensum, and Fakenham Water Treatment works discharges to the River Wensum Special Area of Conservation (SAC) which is affected by nutrient pollution.

**RELEVANT PLANNING HISTORY:**

PO/91/1239 (land at 17 Shereford Road) - Erection of bungalow - approved

PF/90/0864 (land Off Shereford Road) - Erection of pair of dwellings and garages - approved

PO/88/2931 (land at 13 Shereford Road) - Outline planning for residential building - approved

PF/89/1971 (land Off Shereford Road) - Erection of two dwellings - approved

PF/82/0893 (land at 13 Shereford Road) – Bungalow - approved

**THE APPLICATION**

Site Description:

The site comprises an area of land on the south side of Shereford Road between numbers 13 and 19. Apart from a narrow strip on the west end of the site, it is within the Hempton Conservation Area. The site is relatively level.

There is a small, corrugated metal clad workshop style building on part of the site with a concrete surfaced tack to it and a double garage beyond, adjacent to the site's rear boundary. The remainder of the site is grass, with some small trees and sections of hedge. Along the roadside boundary there is an old wall which is largely overgrown with vegetation, with an old access within it.

To the east of the site is a short terrace of old dwellings that sit just back from the road and to the west is a mid-20<sup>th</sup> century dormer bungalow at the end of a short row of dwellings of a similar age. To the south are larger warehouse style buildings forming part of the H. Banham Ltd (agricultural merchants) site off Raynham Road. A strip of land would be left between the rear boundary of the site and the north side of the buildings on the Banham's site.

Proposal:

Three, 2-bedroom two storey dwellings with single storey lean-to rear sections are proposed. There would be a pair of semi-detached dwellings and a detached dwelling. A new shared access to Shereford Road is proposed which would run to the west side of the detached dwelling. The properties would have a staggered frontage line with the easternmost dwelling set on the same line as the adjacent terrace of houses, with the western most dwelling's frontage set further back to be on the same line as the adjacent dwelling to the west.

The proposed dwellings would have a traditional appearance with external materials comprising flint walls with red brick detailing and red pantiles on the roof. Boundary treatments are not detailed. Each dwelling would have two car parking spaces served by the shared access.

**REASONS FOR REFERRAL TO COMMITTEE:**

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

**CONSULTATIONS:**

**Hempton Parish Council:** No objection subject to the dwellings being used for permanent residency only and not for second home use or holiday lets. Also serious consideration should be given to the affect additional vehicles would have on road access, bearing in mind the proximity to an already difficult junction

**North Norfolk District Council Landscape:** Do not wish to offer comments

**North Norfolk District Council Conservation and Design:** No objection - revised plans having satisfactorily addressed the earlier concerns. The amended scheme would preserve the appearance and character of this part of the Hempton Conservation Area. Conditions relating to external materials requested.

**North Norfolk District Council Environmental Heath:** Comments - note that part of the development area falls within the footprint of a former brickworks, but the exact location of the former site footprint is difficult to pinpoint. As such there is a potential contamination risk to the site. A condition requiring an assessment of the risks posed by any contamination to be carried out along with remediation if identified as being necessary, is recommended.

**Norfolk County Council Highways:** No objection – Suitable visibility splays can be provided from the repositioned access. Conditions relating to access and parking requested subject to conditions.

## **REPRESENTATIONS:**

One received objecting, summarised as follows:

*Proposal would put additional traffic on to the already very difficult and dangerous junction of Shereford Road on to the A1065. It is difficult to exit due extremely poor visibility caused by the bend on the A1065 coming from the Swaffham direction. This junction is used by the sugar beet lorries from Raynham Farms/British Sugar and causes more danger and congestion at the time of harvest.*

*Residential parking at the eastern end of Shereford Road is on-street, with no garages or off-road parking. This can cause blockages. The road is also used by the Police as a "rat run" when there is an accident on the A1065 to direct traffic away from the A1065 back on to the Kings Lynn Road.*

## **HUMAN RIGHTS IMPLICATIONS**

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

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

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

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, 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  
EN 13 - Pollution and hazard prevention and minimisation  
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)  
*(there is currently not a conservation area appraisal for Hempton)*

### **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

### Main issues for consideration:

1. Whether the site is a suitable location for new dwellings, having regard to accessibility to everyday local facilities and services by a range of modes of transport
2. The design/appearance of the proposed dwellings and their effect on the character and appearance of the Hempton Conservation Area
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 dwellings and whether an acceptable living environment would be provided for the future occupiers.
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.

Also of relevance is the appeal decision (APP/Y2620/W/21/3276085) dated 17/01/2022 relating to land at Barons Meadow, Barons Hall Lane, Fakenham following the refusal of outline planning permission for the erection of two detached dwellings. This site was similarly located within the Countryside but unlike the current application site directly adjoined the settlement boundary, was next to a primary school, with separate footways and street lighting from the site to the town centre about 633 metres away as the crow flies.

The Inspector stated: *“I acknowledge that the services and facilities available within Fakenham would be easily accessible from the appeal site. The proposal also has the potential to result in some modest economic and social benefits for the area associated with the development of the site and its future occupation. However, the same could be said for many sites which sit adjacent to settlement boundaries. Such factors do not on their own mean that a site is suitably located having regard to the strategic objectives of the LP to direct new market housing to within defined settlement boundaries”*.

As with the current application, part of the site was considered to be previously developed land as it was occupied by a storage building. At the time of the decision however, the Inspector acknowledged that the Council could demonstrate a 5-year housing land supply stating *“therefore, there does not appear to be an urgent need to release land outside the settlement boundary for housing”*. He concluded that *“the development of two dwellings in the countryside would conflict with the spatial strategy for the area and for that reason would not deliver a sustainable form of development”*. It is considered that some weight should be attached to this decision.

The main built-up areas of Hempton are separated by the A1065 Raynham Road that runs north-south through the small Parish. Shereford Road and the application site are to the west of it. Within this area there are no everyday services or facilities. In the area to the east, which is closer to Fakenham’s Settlement Boundary there is a church, play area, community hall, garden centre and a public house.

Fakenham is the closest Principal Settlement and has a wide range of everyday service. It is approximately 0.65km from the site to the Settlement Boundary and 1.25km from the site to Fakenham's Market Place in the centre of the town. There is no current national planning guidance on acceptable walking distances, the NPPF simply emphasises the need to maximise sustainable transport solutions. Planning Policy Guidance 13: Transport suggested that *"walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under two kilometres"*. The PPG was however, withdrawn following publication of the NPPF. Elsewhere it is suggested that *"800m, or approximately half a mile, is generally considered a standard walkable distance as it typically takes approximately 10 minutes to walk, and a 20 minute walking trip (1,600m total) has been found to be the longest distance a majority of people are willing to walk to meet their daily needs"*.

Given the above whilst some future occupiers of the development might choose to walk to Fakenham, they would likely be a very small minority. It is considered this would also be tempered by the fact that until close to the Settlement Boundary there is very little separate footway and no street lighting. There are no footways or lighting on Shereford Road, then a short section along the A1065 to an uncontrolled pedestrian crossing point. There is then a short section of rough surfaced track followed by an unsurfaced and uneven path across The Green. After crossing Pond Road, walking would be on Back Street which again has no separate footways or lighting. From the junction with Dereham Road, there is a separate footway with street lighting just beyond a point opposite the access to the racecourse. An alternative walking route via Back Street and Pond Lane only has a short section of separate footway and again, no lighting.

With regards to other sustainable modes of transport given the distance to the town centre, cycling would be a realistic option for some people, although those less experienced may be deterred by the lack of a segregated path, the need to cross the A1065 via staggered junction and the relatively high volume of traffic on Dereham Road.

There is an approximately hourly daytime bus service (Konnect Bus 21, 22, 23) Monday - Saturday that runs between Dereham and Fakenham. There is a stop with a shelter on the A1065 next to the junction with Shereford Road with an approximate journey time of 10 minutes to Oak Street, Fakenham. It is considered that the use of the bus would be a viable option for occupiers of the development to access the range of services in the town.

On balance, whilst the sustainability credentials of the site are clearly better than one in a more remote rural location within the Countryside, it is considered future occupiers of the development would still be largely reliant on the car to reach everyday services and facilities, although given the proximity of the site to Fakenham, it is acknowledged that some of the car journeys would likely be short. Being within the Countryside the site is however, deemed to be in an inherently unsustainable location under the current Core Strategy and noting the fact that it is currently proposed to remain so for the purposes of the emerging North Norfolk Local Plan and that Hempton has not been identified as a Growth Village. The proposed 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 and appearance**

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.

The vast majority of the site is within the Hempton Conservation Area (CA). In its current state it does not make a positive contribution to the character and appearance of the CA. Whilst it is a generally open, gap site it is not important in this respect, noting the fact that development on the site has been permitted previously, after the CA was designated. It appears as an obvious infill site.

The site sits within the ribbon of development that extends westwards along the south side of Shereford Road and between the older terrace of properties to the east and generally mid-20th century dwellings to the west. The appearance and style of the existing dwellings along the road is mixed and there are both single and two storey properties, such that there is not a prevailing character.

The frontage line of the dwellings would be stepped to respond the frontage line of the dwellings on either side of the site. Their height, scale, appearance and the proposed external materials are considered to be appropriate for the context. It is considered subject to securing further design details via conditions, the proposed development would result in a minor enhancement of the character and appearance of the CA

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 River Valleys (RV 1) Landscape Character Type (as defined within the LCA). The LCA sets out that development proposals should seek to integrate within the existing settlements, reinforcing traditional character and vernacular.

As the proposed development would be an infill surrounded by existing development on three sides and given its height and scale would be similar, there would be no material harm to the wider landscape.

Whilst there are some small trees on the site, these need to be removed to accommodate the proposed development. They do, however, have very little amenity value. There would not be sufficient space within the site to provide any meaningful replacement planting. Given the immediate context and the built-up nature of the south side of Shereford Road, it is considered that the lack of any significant soft landscaping on the site is acceptable.

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*”.

In terms of nearby occupiers, the 2 dwellings immediately adjacent to the site are 13 Shereford Road to the east and 19 Shereford Road to the west. Neither occupier has submitted representations. No 13 is an end terrace property with ground and first floor windows in its side elevation facing the site. It has not been possible to gain access to the property to ascertain what rooms these windows serve. Also in this elevation, there are a pair of French doors to a living room which also has a window in the front elevation. There is a single storey side extension with two windows facing the site which appear to serve a kitchen, and a glazed door to the rear. Other than a first-floor window to a bathroom, the flank wall of the proposed dwelling that would face the side of No 13 would be blank with a separation distance of approximately 7.15 metres. This would be below the recommended separation distance of 8.5m in the Amenity Criteria within the North Norfolk Design Guide (NNDG), assuming the first-floor windows are secondary.

There would be some loss of sunlight to both the ground floor windows and the northernmost first floor window in the side elevation of No. 13 in the latter part of the day. There would also be a loss of outlook and some overbearing impact. The separation distance would only slightly below that recommended in the NNDG and the erection of a 2m high fence along the common boundary as permitted development would have a similar impact on the ground floor windows. The southernmost of the first-floor windows would face the single storey rear part of the proposed dwelling and as such there would still be a reasonable outlook. There would also be a reasonable outlook albeit at an angle, from the other first floor window over the single storey section and the effect on sunlight/daylight received would only be for a small part of the day. There would be no materially harmful effect on the rear of No. 13 or its rear garden/amenity area. On balance, the relationship between the proposed development and No 13, is considered to be acceptable.

With regard to 19 Shereford Road, in its side elevation facing the site there is a window which appears to serve a garage rather than a habitable room, but again it has not been possible to gain access to verify this. There is also a window to a utility room/kitchen and a further small window which is obscure glazed. The separation distance between the utility room / kitchen window and the facing side elevation of the adjacent proposed dwelling would be approximately 4.95 metres. The NNDG recommends 3.0 metres in the case of a window to a utility room and 8.5 metres in the case of a kitchen window.

There would be some loss of outlook from the utility/kitchen window in the side elevation of No. 19 and some overshadowing and loss of daylight/sunlight during the early part of the day. This should be for a relatively short period of time due to the rear part of the proposed dwelling being single storey. Again, the erection of a 2m high fence along the common boundary as permitted development would have a similar impact on this window in terms of loss of outlook. It is considered there would be no materially harmful effects on the rear of No. 19 or that part of its rear garden closest to the property in terms of loss of privacy, light or outlook

On balance and for the reasons stated, the proposed development is considered to comply with the requirements of Core Strategy Policy EN 4 in terms of the effect on the occupiers of neighbouring dwellings.

In addition, It is considered that each of the proposed dwellings would have a reasonable outlook, levels of privacy and daylight. Two of the dwellings would have amenity areas slightly below that recommended in the NNDG, but not to an extent that would justify refusal. Whilst the commercial premises (H Banham) to the south is relatively close, it does not appear to generate any noise or activity that would be harmful to living conditions and there are existing dwellings similarly located close to it.

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 originally submitted, the proposed dwellings were to be served off the existing access to Raynham Road at the western end of the site’s frontage. In response to concerns regarding its width and restricted visibility raised by the Highway Authority, a new access further to the east and alterations to the siting of the dwellings is now proposed. This again would serve all the dwellings, with parking areas to rear of the site. Suitable visibility splays could now be provided, and subject to the imposition of relevant conditions requested by the Highway Authority, this has satisfactorily addressed their earlier concerns.

Based on the Trip Rate Information Computer System (TRiCs), which is a database of trip rates for developments, each of the proposed dwellings would generate 6 daily movements. Whilst the location of the site means that is likely that there would be a relatively high reliance on private car for most trips by occupiers of the development, and with consideration of the comments raised in the representation and by the Parish Council, no concerns have been raised in respect of the effect on the surrounding highway network in terms of safety or capacity. This is accepted.

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 NNDG states at paragraph 3.3.22 that *"in-curtilage' parking is recommended where possible to take advantage of personal surveillance and defensible space"*. Each dwelling would have 2 parking spaces located to the rear of the site, which for 2-bedroom dwellings as proposed, complies with the current adopted parking standards at Appendix C of the CS. A condition to secure them prior to occupation and their subsequent retention thereafter is recommended. 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 nature of the site, 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.

There are no distinctive landscape features on the site or adjacent to it that would be affected by the proposed development. The proposal therefore complies with Policy EN 2 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 Fakenham Wastewater Treatment Works that discharges to the River Wensum which is a Special Area of Conservation (SAC). This is a phosphorus and nitrogen sensitive catchment area and long-term nutrient pollution has led to adverse impacts upon Habitats Sites including this, 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 dwellings proposed would lead to an annual increase in nutrient discharge of 0.25 kg of Phosphorous/year and 4.08 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 consulted.

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 (£663.51) 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 pumps for the heating of the dwellings 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..." There is an existing corrugated metal clad building on the northwest part of the site and a concrete surfaced driveway to it that extends to a double garage/workshop beyond. A photo believed to date from around 1975 has been supplied by the applicant which shows buildings on other parts of the site which, based on aerial photos that are available, were removed sometime between then and 1999, which no obvious remains of them now on site. While the extent of the curtilage of the development land is not clear, it is considered reasonable to conclude that part of the site at least 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 is a consideration that weighs in favour of the proposal.

*Contamination* – as referred to in the Environmental Health comments there is a possibility that part of the site could be contaminated. It is considered that a condition requiring a risk assessment to be carried out and then for remediation work should it be necessary, is sufficient to ensure there would be no public health and safety risks arising from the development. On that basis it complies with CS policy EN 13.

*Permanent residency* – the Parish Council’s comments regarding the dwellings being used for permanent residency only and not for second home use or holiday lets has been considered. Planning permission is not required to use a dwelling as a second home or in most cases for some holiday letting. Unlike Wells and Blakeney which have adopted Neighbourhood Plans with primary residency policies, there is currently no policy basis for controlling the use of dwellings in these ways through conditions for example, in other parts of the District.

## **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.

With regards to paragraph 11d) i), Officers have concluded that there are no strong reasons for refusing this particular development. Applying paragraph 11 d) ii), the proposed development can be acceptable all respects other than in principle because of the site’s unsustainable location. This identified harm needs to be weighed against the benefit of the proposed development.

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 three dwellings would add to choice and mix locally, increasing social cohesion and community as well as making a modest contribution to the District’s housing land supply. The development is likely to be deliverable in the short-term given that nutrient credits have been secured in principle.

*Environmental* – the development would involve the reuse of a site part of which is previously developed / brownfield land. It would also fill in a gap of no particular value within the streetscene and conservation area. The buildings would be energy efficient and make use of renewable energy sources. Some minor biodiversity gains could be secured through a condition.

On balance, it is considered that the benefits of the proposal outweigh the adverse impacts of the development when assessed against the policies in the NPPF taken as a whole.

The rationale for recommending approval for this application when compared to many other 'countryside' proposals which the Council had refused – and defended successfully on appeal can be summarised by:

- this site is close to the boundary of one of our main town's;
- parts of the site are 'previously developed';
- the council cannot demonstrate a 5 year housing land supply (so paragraph 11(d) of the NPPF is relevant);
- three homes will make a more meaningful difference in supply terms than instances where the Council has generally been successful on appeal (i.e. for 1 or two homes); and,
- the latest change to the NPPF requiring a need for 'strong reasons' for refusal has further tipped the balance in favour of this proposal.

With the applicant's intention is to purchase credits to ensure the proposed development is nutrient neutral, once secured, the development would not result in harm to the integrity of habitats sites and would accord with paragraph 193 of the NPPF. This does need to be done prior to an approval being issued.

As such, the recommendation is one of approval.

#### **RECOMMENDATION:**

Delegate APPROVAL to the Assistant Director - Planning subject to:

The prior receipt of an appropriate Credit Certificate from Norfolk Environmental Credits and thereafter there being no objection raised from Natural England following further consultation.

The imposition of conditions to cover the matters listed below:

- Time limit for commencement
- Approved plans
- External materials
- Details of windows
- Boundary treatments including to frontage
- Biodiversity enhancement
- Contamination
- Access construction
- Gradient of access not to exceed 1:12
- Visibility splays either side of access
- Car parking provision

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

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## DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – 29 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 **April 2025**.
- 1.2 This report sets out the figures for the number of cases decided and percentage within time set against the relevant target and summary of 24-month average performance.
- 1.3 The tables also set out the percentage of the total number of decisions made that are subsequently overturned at appeal as 24-month average performance.
- 1.4 In addition, the tables set out the number of cases registered and validated within the specified months.

Performance Measure	Actual Performance	Target	Comments
<b>(Speed)</b> <b>Decisions Made</b> <i>(Period April 2025)</i>	<b>Major</b> 3 decisions issued  <i>100% within time period</i>	60%  (80% NNDC)	24 month average to 30 April 2025 is  <b>100.00%</b> 
	<b>Non-Major</b> 58 decisions issued  <i>97% within time period (2 cases over time)</i>	70%  (90% NNDC)	24 month average to 30 April 2025 is  <b>97.00%</b> 
<b>(Quality)</b> <b>% of total number of decisions made that are then subsequently overturned at appeal</b>	<b>Major</b>	10%  (5% NNDC)	24 month average to 30 April 2025 is  <b>1.52% (one case RV/22/1661)</b>  
	<b>Non-Major</b>	10%  (5% NNDC)	24 month average to 30 April 2025 is  <b>0.74%</b> 

Performance Measure	Actual Performance	Target	Comments
<b>Validation</b> <i>(Period April 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 five S106 Obligations being progressed of which two have been completed and can be removed from the list.

## 3. RECOMMENDATIONS:

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

**SCHEDULE OF S106 AGREEMENTS**

**UPDATE FOR DEVELOPMENT COMMITTEE:**

**29 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	COMPLETED	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	COMPLETED	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
PF/24/0728	Land At Green Lane Pudding Norton Fakenham NR21 7LT	Demolition of existing fire damaged flats and garages and erection of 9 no. residential dwellings (affordable homes) with associated access, parking and landscaping	CP043 - Hempton	Olivia Luckhurst	Delegated	TBC	Fiona Croxon	TBC	S106 Obligation circulating	Green

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## **OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 29-May-2025**

### **APPEALS SECTION**

#### **NEW APPEALS**

##### **EAST RUSTON - PF/24/0556 - Change of use of building from office and store to a single dwellinghouse (Class C3)**

Crosswinds, Grub Street, Happisburgh, Norwich, Norfolk, NR12 0RX

**For Philip Buskell**

#### WRITTEN REPRESENTATION

**Appeal Start Date:** 25/04/2025

**Appeal Decision:**

**Appeal Decision Date:**

##### **LUDHAM - PF/23/0861 - Change of use of land for the formation of 1 Gypsy/Traveller pitch comprising the siting of 1no. Mobile Home, and 1no. Portacabin for ancillary residential use, associated hardstanding and fencing and installation of a sealed septic tank (part retrospective)**

Malthouse Corner, Malthouse Lane, Catfield, Great Yarmouth, Norfolk, NR29 5AE

**For Mr Tom Harber**

#### INFORMAL HEARING

**Appeal Start Date:** 06/05/2025

**Appeal Decision:**

**Appeal Decision Date:**

##### **SWAFIELD - PF/24/2625 - Change of use of detached outbuilding to B&B/holiday let (retrospective)**

Lilac Cottage, Knapton Road, Swafield, North Walsham, Norfolk, NR28 0RP

**For Mr Mark Short**

#### WRITTEN REPRESENTATION

**Appeal Start Date:** 16/05/2025

**Appeal Decision:**

**Appeal Decision Date:**

##### **TUNSTEAD - PF/24/0665 - Erection of 3 single storey dwellings with attached garages; new vehicular access to Market Street; associated external works**

Land To The East Of Market Street, Tunstead, Norfolk

**For Broadleaf Group Ltd.**

#### WRITTEN REPRESENTATION

**Appeal Start Date:** 07/05/2025

**Appeal Decision:**

**Appeal Decision Date:**

### **INQUIRIES AND HEARINGS - IN PROGRESS**

NONE

**WRITTEN REPRESENTATIONS APPEALS - IN HAND**

**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:**

**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:**

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

27 Shipden Avenue, Cromer, Norfolk, NR27 9BD

**For Mr Andrew Crane**

FAST TRACK - HOUSEHOLDER

**Appeal Start Date:** 22/11/2024

**Appeal Decision:**

**Appeal Decision Date:**

**CROMER - 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:**

**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:**

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

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

**For Mr Eric and Penelope Goodman and Blake**

WRITTEN REPRESENTATION

**Appeal Start Date:** 06/08/2024

**Appeal Decision:**

**Appeal Decision Date:**

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

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

**For Mr & Mrs Dean & Sonia James**

WRITTEN REPRESENTATION

**Appeal Start Date:** 18/11/2024

**Appeal Decision:**

**Appeal Decision Date:**

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

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

**For Miss Stephanie Inns**

WRITTEN REPRESENTATION

**Appeal Start Date:** 30/09/2024

**Appeal Decision:**

**Appeal Decision Date:**

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

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

**For Mr Alexander Brackley**

WRITTEN REPRESENTATION

**Appeal Start Date:** 10/11/2023

**Appeal Decision:**

**Appeal Decision Date:**

**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:**

**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:**

**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:**

**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:**

**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**

**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 Dismissed

**Appeal Decision Date:** 25/04/2025

**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 Dismissed

**Appeal Decision Date:** 06/05/2025

**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 Dismissed

**Appeal Decision Date:** 06/05/2025

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

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

**For Dr Clare Walters**

WRITTEN REPRESENTATION

**Appeal Start Date:** 09/09/2024

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 30/04/2025

**Total Number of Appeals listed: 27**

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

*Appeals Information for Committee between  
24/04/2025 and 20/05/2025*

**29-May-2025**

**APPEALS SECTION**

**NEW APPEALS**

**CATFIELD - ENF/22/0259 - Use of land for residential purposes**

Caravan On, Malthouse Lane, Catfield, Great Yarmouth, Norfolk, NR29 5AE

INFORMAL HEARING

**Appeal Start Date:** 30/04/2025

**Appeal Decision:**

**Appeal Decision Date:**

**NORTHREPPS - ENF/24/0195 - Unlawful development of 2 glamping pods**

Land Adjacent Hungry Hill House, Hungry Hill, Northrepps, Cromer, Norfolk, NR27 0LN

WRITTEN REPRESENTATION

**Appeal Start Date:** 02/05/2025

**Appeal Decision:** Appeal Withdrawn – Subsequent Planning Application Approved

**Appeal Decision Date:** 07/05/2025

**ROUGHTON - ENF/24/0060 - Siting of caravans for residential purposes, storage of scrap vehicles and scaffold Poles**

Fern Bank, Carr Lane, Roughton, Norwich, Norfolk, NR11 8PG

WRITTEN REPRESENTATION

**Appeal Start Date:** 12/05/2025

**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:**

**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:**

**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:**

**Total Number of Appeals listed: 12**

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