

# Development Committee



**Please contact:** Linda Yarham

**Please email:** [linda.yarham@north-norfolk.gov.uk](mailto:linda.yarham@north-norfolk.gov.uk) Direct Dial: 01263 516019

**TO REGISTER TO SPEAK PLEASE CALL 01263 516150**

20 December 2019

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN** on **Thursday, 9 January 2020** at **9.30 am**.

Coffee will be available for Members at 9.00am and 11.00am when there will be a short break in the meeting. A break of at least 30 minutes will be taken at 1.00pm if the meeting is still in session.

Any site inspections will take place on **30 January 2020**.

## **PUBLIC SPEAKING – REGISTRATION IS STRICTLY BY TELEPHONE ONLY**

Members of the public who wish to speak on applications must register **by 9 am on Tuesday 7 January 2020** by telephoning **Customer Services on 01263 516150**. We do not accept requests by email or on any other number. Please read the information on the procedure for public speaking on our website [here](#) or request a copy of "Have Your Say" from Customer Services. (Please note the office will be closed from 2pm on 24 December and will reopen at 8.30 am on 2 January 2020.)

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

**Emma Denny**  
**Democratic Services Manager**

**To:** Mrs P Grove-Jones, Mr P Heinrich, Mr D Baker, Mr A Brown, Mr P Fisher, Mrs A Fitch-Tillett, Mrs W Fredericks, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Dr C Stockton, Mr A Varley and Mr A Yiasimi

**Substitutes:** Mr T Adams, Dr P Bütikofer, Mrs S Bütikofer, Mr N Housden, Mr J Punchard, Mr J Rest, Mrs E Spagnola, Mr J Toye and Ms K Ward

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

**Heads of Paid Service:** Nick Baker and Steve Blatch  
Tel 01263 513811 Fax 01263 515042 Minicom 01263 516005  
Email [districtcouncil@north-norfolk.gov.uk](mailto:districtcouncil@north-norfolk.gov.uk) Web site [www.north-norfolk.gov.uk](http://www.north-norfolk.gov.uk)

## AGENDA

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

### PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS
2. TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)
3. MINUTES

To approve as a correct record the Minutes of a meeting of the Committee held on 5 December 2019.

4. ITEMS OF URGENT BUSINESS
  - (a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.
  - (b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

5. ORDER OF BUSINESS
  - (a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.
  - (b) To determine the order of business for the meeting.

6. DECLARATIONS OF INTEREST

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.

### OFFICERS' REPORTS

### ITEMS FOR DECISION

### PLANNING APPLICATIONS

7. SOUTHREPPS PF/19/0771 - RESIDENTIAL DEVELOPMENT OF 15 DWELLINGS WITH ASSOCIATED ACCESS, ONSITE PARKING PROVISION, GARDENS, OPEN SPACE AND OFF-SITE HIGHWAYS IMPROVEMENTS TO LONG LANE ESTATE AND LONG LANE INCLUDING THE PROVISION OF A FOOTPATH FROM THE PROPOSED DEVELOPMENT SITE TO THE HIGH STREET: LAND AT LONG LANE, SOUTHREPPS, FOR VICTORY HOUSING (Pages 1 - 28)

8. BINHAM - PF/19/0456 - DEMOLISH OLD READING ROOM BUILDING AND ERECTION OF ONE AND A HALF STOREY DETACHED DWELLING AND DETACHED GARAGE WITH STORAGE ABOVE, INCLUDING PART RETROSPECTIVE ALTERATIONS TO EXISTING SECTION OF FRONT BOUNDARY WALL; LAND EAST OF NO.5 (FORMER READING ROOM), LANGHAM ROAD, BINHAM, NR21 0DW FOR MR BIRCHAM (Pages 29 - 40)
9. BRINTON - PF/18/1553 - PROPOSED ERECTION OF TWO-STOREY AGRICULTURAL DWELLING; LAND AT VALLEY FARM, BALE ROAD, SHARRINGTON (ADJ GARAGE) FOR MR RIVETT (Pages 41 - 54)
10. FAKENHAM - PF/19/0487 - ERECTION OF A PAIR OF ONE BEDROOM SEMI-DETACHED AFFORDABLE DWELLINGS; LAND NORTH OF 77, ST PETERS ROAD, FAKENHAM FOR VICTORY HOUSING TRUST (Pages 55 - 58)
11. APPLICATIONS RECOMMENDED FOR A SITE INSPECTION (Pages 59 - 60)
12. APPEALS SECTION (Pages 61 - 62)
- (a) New Appeals
  - (b) Inquiries and Hearings – Progress
  - (c) Written Representations Appeals – In Hand
  - (d) Appeal Decisions
  - (e) Court Cases – Progress and Results
13. ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE
14. 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
15. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE
16. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

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**SOUTHREPPS PF/19/0771 – Residential development of 15 dwellings with associated access, onsite parking provision, gardens, open space and off-site highways improvements to Long Lane Estate and Long Lane including the provision of a footpath from the proposed development site to the High Street: Land at Long Lane, Southrepps, for Victory Housing**

## **Major Development**

- Target Date: 13 August 2019

- Extension of Time: 31 January 2020

Case Officer: Mr James Mann

Full Planning Permission

## **RELEVANT CONSTRAINTS**

Area of Outstanding Natural Beauty

Proposed Residential Use Allocation

Outside of defined Settlement Boundary within the LDF

Designated Countryside within the LDF

Controlled Water Risk – Medium (Ground Water Pollution)

Unclassified Road

Mineral Safeguard Area

## **RELEVANT PLANNING HISTORY**

PF/17/1173 PF

Land off Long Lane, Southrepps, NR11 8NL

Erection of 24 No. dwellings with associated access, onsite parking provision, gardens and open space

Withdrawn 24/11/2017

PF/17/2082 PF

Land off Long Lane, Southrepps, Norfolk

Erection of 20 no. dwellings with associated access, onsite parking provision, gardens and open space, & the demolition of existing garages to create additional residents/visitor parking

Refused 18/05/2018

Planning Committee refused application PF/17/2082 on 17 May 2018 on the following grounds:

- The amount of development proposed and the potential impact this would have on the character of the surrounding landscape and the significantly detrimental impact on the special qualities of the AONB;
- The quantum of development proposed and the expected nature and volume of the traffic generated and the detrimental impact upon highway safety; and,
- The unclassified roads and pedestrian links serving the site were considered to be inadequate to serve the development proposed.

## **THE SITE AND SURROUNDINGS**

The application site is located on agricultural land on the south-west corner of the village being adjacent to existing single and two storey dwellings but highly visible when approaching Southrepps from either Thorpe Road (from the west) or Long Lane (from the south).

Southrepps is designated as a 'Service Village' having a range of facilities including shops, pub, village hall, social club, post office and a recreation area which includes a children's play area, playing field and allotments.

The site is included within the Council's Site Allocations Development Plan Document adopted Feb 2011 and is referred to as SOU 02 – Land West of Long Lane. The allocation expected approximately 10 dwellings of which 5 (50%) should be affordable housing. Whilst the site allocation states that the site is 0.6 hectares it is actually approximately 0.9 hectares in size. The planning application site area includes all 0.9ha of the policy allocation area.

The site is located within the Norfolk Coast Area of Outstanding Natural Beauty (AONB). The south-western corner of Southrepps Conservation Area is approximately 100 metres to the east of the nearest proposed dwellings.

The following heritage assets (Listed Buildings) are within 500 metres of the application site:

- Church of St James (Grade I), 500 metres to the NW
- Beechlands Farmhouse and barn (Grade II and II\*), 400 metres to the NW
- Church Farmhouse and barns (Grade II), 400 metres to the NW
- The Grange (Grade II), 250 metres to the NW
- Ham House (Grade II), 260 metres to the NW
- Vernon Arms (Grade II), 260 metres to the NW

The architectural style in the village is quite mixed, with the area surrounding the application site consisting of older and more modern 20<sup>th</sup> Century single and two storey dwellings of conventional brick construction including the more recent Drury's Yard development north of the site.

The site is accessed via two roads called Long Lane. For the purposes of this report, 'Long Lane' refers to that running north-south connecting the Antingham & Southrepps Primary school and High Street, and 'Long Lane Estate' is the east-west link road connecting Long Lane to the application site.

There is an existing Public Right of Way directly opposite the Long Lane Estate / Long Lane junction which leads to the village recreation area (290 metres) and on to the Village Hall / High Street (520 metres).

At the time of the officer site visit it was evident that there were potential issues with the width of Long Lane Estate and there were noticeable issues regarding parking of cars on the sides of the road. Furthermore, it was noted that Long Lane was narrow all the way to the High Street and this stretch of the road had no formal footpath.

Long Lane is designated as a Quiet Lane leading to Antingham and Southrepps Primary School (1.9km). Whilst Long Lane does not have a dedicated footpath, there is an established alternative in the form of the Paston Way, providing a slightly shorter off-road alternative to the School (1.8km).

The existing site is accessed from Long Lane via an adopted link Road (known as Long Lane Estate), containing a footpath to each side of the carriageway. A survey of this section of adopted highway found that the carriageway was approximately 4.3 metres wide and the footways to each side of the carriageway ranging from 1.67 to 1.84 metres wide.

## THE APPLICATION

Seeks full permission for erection of 15 no. dwellings with associated access, onsite parking provision, gardens and open space and the demolition of two blocks of existing garages on Long Lane Estate to create additional residents/visitor parking. The applicant is also proposing to install a footpath along the west side of Long Lane and the widening of Long Lane at the Long Lane Estate junction to facilitate suitable visibility splays, as well as various off-site highways works along Long Lane Estate including the widening of the road to provide passing places.

The applicant, Victory Housing (Flagship Housing Group) are also the owners of both blocks of garages and the land immediately adjacent to the Long Lane carriageway.

All 15 dwellings are proposed to be affordable housing, comprising the following mix:

For Affordable Rent:

- 2 x 1 Bedroom 2 person Bungalows
- 2 x 1 Bedroom 2 person Houses
- 2 x 2 Bedroom 4 person Houses
- 2 x 3 Bedroom 6 person Bungalows
- 1 x 4 Bedroom 7 person House

For Shared Ownership:

- 1 x 2 Bedroom 4 person Bungalow
- 1 x 3 Bedroom 5 person Bungalow
- 2 x 2 Bedroom 4 person House
- 2 x 3 Bedroom 5 person House

## REASONS FOR REFERRAL TO COMMITTEE

- The proposal is contrary to adopted Site Allocation Plan Policy SOU 02.
- Technical objection from the Highway Authority.
- Cllr Nigel Pearce had been unable to allow delegated authority whilst there remained outstanding objections from the Parish Council and the Highway Authority.

## PARISH COUNCIL

Southrepps Parish Council – Objection to the plans as originally submitted

*The key points of the objection are summarised as follows:*

- *No provision/use of local vernacular and historical design or building materials being utilised; which would be more in keeping and suitable for a conservation village within the North Norfolk AONB.*
- *Development exceeds Policy SOU 02.*
- *Long Lane is narrow and has no public footpath with poor visibility (Policy CT 5)*
- *Greenfield site in the AONB*
- *Countryside location with no proven local need*
- *The proposal does not contribute to the delivery of sustainable development and does not ensue the protection and enhancement of the natural and built environment (Policy SS 2)*

- *No good access to infrastructure, public services or utilities. Distant to the local school (Policy SS 6)*
- *Proposal not appropriate to the social economic and environmental well-being of the village and is not desirable for the understanding and enjoyment of the area. (Policy EN 1)*
- *The proposal is not sympathetic to the wider landscape (Policy EN 2)*
- *Tree (T3) is on private land and should not be considered as part of this application*
- *No proposed street lighting*
- *The design does not relate sympathetically to the surroundings. The properties to the north of the site are approximately 1.5 meters lower than the proposed development. Issues raised regarding overlooking. Tree canopies to be reduced in size, which is unacceptable (Policy EN 4).*
- *Preliminary Ecological Assessment shows photographs that do not relate to the site*
- *The Arboricultural Impact Assessment appears to relate to a previous plan of the site.*

## **REPRESENTATIONS**

During the first public consultation period a total of 37 representations were made. 2 representations were submitted in support of the proposal 32 were submitted in opposition to the proposal and 3 general comments were received.

The key points raised in OBJECTION are as follows:

- Long Lane is poorly lit, combined with the lack of footways is unsafe. Any increase in traffic flows poses a danger to highway safety
- Increase in heavy vehicles and the suitability of the highway to cope with these
- More than 10 dwellings set out in Policy SOU 02
- Not built in accordance with the local vernacular / does not fit the local historical context
- Flood risk
- Lack of amenities within the village
- Trees being cut down/removed prior to the application being made
- Global warming – do not cut down trees and hedges
- Visual amenity and light pollution from 2 storey development
- Overdevelopment of the village
- Speed of traffic entering and leaving the village
- Impact upon wildlife
- Impact of development upon the Norfolk Coast AONB
- Overdevelopment on the site (Density)

The key points raised in SUPPORT are as follows:

- Request a public footpath should be put in from the site to the shop or bus stop.
- Need for further affordable housing in the village
- Infrastructure can cope with the increased population growth in terms of the school, the bus, the shop / post office and pub.
- Increase in population will reduce social isolation

## **CONSULTATIONS**

The first round of consultation took place for a period of 21 days between 16/05/2019 and 06/06/2019. Following this consultation, amendments to the layout and additional highways network improvements have been proposed. These amendments were then consulted on from



11/12/2019 to 09/01/2020. Given that this committee report is due to be published around 19<sup>th</sup> December in advance of the 9<sup>th</sup> January meeting, all responses to this second period of public consultation will be provided to Members by written and verbal update.

Officers acknowledge the timing of this additional consultation period is unfortunate, not least because it leaves little time for consultees to consider the proposals formally, but some pre-submission negotiations have been underway to expedite quicker responses. However, the applicant has stressed that they have secure funding via a national grant programme, which would be at risk if a decision were not granted before February 2020: a 'commencement' to start the permission would be required by the end of March 2020 in order to secure that funding.

Due to the timing of the writing of this report, the following comments are those received during the first consultation period.

### **Norfolk Coast Partnership – Support the plans as originally submitted**

*The Norfolk Coast Partnership support the scheme to enable families with lower incomes to be able to live in their local area. The site is situated within the Tributary Farmland area of the Integrated Landscape Character Guidance for the Norfolk Coast AONB. This is an exceptionally open landscape with fewer than average woodlands and a low presence of hedgerows. Two key forces for change which are applicable to this application include:*

- 1. Development pressures on the edges of settlements and as infill within them, often eroding the small pastures which are characteristic of the landscape and which help to integrate the villages within the wider countryside.*
- 2. Extensions to existing properties, subdivision of landholdings within settlements, external lighting and inappropriate boundary fencing which result from increasing affluence and which cumulatively contribute to the suburbanisation of the area.*

*As a result, reinstatement of native hedging and trees to the boundary of the site through condition would be more sympathetic to the landscape than boundary fencing. External Lighting should also be considered, recognising the importance of preserving dark landscapes and dark skies.*

### **Anglian Water – No Objection to the plans as originally submitted**

#### Assets affected

- Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. The site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. Or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.*

#### Wastewater Treatment

- The foul drainage from this development is in the catchment of Southrepps Lower St Water Recycling Centre that will have available capacity for these flows.*

### Used Water Network

- *The sewerage system at present has available capacity for these flows via a gravity connection to the public foul sewer. Anglian Water have provided advice and set out 5 informatives notes in regard to the used water network.*

### Surface Water Disposal

- *Anglian Water's preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to the sewer seen as the last option.*
- *Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an affective water drainage strategy is prepared and implemented.*

## **Norfolk County Council – Highways Authority – Objection to the plans as originally submitted**

*Southrepps is a relatively small village with limited services. The Primary school is also remote from the proposed development site via narrow roads with no provision for pedestrians or cyclists, to the detriment of highway safety.*

*Furthermore, Long Lane (C292) from High Street is severely sub-standard in terms of width and footway provision. The existing unclassified section of Long Lane (U14453) is less than 4.8m wide and therefore also not wide enough for an HGV such as a refuse vehicle or other delivery vehicle to pass a car without mounting the adjacent footway. As a consequence, it would not be appropriate to serve a further 15 dwellings via this substandard network.*

*Therefore, the County Council would not support estate scale development at this location, in the interests of highway safety.*

*Notwithstanding the above, I note this site is allocated for approximately 10 dwellings and therefore would not seek to resist development that is in accordance with the allocation. However, the application is for 15 dwellings, which will generate significantly more traffic and pedestrians on the surrounding severely sub-standard highway network.*

*As a consequence, in relation to highway related matters, the County Council would recommend this planning application be refused for the following reasons:*

*The proposed development does not adequately provide off-site facilities for pedestrians to link with existing provision and local services.*

*The roads serving the site are considered to be inadequate to serve the development proposed, by reason of their restricted width and lack of passing provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety.*

**Norfolk County Council – Public Rights of Way – No objection to the plans as originally submitted**

*No objection as although there is a public right of way, Southrepps Public Footpath 18, recorded on the definitive map in the vicinity of the application site, it does not appear to be affected by the proposals.*

**Norfolk County Council – Lead Local Flood Authority – No Objection to the plans as originally submitted**

*The Lead Local Flood Authority raise no objection to the scheme subject to a pre-commencement condition setting out that detailed designs should be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority.*

**NNDC – Environmental Health Officer – No Objection to the plans as originally submitted**

*No objection or comments.*

**NNDC – Strategic Housing – Support the plans as originally submitted**

- *There is a proven housing need for the provision of more affordable housing in Southrepps, with 66 applicants on the Housing Register, 71 applicants on the Transfer Register and 617 on the Housing Options Register who have a housing need and require housing in Southrepps. It should be noted that there are currently no shared ownership properties in Southrepps and therefore this scheme will provide the first shared ownership properties in the village. The 6 bungalows proposed will provide much needed accommodation suitable for the needs of those who acquire an accessible property.*
- *The scheme is compliant with Policy HO 1 as over 50% of the proposed dwelling have two or less bedrooms and 30% of the dwellings are suitable for or easily adaptable for the elderly, infirm or disabled.*
- *Although the scheme will be 100% affordable, the provision of at least 50% of the proposed dwellings must be secured through a Section 106 Agreement in accordance with the requirements of Policy HO 2.*

**NNDC - Conservation and Design Officer – No Objection to the plans as originally submitted**

*The site lies within the AONB and its edge of village location holds a close interrelationship with the surrounding rural landscape. The close connection to development off Long Lane and Drury's Yard represents a natural extension to the built envelope of the village.*

*Reducing the number of units by five dwellings from the 20 proposed in 2017 has helped to alleviate the sense of intensification within this sensitive rural location. The development now portrays a fairly loose knit form and more verdant character. That said, the fundamental layout and groupings remain largely unaltered. The plots do sit more comfortably on site and benefit from some breathing space between groupings. When considering the development in relation to the immediate context, the pattern of development and overall sense of scale does not seem disproportionate or overly intensive and conforms with the prevailing character and appearance of the area.*

*The layout remains focussed on the entranceway hammerhead which services the three groupings to the north, west and south. The entranceway dwellings address this primary access but the development becomes more informal and irregular as you move through the site. This distinct move away from the formalised straight lines and regimented blocks of the neighbouring development will offer a richer sense of place and more visual interest. Whilst the layout places greater emphasis on green edges and meaningful open space, it still suffers from the domination of privatised enclosures and the demarcation of space. These heavy and somewhat imposing enclosures are particularly unappealing on the boundaries between public open spaces. Those boundaries' which face onto these spaces should be complemented with additional planting to soften the enclosure and mitigate their impact. Further details of the brick and fence enclosures will be required prior to commencement. The general change in emphasis away from hard landscaping to soft landscaping would assist in creating a more pleasant environment which reflects the green setting and rural context.*

*The absence of any garaging and the informal nature of the access roads could give way to a parking dominated scheme. It is vital that the proposed pull off spaces and driveways are utilised rather than residents parking on the green edges and open spaces.*

*The house types on offer all follow a rather bland neo-traditional form of architecture. The rather uninspired approach is characterised by traditional pitched roofs and a palette of materials predominantly based on brick and pantile. Given the architectural currency of the immediate context to the east and north of the site, this design approach and the finishing treatments raise no overriding cause for concern. That being said, an injection of interest at eaves level, through opening portions or at roofscape level would not go amiss.*

*In terms of heritage assets, the impact of the development is low and on the spectrum of harm most certainly less than substantial. The site lies 100m west of the designated Southrepps Conservation Area. This separation distance is further diluted by intervening modern development. The relationship between the site and the rural landscape context is significant but views between the site and the conservation area are limited and do not contribute to the Conservation Area's special character or appearance. Whilst development here will erode the rural setting of the conservation area, the impact on the essential qualities of the Conservation Area is relatively minor and can only be felt by longer range views. The development is over 300m away from the nearest listed buildings which centre on the High Street and Chapel Street within the historic core of the village. Again, the separation distance and physical detachment makes the impact on setting low.*

*In terms of materials, the use of red multi stock bricks and anthracite pantiles raise no overriding concerns in principle. The use of white render has potential to appear rather stark and perhaps an off-white or cream would offer a more subtle finish.*

*In the event of the application being approved the following conditions should be attached:*

- *brick and tile samples to be agreed*
- *windows and doors to be agreed*
- *Details of the brick and fence enclosures shall be agreed*

Overall, Conservation and Design Officers consider that the proposal would result in less than substantial harm to the setting of the designated heritage asset (namely the Southrepps Conservation Area). Whilst no significant design improvements have come forward since the last application, the reduction in scale and density has resulted in reducing the intensification of the site and its impact on the wider setting.

**NNDC Landscape Officer – No objection to the plans as originally submitted - subject to revisions being made**

Impact on the surrounding area

The submitted Landscape and Visual Impact Assessment by James Blake Associates (Feb 2018, revised May 2019) concludes that post development and with the proposed landscape mitigation the 'majority of residual effects will be Minor Adverse or Negligible' (LVIA 8.3.4). In relation to effect on land use and the character of the Norfolk Coast AONB, the Assessment finds a long term Moderate Adverse effect. These adverse effects are not insignificant and the NNDC Landscape Team considers that these could be further reduced through a revised layout reducing the height of the built form in the prominent south west corner of the site.

The 3D sketches and the Long Lane and Thorpe Road Visuals demonstrate how the south-west section of the site is visually the most prominent. All of the built form in this part of the site is proposed as two-storey, with the single-storey bungalows sited within the less obtrusive parts of the site. A revised layout setting the single-storey units in the south west part of the site would make a significant difference in the successful assimilation of the scheme into its sensitive designated open landscape setting and reducing the landscape and visual impact of the proposal.

Hard Landscaping

It is acknowledged within the submission that appropriate treatment of the site boundaries is a critical design element affecting how well the development will be accommodated within its open landscape setting.

The submitted landscape plan by C J Yardley is unclear as to the precise nature of all boundaries, both within and on the edge of the site. It is not clear which is wall and which is close board fence and exactly where this is to be located. In addition, the submitted visualisations do not tally with the landscape plan in relation to the proposed plot boundaries (fencing and walling). Given that this is such an important design element; more clarity is required. Aside from this there appears to be an excessive use of close board fencing. This should be rationalised, should include for small mammal access (13cm x 13cm gaps at 6m intervals along all runs of close board fencing) to allow ecological connectivity throughout the site and is not appropriate along any of the site boundaries. As previously advised there should be more use of hedging to delineate curtilage. Privet hedging, for example, would be suitable and would align with the established privet hedging on the adjacent existing housing units.

The long section of 1.8m high brick wall close to Plots 2,3 & 4 will be very prominent and the small amount of ivy proposed to screen this will not be effective. Bordering the main area of open space this should be a softer boundary including much more substantial planting. A 1.8m dense brick wall is not appropriate here and will be prominent in the landscape until the site boundary planting matures.

### Soft Landscaping

*The soft landscape proposals are broadly appropriate, particularly along the site boundaries. Tree species are suitable for the site setting, although the 2no. Carpinus betulus proposed close to Plot 1 and in a prominent location near the site boundary should not be the 'fastigiata' variety. There is space here for the standard version of this species.*

*The NNDC Landscape Team are concerned that the soft landscape proposals do not align with the Drainage Strategy by Rossi Long. Trees are sited directly above a highway soakaway close to the turning head. These two elements of the scheme should be reviewed to ensure that they are complementary.*

### Ecology

*The submitted Preliminary Ecological Survey by CJ Yardley (Feb 2018) assesses the ecological value of the site as Low and with the proposed landscape planting and tailored mitigation such as small mammal access and provision of nest boxes, the overall assessment of impact resulting from the development would be Neutral. The Landscape section concur with these findings and would recommend that all mitigation measures and recommendations contained within Section 5 of the Ecological Survey and specifications for bat and bird boxes set out within the Landscape Schedule and Landscape Management Plan by CY Yardley (April 2019) are secured by condition.*

*Subject to satisfactory amendments to the submission as outlined above, the Landscape section would have no further issues relating to this proposal, subject to the imposition of appropriate conditions.*

## **POLICIES**

### **North Norfolk Site Allocations Plan (Adopted February 2011):**

Policy SOU 02: Land West of Long Lane

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

Policy SS 1: Spatial Strategy for North Norfolk  
Policy SS 3: Housing  
Policy SS 4: Environment  
Policy SS 6: Access and Infrastructure  
Policy HO 1: Dwelling mix and type  
Policy HO 2: Provision of Affordable Housing  
Policy HO 7: Making the most efficient use of land  
Policy EN 1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads  
Policy EN 2: Protection and enhancement of landscape and settlement character  
Policy EN 4: Design  
Policy EN 6: Sustainable construction and energy efficiency  
Policy EN 8: Protecting and enhancing the historic environment  
Policy EN 9: Biodiversity and geology  
Policy EN 10: Flood risk  
Policy EN 13: Pollution and hazard prevention and minimisation  
Policy CT 2: Development contributions  
Policy CT 5: The transport impact on new development  
Policy CT 6: Parking provision

### **Supplementary Planning Documents (SPDs):**

North Norfolk Landscape Character Assessment (2018)  
North Norfolk Design Guide (2008)

### **Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (adopted September 2011)**

Policy CS 16: Safeguarding mineral and waste sites and mineral resources

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

Section 5: Delivering a sufficient supply of Homes  
Section 6: Building a Strong and Competitive Economy  
Section 8: Promoting Safe and Healthy Communities  
Section 9: Promoting Sustainable Transport  
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

### **Other material considerations:**

#### 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.

### **MAIN ISSUES FOR CONSIDERATION**

1. Principle of Development
2. Affordable Housing
3. Housing Mix and Type
4. Density, Layout, Design and Heritage
5. Trees and Landscape
6. Highways and Parking
7. Foul / Surface Water Drainage and Utilities
8. Other Material Planning Considerations
9. Planning Obligations

This application for 15 affordable dwellings has been revised following a first round of public consultation. Members should note that these changes comprise:

- Provision of a footpath from the site to the High Street along the western edge of Long Lane with a crossing point near the junction of the High Street;
- Widening of Long Lane with the junction of Long Lane Estate;
- Modifications to Long Lane Estate;
- Improvements to the Public Right of Way network; and
- Changes to the layout and increased landscaping to reduce the potential impact upon the AONB and wider landscape.

## **1. Principle of Development**

The site is situated within the Service Village of Southrepps on land allocated through the Site Allocations Development Plan Document (2011) for approximately 10 dwellings under Policy SOU 02, which also sets out a number of requirements for the site including:

- On site provision of the required proportion of affordable housing (50%);
- Contributions towards infrastructure, services and other community needs as required;
- Provision of a safe vehicle access to Long Lane;
- Provision of appropriate landscaping including boundary treatment to the agricultural land to the rear;
- Submission of a satisfactory scheme of improvements to local surface water drainage to address localised flooding concerns (properties to the north of the site);
- Measures to prevent the input of hazardous substances to ground water;
- Archaeological investigation if required; and
- Be sympathetic to the landscape character including the AONB

When the site was allocated it was expected that the proposal would include both market and affordable dwellings to meet a range of housing requirements in the village. However, to date, no formal application for market/affordable housing has come forward and this raises questions as to whether a scheme of 10 dwellings would or could be viable to develop. This has, in effect, provided an opportunity for a Registered Provider of affordable housing to propose a 100% affordable housing scheme for the site.

The principle of housing on this site is accepted through Policy SOU 02, however the scale of the development proposed is not in accordance with the policy requirements and therefore represents a departure from the Development Plan.

## **2. Affordable Housing**

The proposal is for a 100% affordable housing scheme submitted by a Registered Provider and the 15 affordable dwellings to be provided far exceeds the 50% affordable dwelling requirement set through Policy SOU 02, which would only equate to 5 affordable dwellings if Policy SOU 02 were realised. The applicant (Victory Housing Trust) has advised that they will include all 15 dwellings in a Section 106 Agreement which will ensure all fifteen dwellings remain as affordable housing in perpetuity, accessible to all eligible persons on the General Needs Housing Register (i.e. not for use as “Local Needs” Rural Exception Scheme-type housing).

North Norfolk Strategic Housing have highlighted that there are a total of 66 applicants on the Housing Register, 71 applicants on the Transfer Register and 617 on the Housing Options Register who have a housing need and require housing in Southrepps. It has also been highlighted that Southrepps currently has no shared ownership housing in the village and this



scheme proposes 6 of the dwellings to be shared ownership (3 x 2 Bedroom Houses and 3 x 3 Bedroom Houses).

Although the proposal exceeds both the overall number of homes and the proportion expected as affordable housing as set out in SOU 02, there is clearly a need for affordable homes in this area as demonstrated by the number of applicants on the Housing Register, the Transfer Register and the Housing Options Register.

The proposal would not create a mixed community, as envisaged by the NPPF, but it is recognised that Southrepps has a shortage of affordable housing and this is a relatively small scale development which would not create too much of an imbalance in housing tenures by not including any market housing.

Subject to securing the affordable housing by way of S106 Obligation, the proposal would far exceed the requirements of Core Strategy Policy HO 2 and the affordable housing requirements of Site Allocation Policy SOU 02.

### **3. Housing Mix and Type**

Policy HO 1 'Dwelling Mix and Type' sets out that on schemes of more than five dwellings at least 40% of the total number of dwelling shall comprise dwellings that do not exceed more than 70 sqm. and which shall incorporate two bedrooms or fewer. Furthermore, 20% of the dwellings shall be suitable or easily adaptable for occupation by the elderly, infirm or disabled. On a scheme of 15 dwellings this would equate to 6 dwellings being of two bedroom or fewer and 3 dwellings being either suitable or easily adaptable for occupation by the elderly, infirm or disabled.

The proposed scheme includes 4no. 1-bed dwellings and 3no. 2-bed dwellings that are small enough to be considered to constitute a small dwelling under Policy HO 1. In addition to this there are 2no. 2-bed dwellings (which are too big to fit within the HO 1 size criteria) also provided. The proposal is therefore in excess of the minimum 40% target as set out in Policy HO 1.

The proposal also includes 4 bungalows on site, two of which would be built to Category 2 of Part M of the Building Regulations, 'Accessible and adaptable dwellings'<sup>1</sup> standard. Although only two dwellings are proposed as Category 2 dwellings, there are two further bungalows which would meet the definition of being suitable for occupation by the elderly infirm or disabled. The dwellings proposed would equate to approximately 26% and would, therefore, be in accordance with Policy HO 1 of the Core Strategy, subject to imposing conditions to require their provision as such.

### **4. Density, Layout, Design and Heritage**

#### Density

The site allocation Policy SOU 02 stated that the site had the capacity to accommodate approximately 10 dwellings on a stated site area of 0.6 hectares giving an approximate density

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<sup>1</sup> Part M of the Building Regulations states M4(2) (Category 2 – Accessible and Adaptable Dwellings) 'will be met where a new dwelling makes reasonable provision for most people to access the dwelling and incorporates features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users'.

of 17 dwellings per hectare. In fact, the site is actually understood to be 0.9 hectares and therefore 10 dwellings on a site of this size would give a density of just over 11 per hectare.

Policy HO 7 requires that in Service Villages, of which Southrepps is one, that density is not less than 30 dwelling per hectare. Subsequently, however, the NPPF, in Paragraph 122, sets out that decisions should support the efficient use of land taking into account the prevailing character and setting of the proposed development.

A scheme of 10 would therefore have a considerably lower density than the intent of Policy HO 7 but it is recognised this lower density took account for the site's edge of village location and location within the Area of Outstanding Natural Beauty in accordance with Paragraph 122 of the NPPF.

On the basis of the site being 0.9 hectares, the proposal scheme of fifteen dwellings has a density of 17 dwellings per hectare which is less than the densities evident in the immediate existing built environment and, more importantly, in line with the density aspirations set out in Policy SOU 02. Such a level of density is considered to be acceptable subject to the development demonstrating compliance with other relevant Core Strategy Policies.

### Layout

The Planning Officer's comments on the previous scheme for 20 dwellings (PF/17/2082), which was refused stated that:

*"Although the proposal exceeds the estimated numbers in the Site Allocation, the development is not considered to be a cramped form of development as it incorporates two areas of open space. The non-linear layout and spacing between the dwellings coupled with the informal areas of open space to the frontage of many of the plots / western boundary, helps create a welcoming sense of approach to the site with scope for meaningful levels of soft landscaping."*

The key elements of providing two areas of open space and a spacious distribution are retained in this revised proposal. The proposed development has reduced the housing numbers on the site to 15 and this has helped to alleviate the sense of intensification within this sensitive and rural location. The development now portrays a loose knit form and a more verdant character. The non-linear layout and spacing is retained and enhanced, creating a welcoming sense of approach to the site.

The distinction between public and private spaces, particularly around the areas of open space is clearly defined. The rear gardens are in conformity with the requirements of the North Norfolk Design Guide; being larger than the footprints of the properties. Through the proposed changes to the layout, the boundary treatments between private and public spaces have been enhanced in accordance with the requirements of the North Norfolk Design Guide.

### Overbearing Design & Loss of Privacy

It is noted that the adjoining plots to the north are approximately 0.75 to 1 metre lower than existing ground levels on the site. Therefore, consideration needs to be given to whether or not the two storey dwellings (plots 14 & 15) could appear overbearing or result in loss of privacy in the rear gardens of the adjoining properties to the north.

The applicant has provided an additional 'Site Sections' drawing (9750-3000 P3 dated 23.01.19 and received on 31/07/2019). This demonstrates the relationship between plots 6, 7, 8 and 9, the existing properties to the east and the relationship between plots 12-15 on neighbouring, existing properties to the north of the site.

Plots 6, 7, 8 and 9 are two storey dwellings which back onto two storey dwellings. The window to window distance between these is approximately 25m and the topography of the site as shown on the Site Sections plan is not considered to be a factor in this regard.

Plots 12 and 13 are single story dwellings that have a window to window distance of approximately 35m (at the closest point of plot 13 to Field Bottom). The topography of the site as shown on Site Section B and Site Section C of the Site Sections drawing is relatively even. Furthermore, as the proposed dwellings on Plots 12 and 13 are single storey this would alleviate any concerns regarding overbearing.

Plots 14 and 15 are proposed as two storey dwellings and, as shown on Site Section D of the Site Sections drawing, the topography of the site is such that dwellings 14 and 15 are on a very similar level to the existing neighbouring properties (Field View and Dryad). The window to window distance between these dwellings being approximately 53 m is considered sufficient to conclude that any issues arising from this variation in height would be mitigated against by the intervening distance.

Plot 11, although not considered through the Site Section Plan, is within the closest proximity to number 29 Long Lane to the east of the site. Although this is only approximately 15m away there are no existing windows on the elevation of no. 29 and the proposed plans for Plot 11 only include a living room window on the proposed elevation facing no.29. Given that both of these dwellings are single storey it is considered that there would be no significant impact in regard to overbearing or loss of privacy.

Taking account of the existing / proposed soft landscaping along the northern boundary and the proximity / distance of the dwellings to the gardens in the adjacent properties, no significant loss of outlook or loss of privacy would result.

The layout satisfies the upper floor window to window distances as set out in the North Norfolk Design Guide. Although, further detail on appropriate hard and soft landscaping/boundary treatments will also ensure adequate levels of privacy within the development site itself. Subject to this the proposal is considered to be in accordance with Policy EN 4 of the Core Strategy and the supporting guidance set out within the North Norfolk Design Guide.

### Design / Heritage

It should be noted that the strict 'no harm permissible' requirement in Policy EN 8 is not in strict conformity with the guidance contained in the National Planning Policy Framework (NPPF). As a result, in considering any proposal for the site the Local Planning Authority will need to take into consideration Section 16, paragraph 196 of the NPPF. This requires that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, including its setting, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Whilst development here will erode the rural setting of the Conservation Area, the impact on the essential qualities of the Conservation Area is relatively minor and can only be felt by longer range views. The site itself lies 100m west of the Southrepps Conservation Area and approximately 300m away from the nearest listed buildings which centre on the High Street and Chapel Street within the historic core of the village. The separation distances and the physical detachment results in a minimal impact on the setting of the listed buildings.

The house types proposed follow a neo-traditional form of architecture. The palette of materials predominantly based on brick and pantile. To help minimise any visual impacts it is

recommended that conditions are imposed in respect of samples of the brick, tile, exterior finishing materials, window and doors.

Concerns were raised through the first public consultation in regard to the potential impact upon the wider landscape and the Area of Outstanding Natural Beauty and that the proposal represents an excessive form of development in the context of the existing scale of the village. Further amendments have been proposed by the applicant to seek to mitigate the impact upon the AONB by reducing the height of buildings on the edge of the site and thus creating a less harmful impact upon the AONB and wider landscape. Furthermore, additional landscaping has been sought which would further mitigate the impact of the proposal.

It is acknowledged that there would be a minor degree of less than substantial harm to the Conservation Area, but that this is very minor and the public benefits required to outweigh this harm would need to be equally minor. A conclusion is made regarding this in the Planning Balance section in Chapter 10 of this report.

On consideration of the proximity of the proposal in regards to the existing built environment and subject to the application of conditions, the development is considered to be in general accordance with Core Strategy Policies EN 4 and EN 8 and paragraphs 192 and 196 of the National Planning Policy Framework.

## **5. Trees and Landscape**

### Norfolk Coast AONB and Landscape

The proposed site is situated within the Norfolk Coast Area of Outstanding Natural Beauty (AONB). Policy EN 1 of the Core Strategy sets out that development will be permitted where: It is appropriate to the economic social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area; does not detract from the special qualities of the AONB; and seeks to facilitate delivery of the Norfolk Coast AONB management plan objectives. The full text of Policy EN 1 is set out as follows:

*“The impact of individual proposals, and their cumulative effect, on the Norfolk Coast AONB, The Broads and their settings, will be carefully assessed. Development will be permitted where it;*

- *is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area;*
- *does not detract from the special qualities of the Norfolk Coast AONB or The Broads; and*
- *seeks to facilitate delivery of the Norfolk Coast AONB management plan objectives.*

*Opportunities for remediation and improvement of damaged landscapes will be taken as they arise.*

*Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm and the benefits of the development clearly outweigh any adverse impacts.*

*Development proposals that would be significantly detrimental to the special qualities of the Norfolk Coast AONB or The Broads and their settings will not be permitted.”*

The site was allocated in policy SOU 02 in 2011, but since then the National Planning Policy Framework was published in 2012 and subsequently in 2018 and 2019 revisions also requires that no major development shall take place in the AONB other than in exceptional circumstances. Therefore, there is a conflict between the allocation and the more up-to-date national guidance. However, the NPPF is a material consideration in decision making and this expects Local Planning Authorities to make decisions in accordance with the Development Plan. The site is an allocated site within the Development Plan and would therefore outweigh the conflict with the NPPF in this regard.

A key consideration is the impact of the development on the special qualities of the Norfolk Coast AONB. The applicant has submitted a Landscape and Visual Impact Assessment (LVIA), which has informed the layout and design of the scheme. Further to this, to reflect the key views defined in the Landscape and Visual Impact Assessment (LVIA), the applicant has provided Key View Visuals from both Long Lane and Thorpe Road.

Within the original proposals, which were subject to the first round of public consultation, there were six new dwellings proposed to be located in the area on the north west of the site. These were all 2 storey dwellings. Landscape Officers raised concerns regarding the two storey dwellings in this location given the findings of the Landscape and Visual Impact Assessment (LVIA), which highlighted that this would be within prominent key views from both Long Lane and Thorpe Road.

Subsequently, the applicant has revised the layout of the scheme. The number of dwellings in the northwest cluster on the site has been reduced to 5 dwellings. Four of these dwellings are now single storey bungalows, with only plot 3 being 2 storeys. This is considered to alleviate the concerns in regard to the wider landscape impact and the impact upon the AONB.

Whilst the NPPF sets out that no major development should take place in the AONB other than in exceptional circumstance. The site is allocated for residential development within an adopted Development Plan Document. The further changes to the proposed layout seek to alleviate the concerns regarding the potential impacts upon the special qualities of the AONB. This has been secured not just through reduced density and scale of development but also by amending the design of roof form to avoid visual impact of gable and more tree planting to provide sufficient screening. It is therefore considered that the proposal is in accordance with Policy EN 1 of the adopted Core Strategy.

Whilst there is also a requirement to secure renewable energy on site through Policy EN 6, any proposal for solar panels for example, needs to address the impact on the AONB, particularly in regard to solar panels on south facing dwellings, as this would then have an impact upon views into the AONB.

Policy EN 2 sets out that proposal should be informed by and be sympathetic to the distinctive character areas identified in the North Norfolk Landscape Character Assessment. The site is situated within the Tributary Farmland (TF1) landscape character area as defined by the North Norfolk Landscape Character Assessment (2018). The landscape guidelines defined in the landscape character area that are relevant to the site seek to achieve the following:

- Conserve the sense of rurality:
  - Maintaining rural features that contribute to the character, biodiversity and historical continuity, including rural lanes.
  - New planting associated with development should blend with existing features rather than simply trying to screen new development
- Conserve the nucleated character of villages:
  - Avoid linear sprawl

- Ensure any new development is well integrated into the landscape and does not form a harsh edge.

The proposal is considered to be broadly in accordance with the landscape guidelines. Indeed, in comparison with conventional close boarded fence (which are evident on part of the settlement boundary), the provision of a post and rail fence coupled with the higher levels of soft landscaping along the western and southern boundaries will provide a more sensitive transition with the surrounding landscaping. These are expected in subsequent revisions and can be secured by condition.

Subject to robust pre-commencement conditions in regard soft landscaping and boundary treatment, the proposal is considered to be in accordance with Policies EN 1 and EN 2 of the Core Strategy and the NPPF.

### Hard landscaping

At present the hard landscaping proposed through the site is not considered acceptable due to the following reasons:

- Walls dividing public open space and private gardens would not provide a sufficient quality of design of the public realm and appear incongruous to the open rural edge of the settlement, drawing attention to the site presence.
- Close Board Fencing and Walls would not allow wildlife to access the site and pass through the site.

Notwithstanding that a Registered Provider may expect to meet Secure by Design criteria, it is considered that the boundary treatments should be much softer and could include some smaller extent of timber fencing with soft landscaping or closed boarded fencing with sufficient gaps for wildlife corridors (13cm x 13cm at 6m intervals) and soft landscaping pm the exterior facing elevations.

It is considered that the revision of these hard landscaping plans should be provided prior to any permission being granted which can be arranged under delegated authority. A further condition would then be included to ensure that there is suitable maintenance of the hard landscaping, boundary treatments and screening.

### Soft Landscaping

There are a number of mature trees and hedges along the northern boundary of the site which have amenity/biodiversity value. The submitted Arboricultural Implications Assessment (AIA) and Method Statement (AMS) dated February 2018, demonstrates that the protection of this soft landscaping is feasible. Although, it is recommended that any permission have a condition requiring that the development be in accordance with the AIA and AMS.

The original proposals in regard to soft landscaping were considered to be broadly appropriate, particularly along the site boundaries, with tree species being considered suitable for the site setting. Further landscaping was requested along the southern boundary to ensure that adequate screening was provided when entering the village from Long Lane. Additional comments were raised that the Drainage Plans and Landscape Plans did not reflect each other, in that the drainage chambers had planting above them.

Following the consultation, plans have been revised in order to address some of the original concerns. Additional landscaping is proposed on the western and southern boundaries of the site.

However, the conflict between the drainage plans and landscape plans has not been addressed at the time of writing this report and this would be required prior to the potential grant of permission of this application which could also be resolved under delegated authority. A condition would also be sought in regard to a detailed soft landscape scheme that would address management and maintenance of the proposed scheme.

### Ecology

The submitted Preliminary Ecological Survey by CJ Yardley (Feb 2018) assesses the ecological value of the site as Low and with the proposed landscape planting and tailored mitigation such as small mammal access and provision of nest boxes, the overall assessment of impact resulting from the development would be Neutral.

It is recommended that all mitigation measures and recommendations contained within Section 5 of the Ecological Survey and specifications for bat and bird boxes set out within the Landscape Schedule and Landscape Management Plan are secured by condition. Subject to this, the proposal would accord with Core Strategy Policy EN 9.

### Habitats Regulation Assessment

Under the Conservation of Habitats and Species Regulations 2017 (as amended) the 'competent authority', North Norfolk District Council, must undertake a formal assessment of the implications of any new plan or project or designated European sites (known as Natura 2000 sites).

The Recreation Impacts: Visitor Surveys at European Protected sites across Norfolk study (2016) by Footprint Ecology, highlighted that there will be a 14% increase of visitors to the Broads and a 9% increase of visitors to the North Norfolk coast during the current plan period as a result of the planned residential growth across the County. Historically, a fee of £50 has been sought for each residential dwelling within the District has been secured through planning obligations. This fee goes towards monitoring and mitigating visitor impact on the North Norfolk Coast Special Area of Conservation (SAC) and Special Protection Area (SPA) and other Natura 2000 sites.

As the site was allocated through the Site Allocations Development Plan Document it was subject to a plan wide Habitats Regulation Assessment at the time of allocation. It is considered that the net additional 5no. dwellings more than the allocated 10 is a sufficiently minor increase that a full Habitats Regulations Assessment is not necessary and it can be considered that the additional 5 dwellings will not likely cause a significant effect on the special qualities of designated European Sites if minor mitigation can be provided. The applicant has agreed to make a contribution of £50 per dwelling towards the monitoring and mitigation of the visitor pressure upon the European Sites.

Further to this, the applicant has agreed to provide/fund further improvements to the Public Rights of Way network, which will encourage people to utilise local footways and help reduce the impact upon the European Sites within the District.

It is considered that these are sufficient to ensure there is no likely significant effect upon European Sites arising from this development.

### Open space

The Core Strategy's Open Space Standards require a development of 15 dwellings to provide the following levels of open space:

- Parks = 395 sqm
  - Play = 96 sqm
  - Greenspace = 304 sqm
  - Allotments = 195 sqm
- Total = 990 sqm

The development provides two areas of natural green space. This open space will be owned and maintained by Victory Housing Trust. Whilst this quantum of open space is in excess of the requirement for natural greenspace on the scheme, providing a public benefit in this regard, it does not address the sport or recreation demand that would arise from a development of this scale.

As a result of this deficiency the following off-site contributions are required by planning obligation:

- Allotments: £6,810
- Play: £4,800 (To be spent on Play Equipment in the Parish to be agreed with the District Council)
- Parks: £13,832 (To be spent on Play Equipment in the Parish to be agreed with the District Council)

The applicant set out in their Planning Statement that they would be willing to pay contributions towards offsite play space requested by the Parish Council. During the first consultation the Parish Council set out a request for £30,000. However, North Norfolk District Council's Open Space calculator sets out that a fee of £4,800 would be required towards the provision of play space and £13,832 would be required towards Park Space to address the impacts of development. Any surplus financial contribution would have to be considered a public benefit.

Subject to the management of the proposed open space being secured by condition and policy-related contributions to be provided in regard to allotments, play and park provision via a Section 106 agreement, the proposal is considered to be in general accordance with the requirements of Core Strategy CT 2.

## **6. Highways and Parking Impacts**

### Transport / highway impact

Site Allocation Policy SOU 02 'Land West of Long Lane' only expressly requires provision of 'safe vehicle access to Long Lane' (Via Long Lane Estate) for a scheme of approximately 10 dwellings. The policy goes further stating that contributions towards infrastructure, services and other community needs as required will be sought. This is considered to include more community safety and pedestrian infrastructure for schemes of schemes of 10 or more dwellings.

Policy CT 5 'The Transport Impact of New Development' sets out the following:

*Development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. Development proposals will be considered against the following criteria:*

- *the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability;*



- *the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;*
- *the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and*
- *if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.*

However, paragraph 109 of the NPPF also states that development should only be prevented or refused on transport grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of the development are 'severe'.

The principle of taking vehicle access from Long Lane via the existing junction to Long Lane Estate has already been deemed acceptable (in terms of sustainability of location and access) through the allocation process of site SOU 02 through the Site Allocations Development Plan Document, albeit only for 10 dwellings. Whilst the number of dwellings proposed is now in excess of that deemed acceptable through Policy SOU 02, the established visibility splays at that junction within a 30mph speed limit are considered acceptable.

A previous application on the site for 20 dwellings (PF/17/2082) was refused by Development Committee, primarily on highway grounds. There were two principle area of concern regarding highway access: (i) the lack of pedestrian safety without a footpath along Long Lane up to High Street and (ii) the restricted nature of Long Lane Estate which limits the improvements that might be possible to provide safe access from Long lane to the site.

The absence of measures to provide safe pedestrian and vehicle access would be contrary to both Policies SOU 02 and CT5.

### Long Lane

During the first stage of consultation of this application no improvements were proposed to Long lane, however during the consultation the Highway Authority raised the following primary reasons for recommending that the application is refused:

- *The proposed development does not adequately provide off-site facilities for pedestrians to link with existing provision and local services; and*
- *The roads serving the site are considered to be inadequate to serve the development proposed, by reason of their restricted width and lack of passing provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety.*

Following this the applicant set out two proposed improvements to Long lane:

- The provision of a footpath from the site to the High Street and a crossing point at the north end of Long Lane; and,
- The widening of Long Lane at the junction of Long Lane and Long Lane Estate.

The footpath to High Street is proposed as a commitment but its final form is only indicative at this stage whilst detailed survey and topographic works are undertaken, and so it is considered that a Grampian condition will need to be applied in the event of any approval, to ensure that this comes forward. It is not considered appropriate to expect a developer of a proposal of this scale to provide a footpath from High Street to the school, which would be approximately

150m. However, the proposed link from the High Street to the site will provide wider highway safety improvements by allowing all users of Long Lane to utilise the footpath to the shop, pub, bus service and provide an all-weather route to the village hall.

Whilst Officers consider it essential for a footpath to be provided along Long Lane, in order to help make the scheme acceptable, it is nonetheless acknowledged that the route may not provide a continuous, unbroken footpath for its full length, and it may not be possible for it to be publically adopted either, as the designs are not fully known at this stage. It is considered that a Grampian-style condition will achieve the path's delivery.

The Highway Authority state that Long Lane between the site and High Street is severely sub-standard in terms of width and footway provision. Whilst it is not possible for the applicant and an application of this size to alleviate all of the existing highway network issues, this application does seek to provide some widening to Long Lane near the junction of Long Lane Estate and provide an almost continuous footpath from the High Street to the proposed development.

### Long Lane Estate

As part of this application the proposals that were subject to the first round of public consultation set out the following improvements to Long Lane Estate.

1. Demolition of the existing garages to create additional car parking.
2. Providing in curtilage parking for existing dwellings Nos. 29 and 30 Long Lane including new drop kerbed footway vehicle crossovers, to encourage cars to be parked off-street.
3. Double yellow lines either side of the existing adopted highway to dissuade parking.

Following the continued objections from the Highway Authority the applicant set out that improvements to Long Lane Estate had already been explored but had not met the satisfaction of the Highway Authority. These improvements were eluded to in the Officer's Report when a scheme for 20 dwellings was previously refused on this site. The Officer's Report stated the following:

*"... a survey [of Long Lane Estate] was undertaken by officers and it was established that the width of this stretch of carriageway was 4.3 metres but each of the footways were in fact wider than the required standard of 1.5 metres. Whilst officers conclude that bringing this stretch of highway to the required standard is feasible, the Highway Authority stated that it is unlikely to be acceptable once subjected to Safety Audit. Nonetheless, the imposition of a condition requiring improvements to the existing adopted highway through Long Lane Estate is potentially feasible and necessary."*

The highways improvements to Long Lane Estate have now been included in addition to the improvements set out in the proposals in the first round of public consultation on the scheme.

The existing unclassified Long Lane Estate Road is less than 4.8m wide and therefore also not wide enough for an HGV such as a refuse vehicle or other delivery vehicle to pass a car without mounting the adjacent footway. Whilst it is acknowledged that the physical constraints of Long Lane Estate Road would not allow this to be completely alleviated, the applicant is proposing a widening of the road to allow for further passing places to be achieved. Whilst these would still not satisfy the Highway Authority's preference for minimum adoptable widths, the widening works would nevertheless provide benefit to the current users of the road and would alleviate some of the concern raised by the Highway Authority in this regard.

## Public Right of Way

Notwithstanding the above improvements to Long Lane and Long Lane Estate, should the need arise to use an entirely car-free route, pedestrians can also choose to use an existing Public Right of Way (PRoW) directly opposite the site entrance, to access the village hall, recreation ground and upper end of High Street. The County Council's PRoW Officer stated that although there is no objection to the scheme, the County Council may require surface improvements to compensate for the increased usage of this PRoW.

Whilst the site was allocated for 10 dwellings and this was not a requirement through the Site Allocations policy, the works to improve the ProW are considered necessary in regard to the additional 5 dwellings on the site, being linked to the mitigation required for improving public access to Green Infrastructure & Public Rights of Way network, and in so doing, protecting designated ecological sites by reducing the pressure on those sites for residents' recreation.

## Parking

In respect of provision of car parking within the site, the development comprises the following:

- 4 no. 1 bedroom units
- 10 no. 2 and 3 bedroom units
- 1 no. 4 bedroom units

According to Core Strategy Policy CT 6, the development should deliver a minimum of 1.5 spaces per 1-bedroom unit, a minimum of 2 spaces per 2/3 bedroom unit and a minimum of 3 spaces per 4 bedroom unit, amounting to a total on-site requirement of 29 car park spaces.

It is acknowledged the parking within the main part of site proposes 31 car park spaces, which exceeds the requirement set out in Policy CT 6. In addition to this the application also proposes to demolish existing garage spaces to provide a total of 18 unallocated visitor parking spaces. The development is considered to be in accordance with the parking standards required as set out in Core Strategy Policy CT 6, whilst the removal of garages and the ability to provide more practical parking spaces, and manage them accordingly (subject to details by condition), will be able to offer an additional public benefit and minimise the need for on-street parking.

## Summary of highway issues

The applicant has set out that the proposed highway improvements are achievable and that the land is within their ownership. However, the revised plans will still not address all of the points raised by the Highway Authority and does not overcome their technical objection to the site. Nevertheless, the site was allocated through the Site Allocations Development Plan and the applicant has provided a number of wider highway network improvements which Officers consider are able to satisfactorily address the impacts from the additional 5 dwellings which are proposed in excess of the 10 which the allocation has already determined could be served at the site. In addition, the works to the PRoW and any use of additional funds could improve site access. It is therefore considered that the proposal is in accordance with Policy CT 5 of the Core Strategy and, despite the objection of the Highway Authority, it is considered that the proposal is in accordance with the objectives of Site Allocation Policy SOU 02 that the development should provide *'safe vehicle access to Long Lane'* and *'contributions towards infrastructure, services and other community needs as required.'*

In considering the rural location of the development, the above considerations and paragraph 109 of the NPPF, it is the opinion of Officers that the development would not have an unacceptable impact on highway safety despite the elevated number of dwellings above that anticipated by policy. Although the Highway Authority maintain their objection it is considered

that the highway improvements proposed within the scheme would provide wider highway network improvements that would address the impacts of the additional dwellings and make the site more accessible and able to be less reliant on the car. It is therefore considered that, if the works proposed can be delivered by Grampian condition prior to the occupation of any dwellings, then the proposal would be in accordance with Policies CT 5 and CT 6 of the adopted Core Strategy and in line with the expectations of SOU 02 to provide safe vehicle access to Long Lane.

## **7. Foul / Surface Water Drainage and Utilities**

### Waste Water Treatment

The application has been accompanied by an Anglian Water Pre-Assessment Report (Dated 30 September 2016) which demonstrates that a development of 20 dwellings would have been unlikely to result in any significant burden on foul drainage infrastructure. Anglian Water have re-iterated through the consultation period for this scheme that the Southrepps-Lower St Water Recycling Centre will still have available capacity for these flows.

### Surface Water Drainage

It is noted that the area to the north of the site has experienced incidences of surface water flooding and that the existing properties along the northern boundary are approximately 0.75 to 1 metre below the site.

The applicant provided a revised Drainage Strategy supporting this planning application. The Lead Local Flood Authority (LLFA) previously did not have any objection to the drainage strategy for the previous proposal of 20 dwellings (PF/17/2082), confirming that the drainage strategy is acceptable and that an appropriate surface water drainage scheme is feasible subject to condition. The LLFA have not raised an objection to this scheme for 15 dwellings, subject to the same pre-commencement condition being applied for the detailed proposal to be agreed prior to the commencement of development.

It has been demonstrated with a reasonable level of confidence that surface water flooding can be addressed through sustainable drainage systems. However, a condition would set out that this needs to be further informed by a topographical plan in order to set out how to mitigate exceedance flows on site. Furthermore Finished Floor Levels need to be 300mm above the ground level to ensure that properties would not be subject to a risk of surface water flooding.

The proposal is therefore considered to be in accordance with Policy EN 10 of the Core Strategy.

### Other Utilities

The development is of a scale which is unlikely to place any significant burden on other infrastructure and utilities.

## **8. Material Planning Considerations**

Norfolk County Council did not request financial contributions due to the site being below the 20 dwelling threshold at which NCC would seek contributions.

## Other issues

- The ground investigation report and surface water drainage strategy confirms that the development is unlikely to result in contamination of ground water.
- It is recommended that a condition be sought to address how the development can meet the obligations as set out in Policy EN 6 without having an impact upon the AONB and wider landscape.
- In an attempt to reduce any nuisance associated with the construction works on existing properties, it is recommended that a condition be imposed requiring that the demolition of the garages and laying out of the parking spaces in that area should be implemented prior to the commencement of work on site. It is also recommended that additional temporary parking be provided on site for construction workers, which can be confirmed as part of a Construction Management Plan.
- Despite the proposal being contrary to the Norfolk County Council Minerals Core Strategy Policy CS16, the site is allocated through the Site Allocations Development Plan Document and so the loss of mineral resource is inevitable. A condition is proposed to be sought to ensure recycling of aggregate materials on the site.
- It was set out in the previous refused application for 20 dwellings that there was no requirement to undertake any further archaeology on the site, and this is not considered to have changed for this proposal.
- The site is situated within a Groundwater Source Protection Zone (Zone 3) however, it is considered that the findings of the Drainage Strategy demonstrate that this would be mitigated against through Sustainable Drainage Systems. Environmental Health Officers raised no objections to the proposals.
- It is noted that there is surface water flooding to the north of the site on existing neighbouring properties. It is considered that the Drainage Strategy will mitigate the impacts of the development site and that this will not increase the risk of flooding elsewhere. However, in Section 7 of this report it is set out that a condition will ensure that further consideration is given to the topography of the site.

## **9. Planning Obligations**

In accordance with Core Strategy policy CT 2 and Site Allocation policy SOU 02, the development must address its impacts by making the following financial contributions:

- Improvements to the Public Right of Way (Southrepps Public Footpath 18) £75 per dwelling (total £1,125)
- 8 of the 15 dwellings (50%) as Affordable Housing for General Needs Housing, including 80% Affordable Rent and 20% Intermediate Tenure (preferably Shared Ownership).
- Public Open Space: £25,442 in total comprising:
  - Allotments £6,810
  - Play enhancement £4,800
  - Parks £13,832

- SPA / SAC visitor impact mitigation contributions £50 per dwelling (total £750)

In addition, the applicant is proposing to provide more planning obligations to weigh in favour of the proposal which are considered to be a public benefit and outweigh the conflict with the adopted Development Plan, outweigh the harm to the heritage assets, outweigh the harm to the AONB and the wider landscape. These are as follows:

- 7 additional affordable houses
- £30,000 towards open space, albeit at the time of writing this is still to be agreed, and Members may consider it more appropriate to explore the feasibility of allocating such a sum of money towards improving access and safety on route to the school instead.

The below highway improvements would be secured by planning conditions on any approval:

- Provision of a footpath from the site to the High Street along the western edge of Long Lane, with a crossing point near the junction of the High Street;
- Widening of Long Lane with the junction of Long Lane Estate; and,
- Modifications to Long Lane Estate.

## 10. The Planning Balance

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.

Southrepps is a designated Service Village having access to a reasonable range of services and facilities, the allocated site being a logical location for the planned expansion of the village.

However, it is increasingly evident that a scheme for approximately 10 dwellings as required under Policy SOU 02 is not likely to be delivered, evidenced by the lack of interest from open market house builders or developers to take the site forward. This lack of commercial impetus behind a market-housing led scheme has presented an opportunity for Victory Housing as a Registered Provider to put forward a proposal for 15 affordable dwellings.

The development proposed for 15 dwellings represents a departure from the Development Plan Site Allocations Policy SOU 02 in that it proposes 15 affordable dwellings on a site allocated for approximately 10 dwellings, which will likely give rise to some adverse highway impacts contrary to the requirements of Site Allocations Policy SOU 02 and Core Strategy Policy CT 5 and have a greater impact upon the landscape and AONB than a lower density or smaller scale development would otherwise have.

Whilst the development is clearly a departure from policy the primary material consideration in this case is the provision of 15 affordable dwellings. The proposal provides the following public benefits:

- The proposal for 100% affordable housing provides 15 affordable units as opposed to the 5 affordable units that would be delivered on a policy compliant scheme;
- Highways improvements to both Long Lane and Long Lane Estate and the provision of a footpath from the site to High Street;
- An additional supply of amenity greenspace on site; and
- Improvements to the Public Right of Way network;

It remains to be seen if the application will confirm their provision of an extra £30,000 to spend on either the improved safe access to the school to alleviate highways concerns or on further play facilities as advocated by the Parish Council.

In regard to the Historic Environment, it has been demonstrated that the detrimental impact of the proposed development would be very minimal and is considered that above public benefits of the scheme far outweigh the potential minimal impact. The proposal is therefore considered to be in accordance with the NPPF in this regard.

In respect of harm to the AONB and the wider landscape, it is acknowledged that any development in this location will have a potential impact upon the AONB and the wider landscape. It is also noted that the proposed development for 15 dwellings would have more potential impact upon the landscape and AONB than a site in conformity with Policy SOU 02 for approximately 10 dwellings. However, this potential impact has been sufficiently mitigated against through the improved landscaping and the alterations to the layout of the scheme. It is therefore considered that the proposal is in accordance with Policies EN 1 and EN 2.

On balance it is the considered opinion of Officers that the cited material planning considerations including public benefits of affordable housing, the possible additional commuted sum to be used towards public open space or highways improvements, and wider proposed highways improvements in the submitted plans all together outweigh the identified adverse effects associated with non-compliance with the Development Plan, and therefore the recommendation is one of approval, subject to completion of a Section 106 agreement to secure the planning obligation and public benefits described above and subject to compliance with the with the conditions listed below.

## **RECOMMENDATION**

### **Part 1:**

**Delegate authority to the Head of Planning to APPROVE subject to:**

- 1) Negotiate improvements and amendments to the boundary treatments and landscaping.**
- 2) Liaise with Highways to explore opportunities to provide improved access to the school using the applicant's additional contributions (to be agreed).**
- 3) Satisfactory completion of a S.106 Planning Obligation to cover the following:**
  - Improvements to the local Public Right of Way network, including to Southrepps Public Footpath 18 - £75 per dwelling (total £1,125);
  - Provision of all 15 houses for use as General Needs affordable housing, including 80% Affordable Rent and 20% Intermediate Tenure (preferably Shared Ownership);
    - Public Open Space contributions of £25,442 in total comprising: Allotments £6,810; Play enhancement £4,800; and Parks £13,832;
    - SPA / SAC visitor impact mitigation contributions - £50 per dwelling (total £750);
    - £30,000 towards open space or highway improvements on the route to school (albeit this contribution is still to be confirmed at the time of writing).
- 4 ) The imposition of the appropriate conditions to include:**
  1. Time Limit – three years beginning with the date on which this permission is granted
  2. The development shall be undertaken in strict accordance with the plans

#### Pre-commencement

1. Construction Management Plan
2. Demolition of the existing garages and subsequent use of the cleared areas for construction vehicles if necessary.
3. Details to be agreed for the provision of a footpath from Long Lane Estate to the High Street as per submitted plans, and completion of the path prior to first occupation.
4. Provision of all highways improvements – modifications to Long Lane Estate and widening to Long Lane junction with Long Lane Estate.
5. Materials to be agreed: External bricks and tiles, windows and doors, external finishing.
6. Boundary treatment detailed designs and materials, to include small mammal access.
7. Details of providing the Category M4 2 dwellings on site.
8. Drainage scheme details, to take into account topography of the site.
9. Finished floor levels informed by the Drainage Strategy and site sections (details to be agreed).
10. Soft Landscaping details (to include measures to prevent ad hoc parking on Public Open Space).
11. Soft Landscaping Management and Maintenance plan.
12. Hard Landscaping details.
13. Hard landscaping Management and Maintenance Plan.
14. Minerals / aggregate materials – details of how on-site resources will be recycled.

#### Pre-Occupation

15. Provision of Open Space.
16. Open Space Management and Maintenance Plan.
17. Provision of Bird Boxes and Bat Boxes as recommended by the Preliminary Ecological Survey.
18. Restrictions on any external lighting.
19. Obscure glazing to be installed, where appropriate.

**And any other conditions considered to be necessary by the Head of Planning**

#### **Part 2:**

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



**BINHAM - PF/19/0456 - Demolish old reading room building and erection of one and a half storey detached dwelling and detached garage with storage above, including part retrospective alterations to existing section of front boundary wall; Land east of no.5 (former Reading Room), Langham Road, Binham, NR21 0DW for Mr Bircham**

## **Minor Development**

**- Target Date: 21 May 2019**

Case Officer: Caroline Dodden

Full Planning Permission

## CONSTRAINTS

LDF - Countryside

Area of Outstanding Natural Beauty

Conservation Area

C Road

## RELEVANT PLANNING HISTORY

CL/17/1433 CL

The Reading Room, Langham Road, Binham, Fakenham, NR21 0DN

Certificate of lawful use of building as B8 storage and use of existing access gate

Was Not Lawful 01/12/2017 Appeal Withdrawn 09/10/2018

PF/17/1581 PF

Land at Langham Road, Binham, Fakenham, NR21 0DN

Creation of vehicular access

Withdrawn by Applicant 20/02/2018

## THE APPLICATION

Demolition of old reading room building and erection of one and a half storey detached dwelling and detached garage with storage above, including part retrospective alterations to existing section of front boundary wall.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Kershaw, who states that the Application should be brought before the Development Committee to decide whether there are substantive objections to approval. Having visited the site Councillor Richard Kershaw is unclear why the Highway Authority is objecting to the wall and splay and considers that even if there was less than perfect sight of the road from the entrance, a traffic mirror opposite would solve this. He comments that this is a dwelling for a local family with connections in the village and is a self-build project.

## PARISH/TOWN COUNCIL

Binham Parish Council:

Binham Parish Council supports the development of this long-neglected site. However, there are concerns over traffic movements during the demolition and construction phase on this narrow road close to a sharp corner. Because of the road layout, they request a condition to the effect that all contractor's vehicles are parked on site, and not on the highway and also, request that delivery vehicles either unload on site or that traffic management be put in place during delivery unloading.

## REPRESENTATIONS

One neighbour comment received with regard to the original proposal, stating:

- to preserve the privacy of the garden and property, a condition is requested that windows facing onto their property be in obscure glass and that they fully support the suggestion that a fence or wall be erected between the two properties as outlined in Paragraph 6 of the Design Access Statement.
- it is hoped that the existing mature trees on the property would be protected as they support a great variety of wildlife contributing to the biodiversity and the visual amenity of the area.
- given the location of the proposed dwelling at the lower end of the village and close to the river (which occasionally floods), and a history of sewage drains overflowing, it is hoped that investigations have taken place to confirm that the sewerage and drainage system will be able to cope with the pressure of an extra building.

## CONSULTATIONS

### Conservation and Design Officer

The site lies within the Binham Conservation Area. The plot lies on a prominent approach route to the village and is characterised by its verdant qualities and close connection to 1-5 Langham Road; a grouping of cohesive vernacular cottages. The site's front boundary was altered in 2016 with the notable clearance of all vegetation and the erection of a prominent close boarded fence, which currently forms an unattractive gateway to the conservation area.

In terms of form and design, revised drawings have addressed concerns with the proposal as originally submitted. The cartshed style garage is considered to be largely acceptable, being read as a traditional outbuilding.

The treatment and enclosure of the southern boundary is a primary concern. Given the precedent for traditional flint and brick enclosures as seen further along Langham Road, this would be a much more sympathetic design solution. The existing flint wall on the western side of the front boundary was lowered in October 2019, but this existing wall would need to be lowered for at least another 3.5 metres westwards, in order to achieve the appropriate visibility for the new vehicular access in that direction, as requested by the Highway Authority. This additional section of flint wall forms part of the front boundary curtilage of No. 5 Langham Road, the applicant states that this section of the wall is in their ownership.

The cumulative impact of lowering a significant section of the existing flint wall, approximately 7 metres in total, would harm the significance of the Binham Conservation Area, contrary to Policies EN 4 and EN 8 and the statutory duties as set out within Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Landscape Officer

No objection subject to conditions. The mature trees on and adjacent to the site have amenity value and are important to the landscape of the area and would be worthy of protection by a Tree Preservation Order (TPO). The proposed development will have an impact on the trees, however if it is carried out sympathetically with the guidance of an arborist then the health of the trees will be retained.

### Ecology

The application is supported by an ecological report. The report details suitable mitigation and enhancements which should be a condition of any planning approval.

### Environmental Health

Informative notes are requested regarding the demolition of the existing building, asbestos removal and connection to mains sewer.

### County Council (Highway)

In summary the Highways Authority recommend refusal on highway safety grounds, failure to deliver suitable provision for pedestrians and inability to deliver adequate visibility for vehicular access. Given the pivotal nature of these matters then those considerations, as relayed by the Highway Officer, are provided in detail below:

- *This site has been the subject of an application for a certificate of lawful use (CL/17/1433), which was refused on 01 December 2017, establishing that the site has no current lawful use. On this basis, it is considered that the proposed development, which would generate 6 daily movements (TRiCS database), would need to be safely catered for by a new vehicle access to the site. This view has previously been reflected in comments submitted with respect to application no. PF/17/1581. As such, the proposed development would need to accord with current highway requirements.*
- *The site is located on the C598 Langham Road, Classified as 3B3 Access route within the NCC route Hierarchy and has the function of carrying traffic between destinations. The proposed development would engender an increase in vehicle movements along the classified C598 Langham Road, which is unlit and subject to a 30mph speed limit, together with associated pedestrian footfall which needs to be safely accommodated. The narrow rural nature of Langham Road, in the vicinity of the site is noted, which is generally only suitable for single file traffic and has no formal pedestrian facilities along its length. This results in pedestrians sharing the narrow carriageway with all traffic and accordingly, any increase in vehicular use of this road would be resisted by the Highway Authority.*

### Vehicular Access

- *As outlined above, the road network is narrow in the vicinity of the site, as such, emerging visibility is critical to the safe function of the site access. My previous assessment of the scheme noted that "the Richard Jackson plan" 49016/PP/001 details acceptable visibility distances however these distances cannot be achieved as the splay runs over third party land to the east, which would require the agreement of that landowner through a binding legal agreement (s106), which the applicants do not currently have. In order to remedy the situation, if the access were moved west by a short distance and the wall reduced in height for a greater distance to the west, then an acceptable visibility splay within the applicants control could be formed, which would mitigate the need for any agreements with third parties.*
- *If the access were repositioned as suggested, providing acceptable levels of visibility, it would then be feasible, if desired to serve both the new and donor dwelling and close off the existing gated access, but this is not an essential element in this proposal.*
- *Visibility requirements set out in MfS (see P91 7.6.1 to 7.6.3) requires checking the visibility splays in both the vertical and horizontal planes. Unfortunately, at this particular location visibility is restricted by the vertical height of the retained wall/building to the west preventing an acceptable visibility envelope from being provided. Visibility from the access, as seen on*

site, remains restricted to the west by the height of the frontage features, permitting only a limited window of visibility from a 2.4m setback which is significantly below the required standard and does not enable a view of any road users (PTW, Cycle, Peds) on the nearside of the carriageway.

- A residential dwelling would be expected to typically generate some 6 vehicular trips per weekday according to TRICS (Trip Rate Computer Information Services) through the substandard access. I believe that this would result in conditions to the detriment of highway safety as the proposed level of visibility is clearly not suitable for the proposed use. This is not in accordance with the NPPF which also states that decisions should take account of whether safe and suitable access to the site can be achieved for all.

#### Transport Accessibility

- The National Planning Policy Framework sets out 12 core principles which underpin future decision making. The common theme of the principles is for the provision of sustainable development including the management of development to make full use of public transport, walking and cycling. The siting of the proposed dwellings is such that the development is unlikely to meet the terms of any of the 12 core principles and particularly does not meet with the transportation aims.
- Sustainable transport policies are also provided at a local level through Norfolk's 3rd local transport plan Connecting Norfolk – Norfolk's Transport Plan for 2026. Policy 5 of this document (see Appendix D) states "New development should be well located and connected to existing facilities so as to minimise the need to travel and reduce reliance on the private car or the need for new infrastructure". It is clear that this development does not meet this aim and you may want to consider this point in your assessment.
- It is reasonable to assume that the residents of the new dwelling would need to access services such as shops, high school and employment on a daily basis. The LHA considers the Application Site to be poorly located in terms of accessibility and transport sustainability.

Given the reasons above, refusal is recommended for the following reasons:

- The proposed development does not adequately provide off-site facilities for pedestrians /people with disabilities (those confined to a wheelchair or others with mobility difficulties) to link with existing provision and / or local services. Contrary to Core Strategy Policy CT5
- The classified road serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width / lack of passing places and pedestrian provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety. Contrary to Core Strategy Policy CT5
- As far as can be determined from the submitted plans, the Applicant does not appear to control sufficient land to provide adequate visibility at the site access. The proposed development would therefore be detrimental to highway safety. Contrary to Core Strategy Policy CT5.

#### 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.

## POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

SS 3 - Housing

EN 4 - Design

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

CT 5 - The transport impact of new development

CT 6 - Parking provision

## MAIN ISSUES FOR CONSIDERATION

- 1) Principle
- 2) Design and Heritage
- 3) Residential Amenity
- 4) Highways
- 5) Landscape
- 6) Environmental considerations
- 7) Other matters

## APPRAISAL

### Background

A Certificate of Lawful Use for the Reading Room building and use of a centrally located access on the site ref: CL/17/1433 was refused by the Council in December 2017. This was because it had not been proved, on the balance of probabilities, that the building and central access point has been used continuously for the asserted Class B8 storage for at least ten years preceding the date of the application. Evidence submitted suggested that the building and access had been used until 1995 in connection with a haulage business for the purpose of the servicing of lorries and other vehicles, storage and general repairs, but since that time, no evidence demonstrated the continuous use for at least 10 years of the building and access for the claimed storage use (Class B8). The claimed former use remains unproven and as such can carry very limited weight in decision making on any planning application.

A two metre high close boarded fence and an associated gate (for vehicular access) was erected adjacent to the highway after the removal of hedging at the site in 2016. Since this time, a planning application PF/17/1581, for the creation of a vehicular access from the site was submitted to the Council in January 2018. The proposal sought to replace the alleged existing vehicular access with one that met the Highway Authority's standards. However, the application was withdrawn in February 2018 on the basis that a full site topographical survey was required in order to produce drawings to show the original and proposed new access with levels. No subsequent application has been submitted.

With regard to the current application, a number of revised plans have been submitted to overcome concerns raised regarding the proposed design of the dwelling and the issues set out

by the Highway Authority relating to the proposed vehicular access and visibility splays. In October 2019, the agent informed the Council that emergency maintenance had been carried out on the existing flint front boundary wall, because the combination of ivy that had grown through it and lack of foundations, meant the wall had become unstable to the degree that it would fall in to the road. The agent confirmed that the alterations involved its reduction in height to just below one metre, to improve the stability of the wall. Given the Conservation Area designation then this demolition would require planning permission.

### 1. Principle

The site is located on the north side of Langham Road in the village of Binham and falls within the Binham Conservation Area. The proposal seeks to demolish the existing building, known as the Reading Room, which is positioned close to the south eastern (front) boundary of the site and to erect a one and a half storey detached dwelling and a detached garage with storage above. The proposal also includes alteration of the front boundary flint wall, some of which has already been carried out.

There is no overriding objection to the demolition of the former Reading Rooms building, given that it is a derelict tin shed, which detracts from the character and appearance of the area.

The site is located within an area identified as Countryside under Policy SS 1 of the Core Strategy. Policy SS2 builds on this by defining the types of development which can take place within the Countryside Policy Area. Policy SS2 states that development in areas designated as Countryside will be limited to that which requires a rural location or for 18 specified exceptions, and that proposals will not otherwise be permitted. Policy SS2 specifically allows for housing in the Countryside Policy Area in the form of “affordable housing in accordance with the Council’s ‘rural exception site policy’”, as well as housing from conversion of existing buildings and specialist forms of accommodation to meet very particular needs such as agricultural worker’s dwellings.

The agent considers that the Council's statement of housing land supply is out of date and as such, that the proposal should be considered on the basis that there is no five year supply of housing land. Despite the agent's views to the contrary, the Council is able to demonstrate a Five Year Housing Land Supply, with a housing land supply of 5.73 years, which confirms that the policies relating to the supply of homes can be treated as up to date and therefore, para.11 of the NPPF does not apply. Consequently, the policies of the adopted local plan can be applied with full weight. As such the proposal is contrary to Policy SS 2.

The National Planning Policy Framework (NPPF) 2019 post-dates the adoption of the Core Strategy and is a material consideration. It includes policies relating to rural housing. In para. 78 developments in rural areas should be located where it will enhance or maintain the vitality of rural communities and the framework also recognises that services in one community might be supported by development in another. This paragraph also requires that planning policies should identify opportunities for villages to grow and thrive. However, this is very much based on the wider proviso of promoting and delivering sustainable development in rural areas.

In para 79 authorities are required to avoid ‘isolated’ homes in the countryside other than in very limited, defined circumstances. The Court of Appeal, upholding the decision of the High Court, has clarified in the Braintree judgement that ‘isolated’ means “*a dwelling that is physically separate or remote from a settlement*”; it is not related to ‘access to services’ but proximity to other dwellings. It also confirmed that access to services by sustainable means is to be taken in the context of other policy considerations such as supporting the rural economy.

Although it is considered that the site can be described as the edge of Binham, where the number of existing houses is sparse, there are, nevertheless, dwellings on either side of the site and so, it is not considered to be physically isolated. As such, paragraph 79 of the Framework does not apply. In consideration of whether the application site is remote from services, it is acknowledged that the village of Binham has some limited services and facilities in the form of a village hall, church, public house, dairy shop and petrol station with convenience store, which are located in and around the village core, approximately 300 metres to the south. It is noted that the former Butchers shop at 32 Front Street, Binham has recently been granted planning permission (ref: PF/19/1382) to incorporate the shop area into the existing residential dwelling.

There appears to be a number of clubs including a youth club operating, and there is also a number of businesses in the Binham area. However, the nearest schools are at Langham 2 miles away and Hindringham 2.7 miles away. In terms of transport links Binham is served by very limited bus services to Holt, Wells and Fakenham and local villages in between.

On balance, whilst it is acknowledged there are some limited facilities in the village, they are dispersed and their distance from the site in combination with other constraints such as the lack of street lighting and footways, means that occupiers of the dwelling would be largely reliant on the use of the car to reach them, as well as other basic services such as a doctor's surgery, that do not exist in the village. The proposal is, therefore, considered to be unacceptable in principle, being an unsustainable form of development, contrary to Policies SS 1 and SS 2.

Members may be aware that the Draft Local Plan includes Binham as a potential location for growth with the Plan; suggesting that a new category of Small Growth Village is created. Such settlements would then be defined by a development boundary (allowing for infill) and the Council would look to identify small sites suitable for between 0-20 dwellings. As the Draft Plan has only reached Regulation 18 consultation stage, and the Council has not reached any formal decisions in relation to which settlements might eventually be identified as suitable locations for development, it is considered too early to attribute any weight to the emerging policies.

The application has been put forward on the basis that the proposed dwelling would be occupied by the Applicant and that it should be treated as a self-build proposal and that the absence of serviced self-build plots in the face of an expression of need for such plots via the self-build register, is a material consideration to which sufficient weight should be attached to justify the policy departure. This issue is material to the assessment of the proposal, however, it is not considered to be sufficient reason to justify the erection of a new dwelling in an otherwise unsustainable location. The fact that the dwelling might be self-build does not render the location sustainable.

The agent has cited a number of appeal decisions that have allowed dwellings within the Countryside. It should be noted that every planning application is assessed on its individual merits and it is considered that the applications and appeals referred to do not form any meaningful comparison or precedent. Of those referenced within the North Norfolk District, the Trunch planning consent cited (ref: PO/18/2135) and the Hindolveston appeal (ref: APP/Y2620/W/19/3222639), are not considered to create binding precedent. Those decisions should be viewed within the wider context, for example other more numerous appeal cases both subsequent and prior to these decisions which run in compliance with the Council's position and contrary to the position established by the Inspector. For example, appeal Ref: APP/Y2620/W/19/3227252, White Gables, Dove House Farm, Potter Heigham, for a new dwelling within the Countryside, which was dismissed at Appeal on 23 July 2019.

## 2. Design and Heritage

Policy EN 4 of the Core Strategy and Section 12 of the revised NPPF requires that all development is designed to a high quality, has regard to the local context and preserves or enhances the character or quality of the area in which the development would be located. Policy EN 8 also requires that the character and appearance of conservation areas to be preserved and where possible, enhanced by new development.

The site lies within the designated Binham Conservation Area. The plot lies on a prominent approach route to the village and is characterised by its verdant qualities and close connection to 1-5 Langham Road; a grouping of cohesive vernacular cottages. The sites front boundary was altered in 2016 with the notable clearance of all vegetation and the erection of a rather incongruous close boarded fence, which currently forms a rather unfortunate and unattractive gateway to the Conservation Area.

he dwelling would provide a 4 bed one and a half storey dwelling, using traditional finishes. Revised drawings have been submitted for the proposed dwelling (drawing no. 1867-001 Rev.G), which have addressed all of the former design concerns. The cartshed style garage is considered to be largely acceptable, being read as a traditional outbuilding.

As it stands, the existing boundary close boarded fence detracts from the character and appearance of the Conservation Area and this enclosure does not have the benefit of planning permission. The revised proposal shows a flint wall along the front boundary. Given the precedent for traditional flint and brick enclosures as seen further along Langham Road, this would be a much more sympathetic design solution. As mentioned in the Background above, the existing flint wall on the western side of the front boundary was lowered in October 2019, but this existing wall would need to be lowered for at least another 3.5 metres westwards, in order to achieve the appropriate visibility for the new vehicular access in that direction. This additional section of flint wall forms part of the front boundary curtilage of No. 5 Langham Road, which it is understood, is in the ownership of the Applicant. However, it is considered that the cumulative impact of lowering a significant section of the existing flint wall (approximately 7 metres), would harm the significance of the Binham Conservation Area, contrary to Local Plan Policies EN4 and EN8 and the statutory duties as set out within Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In conclusion, it is considered that the existing and further removal of the historic wall would not preserve or enhance the character and appearance of the area, contrary to policies EN 4 and EN 8. The proposal would also, therefore, not accord with the guidance contained within paragraphs 194 and 196 of the NPPF.

## 3. Residential Amenity

The proposed dwelling would be positioned on the east side of the site. The occupier of the neighbouring property to this side has commented that any windows facing their property should be obscure glazed to preserve privacy to their garden and dwelling. The new dwelling would have one first floor obscure glazed window facing towards the neighbour, serving an en-suite bathroom. Given the nature of the proposed window and a distance between the existing and proposed dwellings of over 40 metres (where the neighbours garage is also located between the properties), it is considered that there would be no detrimental impact to the residential amenity of this neighbouring property by way of overlooking or loss of privacy. Therefore, the proposal would accord with policy EN 4, in this regard.



#### 4. Highways

The Highways advice received is informed by the refusal of a certificate of lawful use CL/17/1433 (01 December 2017). On this basis, it must be considered that the proposed development would generate a need for 6 new daily movements (TRiCS database) to be safely managed to and from the site to meet the satisfaction of the Highway Authority.

The site is located on the C598 Langham Road, classified as 3B3 Access route within the NCC route Hierarchy. The road network is narrow in the vicinity of the site, close to a sharp bend and as such, emerging visibility is critical to the safe function of the proposed site access. The position of the proposed vehicular access has been amended and a section of the existing flint wall on the south-western side of the site has already been reduced in height. In order to achieve the appropriate visibility for all road users, including cyclists and pedestrians, the wall would need to be lowered for a greater distance to the west (by approximately a further 7 metres and potentially require alterations to the existing outbuilding).

Visibility requirements set out in Department for transport's Manual for Streets (see P91 7.6.1 to 7.6.3) requires checking the visibility splays in both the vertical and horizontal planes. Visibility from the access, remains restricted to the west by the height of the frontage features, including an existing outbuilding, permitting only a limited window of visibility from a 2.4m setback which is significantly below the required standard and does not enable a view of all potential road users (including cyclists and pedestrians) on the nearside of the carriageway. A residential dwelling would be expected to typically generate some 6 vehicular trips per weekday according to TRICS (Trip Rate Computer Information Services) through the substandard access. Consequently, it is considered that that this would result in conditions to the detriment of highway safety as the proposed level of visibility is not suitable for the proposed use and is therefore, contrary to Policy CT 5 of the Core Strategy and the NPPF, which also states that decisions should take account of whether safe and suitable access to the site can be achieved for all.

In response to the Councillor's suggestion regarding the use of a traffic mirror, the Highways Officer has subsequently referred to Norfolk County Council's Safe, Sustainable Development Guidance (Revised November 2015, which states at G2.4 that '*The use of a mirror to overcome visibility problems is not acceptable. The Local Highway Authority will not permit them to be erected in the public highway. If installed, mirrors can dazzle drivers, make it difficult to judge speed and distance and as a result lead to a higher risk of accidents. They are also often the targets for vandalism.*' Therefore, it is confirmed that the use of a traffic mirror to assist with access visibility would not be acceptable.

#### 5. Landscape

The mature trees on and adjacent to the site have amenity value and are important to the landscape of the area. They are considered to be worthy of protection by a Tree Preservation Order (TPO). The proposed development will have an impact on the trees, however, if the proposed development is carried out sympathetically with the guidance of an arborist then the health of the trees will be retained. This could be the subject of a planning condition, if necessary.

The ecological report submitted with the report details mitigation and enhancements which, again, could be the subject of a planning condition. As such, the proposal would comply with Policies EN 4 and EN 9, in this regard.

## 6. Environmental Considerations

It is noted that the demolition of the existing reading room building would require reference to the Environmental Health department and include details submitted regarding the removal of any potential asbestos. Mitigation of asbestos removal and remediation of any contamination may be controlled by the use of suitable conditions.

## 7. Other matters

It is the Council's opinion that the recent lowering of the existing front boundary flint wall required planning permission. As such, if the Members are minded to refuse planning permission officers will also consider the expediency of further enforcement action in order to secure the re-instatement of the wall to its original height

## Conclusion

The proposed dwelling is within an area designated as Countryside where a general presumption against residential development and in a location with poor access to a full range of basic services prevails. The future occupiers would therefore be dependent on the car to be able to reach such services. The proposal would therefore not be sustainable development. In the opinion of the Local Planning Authority there is no justification to permit the erection of an additional dwelling in the Countryside contrary to policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy and paragraphs 78 and 79 of the NPPF.

The current revised drawings fail to provide an adequate vehicular access, with the appropriate visibility splays to the west. In addition to improve highways safety to an acceptable level that lowering of an existing flint wall is required, the facilitating work will neither preserve or enhance the character of the Binham Conservation Area. As such, the proposal, if permitted, would also likely give rise to conditions detrimental to highway safety and be contrary to both Core Strategy policies EN 8 and CT 5.

## **RECOMMENDATION: Refuse for the following reasons:**

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

- SS1 – Spatial Strategy for North Norfolk
- SS2 – Development in the Countryside
- EN 4 - Design
- EN 8 - Protecting and enhancing the historic environment
- CT5 - Transport Impact of New Development

1. In the opinion of the Local Planning Authority, the proposal comprises residential development on a site which is located outside of the established settlement hierarchy and on land designated as Countryside under Policy SS 1 of the adopted Core Strategy. Policy SS 2 prevents new housing development in the countryside apart from certain limited exceptions

which do not apply in this case. In the opinion of the Local Planning Authority there are no material considerations which would justify the erection of an additional dwelling in the Countryside contrary to policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy

2. The proposed access would provide an inadequate visibility splay to the west. To achieve suitable visibility in this direction requires the cumulative lowering of approximately 7 metres of the existing front boundary flint wall. This lowering would cause detrimental harm to the significance of the Binham Conservation Area, contrary to Local Plan Policies EN4 and EN8. As such the proposals would result in an inadequate access that will be detrimental to highway safety and thus contrary to Core Strategy Policy CT5.
3. The proposed development does not adequately provide off-site facilities for pedestrians or people with disabilities. The proposals therefore fail to link effectively with local services. The classified road serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width / lack of passing places and pedestrian provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety, contrary to Core Strategy Policy CT5.

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**BRINTON - PF/18/1553 - Proposed erection of two-storey agricultural dwelling; Land at Valley Farm, Bale Road, Sharrington (adj garage) for Mr Rivett**

## **Minor Development**

**- Target Date: 17 October 2018**

Case Officer: Mr D Watson

Full Planning Permission

## RELEVANT CONSTRAINTS

- SFRA - Areas Susceptible to Groundwater Flooding
- LDF Tourism Asset Zone
- LDF - Countryside
- Conservation Area
- Unclassified Road

## RELEVANT PLANNING HISTORY

PLA/19872198 PO

LAND AT PART OS 3161 BALE ROAD, SHARRINGTON

ONE PRIVATE DWELLING

Refused 11/02/1988

PLA/19882637 PO

LAND AT PART OS 3161, BALE ROAD, SHARRINGTON

ERECTION OF DETACHED DWELLING

Refused 26/01/1989

## THE APPLICATION

A two storey detached dwelling with 3 bedrooms is proposed. The dwelling is to provide accommodation for the manager of Valley Farm.

The site is on the south side of Bale Road and at the eastern end of Sharrington village. It currently forms part of a parcel of agricultural land bounded in part by Bale Road and Brinton Road. The application includes a number of supporting documents including an Agricultural Appraisal setting out the claimed essential functional need for the dwelling in relation to the farming operation; Landscape and Visual Appraisal; Landscaping Schedule, Landscape Management and Arboricultural Assessment; and Design & Access Statement.

Confidential financial information comprising summaries of the farm accounts for the years ended 31 March 2014 to 31 March 2018; details of investment in equipment to facilitate the expansion of the business comprising a new 500 sow outdoor breeding unit, have also been provided

## REASONS FOR REFERRAL TO COMMITTEE

At the discretion of the Head of Planning because the application has been contentious and the issues involved.

## PARISH/TOWN COUNCIL

Brinton Parish Council: object for the following reasons

- application is contrary to policy SS 2, being in the Conservation Area in the Countryside. The various statements/ reports contain a number of inconsistencies, contradictory information and incomplete evidence and the evidence supplied does not prove that the applicant fulfils the exceptional circumstances.
- application goes against Policy HO5, as it does not demonstrate that it meets all of these criteria. For example, Policy HO5 requires that the worker is working full time on the farm, whereas the supporting statement says 'the proposal...provides sufficient residential amenity for the applicant and his family for the long term, inclusive of when the operation of the business is handed over to the applicant for full-time management.'
- The report states differing numbers of pigs. At a Parish Council meeting the applicant gave a figure of 2000 pigs managed on the farm, which is at odds with the figure in the documentation.
- Concerns about the long term viability of the proposal, as the applicant would be the third succession to the rented holding. The supporting statement states that 'the proposed dwelling will ensure the family have a base from which to continue to run a financially viable business should the tenancy cease.' It is unclear how a viable business would continue to run should the tenancy cease as the applicant's family own approximately 50 acres of land itself.
- An existing property for sale in Sharrington was omitted from evidence submitted.
- Policy HO 5 states that 'the proposed dwelling is no larger than that required to meet the functional needs of the enterprise.' The proposal is for a large family home.
- The proposal is against Policies EN 2 and EN 4 and will have a detrimental impact on the landscape and character of the area, being within a Conservation Area, near listed buildings and in open countryside.
- Mature hedgerow would be lost to create a new access, although the landscape consultant has confirmed that the entire hedgerow along the frontage can be retained.
- The application shows three car spaces. The property functioning as ' a hub of the business' implies additional traffic connected to the business.

*Comments following amendments to the design of the proposed dwelling:*

Note the fairly minor amendments, but still feel that its design, scale and appropriateness for the site are unjustified, and not supported by evidence which would justify a breach of planning policy. The fundamental issue is whether there should be a dwelling at all on the site and the Parish Council's original objection, that it is against policy, still stands. It is considered that the proposal still does not satisfy all of the requirements of policy HO 5.

*Comments in response to the agricultural appraisal carried out for the local planning authority by Landscape Land and Property (November 2019)*

The report does not support the case for a permanent dwelling or that the application meets all the criteria of HO5. Given the content of the report, the uncertainties contained within and the 'beyond reasonable doubt criteria set by the planning department the application should be refused. The report's statement that it 'considers that this application generally meets these requirement' is not sound. The appraisal report should be absolutely certain that the application meets all requirements. The Parish Council considers the Landscape report does not give the certainty required to support the application for a permanent agricultural workers dwelling. Along with the other concerns regarding landscaping and design the proposal does not warrant a breach

in planning policy and would have a detrimental impact on the unique landscape and character of the area and particularly the conservation area.

## REPRESENTATIONS

19 objections on the following grounds:

- Policy SS 2 only allows for dwellings to be built in the Countryside in exceptional circumstances. This application is not exceptional under the terms of Policy HO 5 as there is a wide range of properties available outside Sharrington.
- The site is in a Conservation Area near a Grade I listed church and a listed ancient cross. The proposal could threaten the very existence of the cross, if more traffic mounts the grass reserve around the cross.
- There appears to be room to live and space to build at the existing farm.
- More traffic and significant highway risks, if the dwelling is to be the hub of the business, on this narrow road.
- There is vagueness on the number of pigs reared ranging from 1800 to 4000.
- There is a 3 bed dwelling for sale in Sharrington for £290k, which is an affordable property in this area and cheaper than a new build.
- Previous dwellings have been refused in the 1980s - 87/2198 and 88/2637 (same site being applied for), which set precedents.
- Future proofing is non-sensical as if the tenancy is lost the family own only 50 acres and so the business would be unviable. As it is, Valley Farm has had to diversify into running a nursery and a plumbing business.
- The case for 24/7 on site presence is bolstered by suspected theft, but pigs are near Valley Farmhouse. How is security enhanced by moving the hub 800 metres north?
- Eligibility for succeeding to a tenancy requires proof of deriving most or all of one's income for five years (or for a period of five years spread over seven years). That is a long way in the future. It would be unsafe to grant consent for a permanent dwelling on mainly hypothetical grounds.
- Other pig rearing operations are known of, with high standards of welfare, that do not have 24/7 presence on the site let alone residential accommodation.
- The village is experiencing surface water drainage problems.
- The applicant is not a full time agricultural worker, nor does he have any experience with pig rearing. He is a Director of a major estate agency in Norwich and he stated at a Parish Council meeting that he did not intend to give up this full-time job in the near future. He has no clear plan as to when he will give up his current full time work to work full time on the farm.
- Whether the viability of the enterprise is such that it could provide sufficient income for two families to live on
- Proposal is for a large house in a conservation area that is going to drastically alter the village by filling in space and establishing a wood.
- Would set a precedent for other 'infills'.
- Effect on the conservation area and local landscape
- There are other dwellings in the vicinity on Bale Road and Brinton Road that are part of Valley Farm

11 in support

- The traditional form and character of the house is in keeping with the locality, would serve a valid need to support the family business and the plot is between two other buildings and not in isolation.
- Bale Road is a quiet road and the access for the proposed dwelling is in a safe stretch of highway. It would not have an adverse effect on the surrounding buildings. Landscaping and screening will ensure that a new house will be able to settle in to the landscape.
- Valley Farm is truly a family-run farm where all members take an active role. It is clear how labour intensive the pig rearing operation has become, especially concerning water supplies.
- All rural communities need more homes to be built if they are to survive and flourish. A village like Sharrington could easily accommodate a handful of new houses without losing its identity and charm. This application supports the evolution of a traditional agricultural business and retains the younger generation and family on the land and in the community, which should be encouraged.
- Although the site is agricultural and in a conservation area, the south side of Bale Road from the eastern junction to Valley Farm junction is one continuous ribbon development. With landscaping, it would not be visually intrusive and would be acceptable infilling

Other correspondence has also been received. This includes correspondence between a local resident and the Parish Council, some that has been sent as confidential and some direct to the case officer. These are on the file as background papers, but have not been treated as representations.

## CONSULTATIONS

County Council (Highway): have some concerns regarding the position of the proposed dwelling on Bale Road as it is very rural in nature, being narrow and sinuous. At its intersection with the C330 Brinton Road, which is subject to the national speed limit, visibility is severely restricted to the south to only 8m due to the road alignment and roadside vegetation, which would be sufficient to warrant a highway objection.

Whilst there remains a query in respect of the long term tenancy agreement, which appears to have no guaranteed succession into the future, if the local planning authority are satisfied that dwelling is required to support a clear agricultural need within the area and complies with Policy HO5, then, subject to the occupation of the dwelling being limited (i.e. an agricultural tie) as described in the application details, the Highway Authority would not wish to raise any highway objection to the proposal. If permission is granted conditions relating to the submission of detailed scheme for the new access and no obstructions across access are requested.

Landscape Officer: the Supplementary Landscape Plan (dated 28/05/2019) adds two new elements to the planting proposals in order to further mitigate the impacts of a new dwelling. These comprise:

- 6 oak trees along the north boundary to the rear of the existing hedge
- 1 large additional copse of 62 trees and shrubs to the south west boundary and 1 enlarged copse adding 7 trees to the south east boundary.

The 6 additional oaks along the north boundary with Bale Road are considered to be compatible with roadside field oaks that contribute to the prevailing character of rural lanes in this part of the District. However, the creation of the vehicle access and visibility splays to the required Highway



specification will result in hard surfacing (tarmac or concrete) and pruned back hedgerow either side of the entrance which will impact significantly on this enclosed and verdant section of Bale Road. It is considered that the 6 oaks proposed would not mitigate this impact.

The additional tree and shrub planting as proposed would result in the loss of 'long views to the south and south west' which are a stated feature of the existing site in the Landscape Schedule, Landscape Management and Arboricultural Assessment dated May 2019, submitted as part of the application. The introduction of the blocks of trees and woodland as now proposed to further screen the dwelling would be directly contrary to one of the principle issues laid out in 1.2.4. of the Assessment which is 'to maintain the existing character of the site'. The revised landscape scheme would fundamentally alter the site features and will be contrary to the relatively open rear gardens of existing dwellings on the south side of Bale Road.

The change of use of the site from arable field to residential is not compatible with the settlement structure of Sharrington, where the fields between groups of dwellings function as an important setting to the built form. This is reinforced in the North Norfolk Landscape Character Assessment (SPD 2009). The site lies within the defined Tributary Farmland Landscape Type (TF1 Morston and Hindringham) which is assessed as having a Moderate to Strong strength of character. One of the issues highlighted in this area is set out in 5.1.1.

*"Settlement structure is often fragmented and leaves considerable 'gaps' between properties or behind them. The temptation to 'consolidate' these gaps should be considered very carefully as they often provide a very strong defining characteristic to the settlement and mean that the landscape is not dominated by large long tracts of what could amount to ribbon development".*

With regard to the amended plans received in October 2019, it is felt that the marginal decrease in the footprint of the southern section of proposed dwelling has no diminishing effect in relation to the landscape and visual impact of the development as a whole.

In conclusion the Landscape Officer does not consider that the landscape and other amendments make the proposals acceptable and that the development remains contrary to Local Plan policies EN 2 and EN 8.

Conservation & Design Officer: in terms of the proposed dwelling itself, it is considered to be of a straightforward design which, whilst it is not particularly innovative or blessed with visual interest, would be broadly compatible with the adjacent building stock within the wider village. With regard to the character and appearance of the Sharrington Conservation Area, the village comprises a number of development pockets with open fields and rural landscape between, giving it an expansive character in which the built form is spread along several routes. The application site, with its verdant roadside hedge and open field behind, very much contributes to this interspersed feel. As such, it is considered that the introduction of a new dwelling, with all of its associated domestic paraphernalia (including the new access point), would result in harm being caused to the overall significance of a designated heritage asset.

Environmental Health: no objection subject to a condition regarding any external lighting and an informative relating to potential contaminated land

Agricultural Consultant: the Council has also engaged a specialist agricultural consultant (Landscape Land & Property) to review the application. Their appraisal (dated November 2019) concludes amongst other things that:

- Expansion of the farming operation has been implemented and now includes farrowing sows
- There is an opportunity for the applicant to enter the business with a view to taking over the management and day-to-day responsibility from his father who currently runs the farm, but needs to reduce his workload for medical reasons.
- Because the applicant lives an hour away from the farm, the response time is difficult, so he needs to move to a location closer to the farm. The proposed site whilst not ideally sited in relation to the farmstead is on land that is owned and would provide a reasonably rapid response time.
- Incidents of crime do not in themselves justify the need for an on-site presence.
- With expansion there is full-time work for an additional employee and the financial viability, size and structure of the holding can support this.
- The unit is established and has run for well over 3 years.
- The application site is not in the best location for farm management, security and animal welfare. Whilst it is relatively close to the farm, a better location would be adjacent to the existing farmstead as part of the collection of buildings.

#### 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.

#### POLICIES

National Planning Policy Framework (NPPF) (February 2019):

Section 2 - Achieving sustainable development

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

North Norfolk Core Strategy (Adopted September 2008):

SS 1: Spatial Strategy for North Norfolk

SS 2: Development in the Countryside

HO 5 - Agricultural, forestry and essential worker dwellings in the Countryside

EN 2: Protection and enhancement of landscape and settlement character

EN 4: Design

EN 8: Protecting and enhancing the historic environment

EN 9: Biodiversity and geology

EN 13: Pollution and hazard prevention and minimisation

CT 5: The transport impact on new development  
CT 6: Parking provision

Supplementary Planning Documents

North Norfolk Design Guide SPD (2008)  
North Norfolk Landscape Character Assessment SPD (2009)

Statutory duties

When considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area (S72 Listed Buildings and Conservation Areas Act, 1990).

#### MAIN ISSUES FOR CONSIDERATION

- Whether there is an essential need for an additional full time worker to live permanently at or near to Valley Farm so they are available at most times and, if so, whether there is any alternative accommodation on the applicant's landholding or other existing accommodation in the area
- Effect of the proposed development on the character and appearance of the Sharrington Conservation Area
- Effect of the proposed development on the landscape and settlement character
- Effect on highway safety

#### **Background**

Valley Farm is a mixed agricultural business over approximately 450 acres (182 hectares). The majority of the land is occupied under the terms of an Agricultural Holdings Act 1986 tenancy. Also forming part of the farm is a parcel of land to the south of Bale Road and west of Brinton Road which has an area of about 50 acres (20 hectares). This is owned by the applicant and the application site is within it.

The business includes an arable operation with crop rotation but has diversified to include a substantial outdoor pig rearing operation on a bed and breakfast basis. Batches of pigs arrive at the farm as weaners around 4 weeks old. They are then reared on to finishing weights after 20 weeks before being dispatched.

There are around 1800-2000 within each batch and is proposed to increase number to around 2,400 pigs per batch. At present 2 – 2.5 batches are finished per annum a throughput of around 4,600 pigs but with the proposed increase in batch size this would increase to around 6,000 per annum.

Based on current numbers the current pig rearing element requires around 50 acres at any one time. The pigs are housed in arks which are moved around the farm on a rotational cycle as the pigs require regular fresh ground.

A breeding unit has now been introduced with 17 batches of 800 piglets per annum which equates to a throughput of around 13,600 weaners being produced by the farm per annum. It has very recently been confirmed by the applicant that the fattening operation has been temporarily

suspended as there is not enough labour to run both that and the breeding side. Currently the weaners are reared on site but have to be sent elsewhere for fattening at 7kg.

There is existing dwelling Valley Farmhouse associated with the farm located about 120m south of Bale Road and to the east of the unnamed road between Sharrington and Gunthorpe. This is the and is the centre of the operation, where there is an array of modern and traditional agricultural buildings which are used for the storage of equipment and machinery.

The applicant's father who runs the farm currently resides in Valley Farmhouse. He is currently the main source of labour. Due to health reasons, he needs to reduce the number of hours he works. A children's day nursery is also run 4 days a week from the farmhouse.

The applicant intends to succeed to the tenancy of the land under the relevant Act. Only a close relative can claim the right to succeed to a tenancy but there are a number of tests that must be passed – these include tests relating to suitability and the need for the applicant to prove that their principal source of livelihood has been earned as a result of their work on the holding for a period of no less than 5 years in the last 7 years.

Currently the applicant is an associate director of a national estate agency and works in Norwich. He lives about 1 hour away from the farm. The supporting information states that, since moving out of the farm in 2015, they return to the farm weekly and to help and potentially more during the busiest times with the pigs. The application has been made “in order to combine the necessary need of a further worker on the farm with the prudence of a succession plan”. The applicant confirms their intention to return to the farm in a full time capacity as is required by the farm and to move towards meeting the livelihood test.

The agricultural appraisal (dated 6 August 2018) submitted in support of the application includes amongst other things the labour and animal welfare/management requirements to establish the essential and functional need for the proposed dwelling. This has been supplemented by a letter dated 8 October 2018 which seeks to clarify and address matters raised in response to public consultation on the application.

## APPRAISAL

### Essential agricultural need

Policy SS 1 sets out the Spatial Strategy for North Norfolk and sets out a settlement hierarchy, with the remainder of the district is designated as Countryside. Policy SS 2 limits development within the Countryside to that requiring a rural location and provided it for one of the types of development listed the policy with new build market dwellings being restricted

Policy HO 5 however, allows for development in the Countryside to meet the housing needs of full-time workers in agriculture, forestry and other essential workers connected with the land but only where the proposals comply with all its criteria.

Paragraph 79 of the NPPF is also relevant and states that “planning policies and decisions should avoid the development of isolated homes in the countryside unless a) 'there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.'

Policy HO 5 criteria

- *Is there an essential need for one or more full time workers to be readily available at most times for the enterprise to function properly?*

Based on the applicant's submitted Agricultural Appraisal and subsequent supporting information there is a requirement of about 3.6 Standard Man Days to operate the farm as a whole, 2.7 of which relate to the livestock labour requirement. These rise to 4.56 and 3.66 with the pig breeding unit. The need for an additional full-time worker and that the business can support this is therefore not disputed.

In assessing the essential need in terms of policy HO 5, it is first necessary to consider whether there is a physical need for a worker to be present most times of the day and night for animal welfare reasons. The need for an on-site presence is accepted and currently this is met by the applicant's father who lives in Valley Farmhouse. He does however need to reduce his workload for medical reasons and at the same time the livestock numbers are proposed to increase and have already with the introduction of the breeding unit. Whilst it is stated the applicant does do some work on the farm outside of his main occupation, he wishes to increase this to working full-time, to eventually take over the running of the farm. Currently the applicant lives over an hour's drive from the farm. There would appear to be no reason why he could not relocate to be closer to the farm, to provide the additional labour and to reduce the workload of his father, even without living on the farm itself.

The outdoor pig rearing side of the farming business is more labour intensive and due to the high welfare needs of the animals as set out in the submitted agricultural appraisal. This includes monitoring the herd for signs of illness, inspecting them twice a day and maintaining a continuous supply of food and water, the latter being particularly important during hot weather. Although not stated in the application, given the pig operation is outdoor, it is likely that remote monitoring by electronic surveillance may be less feasible. What is not clear from the appraisal is the frequency of emergencies such that they require a worker to be present for most of the time

It is apparent there is high labour requirement to carry out all the other day-to-day tasks involved in running the enterprise, but not all of these require a worker/s to be present most times of the day and night. For example, the appraisal refers to the timings of deliveries/collections which can be very early morning and at short notice, but it is considered likely that these are not without notice and as such can be planned for accordingly.

Whilst it is likely that more intensive husbandry is required along with more frequent checks in general when a batch of weaners first arrives at the farm, it is not clear in the applicant's appraisal if this would apply over the whole period they are fattened. As referred to above, the applicant has recently confirmed that the breeding unit has temporarily superseded the fattening unit, but the farrowing sows and the care for piglets is likely to have a greater husbandry requirement.

The farm covers a wide area extending westwards to the A148 and south-westwards towards Gunthorpe. The proposed siting of the dwelling would not be well located in relation to the vast majority of the farm. Whilst it is considered that the future occupier could not be the 'eyes and ears' of the farm in this location for example to deter theft, and in any event incidents of crime are not often sufficient justification in terms of essential need. The dwelling would provide a reasonably rapid response time in the event of emergencies, and given the extent of the farm it is likely that this would mostly be made by vehicle. Nevertheless, the optimum location in this respect would be at Valley Farm itself which would allow for quicker access to any machinery, equipment or medication needed to deal with such events.

The fact that the dwelling would be on land owned by the applicant rather than on the land forming the majority of the farm, also raises concerns. If the succession to the tenancy was not successful or if the applicant or current holder chose to surrender the tenancy, it is considered the remaining land i.e. that owned by the applicant, is unlikely to be sufficient to allow for a farming enterprise that could justify the essential need for a worker's dwelling. If the application was approved, the standard agricultural occupancy condition would not tie the dwelling to Valley Farm and would enable it to be occupied by someone simply working or last working in agriculture in the locality. A S106 agreement could potentially tie to the dwelling to Valley Farm and this has been raised with the applicant. The applicant has not committed to a S106 and feel it is sensible and preferable to use the standard condition, without any linkage to the land holding.

For the reasons stated it is considered that the proposal does not comply with this criterion.

- *Could the functional need could not be met by another existing dwelling on the site of the enterprise or in the immediate vicinity?*

The applicant considers that there is no available accommodation to convert or sub-divide within the existing Valley Farm complex, partly because it is rented but also because it is all in use. The have recently confirmed that the owners of the farm have a policy of not selling land from their main estate. A land swap i.e. between them and the applicant to enable the dwelling to be sited at the farmhouse complex will also not be considered for practical reasons and to protect the core of their landholding at Valley Farm.

As the existing farmhouse is occupied by the applicant's father it is therefore accepted that is not available as accommodation for an additional worker. What is not apparent is whether the succession to the tenancy of the farm would include the existing farmhouse.,

The applicant also considers that the functional need for a dwelling cannot be met by an existing dwelling in the area as these are considered unaffordable. In September 2018 at time the application was received, a 3 bed bungalow in Sharrington was on the market for £290,000 as referred to in some representations. This was ruled out by the applicant as it would have to be extended, as one of the existing bedrooms would be needed as a farm office meaning that the remaining accommodation would not sustain a family. The dwelling was also more than the cost of the proposed a new building for which the applicant has had an estimate of £275,000 from a builder, although no costings have been submitted to support this figure.

The dwelling referred to has subsequently been sold and it is accepted the availability of suitable dwellings in the vicinity which could meet the essential need will vary over time. From a search of the Rightmove website, it would appear that currently there is only one property for sale in Sharrington, about a 1km north of the site. This 3 bed property is on the market at £330,000 which given their previous response, would be beyond the means of the enterprise. Within a one-mile radius of Sharrington there is a currently a property for sale in Bale, but this is even more expensive. The only property available within a 3-mile radius for less than the cost of the new build is at Melton Constable and only has two bedrooms. Therefore, it is considered that currently there are no existing dwellings in the immediate vicinity which could meet the functional need of the enterprise, so the proposal complies with this criterion

- *Has the enterprise been established for at least three years and is it, and likely to remain, profitable?*

The farming enterprise has been established well in excess of 3 years. Confidential financial information has been provided but this does not give full detailed information about the financial turnover and profitability of the unit, but on the basis of information provided to the Council's Consultant on their site visit and subsequently, it is considered that the unit is run commercially, that it is currently financially viable and is reasonably likely to continue, if the present system is maintained and expanded. Whilst the expansion of the pig-rearing side of the business is recent the Consultant's advice is that it is considered the financial information is sufficient to meet this criterion.

- *Does the proposal represent a replacement of another dwelling on the site that has been sold on the open market in the last five years.*

There is no evidence to suggest that this has occurred. The proposals comply with this criterion.

- *Is the proposed dwelling no larger than that required to meet the functional needs of the enterprise and would it be unusually expensive to construct in relation to the income that the enterprise could sustain in the long term?*

An indicative cost of the proposed dwelling (£275,000) has been provided. Financial information has been circulated to members of the committee and it is concluded that the enterprise is currently financially viable and is reasonably likely to continue on the basis of the existing and expanded operation. The appraisal carried out for the Council does not raise any concerns that enterprise could not support the cost of the proposed dwelling.

With regard to the size of the proposed size of the dwelling which would have 3 bedrooms it is considered this would not be excessive for a farm manager and their family.

It is considered that the proposal complies with this criterion.

- *Temporary dwelling*

Policy HO 5 states that where accommodation is required in relation to a newly created enterprise and where there has been insufficient time to demonstrate financial soundness, permission may be granted for a temporary dwelling in the form of a caravan or wooden structure which can easily be dismantled or removed from the site.

The proposal is not considered to be a new enterprise per se, rather it is an expansion of the existing in that the batch sizes of the pig rearing element would be increased, along with the introduction of a new 500 sow outdoor breeding unit, further diversifying the business. On that basis and given it is considered the enterprise is sound financially, it is considered it would be unreasonable to require the applicant to go down this route.

Given the uncertainty of the tenancy succession however, this would have been a more appropriate way forward in order to for there to be more certainty regarding these matters. This would however need to be dealt with through a separate planning application

#### *Conclusion re compliance with policy HO 5*

To be acceptable in terms of policy HO 5, a proposal must meet all of its criteria. Whilst some are met, it is considered that relating to essential need has not. Whilst the expansion of the business clearly justifies the need for additional worker/s the essential need for them be

permanently based at or near the farm to be readily available most times of the day and night has not been justified. Added to this is the concern that the dwelling would not be located on land that makes up the vast majority of the farm and is not in the optimum location in terms of the functional need.

### Character and appearance

Sharrington is a village which has developed around a network of rural lanes extending in all directions. The built form is concentrated along these roads, yet is interspersed by arable fields abutting the road which serve to place the village within its rural working landscape. Whilst the proposed dwelling would be located close to a rural lane and in the vicinity of other residential properties, it is extending into an arable field. In this regard the development will significantly alter the character of this part of Bale Road.

Since the site lies largely within Sharrington Conservation Area, the loss of the arable field to a new dwelling would not preserve or enhance the character and appearance of the Conservation Area, which is contrary to policy EN 8. Whilst the harm to the conservation area would be less than substantial, this would not be outweighed by any public benefit arising from the proposal. The proposal therefore conflicts with Policy EN 8 and paragraphs 193 and 196 of the NPPF.

### Landscape and settlement character

In considering landscape impact, Policy EN 2 requires development proposals to be informed by, and sympathetic to, the distinctive landscape character type

A mature hedge with sporadic trees extends along the south side of the road and is a key contributor to the character of this rural lane. It is unclear whether the required visibility splay could be achieved without significant loss of the roadside hedge (particularly to the west of the site entrance) which, due to its age and association with a historic field system, does fall within the 'Important' category in accordance with the Hedgerow Regulations 1997.

The 6 additional oak trees proposed along the north boundary with Bale Road are compatible with roadside field oaks that contribute to the prevailing character of rural lanes in this part of North Norfolk. However, the creation of the vehicle access and visibility splays to the required highway specification would result in hard surfacing (tarmac or concrete) and pruned back hedgerow either side of the entrance which will impact significantly on this enclosed and verdant section of Bale Road. It is considered the 6 oaks proposed would not mitigate this impact.

The additional tree and shrub planting as proposed will result in the loss of "*long views to the south and south west*" which are a stated feature of the existing site in the supporting Landscape Schedule, Landscape Management and Arboricultural Assessment. The introduction of the blocks of trees and woodland as now proposed to further screen the dwelling would be directly contrary to one of the principle issues set out in the Assessment which is "*to maintain the existing character of the site*". The revised landscape scheme would fundamentally alter the site features and will be contrary to the relatively open rear gardens of existing dwellings on the south side of Bale Road.

It is considered that the change of use of the site from arable field to residential is not compatible with the settlement structure of Sharrington, where the fields between groups of dwellings function as an important setting to the built form. This is reinforced in the North Norfolk Landscape Character Assessment SPD (2009). The site lies within the defined Tributary Farmland



Landscape Type (TF1 Morston and Hindringham) which is assessed as having a Moderate to Strong strength of character. One of the issues highlighted in this area is set out in paragraph 5.1.1. of the SPD which refers to the fact that settlement structure is often fragmented and leaves considerable 'gaps' between properties or behind them. Consolidation of these gaps should be considered very carefully as they often provide a very strong defining characteristic to the settlement and mean that the landscape is not dominated by large long tracts of what could amount to ribbon development.'

It is therefore considered that despite the amendments to the proposed landscape scheme, the proposed development would result an unacceptable impact on the character of Bale Road and that of the settlement, contrary to policies EN 2 and EN 4 of the Core Strategy.

#### Highway safety and parking

Whilst the Highway Authority have some concerns regarding the position of the proposed dwelling on Bale Road, with it being very rural in nature, narrow and sinuous, they do not object providing the local planning authority are satisfied that dwelling is required to support a clear agricultural need within the area, complies with Policy HO 5 and relevant conditions are attached to the planning permission in the event that the application. Whilst there would need to be a loss of existing hedgerow in order to provide the necessary visibility splays which would be contrary to policy EN 2, the proposal would comply with policy CT 5. There would be sufficient space within the site to provide parking in accordance with the adopted standards and to comply with policy CT 6.

#### Other considerations

Planning applications for dwellings on this site were refused in the late 1980s as set out in the planning history, but are not considered to set a precedent given the time that has passed since these decisions which were made and, the fact that this was in the context of a different development plan.

The other dwellings in the vicinity which have been referred to in representations are not considered to be part of Valley Farm and are not subject of any conditions linking them to it or restricting the occupancy of them. Furthermore, they are both occupied and therefore cannot be considered as being available to meet the essential need.

#### Conclusion

Whilst the expansion of the business clearly justifies the need for additional worker/s, it is not considered that an essential need for them to be permanently based at or near the farm to be readily available most times of the day and night has been justified. Added to this is the concern that the dwelling would not be located on land that makes up the vast majority of the farm and is not in the optimum location in terms of the functional need.

In addition, the proposal would result in harm to the character and appearance of the conservation area and would have harmful impacts on the landscape.

RECOMMENDATION:

**REFUSAL** for reasons relating to:

- Essential need to justify the dwelling has not been demonstrated and its location is poorly related to the majority of the holding in functional terms, contrary to policies SS 1, SS 2 and HO 5
- Less than substantial harm to the character and appearance of the Sharrington Conservation Area that is not outweighed by any public benefits, contrary to policy EN 8
- Landscape impacts and effect on the character of the settlement, contrary to policies EN 2 and EN 4

Full wording of reasons and any others considered to be necessary, to be delegated to the Head of Planning

**FAKENHAM - PF/19/0487 - Erection of a pair of one bedroom semi-detached affordable dwellings; Land North of 77, St Peters Road, Fakenham for Victory Housing Trust**

**Minor Development**

**- Target Date: 27 May 2019**

Case Officer: Miss J Smith

Full Planning Permission

**CONSTRAINTS**

Residential Area

Settlement Boundary

RELEVANT PLANNING HISTORY for Land North of 77, St Peters Road, Fakenham

None relevant

**THE APPLICATION**

The application seeks planning permission for the erection of a pair of two storey one bedroom semi-detached dwellings with private gardens, with associated parking and bin storage. The site is located on land currently used as play space. The applicant is prepared to enter into a Section 106 Agreement to provide a new play area elsewhere within the St Peters Road estate.

The dwellings would comprise of red facing brickwork under a red pantile roof with UPVC joinery to match that of the existing dwellings in the vicinity.

Access to the site would be via St Peters Road to the south of the site through an area designated as parking provision for residents within St Peters Road. There is no loss of parking provision.

**REASONS FOR REFERRAL TO COMMITTEE**

At the request of the former Ward Members Councillors Roy Reynolds and Annie Claussen-Reynolds having regard to the concerns raised by the Town Council as to the use of the children's play area.

**PARISH/TOWN COUNCIL**

Fakenham Town Council: Object on the grounds that this land is a well-used play area with equipment which was deemed necessary by North Norfolk District Council (NNDC) when the estate was built.

**REPRESENTATIONS**

1 Letter of objection has been received on the following grounds:

- Potential loss of light and overlooking.
- New trees may result in impact upon dwelling.
- Loss of children splay space.

**CONSULTATIONS**

County Council (Highway): No objections subject to condition

Environmental Health: No comment

**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.

#### POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS 1: Spatial Strategy for North Norfolk.

Policy SS 3: Housing.

Policy SS 8: Fakenham.

Policy EN 4: Design.

Policy CT 1: Open space designations.

Policy CT 5: The transport impact on new development.

Policy CT 6: Parking provision.

National Planning Policy Framework (NPPF) February 2019:

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 12 – Achieving well designed places

#### MAIN ISSUES FOR CONSIDERATION

1. Background
2. Principle of development
3. Loss of Open Space
4. Design
5. Residential Amenity
6. Parking and Highway Safety

#### APPRAISAL

##### 1. Background

The application was considered at the Development Committee meeting of the 6 June 2019 where members agreed to delegate authority to the Head of Planning to approve the planning application subject to the imposition of appropriate conditions relating to materials, landscaping and car parking, and including the completion of a Section 106 agreement to provide off site play space within the St Peter's Road estate.

The provision of offsite play space has not been attained by the applicant nor has a Section 106 been entered into. As a result, the application is now recommended for refusal as it is contrary to Policy CT 1 of the adopted Core Strategy, as detailed in the following report.

##### 2. Principle of development

The site is situated within the development boundary for Fakenham as defined by the North Norfolk Local Development Framework Core Strategy in an area identified as being primarily in residential use. In this area Core Strategy Policies SS 1 and SS 3 would allow the principle of residential development subject to complying with other Core Strategy policies.

##### 3. Loss of Open Space

Policy CT 1 of the Core Strategy states that development proposals which result in the whole or partial loss of open space will not be permitted unless:

- the space does not contribute to the character of the settlement; and
- is surplus to requirement (taking account of all the functions it can perform), or
- where provision of equal or greater benefit is provided in the locality.

This policy is no longer in strict conformity with the National Planning Policy Framework, Section 8 of the NPPF which states:

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

The existing play area is located within a discreet and secluded location within St Peters Road estate and, whilst well maintained, the equipment appears tired. Additionally, due to the secluded nature of the site good natural surveillance of the play area is not realised. In this context, the existing play area is not considered to contribute to the character of the settlement in accordance with Policy CT 1 of the adopted Core Strategy. No formal assessment of the requirement for the play space has been made but the applicant has recognised that there is evidence to support the ongoing provision of play space within the estate, albeit they consider a better located site could be found. Whilst the applicant has agreed to enter into a legal agreement (Section 106) with the Council to provide a new play area of an equivalent or better quality elsewhere within St Peters Road estate, this has not been secured as required by the Committee decision of 6 June 2019.

As a result, the proposal is not considered to comply with Policy CT 1 of the adopted Core Strategy and Paragraph 97 of the NPPF.

#### 4. Design

The scale, height and massing of the proposed dwellings is considered appropriate for the location. The use of pitched roofs with red facing brickwork set under a red pantile roof would also be in keeping with the design of neighbouring residential properties and would continue the character of the estate development prevalent in this area. It is considered that the application accords with the requirements of Policy EN 4 of the adopted Core Strategy.

#### 5. Residential Amenity

Section 3.3.10 of the North Norfolk Design Guide (NNDG) requires that the area of the plot given over to private amenity space should be no less than the footprint of the dwelling. The private garden area provided for each dwelling is considered to meet this requirement.

In terms of the relationship to neighbouring properties this is considered to be acceptable:

- There are no first floor windows proposed within the east or west elevations of the proposed dwellings (the gable ends).
- The first floor windows within the north elevation of the application dwellings would serve secondary bedrooms. The distance between these windows and the dwellings to the north would be between (approximately) 26 and 31 metres. The proposal is considered to meet the minimum separation distance requirements between primary and secondary windows as required by Section 3.3.10 of the NNDG.
- The first floor windows within the south elevation would serve bathrooms and hallways. The bathroom windows will be conditioned to be obscure glazed. The hallways contain smaller single light windows which are not considered to give rise to significant

- overlooking or loss of privacy to the dwellings to the south of the site.
- The siting of the proposed dwellings continues the building line of other properties in St Peter's Road ensuring no overlooking or loss of privacy to these properties.
  - The rear elevation of the proposed dwellings sits at a slight angle to the boundary and the garden of 4 Dairy Close. In addition, the neighbouring properties garden extends beyond the boundary of the proposed dwellings. As a result, some overlooking of the garden of 4 Dairy Farm Close may arise. However, this is limited to the bottom end of the garden and not the spaces closer to the dwelling where more privacy may be expected. In addition, the proposed new dwellings would be some 8 metres from the boundary with No. 4 Dairy Farm Close.

It is considered that the application accords with Policy EN 4 of the adopted Core Strategy regarding residential amenity.

#### 6. Parking and Highways Safety

Core Strategy Policy CT 6 requires a minimum of 1.5 spaces for a one bedroom dwelling. Three parking spaces are provided which is considered to meet the requirements of Policy CT 6. No objection has been raised by the Highway Authority in regard to safe access and turning arrangements. It is considered that the application accords with Policies CT 5 and CT 6 of the adopted Core Strategy.

#### Conclusion

The proposed scheme is situated within the settlement boundary of Fakenham as defined by the North Norfolk Core Strategy in an area identified as being primarily in residential use. The proposal is considered to comply with Policy EN 4 in terms of design and residential amenity and Policies CT 5 and CT 6 with regards the access and parking provision. The provision of equivalent satisfactory alternative play provision within St Peters Road estate has not been provided by the applicant nor has a Section 106 been entered into to secure such provision. As a result, the application fails to comply with Policy CT 1 of the adopted Core Strategy and Section 8 of the NPPF. As such the development is considered to be contrary to policy CT 1 of the adopted North Norfolk Core Strategy and is therefore recommend for refusal.

### **RECOMMENDATION**

#### **Refuse planning permission on the following grounds:**

The application results in a net loss of protected open space and fails to mitigate against this loss as replacement open space has not been secured elsewhere within the St Peters Road estate, contrary to Policy CT 1 of the adopted Core Strategy and Paragraph 97 of the NPPF (February 2019).

## **APPLICATIONS RECOMMENDED FOR A SITE INSPECTION**

There are no recommended site inspections at the time of publication of this agenda.

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## APPEALS SECTION

### (a) NEW APPEALS

**AYLMERTON - PF/19/1215 - Discontinuation of use of land for a recycling yard and the erection of a detached dwelling and garage; Hillside, Church Road, Aylmerton, Norwich, NR11 8PZ for Mr Wells**  
WRITTEN REPRESENTATIONS

**BRISTON - PF/19/0135 - Erection of one and a half storey dwelling with detached garage; Site Adjacent to The New Bungalow, Thurning Road, Briston, NR24 2JW for Mr Semmens**  
WRITTEN REPRESENTATIONS

### (b) INQUIRIES AND HEARINGS - PROGRESS

**LEATHERINGSETT WITH GLANDFORD - PF/18/1980 - Erection of single-storey detached dwelling, garage, associated engineering works and change of use of agricultural land to form residential curtilage; Land off Thornage Road, Letheringsett for Mr Cozens-Hardy**  
INFORMAL HEARING 21 January 2020

**DILHAM - ENF/18/0046 - Change of use from B1 to Sui Generis (Car repairs); Granary Works, Honing Road, Dilham, NORTH WALSHAM, NR28 9PR**  
INFORMAL HEARING 04 February 2020

### (c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

**ASHMANHAUGH - PF/19/0205 - Erection of single storey detached dwelling and detached double garage; Land South of Carousel, Stone Lane, Ashmanhaugh for Mr Pye**

**BINHAM - PF/18/1524 - Proposed conversion of an agricultural barn to a dwelling; Westgate Barn, Warham Road, Binham, Fakenham, NR21 0DQ for Mr & Mrs Bruce**

**BRISTON - PF/19/0135 - Erection of one and a half storey dwelling with detached garage; Site Adjacent to The New Bungalow, Thurning Road, Briston, NR24 2JW for Mr Semmens**

**HAPPISBURGH - PF/19/0461 - Revised position of mesh security fencing and gates (as approved in planning permission PF/18/1416) (Retrospective); Crop Systems Ltd, Whimpwell Green, Happisburgh for Crop System Ltd**

**MELTON CONSTABLE - PF/19/0481 - Erection of two-bedroom dwelling following demolition of garage; Land to rear of 18 Briston Road, Melton Constable, NR24 2DA for Dial a Worker**

**MUNDESLEY - PF/19/0745 - Demolition of existing triple garage and erection of detached one and a half storey dwelling; 8 Heath Lane, Mundesley, Norwich, NR11 8JP for Mr Lees**

**NORTH WALSHAM - PU/19/0926 - Notification for prior approval for proposed change of use of agricultural building to 1 dwellinghouse (Class C3) and**

associated building operations; Southcroft, Yarmouth Road, North Walsham, NR28 9AX for Mr & Mrs Carter

OVERSTRAND - PF/18/1330 - Erection of two-storey dwelling; Land at Arden House, 5 Arden Close, Overstrand, Cromer, NR27 0PH for Mr & Mrs M Storer

STIBBARD - PF/18/2340 - Conversion and extension of barn to create one unit of holiday accommodation; The Wain, Bells Lane, Stibbard, Fakenham, NR21 0EW for Ms Clarke

HAPPISBURGH - ENF/18/0069 - Land being used for siting a caravan for residential purposes; 17 Rollesby Way, Happisburgh

ITTERINGHAM - ENF/17/0006 - Annex which has permission for holiday let is being used for full residential purposes.; The Muster, Land adjoining Robin Farm, The Street, Itteringham, Norwich, NR11 7AX

NORTH WALSHAM - ENF/18/0339 - Material change of use of the land for stationing of containers and jet washing of coaches, and a breach of condition as coaches are stored and manouvered outside the area details in the planning permission 12/0013; Bluebird Container Storage, Laundry Loke, North Walsham, NR28 0BD

(d) **APPEAL DECISIONS - RESULTS AND SUMMARIES**

RUNTON - ADV/19/0324 - Display of non-illuminated advertisement panel mounted on posts; Dormy House Hotel, Cromer Road, West Runton, Cromer, NR27 9QA for Mr Brundle  
APPEAL DECISION:- APPEAL DISMISSED

(e) **COURT CASES - PROGRESS AND RESULTS**

No change from previous report.