

# Development Committee



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

Wednesday, 21 July 2021

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 29 July 2021 at 9.30 am.**

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

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

**PUBLIC SPEAKING:**

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

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

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

**To:** Mrs P Grove-Jones, Mr P Heinrich, Mr A Brown, Mr P Fisher, Mrs A Fitch-Tillett, Dr V Holliday, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Dr C Stockton, Mr A Varley, Ms L Withington and Mr A Yiasimi

**Substitutes:** Mr T Adams, Dr P Bütikofer, Mrs S Bütikofer, Mr T FitzPatrick, Mr V FitzPatrick, Mr N Housden, Mr J Punchard, Mr J Rest, Mrs E Spagnola, Mr J Toye and Mr E Vardy

All other Members of the Council for information.

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



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

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

**Chief Executive:** Steve Blatch

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## 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 1 July 2021.

4. ITEMS OF URGENT BUSINESS

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

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

5. ORDER OF BUSINESS

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

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

6. DECLARATIONS OF INTEREST

(Pages 1 - 2)

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

### OFFICERS' REPORTS

### ITEMS FOR DECISION

#### PLANNING APPLICATIONS

7. HINDRINGHAM PF/20/1345 - CONSTRUCTION OF 12 NO. DWELLINGS WITH ASSOCIATED PARKING, LANDSCAPING AND INFRASTRUCTURE: LAND SOUTH OF WELLS ROAD, HINDRINGHAM

(Pages 3 - 38)

8. BLAKENEY - PF/21/0692 - ERECTION OF ONE AND A HALF STOREY DETACHED DWELLING (PART RETROSPECTIVE) AT 8 LANGHAM ROAD, BLAKENEY, NR25 7PG FOR MR & MRS INGHAM (Pages 39 - 46)
9. HIGH KELLING - PF/20/1904 - DEMOLITION OF EXISTING TB ANNEX AND ERECTION OF REPLACEMENT ONE AND A HALF STOREY DWELLING AND CART SHED AT LAND SOUTH OF BRACKENWOOD (OLD TB ANNEX), CROMER ROAD, HIGH KELLING FOR MR FORSTER (Pages 47 - 54)
10. INGHAM - PF/21/0797 - TWO STOREY DETACHED DWELLING; DRIVEWAY AND ACCESS TO PALLING ROAD; TREE AND HEDGEROW PLANTING AND FORMATION OF POND; LAND NORTH OF PALLING ROAD, INGHAM FOR MR TOM COLLER (Pages 55 - 64)
11. WEYBOURNE - PF/21/0567 - EXTENSIONS TO SIDE AND REAR; REPLACEMENT ROOF WITH RAISED RIDGE HEIGHT; EXTERNAL ALTERATIONS; THE SEAHOUSE, TEMPLE DRIVE, WEYBOURNE, HOLT, NORFOLK, NR25 7ET (Pages 65 - 70)
12. APPEALS SECTION (Pages 71 - 74)
- (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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## Declarations of Interest at Meetings

When declaring an interest at a meeting, Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. Affect yours, or your spouse / partner's financial position?
2. Relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate to any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

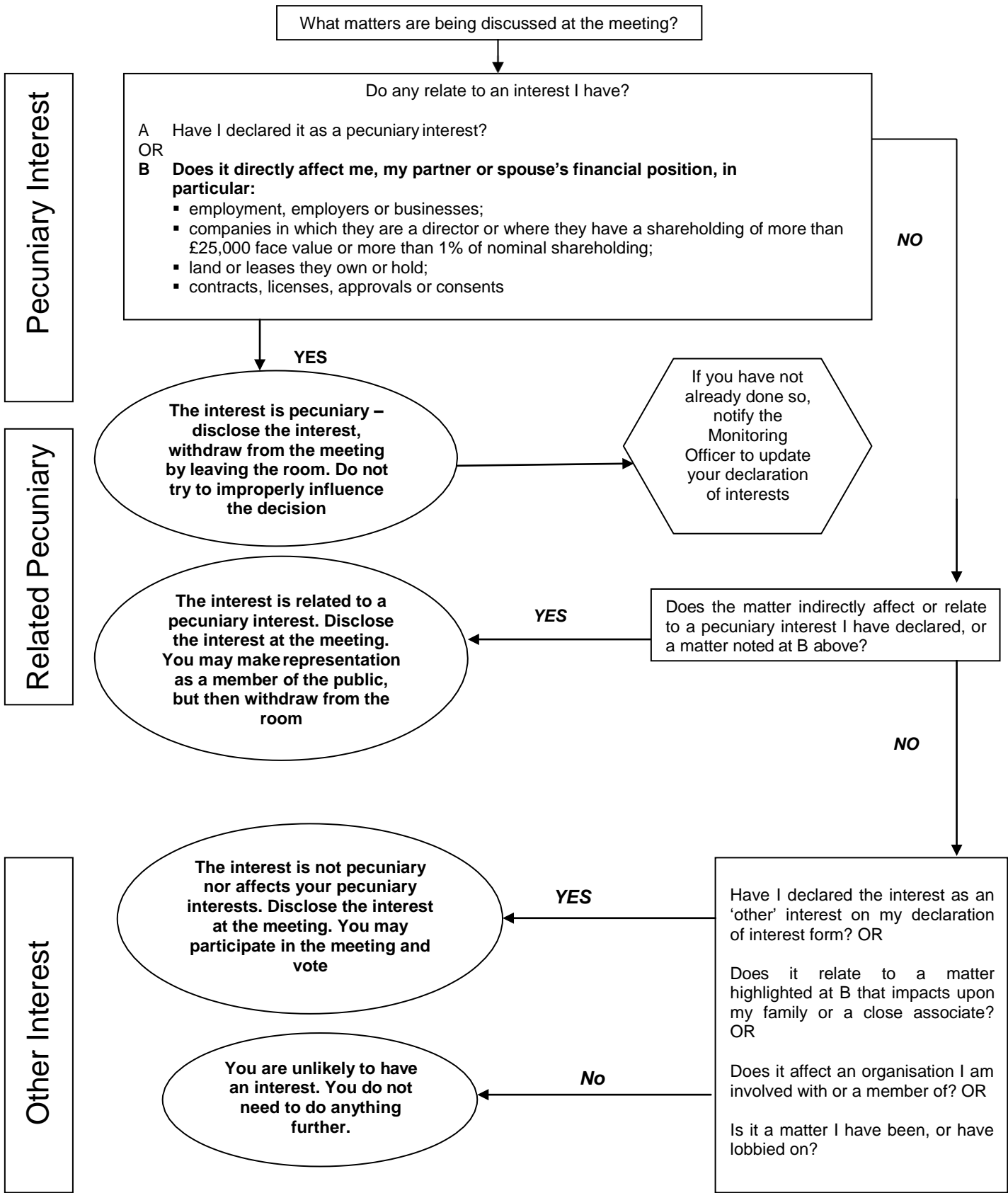
**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF**

**PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE**

**DEVELOPMENT COMMITTEE MEMBERS SHOULD ALSO REFER TO THE PLANNING PROTOCOL**

# Declarations of Interest at Meetings

## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



**HINDRINGHAM PF/20/1345 – Construction of 12 no. dwellings with associated parking, landscaping and infrastructure: Land South of Wells Road, Hindringham**

Major Development

**Target Date:** 24.12.2020

**Extension of Time:** 10.09.2021

**Case Officer:** Tracey Meachen

**Full Planning Permission**

**SITE CONSTRAINTS**

Designated Area of Countryside within the adopted Core Strategy  
Designated Tourism Asset Zone within the adopted Core Strategy  
Within the Tributary Farmland Landscape Character Area  
EA Risk of Flooding from Surface Water + CC  
EA Risk of Flooding from Surface Water 1 in 100 and 1 in 1000  
Areas Susceptible to Groundwater Flooding  
Located on a C Category Road  
Within a Mineral Safeguarding Area  
Within an Area identified as Contaminated Land

**RELEVANT PLANNING HISTORY**

N/A

**SITE AND SURROUNDINGS**

Hindringham is a small village which has been designated by the Core Strategy (2008) as being in Countryside and has access to a church and a primary school. Main facilities for day to day living are located outside the village. Hindringham is located approximately 6 miles from the south west of Holt, just over 2.5 miles to the north east of Little Snoring, and 6-7 miles to the south east of Wells.

The main thoroughfare through Hindringham is Thursford Road and The Street. Wells Road forms part of the junction where these two main roads meet, and runs westward. The application site is located on land adjacent the village boundary line to the south side of Wells Road and is directly opposite the village Primary School. There is a footpath to the north of the road which provides safe pedestrian access from the village to the school.

The application site is situated upon former agricultural land which would have been part of a larger field, and used for access. With larger mechanised farming practices, the land has been left as scrub land, the larger field being able to be accessed from Harvest Lane. The site is located to the south side of Wells Road, and sits between a small back land development of 4 dwellings with detached garages which is to the east of the site, and dwellings which form a linear pattern of development along Wells Road to the west of the application site, and which are mainly bungalows. There are houses to the north side of Wells Road alongside the primary school which is located immediately to the north of the site. Back land developments along Wells Road to the east of the site are a well-established pattern of development.

The scrubland forming the application site is screened from Wells Road by a raised bank with a well-established and maintained hedge. There are also a number of trees which appear to have been planted to form a secondary hedge, but has been left to grow.

The 4 dwellings to the east have been built to a high standard with red pantiled roofs, knap flint walls and red brick quoins. To the east, the bungalows are constructed of red brick and brown interlocking roof tiles. The two storey houses are also constructed of red brick, some flint knapp, and some render. Roofs are a combination of red pantile and brown interlocking tiles.

### **THIS APPLICATION**

Seeks full permission for the erection of 12 dwellings with associated access road from Wells Road which includes an access road, landscaping and parking. The proposed development comprises of the following mix:

- 2 x 1 bed bungalow (affordable rent)
- 4 x 2 bed bungalow (3 for affordable rent and 1 shared ownership)
- 2 x 3 bed two storey house (affordable rent)
- 4 x 3 bed two storey houses (market sale)

### **REASON FOR REFERRAL TO COMMITTEE**

Councillor Richard Kershaw considers the application to be locally contentious and is of high profile status due to the condition of the existing local drainage system, especially in terms of foul sewerage issues which need further investigation and clarification, and also in respect of perceived flood risk further along Wells Road.

### **CONSULTATION RESPONSES**

There have been two rounds of consultation for this application. The first round of consultation took place for a period of 21 days between 25/09/20 to 16/10/20. The second round of consultations were for a shorter period of 7 days between 19/04/21 to 26/04/21, although responses received after this date would be accepted.

Amended plans were received in response to the constructive comments made by both the Landscape Officer due to the loss of a well-established hedge, and Highways with regard to the road width at the point of access.

Following the first round of consultations, amendments included revised layout plans which showed three layout scenarios to explore the hedgerow loss or gain in relation to highways requirements. These amendments were then consulted on with Highways and Landscaping only. The application was therefore finalised to address the comments made by both landscaping and highways, and to address other layout issues identified.

The main amendments are as follows:

- Stepping back of plots 1-4 from Wells Road;
- Plot 1 has been rotated 90 degrees to face plot 2;
- Plots 3 and 4 elevations have been altered so the front elevations are no longer symmetrical or traditional in appearance;



- Plot 3 now only has part flint to the front elevation instead of full flint with brick detailing,
- Plot 4 is now a brick frontage with the loss of the flint frontage;
- The provision of a defined place for pedestrians to stand before crossing the road which will be located to the east of the main site access;
- Reduction in the Gross Internal Floor Area of Plots 3 & 4, from 102sqm to 84sqm and garages omitted;
- Addition of false chimneys to Plots 3, 4, 9 & 10, to deliver a more varied roofline;
- The southern elevation of Plots 9 & 10 has been reworked to enhance the appearance of these semi-detached dwellings in long distance views across open fields to the south:
- Plot 11's kitchen and living room windows have been rearranged to eliminate any risk of overlooking onto/from Plot 10

### Hindringham Parish Council – Objection

Commented on 16/10/20:

#### 1. Foul Drainage

This development will be linked to the foul drainage in the village which has been inadequate for years. Raw sewage overflows to nearby farmland. Following this application and Anglian Water's response of 13.10.20, the Parish Council met with Anglian Water where serious blockages with root systems breaking through the system have led to leaking underground causing the above ground overflows. Anglian Water are urgently carrying out a camera check of the system and we would ask that the planning department defer their decision until this check is available.

#### 2. Traffic

The proposed alterations to the junction of Well Road and The Street indicates there will be a noticeable increase in traffic with 27 car parking spaces available on the site. As the development will also be opposite the School, at dropping off and leaving times, this will increase congestion.

#### 3. Infrastructure

Facilities and services available in Hindringham are:

- buses at 6.08am and 10.48am from Hindringham to Holt and one back at 1.02pm. Any other services are for Schools. There is no direct bus service to Fakenham.
- The pub is volunteer run and open at limited times only.
- There is a mobile Post Office once a week.
- The school currently has 16 pupils on the roll, down from 72 in previous years.
- The only two (small) employers in the village have no vacancies in the foreseeable future.

#### 4. Need

Although the Parish Council very much supports the principle of affordable housing for local people and suffers from its own problems with a high number of second homes, but it would like to comment on this particular application as follows.

Tenants will be drawn from Hindringham and surrounding parishes, but as some tenants in other housing association properties in the village would like to move to a town due to the lack of facilities in Hindringham, if they are successful, there will be vacancies in existing properties.

If there are no tenants on the waiting list from surrounding parishes, tenants may be brought in from urban areas who would not be happy living in a rural area. Isolation may lead to discontent, leading to problems such as vandalism.

The Parish Council considers there are already enough housing association properties in the village for local need.

## 5. Market Housing

It is disappointing that the market housing will no doubt be sold to second home owners and would prefer a covenant imposed to restrict occupation, although implications of this in terms of value and the cost implications for the development are understood.

Additional comments made 25/04/21:

Still objects to this application but acknowledges the new drawings/proposal for the market value properties may make those properties more affordable to local residents and improves the conservation and environmental aspect of the development. However, the comments on sewerage problems, infrastructure and traffic still stand.

### Anglian Water – **No objections / comments provided**

Comments made 13/10/20:

Assets Affected - There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. The site layout either needs to take these into account, or the sewers would need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, and should normally be completed before development can commence.

Wastewater Treatment - The foul drainage from this development is in the catchment of Langham (Norfolk) Water Recycling Centre that will have available capacity for these flows.

Used Water Network - Based on the submitted Flood Risk Assessment & drainage strategy, the sewerage system at present has available capacity for these flows. The developer should serve notice under Section 106 of the Water Industry Act 1991 if connection is to be via this sewerage network.

Surface Water Disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The surface water drainage hierarchy considers infiltration on site as the preferred disposal option, followed by discharge to a watercourse followed by connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets.

Comments made on 17/06/2021

Anglian Water is aware of the sewer that crosses the fields within the catchment area. This sewer is in need of cleaning and some maintenance works. Our operations team have tried to carry out these works earlier in the year but the wet weather and poor access prevent us from continue with this work. There are plans to return to the area around July/August time when crops are coming off the fields and the area should be much dryer. This work will be to clean the sewer and carry out some CCTV surveys.

We can confirm that these works are not prompted by and are not related to network capacity.

### Conservation and Design (NNDC) – **no objections subject to conditions**

From a pure C&D perspective, there is nothing which would lead to the conclusion that the scheme would not be compliant under policies EN 4 and EN 8 of the LDF Core Strategy.

Revisions made to the scheme are considered to be beneficial and the proposed materials schedule remains acceptable, but prior agreement is required for the design of the chimney stacks which can be secured via condition.

Environmental Protection (North Norfolk District Council) – no objections

Comment made on 15/12/2020:

Contaminated Land – Contamination records show no potential contamination. In light of the Phase 1 Geo-Environmental appraisal submitted as part of this application, there are no concerns regarding land contamination and it is considered that further contamination investigation is not warranted.

Nuisance - Residential occupation is generally unlikely to give rise to significant levels of noise, light, odour, dust/fumes or other such detriment to the amenity of the area.

Lighting - Lighting units are proposed to the front and rear elevations of all properties. The proposed make and model to be employed on each property is stated as the Ansell ADU50 Dugas 50-Watt wall light. The luminaire efficacy would constitute a medium level of brightness and is unlikely to give rise to 'statutory nuisance' to neighbouring residents in respect of light and the proposed light model should be installed in a downward orientation and if possible activated by a motion sensor to prevent extended periods of illumination.

Air Source Heat Pumps - Air Source Heat Pump (ASHP) will be installed at each property, namely the Vaillant aroTHERM plus. The exact power rating of the model to be employed has not been specified, however assuming that the highest power rating Vaillant aroTHERM plus 12kW is installed, the associated noise when in operation will have a corresponding Sound Pressure Level (SPL) of 52 dB(A) at a distance of 1 metre as measured from the front of the unit. This reduces to 42 dB(A) at a distance of 3 metres, and 38 dB(A) at 5 metres.

Given an assessment of the proximity of dwellings to Air Source Heat Pumps it is considered that this would be unlikely to lead to a 'statutory nuisance'.

Refuse Collection - A dedicated area for the storage of three 240 litre refuse bins will be provided at each property, as indicated on Drawing number PL-003, and these will be stored discretely at the rear of the properties and screened by boundary treatments as far as possible. As the dwellings will be used for residential occupation, any waste generated will be collected according to standard local authority arrangements, and this will ensure that all waste is disposed of responsibly in accordance with the Environmental Protection Act 1990.

Foul Drainage - Environmental Health raise the comments made by Anglian Water and the Parish Council and request that the approval of the development be contingent a foul sewerage solution.

Surface Water Drainage- A meeting was held with the planning officer and a member of the LLFA on 17th November 2020 to discuss the site, and based on that meeting it is my understanding that there would generally be no concerns providing that the infiltration test half-drain time was less than 24 hours. The submitted 'Flood Risk Assessment & Drainage Strategy' document states that the half-drain time (time taken to empty blanket to half volume) at this location was measured as 7 hours 19 minutes 49 seconds.

The submitted Drainage Strategy states that there is to be no surface water leaving the site, and that all surface water is to be captured, cleaned and discharged in accordance with the CIRIA SuDS manual, local guidance and other relevant design guidance. The report therefore concludes that there will be no increase in surface water flows to the local drainage network. As any surface water arising on the existing site is not attenuated, the use of soakaways and attenuation systems

in the proposed development may actually result in an improvement upon existing surface water runoff levels.

The drainage plan provided as Appendix E to the 'Flood Risk Assessment & Drainage Strategy' indicates that surface water will be dealt with through a combination of soakaways and – where it is not possible to comply with Building Regulation requirements for a soakaway to be situated 5 metres from the property and 2.5 metres from a boundary – through the use of permeable surfacing which will cover a significant proportion of the site.

It is stated that during the conducted site investigation, infiltration testing was undertaken in accordance with BRE 365, and the obtained results of  $1.1 \times 10^{-5}$  m/s,  $8.6 \times 10^{-6}$  m/s, and  $7.2 \times 10^{-6}$  m/s represent an acceptable infiltration rate for the use of soakaways. The drainage calculations presented in Appendix F appear to confirm that the size of the soakaways proposed would be sufficient to deal with a 1 in 100 year rainfall flooding event +40% increase on account of anticipated climate change. A calculation has also been provided in Part 2 of the 'Flood Risk Assessment & Drainage Strategy' which indicates that the proposed permeable surfacing area should be sufficient provided that a sub-base of 540mm thickness is utilised.

Environmental Health recommend a condition in regard to permeable surfacing maintenance.

Historic Environment Officer (Norfolk County Council) – no objection

Comment made on 21/05/21

Do not require any conditioned archaeological mitigation for the application, and having received the final copies of the trenching report, no requirement for any further archaeological works.

Landscape and Ecology Officer (North Norfolk District Council) – No Objection subject to compliance with the stated criteria within comments made on 18/05/21

Comments made on 06/11/20.

Initially objected to the proposal on grounds of non-compliance with Local Plan policy EN2, EN4 and EN9.

Comments made on 18/05/21:

Setting plots 1-4 back from the road improves the streetscene and partially retains the rear section of the front boundary hedge.

1. Future appropriate maintenance and retention of existing vegetation and habitat needs clearly setting out, and not apportioned to individual plots.
2. The section of soft landscape adjacent to the south boundary (labelled as 'new habitat planting') needs to be identified as part of the front garden of Plot 8, or as an area of public realm.
3. The new southern and eastern boundary hedge should be managed as one landscape feature and be allowed to mature into a rich field boundary hedge at least 1.8m in height to provide any functioning habitat.
4. Proportionate habitat compensation and enhancement in the form of off-site mitigation should be sought elsewhere within the village through engagement with the Parish Council and could ideally include pond restoration or tree planting in the village to comply with Local Plan Policy EN 9 Biodiversity and Geology.

Lead Local Flood Authority (LLFA) (Norfolk County Council) – No comment made

The site falls below the threshold for formal LLFA comments

Although there was no formal consultation response from the North Norfolk County Council Lead Local Flood Authority (LLFA), there was a meeting between an LLFA Officer, the Case Officer and an Environment Protection Officer on the 17th November 2020 to discuss the site. It was concluded that, because infiltration test half-drain times were recorded as under 24 hours, there would be no concerns.

**Norfolk County Council – Highway Authority– No objection subject to conditions**

Initial objection made on 4/12/2020:

Comments made 21/05/21:

Although the Highways Authority have withdrawn their objection, they still raise concerns over the specific location, the number of dwellings proposed opposite the village school and the siting of the main access siting. They would have preferred a better scheme.

The scheme is essentially the same as that originally submitted. The main means of access to the site is proposed at the narrowest point on the frontage, and whilst it is not directly opposite the school gates, it is very close. As we previously agreed, the location of the existing field entrance would have been a better location for the main entrance, both in highway terms as the road is wider at that point, and would have involved less hedge removal. Wells Road is less than two-way vehicle width at the eastern end of the site and there is currently notable overrunning of the verge along the site frontage as a result. A single point of access to the site, located towards the eastern end of the frontage would be the most appropriate.

The scheme now includes for principally a verge along the majority of the site frontage. Providing that the verge is levelled to provide a safe walking route for most, as per the verge to the east of the application site, this would suffice. At the main entrance to the site a short safe standing area is provided however, this will need to be long enough for residents to easily cross the road to the footway on the north site of Wells Road. No vision splays are shown from the site entrances and it is not depicted as to how wide the verge along the frontage will be.

There are still some concerns in relation to the numbers of properties that are proposed at this location opposite the village school, together with a lack of continuous footways within the village. With the current highway situation, the scheme is considered to be overdevelopment for the reasons previously given. In addition, our guidelines recommend that a maximum of 9 dwellings should be served from a single point of access unless an estate road to adoptable standard is provided. Although if the access road is to be wholly owned and maintained by a Housing Association then that would be acceptable.

**Planning Policy (North Norfolk District Council) – Comments made**

The proposal appears well related to the settlement. From a policy point of view, the main compliance issue relates to the number of market housing which would be considered by housing colleagues. Therefore, there are no comments to make, unless specifically requested

**Strategic Housing (North Norfolk District Council) – No objection subject to the delivery of affordable housing**

Comments made on 07/10/20

The site is on land designated as countryside in the current local plan. Planning Policy H03 allows for the development of affordable housing providing there is evidence of local housing need. An

element of market housing is allowed provided this is the minimum necessary to cross subsidise the affordable housing.

## Housing Need

The council's housing list provides evidence of housing need. For affordable housing in the Countryside we consider applicants with a local connection to Hindringham and the adjoining parishes. As at 7th October 2020 there are 87 households on the council's housing list with a local connection to Hindringham, of these 66 households are in Bands A – C which are the households with the strongest local connections. In terms of household type there are:

- 27 Single person households.
- 15 Couples.
- 34 Small families (up to two children).
- 11 Large families (three or more children).

There are 24 households age 60+ and six households which include a wheelchair user.

### Proposed Property Mix

Broadland Development Services plan to develop 12 homes on the site. There will be four market homes and eight affordable homes, seven for affordable rent and one for shared ownership.

### Viability Consultant (North Norfolk District Council) – No objection to the assumptions made within the Viability Assessment

The applicant has submitted information regarding the split of 7 affordable rented units, 1 shared ownership unit and the erection of 4 open market units and no open space contributions.

The Viability Consultant supports the calculations made within the viability report and confirm that 4 open market units are the minimum number required to support the delivery of 8 affordable units proposed.

Further, the only way the open space contributions of £48,253 could be made would be at the expense of one affordable dwelling in exchange for a market dwelling or a change in the tenure mix of the affordable dwellings from affordable rent to intermediate tenure.

## **REPRESENTATIONS**

There were two periods of public consultation. The first was for a period of 21 days between 25/09/20 to 16/10/20, and the second was for a period of 15 days between 20/04/21 to 04/05/21.

During the first public consultation period a total of 7 representations were made. 1 was a comment while 6 were objections.

The key points raised in OBJECTION are as follows:

- Unsustainable location with few amenities and no local employment. The pub is part-time, the post office a mobile unit and bus service may be regular but only a few trips per weekday.
- Will result in a loss of view and privacy for some and will overshadow or overlook others.
- Heat pumps proposed will cause noise disturbance
- Density proposed is too high,
- All frontage properties should be constructed of brick and flint like plots 2,3 and 4 to be in keeping with the cottages opposite and the conservation area a short distance to the west.
- Frontage properties should be bungalows rather than houses,

- Rear gardens too small for rural location.
- The number of dwellings will likely cause increased traffic noise, spoiling the rural peace,
- Nowhere for visitors to park, and parking on Wells Road will block others access,
- The road is too narrow for increased traffic flow with road safety issues caused by the speed of traffic along Wells Road, and proximity to the entrance to the school during school hours,
- lack of clear visibility when entering Wells Road from some properties,
- Will cause flooding due to extent of non-permeable or semi-permeable surfaces, and high water table, especially to the west of the site where properties are on lower land levels,
- Flooding occurs annually due to heavy rain which blocks the road as ditches can't cope,
- Inadequate sewage system with sewage backup on existing properties,
- Semi-permeable car parking spaces could cause oil pollution, etc from faulty cars,
- watercourses, drains and ditches are unlikely to be adequately maintained,
- Road often floods due to surface water in heavy rain. The proposal will increase flooding, contrary to 155-165 of NPPF,
- A comprehensive drainage survey is needed to confirm the current system is adequate.
- Will harm biodiversity and wildlife due to loss of habitat, eg wild grasses, rough vegetation and the hedge and harm due to traffic.
- If the impact on the Highway is negligible, why do they need to improve the junction with The Street,
- Development too cramped to encourage wildlife in bird boxes, etc,
- lighting in the estate will cause light pollution in countryside,
- There is the option to turn right out of the new development and head towards various villages and Fakenham which would potentially impact on the conservation area which is close to the development.
- Social housing needs questioned due the large council area on Wells road.

The key points raised through the comment are as follows:

- Facilities in village are overstated,
- Happy that the number of driveways have been reduced in number,
- If no impact on Wells Road / The Street, why is it being modified? Should modify speed of drivers in the area,
- In favour of affordable housing but no need for it in the village,
- Transport costs too much of a burden on young families with a budget,
- Hope affordable housing numbers can be delivered.

During the second public consultation period no further representations were made.

### **LOCAL MEMBER CONTACT**

Councillor Richard Kershaw commented that the drainage was a contentious matter, and that no real solution has been seen from Anglian Water.

*I do have grave concerns regarding the issue of drainage in Hindringham. I have been sent videos of flood water and effluent pouring out on manhole covers into nearby streams and onto farmland. The Parish council and parishioners are extremely concerned regarding the existing situation which has shown no sign of being resolved and has been ongoing for years. The thought of another development being sited on Wells road and using this drain system seems to them irresponsible. They have had no reassurance from Anglian Water other than to hear from them that the system is adequate which seems very strange when it is constantly overflowing. No*

*remedial work has been undertaken to my knowledge.*

### **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.

### **RELEVANT POLICIES**

#### **North Norfolk Core Strategy Policies 2008:**

SS 1 - Spatial Strategy for North Norfolk  
SS 2 – Development in the Countryside  
SS 3 – Housing  
SS 4 – Environment  
SS 6 – Access and Infrastructure  
HO 1 – Dwelling mix and type  
HO 2 – Provision of Affordable Housing  
HO 3 – Affordable Housing the Countryside  
HO 7 – Making the most efficient use of land (Housing density)  
EN 2 – Protection and enhancement of landscape and settlement character  
EN 4 – Design  
EN 6 – Sustainable construction and energy efficiency  
EN 8 – Protecting and enhancing the historic environment  
EN 9 – Biodiversity and geology  
EN10 – Flood risk  
EN 11 – Coastal Erosion  
EN 13 – Pollution and hazard prevention and minimisation  
CT1 – Open Space Designations  
CT 2 – Development contributions  
CT 5 – The transport impact of new development  
CT 6 – Parking provision

### **MATERIAL CONSIDERATIONS**

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

North Norfolk Landscape Character Assessment 2021  
North Norfolk Design Guide 2008

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

Section 2 – Achieving sustainable development  
Section 5 – Delivering a sufficient supply of homes



Section 8: Promoting Safe and Healthy Communities

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 - Achieving well-designed places

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

Section 15 – Conserving and enhancing the natural environment

## **OFFICER ASSESSMENT**

Main Issues to consider:

1. Principle of development
2. Housing Mix and Type
3. High Quality Design
4. Residential Amenity
5. Historic Environment
6. Landscape
7. Ecology and Habitats Regulation Assessment
8. Highways and Parking
9. Open Space
10. Coastal Erosion, Flood Risk and Drainage
11. Sustainable Construction and Energy Efficiency
12. Other considerations (Refuse Storage and External lighting)
13. Planning Obligations
14. The Planning Balance

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

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Council can also demonstrate a Five Year Housing Land Supply and the Development Plan is considered to be up-to-date.

The application site is a non-allocated site of approximately 0.43 hectares in size. The current use of the land is as an agricultural field to the south of the settlement of Hindringham, which is identified within policy SS 1 of the adopted North Norfolk Core Strategy as being in a countryside location where development will be restricted to particular types of development including meeting affordable housing need.

The proposed development will be erecting 12 dwelling houses, 8 of which will be affordable housing, and homes will be adapted to minimise energy usage for basic heating, lighting and ventilation needs, reducing the carbon footprint.

Policy SS2 restricts the development of market housing in the countryside to prevent dispersed dwellings and unsustainable development. It is, however, supportive of the delivery of affordable housing where an unmet need is being met and subject to the further criteria as set out within Policy HO 3.

Policy HO 3 seeks to permit affordable housing development within the countryside provided that:

- the proposal would help to meet a proven local housing need for affordable housing as demonstrated in the Strategic Housing Market Assessment and waiting list information, and

- the affordable housing provided is made available to people in local housing need at an affordable cost for the life of the property (the Council will ensure that any planning permission granted is subject to appropriate conditions and/or planning obligations to secure its affordability in perpetuity).
- for schemes of 10 or more dwellings the site is situated within 100m of the boundary of a Principal or Secondary Settlement or one of the defined Service Villages or Coastal Service Villages, and
- for schemes of 10 dwellings or fewer the site adjoins an existing group of ten or more dwellings;

There is an identified need for affordable homes within Hindringham; there are currently 66 households which have strong local connections. In addition, there are 24 households with an age group on or above 60 years of age and six households which include a wheelchair user. The housing proposed can be secured in perpetuity in order to help meet the needs of the parish.

In regard to the site location, the proposal for 12 dwellings would not meet this requirement of the policy as, the site is over 2 miles from the service villages of Walsingham or Little Snoring, which are the closest defined settlements. Both are therefore over the 100 metre requirement outlined within Policy HO 3.

Given the Countryside location a development in this location is expected to be fully affordable in order to be considered acceptable. In this case 4 market homes have been included within the proposed scheme in order to make the 8 affordable houses viable. This is supported by a Viability Assessment, to which the Council's independent viability assessor concluded with the overall viability of the scheme and the delivery of 4 market homes to support the delivery of 8 affordable units.

Whilst the proposals cannot be considered to be fully compliant with Policies SS 2 and HO 3 as although this meets an unmet need in the Parish it is not in strict accordance with the requirements of Policy HO 3 in regard to location to a higher order settlement and due to the proposal requiring 4no.market dwellings to support the delivery of the affordable units.

Notwithstanding this, the proposal is situated within a location that does have some services and facilities and is situated within close proximity to the school. Furthermore, the viability report submitted with this application offers adequate justification for the inclusion of a number of market dwellings when based on the principles within the NPPF.

Paragraph 77 of the NPPF does state that in rural areas local planning authorities are required to be responsive to local circumstances and plan housing development to reflect local needs. This includes the inclusion of some market housing, if required, in order to facilitate the provision of significant additional affordable housing to meet local needs.

In order to justify a departure from the Development Plan the material considerations will need to be considered as part of the planning balance. This is carried out within Section 14 of this report.

## **2. Housing mix and Type**

The Core Strategy has identified, within section 3, a deficit of smaller starter homes of one or two bedrooms in size. Policy HO 1 'Dwelling Mix and Type' therefore expects schemes of more than five dwellings to have at least 40% with a floor space of 70 sqm or less, and only one or two bedrooms. In addition, 20% of the dwellings shall be suitable or easily adaptable for occupation

by the elderly, infirm or disabled. Where calculations result in a part dwelling required, the figure will be rounded upwards.

For a scheme of 12 dwellings, Policy H01 would require a minimum of 5 dwellings of two bedrooms or less and 5 with 70sqm or less floor space to provide suitable starter homes. Also, 3 dwellings should be either suitable or easily adaptable for occupation by the elderly, infirm or disabled (calculations rounded up as per policy requirements).

Plots 5-8 and 11-12 are bungalows which have either 1 or 2 bedrooms and are also within the guideline of 70sqm or less floorspace. This exceeds the 40% required. These six bungalows are also ideal for the elderly or infirm as they have a bath and walk-in shower, and no stairs. Therefore, the application is fully compliant with Policy HO 1 of the adopted North Norfolk Core Strategy.

### **3. High Quality Design**

Policy EN 4 seeks to ensure development is of high quality design which respects local context and preserves or enhances the character and quality of an area. Proposals should also respect the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity.

#### Density

Core Strategy Policy HO7 requires that housing developments in designated service villages should have an indicative density of not less than 30 dwellings per hectare. The application site area is outside designated settlement areas, and classed as being in countryside. Policy HO 7 of the Core Strategy therefore does not provide a minimum density. The NPPF also seeks to avoid homes being built at low densities due to land shortages which can undermine the meeting of identified housing needs. However, paragraphs 122 - 123 of the NPPF also advises that policies should optimise the use of land and should use minimum density standards to reflect the accessibility and potential of an area. Therefore, lower densities can be applied if strong reasons can be made as to why a high density would be inappropriate. The NPPF also takes into account the 'desirability of maintaining an area's prevailing character and setting' and the 'importance of securing well-designed, attractive and healthy places'.

A number of objections have been made pointing out that the site represents an overdevelopment and is being built to too high a density. The site is 0.43 ha. With 12 dwellings proposed on this site, the density would be 28 dwellings per hectare which is close to the required density of a service village. Although the adjacent site to the east is only 13 dwellings per hectare in comparison, which appears to be a typical density for this part of the village, the neighbouring site was for larger scale development consisting of four large detached houses, with detached double garages. The proposed site therefore integrates a larger number of homes into the site by introducing a smaller scale of housing, including 1-2 bed bungalows with no constructed garages and which rely on car parking spaces. The site also utilises semi-detached and terraced forms of development rather than just detached houses to increase the density potential of the site.

Policy HO 7 advises that 'In assessing what density is appropriate priority will be given to ensuring that making efficient use of land does not result in development that detracts from the character of the area. The precise density will therefore be determined having regard to the sites immediate context, on-site constraints, the type of development proposed and the need to provide an

appropriate mix of house types and sizes to meet the community's needs'.

The 4 market houses which are proposed to front the proposed development are of a similar overall site width as the four dwellings immediately to the west, although it is acknowledged these dwellings do have larger gardens than those now proposed. The two properties which front the adjacent site to the east have also been built to a similar scale.

The development proposed to the rear of the site would have a greater density than the frontage market dwellings. However, the density only states the number of dwellings to a hectare, and does not consider the size of each dwelling. The smaller dwellings proposed would allow a greater density on the application site with a similar built mass as the existing site to the east which also has a large frontage area given over to an access road, with no front gardens. The proposed development would therefore visually fit in with the adjacent developments being of a similar scale of development, despite being of a greater overall site density.

It is therefore considered that the proposed development does make an appropriate use of land, satisfying Policies EN 4 and HO 7 of the North Norfolk Core Strategy and the National Planning Policy Framework.

### Scale

The amendments to the scheme includes turning plots 1 and 2 ninety degrees so that the end gables face the highway. This serves to reduce the visual impact against the adjacent bungalow to the west of the site, and would accommodate landscape improvements. In addition, this would also provide a greater separation distance between the two scales of development. However, on viewing the proposed estate on the approach from the west, the bungalows would be seen against the backdrop of the proposed two storey dwellings fronting the application site.

The site section which has been provided shows a section of the development running north to south, and which faces eastwards. There is therefore no indication of the difference in scale between the bungalow known as Rowans, and plot 1. In mitigation, the proposed two storey dwellings and bungalows would be separated by a tall hedge which grows along the western boundary, which would consequently serve to break up the disparity in scale. With the proposed units standing two-storey along the frontage and dropping down to a single storey height to the rear of the site, the proposed dwellings are not considered to be out of scale with their surroundings due to the orientation of the dwellings within the site, the distance between dwellings and the existing and proposed landscaping all of which helps to soften the visual impact.

It is hoped the scheme will add an acceptable contrast in design to the two existing residential developments either side due to the design, materials and landscaping. The agricultural barn type appearance to the rear of the site which would be considered suitable for an edge of settlement location, and the choice of materials and positioning of the market homes along the frontage of the plot are deemed appropriate.

In order to make way for the development, which would include the access roads and associated visibility splays, the maintained hedge along the front of the plot would be fully removed, as well as a third of the trees which are growing behind it. This is discussed more fully in section 6 - Landscaping. However, the scale of development is considered to be proportionate with the existing residential properties either side, and is therefore acceptable in terms of Policy EN 4 of the North Norfolk Core Strategy.

## Layout

The North Norfolk Design Guide requires development schemes to comply with the requirements of Policy EN 4, and has produced a number of principles to help developers achieve this as follows:

- The established form and character to provide a strong steer towards new development;
- Well-designed spaces with a clear purpose and function;
- Clear visual links between buildings;
- The siting and grouping of buildings should reinforce local identity;
- Private garden areas should be of an adequate size and shape; and
- Buildings should be orientated to make maximum use of solar gain.

In layout terms, the scheme follows the form of similar developments to the east of the site. It includes variations in siting and orientation to avoid undue regimentation, therefore adding interest to the scheme.

In terms of the built form, a courtyard arrangement has been the basis of the design proposed to replicate an agricultural barn grouping. There has been a mix of size and types of dwellings included in the layout to enable a varied form, and to ensure the scale and massing relates sympathetically to the surrounding context.

The North Norfolk Design Guide recommends: 'Private garden areas should be of adequate size and shape to serve their intended purpose. They therefore need to reflect the likely number of occupants within each dwelling and have an aspect which is substantially free from shading from trees and buildings during the year. It is therefore recommended that the area of a plot given over to private amenity space should normally be no less than the footprint of the dwelling on that site'.

The affordable dwellings and associated gardens to the rear of the site would be of a small, scale with a compact layout, particularly due to the proposed terraced format for plots 5 to 8. The plots are smaller than those of existing dwellings either side of the site in Wells Road. There are no gardens to the front of the affordable plots and rear gardens which, although small, would be the same size as the footprint of the dwellings which is considered adequate according to the North Norfolk Design Guide. Only plot 12 is too small to meet this requirement, but only by about 4 square metres. Although number 5 has a similarly small garden, the associated dwelling on the plot is a smaller single bed property. The applicant has addressed the concerns by pointing out that 'Plot 12's private amenity space of 60m<sup>2</sup> exceeds the equivalent footprint of 37m<sup>2</sup> for a comparable 2-storey house'. It is acknowledged that the North Norfolk Design Guide does not differentiate between houses and bungalows. There appears to be just enough space for bin storage, for sitting outside, and for hanging washing, but is cramped as a garden area when compared to other gardens within the site.

The layout is therefore considered acceptable in broad accordance with Policy EN 4 within the North Norfolk Core Strategy and the supporting guidance set out within the North Norfolk Design Guide.

## Design

Paragraph 71 of the NPPF supports exception sites which includes affordable housing which complies with local design policies and standards. The application should therefore be assessed

in the context of Policy EN 4 within the North Norfolk Core Strategy which requires high levels of design which respects local context and preserves or enhances the character and quality of an area.

Following the first consultation period a number of amendments were made to the scheme taking into account comments from Conservation and Design Officers including amendments to plots 9 and 10 to reduce symmetry and create interest and the addition of mock chimney stacks on plots 3, 4, 9 and 10 to add further design interest.

In addition to the amendments in response to Conservation and Design a number of other alterations have been made as a result of comments made by local residents and the Parish Council. These alterations include the downgrading of materials so most of the flint to the front elevations of plots 3 and 4 have been replaced by brick, and the internal floor space has been reduced. These alterations could make these two market dwellings more affordable to local residents, and therefore less likely to be bought as a second homes.

The viability statement has been amended accordingly and will be considered by the Council's Viability Consultant in Section 13 - Planning Obligations. The additional alterations include the following:

- Plot 1 has been rotated 90 degrees to face plot 2;
- Plots 3 and 4 - elevations have been altered so the front elevations are no longer symmetrical or traditional in appearance;
- Plot 3 now only has part flint to the front elevation instead of full flint with brick detailing,
- Plot 4 is now a brick frontage with the loss of the flint frontage;
- The provision of a defined place for pedestrians to stand before crossing the road which will be located to the east of the main site access;
- Reduction in the Gross Internal Floor Area of Plots 3 & 4, from 102sqm to 84sqm and garages omitted;
- Plot 11's kitchen and living room windows have been rearranged to eliminate any risk of overlooking onto/from Plot 10.

It is worth noting that the reduction in floor space in Plots 3 and 4 have resulted in a less than traditional fenestration.

#### Materials:

The existing dwellings in the immediate vicinity are constructed of traditional materials which includes cobbled flint, red brick and red pantiles, some use of render, and some modern brown concrete roof tiles.

The elevations of the dwellings would be constructed using materials chosen to blend the development into the locality. Therefore, the dwellings on plots 2 and 3 to the front of the site would include a cobbled flint to the front elevations, and a red brick would dominate the site to match existing buildings nearby. Main materials palette includes:

- Red brick
- Random flint
- Black horizontal timber boarding
- Oak timber framing
- Red and/or grey coloured clay pantiles and flat clay roof tiles
- Black rain water goods and utility boxes

### Hard surfacing materials

Permeable paving shall include a mix of Tobemore Tegula paving in Slate for the main access road. The part of the road forming the bellmouth at both of the site entrances and adjacent footpath shall be tarmac chippings set in a resin coating to bind, ensuring no loose materials adjacent the highway. The access roads would therefore not be constructed to a Highway standard.

Tobemore paving would also be used for the parking spaces to the front of affordable dwellings in Heather. Standard paving would be used for the pedestrian footpaths to the front of the plots. The parking space for plot 1, 3 and 4 will be gravel.

Most fencing is to the rear gardens which are to be divided by 1.8 metres standard close board fencing, except for the boundary to the south which will be 1.2metre chain link fencing to preserve views out to the fields beyond. The front of plots 1- 3 will have a timber knee rail and all 4 market plots will have gaps between properties protected by willow fencing to maintain privacy to rear gardens. The only brick wall (1.8 metres in height) would be to the rear of plot 2 to protect the privacy of the occupiers from the estate footpath adjacent the main access road. The new habitat planting area to the front of plot 8 would be shielded by 1.2 metre estate fencing, but would also have a hedge planted along the north, east and west sides.

Most types of fencing proposed can be seen in similar developments around the site, so the proposed materials would not look out of place within the surrounding area, and would therefore be in accordance with Policy EN 4 of the North Norfolk Core Strategy. The 1.8 metre high close board fencing is already constructed along the eastern boundary of the existing estate.

### Design Conclusions

Purely in design terms, the site has many constraints. The compact nature of the layout has reduced the garden land around dwellings to the minimum and has led to a reduction in standards of privacy that can be achieved for occupiers due to the reduction in recommended distances between the plots. However, the scheme still achieves adequate residential amenity for both existing occupiers surrounding the site and occupiers of the proposed dwellings. The design of the scheme is therefore considered acceptable in terms of density, visual impact, layout and residential amenity while still achieving a good housing density to maximise the number of affordable dwellings that can be provided on this site.

Officers consider that the proposal meets the high quality design aspirations of North Norfolk as the scheme takes into account local context and character, and the scale and massing of buildings would also be sympathetic to existing housing developments either side. The proposal is therefore considered to be in accordance with Policy EN 4 and the supporting guidance as set out within the North Norfolk Design Guide.

#### **4. Residential Amenity:**

Policy EN 4 seeks to ensure that proposals respect the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity. The properties where there is the greatest potential for impact upon residential amenity are the Rowans, Dreemskerry House and Bewicks House. Further to this it is important to assess the residential amenity of the proposed dwellings themselves.

### Rowans

The occupier of the Rowans directly requested with the applicant for plot 1 to be rotated by 90 degrees to ensure no overlooking of the rear garden. The amended plans have therefore addressed this concern.

Rowans is located to the west of plots 1 and 12. This property is a bungalow but has a window within the gable end which faces over the existing hedge into the application site. The bungalow is 12 metres from plot 1 which is a two storey dwelling, and 14 metres from plot 12 which is a bungalow. Windows would be facing at a 45 degree angle, which reduces the risk of overlooking. However, the distances between windows are within the specified guidelines within the North Norfolk Design Guide which suggests a distance of 12 metres between windows belonging to bedrooms and/or dining rooms, and 18 metres between the main living room windows and bedrooms. The living room windows to the rear of plot 1 are more than 20 metres from the gable window of Rowans, and are considered to be of an adequate distance from the Rowans to prevent overlooking.

### Dreemskerry House

Located adjacent the north east corner of the application site opposite plot 4. Plot 4 has no windows proposed which face east, so there would be no issues with overlooking.

### Bewicks House

Located to the south east corner of the application site opposite plots 6, 7 and 8. These plots are bungalows which have sitting rooms to the rear as well as bedrooms and bathrooms. Although the existing hedge obscures views at ground floor level which will be supplemented by a 1.8 metre close board fence, Bewicks House has first floor windows facing onto the bungalows. Distances are 12 – 14 metres, so may be of an overlooking concern for the proposed bungalows. The recommended distance would be 18 metres as the Design Guide recommends a further 3 metres to prevent overlooking for bedrooms, and a greater distance between bedrooms and living rooms (18 metres plus 3 = 21 metres).

The applicant has pointed out that the layout of the site was designed to avoid overlooking of existing neighbouring properties, resulting in half of the dwellings proposed as bungalows. This has increased the overall building footprint from what could have been 2-storey houses, with the unfortunate side-effect of moving dwellings closer to the site boundaries. It is agreed that the neighbouring properties are not overlooked, as the concern regarded the overlooking of bungalows by the first floor windows of Bewicks House.

The applicant accepts that the distances recommended by the North Norfolk Design Guide to prevent overlooking have not been met. However, it has been pointed out that the living room and bedroom for Plot 6 could be swapped over to improve compliance with the Design Guide. However, this would result in the living room accessing the northern part of the garden which enjoys less sunshine.

It was also suggested that 'whilst plot 7's and 8's kitchen / diners and living rooms could be swapped to reduce the distance for compliance with the Design Guide, these bungalow layouts have been designed with open plan hall / kitchen / diners, to allow residents who may be retired



and at home for much of the day, to engage with the community and remain in their homes for longer should their mobility deteriorate’.

#### Within the site itself

Plot 1 poses no overlooking concerns for plot 12 as the facing elevations have no facing windows.

Plots 1 and 2 have a facing distance of 11 metres with facing windows which should ideally have a minimum separating distance of 18 metres as recommended by the table on page 5 of the North Norfolk Design Guide. However, it has to be born in mind that passers-by would walk closer to the windows of both dwellings at ground floor level, so front windows cannot necessarily enjoy as much privacy as rear windows. However, this is still close for the facing bedroom windows at first floor level.

Plots 3 and 4 face towards plots 5 and 6. Plot 3 is separated from plot 5 by approximately 14.6 metres, and from plot 6 by 15.5 metres. Plots 4 and 6 have separation distances of 16.5 metres. The minimum separation distances, as recommended by the table on page 5 of the North Norfolk Design Guide, would ideally be 15 metres. However, a further 3 metres is recommended as the houses on plots 3 and 4 have an extra floor to plots 5 and 6. While proposed boundary treatments would prevent overlooking at first floor level, the first floor windows belonging to the third bedrooms would overlook the bedroom windows of the bungalows. It should also be pointed out that the land rises slightly from the north of the site towards the south east corner. Therefore, the bungalows are to be built on land which is 850mm higher.

Although the layout proposed cannot provide the minimum separation distances recommended by the North Norfolk Design Guide, paragraph 3.3.11 of the Design Guide points out the following:

*‘Where it can be clearly demonstrated that strict observance of these criteria would be harmful to design quality, or to the form and character of an area, reductions in these guide distances may be permissible. Without such flexibility, layouts may become uniform and lacking in visual interest and local distinctiveness. They may also fail to make the most efficient use of land and therefore not achieve the densities now sought under Core Strategy Policy HO7’.*

It is therefore proposed to consider the issue of residential amenity within the planning balance to determine whether the public benefit of this site density (which will provide 8 affordable dwellings) outweighs the reduced privacy between some plots within the site. Existing dwellings adjacent the site would not be subject of any reduced level of privacy when measured against the recommendations within the Design Guide.

In all, the proposed development is compliant with the requirements of Core Strategy Policy EN 4 of the North Norfolk Core Strategy and the North Norfolk Design Guide regarding amenity.

## **5. Historic Environment**

### Built Environment:

Policy EN 8 seeks to preserve or enhance the character and appearance of designated assets, other important historic buildings, structures, monuments and landscapes, and their settings through high quality sensitive design. It also states that development which has an adverse impact on their special historic or architectural interest will not be permitted. However, 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.

Paragraph 192 of the National Planning Policy Framework 2019 expects local planning authorities to ensure new development makes a positive contribution to the local character and distinctiveness of listed buildings. Paragraph 193 goes on to give weight to an asset's conservation in accordance to its importance.

Hindringham has two Conservation Areas and the application site is 322 metres to the south west of one, and approximately 52 metres to the east of the other.

There are ten heritage buildings to the outskirts of the settlement including, however there are only two heritage buildings to the outskirts of the settlement which may be close enough to be impacted by the proposed development which are Grange Farmhouse Grade II which is 220 metres south west, and Grange Farm Cottages Grade II which is 270 metres south west. Due to existing landscaping and buildings, views of the site from Harvest Lane are mostly obscured. The distance would ensure that any views would be from the backdrop of existing development, so the harm to these listed buildings would be minimal.

Properties within the Conservation Area to the west start at Forsythe Cottage to the north of Wells Road, and the fields to the side of the bungalows to the south side of Wells Road in order to incorporate the two listed buildings belonging to Grange Farm. The bungalows to the west of the application site are immediately adjacent to the Conservation Area.

The proposed dwelling is to be constructed with high quality materials, especially the properties which front the site. There is also a reasonable amount of detailing included to provide interest. Detailing includes brick headers above doors and windows, dentil courses on some dwellings, quoin detailing to show off areas of flintwork, and brick plinths to the base.

There would therefore be no significant harm to any Listed Building within Hindringham, or to the Conservation Areas. Further, this Church is not related to the parish of Walcott and therefore the lack of relationship between the two would mean that this proposal would not have an impact of the significance, including contribution made by the setting of the listed building.

There is therefore no detrimental impact to the listed buildings as a result of the proposed development. Views are too distant to be anything more than a minor impact and would be seen within the context of existing development.

### Archaeology

Archaeological trial trench evaluation has taken place on the site in 2019, with 4 trenches excavated in total. The earliest traces of activity were from the late Iron Age. Archaeological remains range from the Iron Age and medieval/post-medieval periods. However, the land may be connected to arable farming from the medieval and post medieval periods, and unlikely to have any significant Iron Age remains within the site area. Therefore, the Historic Environment Officer has confirmed they have seen final copies of the trenching report, and further archaeological work is not required.

## Historic Environment summary

The application therefore complies with the local policies of EN 4 and EN 8 of the North Norfolk Core Strategy and the NPPF as the impact would have no harm on the significance of the nearby listed buildings or any contribution made by their setting, and would not lead to the loss of future archaeological discoveries.

## **6. Landscape**

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

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

Policy EN4 requires that development is expected to 'retain important landscaping and natural features and include landscape enhancement schemes that are compatible with the Landscape Character Assessment and ecological network mapping', whilst Policy EN 9 expects developments to protect the biodiversity value of land to: minimise the fragmentation of habitats; maximise opportunities to restore, enhance and connect natural habitats; and incorporate beneficial biodiversity conservation features where appropriate.

Further to this development proposals that directly or indirectly adversely impacts protected species will not be permitted unless;

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

Development proposals where the principal objective is to conserve or enhance biodiversity will be supported in principle.

The North Norfolk Landscape Character Assessment, adopted January 2021 (LCA) has identified Hindringham as being in Tributary Farmland. Hindringham has been characterised as nucleated around a church, with linear extensions along roadways. On page 220, regarding settlement expansion and infill development, the LCA further emphasises that edge of settlement new housing has undermined the traditional road and settlement patterns and vernacular building style and materials. There has also been increasing infill development in historically spacious villages such as Hindringham and has resulted in fencing replacing hedged boundaries. It also raises the concern that continued increases in light pollution associated with new built form and infrastructure development will affect the sense of remoteness, tranquillity and dark skies associated with this landscape.

This landscape area is described as open, tranquil and strongly rural and which is particularly sensitive to changes to new development. It is therefore considered important to 'maintain the

rural features that contribute to character, biodiversity and historical continuity, including rural lanes, hedgerows, verges, gateposts and walls – avoid road widening and urbanising features such as close board fencing, kerbs, lighting and excessive signage.

New planting associated with development should blend with existing features rather than simply trying to screen new development - layers of vegetation may be more appropriate than one thick screen using species local to the area’.

The application site currently consists of approximately 0.4ha of semi-improved grassland with an established native species hedge along the northern boundary, a winterbourne ditch along the western boundary and fences along the eastern and southern boundaries. The submitted Ecology Report estimates that approximately 0.4ha of grassland will be lost to the development.

The site is fronted by an informal and formal hedge. The formal hedge has been regularly cut to become an established hedge. The informal hedge is a group of trees which stand behind the formal hedge. Although planted in a row, these trees have not been maintained as a hedge.

The frontage hedge is well established and maintained, and therefore contributes to the general character of this part of Wells Road which is where the built environment merges with countryside. The hedge sits on top of an earth bank, and is deemed to be rich in biodiversity providing habitats for birds, insects and small animals. The Landscape Officer has confirmed the importance of the front hedge as it has:

- at least 6 woody species,
- a bank supporting the hedgerow along at least half its length,
- less than 10 percent gaps,
- at least one tree per 50m of hedge and it was connected to the perpendicular hedge adjacent to the western boundary, and
- it was also considered a Norfolk Biodiversity Action Plan (BAP) hedgerow due to its size and species composition.

The 66m mature roadside boundary hedge is one of the key assets of this site, and in paragraph 3.2.3 of the Ecology Report written by Norfolk Wildlife Services, is assessed as an Important Hedgerow under the Hedgerow Regulations. Due to its size and composition, it is also considered to be a Norfolk Biodiversity Action Plan (BAP). Therefore, as much of the hedge as possible should be retained and the existing site access used as the basis for vehicular entry into the site.

Due to the importance of this hedgerow the Landscape Officer initially objected to the scheme as the submitted layout proposed the loss of most of this hedgerow to provide appropriate visibility splays. As a result of this further discussions were held between the Landscape Officer and Norfolk County Council as the Highway Authority and resulted in the following options being discussed.

<b>Option 1 – The original site plan as submitted</b>	<b>Option 2 – The scheme now being considered</b>	<b>Option 3 – Retaining more of the hedgerow</b>
Three access points into the site,	Two access points	The existing access point only
Removes all the existing hedgerow and trees,	Existing hedge removed and replanted further back, two thirds of the secondary hedge / trees retained, and additional planting	50% of existing front hedge retained – rest removed to create adequate visibility splays. All of the secondary hedge / trees retained,

Bank regraded to street level	Bank regraded to street level and new bank created further back with new hedge	Most of the bank retained
New 1.8m footpath across entire site frontage	New footpath to form crossing point only adjacent the main access road	New footpath for crossing point opposite existing lay-by
Some new hedge planting	New hedge and trees	Some replacement planting
All dwellings retained	All dwellings retained	Two dwellings lost from frontage
	front market houses set further back from road	front houses set further back from road
195 metres of new hedge / habitat planting and 90 sqm of soft landscaping to soften the appearance of car parking spaces.	228 metres of new hedge / habitat planting and 90 sqm of soft landscaping to soften the appearance of car parking spaces.	165 metres of new hedge / habitat planting and 148 sqm of soft landscaping to soften the appearance of car parking spaces.

From the options set out in the table above, the Landscape Officer would have preferred Option 3 as it would be the option most likely to retain as much of both the formal and informal hedge as possible. It would also provide the most number of square metres of hedges, habitat planting and soft landscaping as there would be only the one access into the site. However, this would have been at the loss of two frontage dwellings which would impact viability of the site, and the number of affordable dwellings that could be supported.

The agent has chosen to submit Option 2 as a middle ground option which would maintain the viability of the site by retaining all 12 plots. It does not salvage the front formal hedge which was classed as the key asset of the site and important in retaining existing biodiversity within the site. However, it does salvage two thirds of the informal hedge which is set further back, and also allows twice as much new hedge and habitat planting as option 1.

The Landscape Officer does point out that net gains in hedgerow 'does not account for the loss of mature habitat, nor the length of time for new planting to reach maturity to be able to offer some ecological function'. However, the officer accepts that the proposed development would meet the criteria required to comply with Policy EN 9 subject to maintenance clarifications, off-site mitigation and the height of the new boundary hedge being allowed to grow to 2.5m in height.

The agent has provided information to show that the frontage landscaping would be maintained by the Housing Association, as well as the Habitat planting area to the front of plot 8, and on the boundary adjacent the car parking spaces for Plots 8 and 9. The proposed hedge to be planted along the rear boundaries of plot 4 and plots 6-10 would be maintained by residents as it would represent private garden land. The hedge would therefore be conditioned, should planning approval be given, to be maintained at a minimum height of 1.8 metres on the eastern boundary and 1.2m on the southern boundary as requested by the Landscape Officer so that it can provide adequate biodiversity value in time by the creation of habitats for insects and small mammals.

The applicants have attempted to soften the appearance of the development with the landscaping scheme, and the area covered by hedging and habitat planting has increased from 365 sqm to 520 sqm despite the loss of hedge. There is potential for landscape enhancements as the landscaping scheme matures. However, the proposal does not include any off-site additional

landscape proposals. As a result the proposal is not in accordance with the requirements of Policy EN 9, EN 2 or EN 4 and the departure from the Development Plan will be assessed against the materials benefits through the planning balance in Section 14 of this report.

## **7. Ecology and Habitats Regulation Assessment**

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

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

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

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

The applicant has submitted an Ecology Report prepared by the Norfolk Wildlife Services dated 22nd May 2020. The Ecology Report points out that the expected loss of grassland, trees and hedgerows on the site would result in habitats being lost for breeding birds and foraging areas used by bats and birds, including owls. A barn owl box is located within an adjacent garden, facing into the site. Additional lighting on site during and following development may have an impact on owls and bats which presently pass over the site for commuting or foraging. There is also the possibility that hedgehogs may be present on site, using the grassland and hedgerows for foraging and hibernating.

There is a risk transient amphibians and badgers, if present, may be injured or killed during the clearance and development work, so proprietary measures have been included which should be followed before works can begin. These measures would reduce the possibility of these types of creatures being on site at the time of clearance works or during construction activity.

Based on the current information it is not envisioned that a European Protected Species Licence will be needed for works to proceed lawfully.

As there would be a loss of habitats due to development, the Ecology report also recommended enhancements as compensation in an attempt to balance the biodiversity for the site and surrounding area, which includes:

- the provision of hedgehog access gaps in close boarded fences within the site,
- the incorporation of a specified number of bird and bat boxes and
- the planting of native species hedgerows along the site boundaries.

It was also recommended that all retained trees and hedgerows should be protected from accidental damage through the use of temporary fencing and/or root protection methods. A condition would therefore be placed on the decision notice, should approval be granted, that the development scheme proposed shall adhere to the mitigation and enhancement measures outlined in the Ecological Report.

A reptile survey was recently undertaken in June due to the potential for reptiles on the site, and to ensure there are no great crested newts migrating through the site to reach their breeding ponds. However, none were found to be present, therefore no mitigation measures are required.

New native species hedgerows have been recommended within the Ecology Report to be planted along the southern boundary to mitigate the loss of the main formal hedgerow along the frontage of the site, and additional hedgerow planting within the site to replace the trees lost immediately behind.

A five-meter exclusion zone should be set up in the south-eastern corner of the site to reduce the potential disturbance of breeding barn owl. Additionally, suggested hedgerow planting should be planted around this exclusion zone prior to site works commencing to further aid screening of the barn owl box from the development.

The ecology of any development site on greenfield land is going to be impacted due to the loss of open space. However, this site has no ecological features apart from the existing hedge and trees along the north boundary, and the existing hedge along the west boundary which belongs to the adjacent bungalow known as Rowan.

The loss of the hedge to the front, and some of the trees would represent an immediate loss of biodiversity and habitats, but would be compensated in the long run with additional hedge planting and habitat planting, which seeks to balance out the immediate loss of biodiversity. As the Landscape Officer points out, the growth of the hedge and associated biodiversity could take years to be restored. The new hedging to the south and east would also be in private ownership as they would take up the rear garden boundaries, which is also harder to control. However, it would be possible to condition the height of the hedges so that they are a height which can be of a future biodiversity value.

The loss of a foraging area would lead birds to forage around the main field areas to the south of the site. However, as this area is more open, it may be less attractive for small animals, and would be unable to accommodate the insect life that relies on the hedge for their habitat.

If appropriately established, protected and managed, through a Landscape and Ecology Management Plan, these new hedge and habitat planting areas would provide an essential and valuable wildlife habitat which would in time compensate for the loss of hedge. The scheme also includes a variety of ecology enhancement features, including swift boxes, and bat boxes which would be subject of condition.

Subject to conditions to secure the landscape management, whilst it is acknowledged that in the short term there will be a significant impact upon biodiversity in the longer term this proposal is considered to be in accordance with Policies EN 2 and EN 9 of the adopted North Norfolk Core Strategy.

### Habitats Regulation Assessment:

Policy EN 9 of the North Norfolk Core Strategy identified that any proposed development that would cause a direct or indirect adverse effect to nationally designated sites (which includes SSSI sites) should provide further mitigation.

The development site is located close enough to impact the North Norfolk Coast SAC and SPA, the North Norfolk Coast Ramsar site, the Wash and North Norfolk Coast SAC, the Wash SPA and the Wash Ramsar site.

The development could have a likely significant impact on the conservations objectives of the SAC/SPA/Ramsar sites above through increasing recreational pressure associated with rising visitor numbers.

There is also the potential to adversely affect various habitats and nature conservation sites due to increased recreational activities from the occupiers of the dwellings once constructed. This would therefore add to existing pressures on the habitats and species of the nature conservation sites in the surrounding areas of North Norfolk. This would involve a programme of monitoring to assess the impact of development on these sites in terms of visitor disturbance, to ensure there would be no adverse impacts on the surrounding European Wildlife Sites.

From 2011, there has been a collaboration between local authorities based within the Norfolk area which has led to a Norfolk-wide strategic approach to this issue. This would result in a fee which is non-negotiable, and paid as part of the legal obligations agreed for the scheme.

Recreation Impacts Study: Visitor Surveys at European Protected sites (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.

The introduction of the Norfolk Green Infrastructure and Recreational Avoidance Mitigation Strategy (GI/RAMS) is currently being finalised, and introduces a developer charge using a zone of influence based approach. This charge amounts to £185.79 per dwelling, and replaces the former charge of £50 per dwelling. While the final report has yet to be adopted by the Norfolk Strategic Framework, the evidence base presented in the draft report has been accepted in principle and will be in place before development commences, and before the payment is due to be made. It would provide a financial contribution to the council's Habitats Regulations monitoring work.

The accumulative impacts of the proposed growth in Norfolk, which could amount to 84,000 new dwellings throughout Norfolk when taking into account all Local Plan targets, cannot rule out a likely significant effect. In which case, the GI/RAMS assessed financial contribution from developers to implement the scheme of monitoring and any necessary mitigation identified as required to protect the conservation features of Natura 2000 sites should be payable.

The applicant has agreed to a contribution secured through an S106 agreement. Subject to this the proposal would be in accordance with policy EN 9 of the North Norfolk Core Strategy.



## **8. Highways and Parking**

### Highway Safety

Core Strategy Policy CT5 states that development should be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location and that development proposals will be considered against the relevant criteria of that policy which states the following:

- the proposal is required to provide safe and convenient access on foot, cycle, public and private transport, addressing the needs of all including those with a disability;
- the proposal must be 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 would be able to be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- any proposal with significant transport implications are required 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.

The site proposes two points of access onto the Wells Road and off site highways improvements to the junction of Wells Road and The Street/Thursford Road. This off-site work includes widening the mouth of the junction, with kerb realignment, and the stepping forward of the junction lines.

As a result of the initial comments made by the Local Highways Officer, there have been a number of improvements made to the development scheme including the reduction of access road to the site from three to two and improvements to the pedestrian crossing. Highway subsequently removed their objections.

The proposed crossing point is opposite a grassed area to the side of the school's car park entrance. The footpath begins to the other side of the school's vehicle access. However, the existing occupiers of dwellings located to the west of the site can only walk on the side of the road during wet weather, or on the grass verges in dry weather as there are no existing pathways. This is typical of a countryside location such as Hindringham where routes, as they begin to leave village boundaries, have no footpaths.

The main road access serves 10 dwellings, and the other 2 are served by a smaller access which provides turning and parking for car parking spaces for plots 3 and 4. As the access roads are not to be constructed of materials which would allow them to be adopted by the Highways Authority, the access road would need to be maintained by the Housing Authority. This would be subject of condition.

Subject to conditions recommended by the Highway Authority, the application is therefore considered to comply with Policy CT 5, subject to conditions.

### Parking

Policy CT6 seeks to ensure adequate parking is provided, including for cyclists. Highways have been involved with this application, guiding the applicants to improve the service road and public

footpath inside the application site area to ensure they are of an adequate standard, such as in materials and minimum width.

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

- 2 x 1 bedroom units
- 4 x 2 bedroom units
- 6 x 3 bedroom units

According to Appendix C in support of Core Strategy Policy CT6, the development should deliver an average of 1.5 spaces per 1 bedroom unit, and 2 spaces per 2/3 bedroom unit, amounting to a total on-site requirement of 23 car park spaces.

Drawing number PL003A shows that each plot has been provided with the at least 2 car parking spaces with the exception of plots 11 and 5 which only have 1. There is, however, a visitor space adjacent plot 5 which presumably could be shared between the two, but which looks more associated to number 5's ownership. The development is, however, considered to be compliant with Policy CT6 of the North Norfolk Core Strategy.

## **9. Open Space**

Core Strategy Policy CT2 requires developer contributions for schemes of 10 dwellings or more where there is insufficient capacity in infrastructure, services, community facilities or open space. The Core Strategy's Open Space Standards therefore require a development of 12 dwellings to provide the following levels of open space on-site:

- Amenity Green Space: 254 msq (Total if not provided on site = £5,141)

And the following off site contributions:

- Allotments: £3,405
- Parks and Recreation Grounds: £25,967
- Play: £6,030
- Natural Green Space: £7,711

The 2019 Open Space Study identifies a deficit of Amenity Green Space of 0.45ha in the parish. Ideally, Amenity Green Space should be provided on site, but due to the layout proposed, and the access road into the site, there is no room to accommodate an area of green space. In certain circumstances, an off-site contribution could be considered.

With regards to Allotments and Parks and Recreation grounds, the 2019 Open Space Study does not show a deficit as there are existing allotments to the north of Wells Road Playing Field. There is, however, a lack of children's and youth's Play Space which is where off site contributions would be directed.

The total for the open space contributions in order to be policy compliant would amount to £48,253. The applicant is, however, unable to agree to this contribution payment and has submitted sufficient information to show that the site would not be viable should off-site contributions be requested. This has been verified by the Council's Viability Consultant, who has confirmed the viability report is sufficient.

The applicant did forward revised information to suggest the open space contributions could be provided, but this would have been at a loss of at least one affordable housing unit which would be sold on the open market instead. However, Officers were of the opinion that the provision of affordable housing within the District were more valuable to the District than open space contributions. Especially as Hindringham does have a large playing field within Wells Road, not far from the school to the opposite side of The Elms, and some existing allotments which are behind the dwellings in The Elms, accessed from The Street.

Should Members agree with Officers that the provision of affordable housing is more important in this case than the receipt of open space contributions, then the site would be considered unable to provide any open space requirement without the loss of affordable dwellings.

The proposal is therefore not in accordance with Policy CT 2 of the adopted North Norfolk Core Strategy.

### **10. Flood Risk, Surface Water Drainage, Foul Water and Foul Water Flood Risk**

Policy EN 10 ensures the sequential test is applied to ensure most new development is located within Flood Risk Zone 1, and development in Flood Zones 2 and 3 will be restricted. Policy EN10 also expects new development to have appropriate surface water drainage arrangements for dealing with surface water run-off. The use of Sustainable Urban Drainage systems is preferred.

#### **Flood Risk**

The application site lies within Flood Zone 1 and is therefore located in an area of low flood risk, and also has a low risk of surface water flooding. There is a higher risk of surface water flooding further downhill from the application site affecting the last few dwellings in Wells Road to the west. It is therefore important that any future development does not create further drainage issues onto the highway in order to comply with the NPPF. Paragraph 155 requires all development to be made safe for its lifetime without increasing flood risk elsewhere. This is discussed further below in relation to surface water drainage which needs to be of a sufficient standard to reduce the flood risk.

Objectors have pointed out that the non-permeable or semi-permeable surfaces would cause flooding due to the high water table, especially to the west as the ground becomes lower, and that the ditches cannot cope with heavy rainfall. Environment Agency long term flood risk maps show that there is a risk of surface water flooding which flows from Upper Mill, to the east of the application site, and flows down Wells Road from east to west, discharging into fields. The lower end of Wells Road has some areas of high and medium flood depth and velocity, but Wells Road along the front of the application site is of low depth, and the site itself has no surface water flood risk indicated on the maps. It is therefore appreciated that any surface water on the site itself due to hard surfaced areas should be contained within the site area so as not to exacerbate the existing flood risk to the west of Wells Road.

#### **Surface Water Drainage**

The Flood Risk and Drainage Strategy proposes 4 large geocellular soakaway tanks to be used within the site in addition to permeable paving for the internal access road and parking areas. Information has been provided to show that infiltration rates within the site are acceptable, and that soakaways are also used within the grounds of the Primary School with no issues. The details calculating the required size of soakaways has been provided and it has shown that expected

levels of surface water can be accommodated within the proposed soakaways without causing flooding elsewhere.

It was noted that the site Investigation Reports specified within the background information that the 'groundwater encountered is representative of perched water, however its presence (in addition to the depth/distribution of the granular material) will potentially affect the feasibility of soakaways as a means of surface water disposal'. Also 'parts of the site are on occasion subject to waterlogging, seemingly a consequence of the general presence of relatively impermeable soils at a shallow depth'.

However, the agent has confirmed that the Soakaway features are still considered a feasible option given the following findings and design proposals:

- Historical local borehole records have shown ground water levels to be significantly deeper, at approx. 10 metres or more below ground level in the area;
- There will be varied permeability around the site due to variable soil conditions, as indicated by the perched groundwater. Therefore, a permeable paving solution could maximise the infiltration area across the site, minimising the impact of localised areas of poor infiltration.
- The positioning of infiltration devices, which includes both crated soakaways and the use of permeable paving, at a minimum of 1 metre above the identified perched water levels, will ensure infiltration is not inhibited and will allow for any fluctuations in local water level. In non-trafficked areas, the crates would not need to be buried as deep.
- The soakaways will be designed based on BRE365 infiltration test and a 1 in 100 year + 40% climate change allowance rainfall event. Soakaway features will therefore be fit for purpose during extreme rainfall events in line with the development lifespan as calculated using up-to date climate change modelling allowances published by the Environment Agency. It is therefore expected 'the system will be able to contain all the water from those rainfall events whilst also draining sufficiently quickly to store water from another major storm soon after'.

Although there was no formal consultation response from the North Norfolk County Council Lead Local Flood Authority (LLFA), there was a meeting between an LLFA Officer, the Case Officer and an Environment Protection Officer on the 17th November 2020 to discuss the site. It was concluded that, should infiltration test half-drain times were recorded as under 24 hours, there would be no concerns.

The Flood Risk Assessment and Drainage Strategy set out that

- the recorded half-drain times of 7 hours 19 minutes 49 seconds at this location; there is to be no surface water leaving the site;
- all surface water is to be captured, cleaned and discharged in accordance with the CIRIA SuDS manual, local guidance and other relevant design guidance;
- there will be no increase in surface water flows to the local drainage network; and
- As any surface water arising on the existing site is not attenuated, the use of soakaways and attenuation systems in the proposed development may actually result in an improvement upon existing surface water runoff levels;
- The drainage plan provided in Appendix E indicates where it is not possible to comply with Building Regulation requirements for a soakaway to be situated 5 metres from the property and 2.5 metres from a boundary, surface water will infiltrate through permeable surfacing which will cover a significant proportion of the site;
- The results of infiltration testing, undertaken in accordance with BRE 365 as part of a site investigation show that the use of soakaways would be acceptable;

- Drainage calculations presented in Appendix F appear to confirm that the size of the soakaways proposed would be sufficient to deal with a 1 in 100 year rainfall flooding event +40% increase on account of anticipated climate change; and
- A calculation provided in Part 2 of the 'Flood Risk Assessment & Drainage Strategy' indicates that the proposed permeable surfacing area should be sufficient provided that a sub-base of 540mm thickness is utilised. This can be ensured through a condition.

Environmental Protection Officers raise no concern regarding the surface water solution subject to conditions regarding the maintenance of the crates and permeable surfacing. Therefore, the use of crate soakaways and permeable surfaces wherever possible would be considered adequate to ensure that any surface water resulting from high precipitation would be dealt with on site without causing flooding elsewhere. Subject to the proposed conditions, the application is considered to comply with Policy EN 10 and Chapter 14 of the NPPF with regards to surface water flood risk.

### Foul Water

Anglian Water originally responded setting out that there was capacity in the Langham Water Recycling Centre to take these flows. However, the agents have undertaken their own investigation to ascertain the best connection point into the system.

It was found that the properties to the west of the site were served by a 100mm diameter foul sewer which crossed Wells Road and connected into the 150mm diameter sewer which runs westward. An inspection of this connection showed it to be inadequate due to the capacity of the available pipes. There is therefore no suitable sewer connection point within the immediate vicinity of the site to discharge foul sewerage.

The Anglian Water Drainage Mapping shows that there is another more appropriate foul sewer north of Wells Road which is 150mm in diameter running to a connection into a separate 150mm diameter foul sewer. This sewer runs north to south approximately 150m west of the proposed development. Dwg. no. SK-002 within Appendix E of the FRA Drainage Strategy shows the foul drainage arrangement. The application has included a pre-application letter from Anglian Water dated July 2019 which confirmed that the nearest foul water sewer of the same size or greater pipe diameter to that required to drain the site is located at manhole 8902 in Wells Road at National Grid Reference NGR TF 97836 35986 as it is the closest 150mm diameter sewer connection point. Anglian water has also assessed the impact of gravity flows from the planned development to the public foul sewerage network, which are confirmed as adequate and that the catchment of Langham (Norfolk) Water Recycling Centre has capacity for these flows although notice is required to be served under Section 106 of the Water Industry Act 1991 prior to connection.

A number of concerns have been raised in regard to the foul water sewer network in regard to flood risk and capacity issues. However, Anglian Water as the Water Authority have re-iterated that there is capacity for the development proposed and that planned maintenance and cleaning of the wider localised network is due to take place in July / August 2021.

Therefore, Anglian Water do not object to the application and have reiterated that the applicant can apply for a Section 106 connection to the public sewer should the application be approved.

Whilst officers are satisfied with this solution, an informative note is to be included as part of any positive decision to ensure that the developer continue to liaise with the Water Authority.

## Foul Water Flood Risk

There are a number of objections blaming the sewer flooding which has occurred on agricultural land to the west end of Wells Road on failings by Anglian Water. However, sewer flooding caused by heavy rains can be caused by several contributing factors such as too much water pouring from gardens or agricultural fields, flooded rivers and water courses, or highway drainage. This type of flooding can overwhelm the sewer system, but is beyond the control of Anglian Water, and is the responsibility of other agencies, private landowners or owners of riparian drainage systems. Therefore, the source of the flooding needs to be known before it can be adequately addressed. Anglian Water have unblocked local drains and cleared the areas they are responsible for to ensure the foul water system is working sufficiently with adequate capacity for the proposed development. From the objections that have come in, the sewage flooding appears to be caused by surface water flooding, and not immediately due to the lack of capacity or a defective system.

The information provided above on surface water flooding shows that this site can effectively manage its own surface water through adequate infiltration systems. The application site would therefore not add to the surface water flooding that is already occurring, and can therefore not be held accountable for adding to the situation.

In addition, Anglian Water have checked their own system, and have deemed it to be fit for purpose with adequate capacity and flows. In the same way, individual landowners are also responsible for checking the cause of flooding on their own land, and in maintaining the land drains that channel away any excess water from private land or from agricultural land. The responsibility does not necessarily lie with Anglian Water or with the proposed development site if surface water flooding is caused by other sources. The responsibility could lie with a private landowner (i.e. householder, farmer or commercial business), or another agency (such as Highways or the Environment Agency) to ensure adequate drainage and to ensure foul sewer systems are not overwhelmed during heavy rainfall.

Anglian Water have confirmed that surface water has entered their network during heavy rain, and that the foul network is not built for surface water. Therefore, the source of flooding should be investigated, and the appropriate action should be taken by the landowner or responsible authority to address the issue, and prevent repeated foul water flooding. Anglian Water have made it very clear that they are not responsible for the surface water flooding that has impacted their system, the surface water flooding having come from elsewhere.

Anglian Water also confirmed that there are some outstanding maintenance works to be done with the sewer which crosses fields within the catchment area. This involves cleaning, maintenance and CCTV surveys. The works were attempted earlier in the year, but the wet weather and poor access meant the works have been rescheduled for July to August this year when crops have been harvested and the land has dried out. Anglian Water have assured us that these works are in hand and do not impact the network capacity which is adequate to accept these flows from the proposed application.

The application therefore complies with Policies EN 10 and EN 13 of the North Norfolk Core Strategy, as adequate drainage is to be provided on the site to ensure there is no flooding elsewhere, and an adequate sewer connection has been identified where Anglian Water maintain there is adequate capacity and flows for the proposed scheme.

## **11. Sustainable Construction and Energy Efficiency:**

The application has included an energy and sustainability statement. The strategy is to use materials 'fabric first approach' which will reduce the required energy needed to heat, light and ventilate homes by approximately 10% rather than relying on renewable technology. The homes are therefore well insulated. Air Source Heat Pumps will be used for heating, and Shower Heat Recovery Units installed where possible to recover heat from waste water to supplement the heating system.

The 10% target required through Policy EN 6 has been met through the fabric first approach and the proposed air source heat pumps etc. However, in addition to this, albeit subject to viability, photovoltaic panels may be proposed to the roofs on the rear elevations of plots 1, 3, 4, 9-12 and the front elevations of plots 2, 5-8. This would provide a potential opportunity for the scheme to far exceed the 10% target.

The scheme should be able to provide at least 10% of the development's predicted total energy usage and should therefore be compliant to Policy EN 6 of the North Norfolk Core Strategy. A condition will be placed on the Decision Notice to ensure the Air Source Heat Pumps are in line with the specifications provided.

## **12. Other considerations (Refuse Storage & External Lighting)**

### Refuse Storage

Refuse details for storage and collection have been submitted in detail on dwg. no. PL-003A, which shows bins will be positioned to the rear or side of properties to ensure the storage of refuse is out of the way, yet easy for residents to take out on collection days. Tracking has been provided within the Highways Supporting Statement provided by Clancy Consulting to show that refuse lorries would be able to access and manoeuvre around the site to collect the rubbish.

The locations of air source heat pumps and meter boxes are also similarly located out of sight.

### External lighting

External lighting has the potential to have a wide reaching adverse impact across the open agricultural landscape, potentially impacting wildlife. The external lighting scheme is indicated on dwg. no. PL-003 and shows properties having front and rear lights. Specification sheets show the light to be used is the ADU50 Dugas 50W Graphite which can be installed pointing either up or down. It is recommended by both the Landscape Officer and the Environmental Health Officer that the light should be installed pointing down in order for the dark night skies, which are a feature of the nocturnal character of this open Landscape Type, and to avoid disrupting wildlife habitats. The lighting scheme as proposed therefore seems to be acceptable. Lighting should therefore be kept to a minimum, downwardly directed, using the minimum lumens required to meet the function, using a warm white light and PIR to ensure the external lights are only in use when required. These requirements shall be ensured through a condition.

## **13. Planning Obligations:**

The submitted viability assessment was reviewed by the Council, the results of which has confirmed the following in terms of planning obligations:

- 7 (Seven) Affordable Rented Dwellings
- 1 (One) Shared Ownership Dwelling
- SPA / SAC visitor impact mitigation contributions which would be £185.97 per dwelling totalling £2.231.64.

The affordable rent and will be allocated using NNDC's local lettings policy, meaning homes will go to those with the strongest local connection (through residence, employment of family) to Hindringham or the adjoining parishes. The homes will be secured as affordable in perpetuity, so would not be subject to schemes such as Right-To-Buy but will remain as affordable homes for local people. One property will be shared ownership where there will be a preference for applicants that live or work in the area.

The Viability Study demonstrated that there could be no off-site open space contributions unless at least one affordable dwelling be sold on the open market. This is set out in further detail in Section 9 of this report.

Due to the financial viability of the proposal, which is only marginally viable in order to provide the most number of affordable dwellings, the application is considered to be unable to comply with the requirements of Core Strategy CT 2 in respect of developer contributions for the provision of open space.

#### **14. Planning Balance:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise. The proposal in this case represents a clear departure from the Development Plan, specifically in regard to Policies SS 2, HO 3, CT 2, EN 2, EN 4 and EN 9 of the adopted North Norfolk Core Strategy.

The proposal represents a departure from Policy HO 3 and Policy SS 2 of the adopted Core Strategy. The proposal is not located within 100m of the boundary of a Principal or Secondary Settlement, and furthermore the proposal is for more than 10 dwellings. In addition to this the proposal is for eight affordable and four market dwellings. Notwithstanding this clear departure this has been subject to a Viability Assessment, which has demonstrated the four market homes are required to facilitate the delivery of eight affordable dwellings.

It can be clearly demonstrated that there is an identified unmet need for affordable homes within Hindringham; there are currently 66 households which have strong local connections. The housing proposed can be secured in perpetuity in order to help meet the needs of the parish. This is given significant weight in the decision making process.

The proposal also represents a departure from Policy CT 2 as off-site contributions for open space cannot be met through this proposal and has been demonstrated through a robust Viability Assessment. Should Open Space contributions be required this would result in either the loss of an affordable home being sold on the open market or the changing of the types of affordable housing proposed with an increased number being shared ownership.

The application does not fully comply Policies EN 2, EN 4 and EN 9 with regards to design, ecology and landscaping in the short term due to the loss of the frontage hedge. However, in the long term, adequate mitigation measures have been proposed to restore the biodiversity of the



site, and would result in a greater length of hedge planting and an additional area of habitat planting to restore the balance.

Whilst there is a clear departure from the Development Plan, the material considerations in this case are as follows:

- The provision of 8 affordable homes meeting an identified unmet need for residents with a local connection. Seven of the affordable homes will be secured as Affordable Rented properties in perpetuity, with one being a shared ownership property.
- The provision of 4 market dwellings providing additional housing to the local community.
- The high environmental standards proposed with air source heat pumps, Photovoltaic panels and a 'fabric first approach' to the construction;
- Job creation during construction;
- Support to the local rural economy, services and facilities within the area due to the future occupation of dwellings.

Whilst the proposal represents a Departure from the Development Plan it is considered that the delivery of affordable housing which meets an unmet local need is in the wider public interest and is a corporate priority attracting substantial weight in favour. As such, on balance, Officers consider that the material planning considerations in favour of this proposal outweigh the departure from the Development Plan.

## **RECOMMENDATION**

### **Part 1:**

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

#### **1) Satisfactory completion of a S.106 Planning Obligation to cover the following:**

- 7 (Seven) Affordable Rented Dwellings
- 1 (One) Shared Ownership Dwelling
- SPA / SAC visitor impact mitigation contributions which would be £185.97 per dwelling totalling £2,231.64.

#### **2) 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
3. Materials to be in accordance with submitted details.
4. Off-site Highways works prior to the occupation of the dwellings
5. Road and footways have first been constructed in accordance with the details provided.
6. Verge adjacent highway to be levelled and laid to grass
7. On-site car parking and turning areas to be provided.
8. Dwellings constructed in accordance with policy EN 6 to ensure Energy Efficiency.
9. Air Source Heat Pumps in accordance with submitted specification leaflet.
10. Details of mock chimneys to be provided.
11. The development shall be undertaken in accordance with section 5 of the submitted FRA.

12. Drainage scheme to be constructed and maintained in accordance with submitted details.
13. Tree Protection Measures to be implemented.
14. Soft landscaping in accordance with the Landscaping Schedule and Management Plan.
15. Minimum height of new hedge planting to the south and east boundaries.
16. To adhere to the mitigation and enhancement measures outlined in the Ecological Report.
17. Provision of small mammal commuting corridors.
18. Tree replacement if any are lost or damaged.
19. Bathroom windows to be obscure glazed.
20. External lighting to include measures to minimise the impact on the landscape.
21. Removal of PD rights.

And any other conditions considered to be necessary by the Assistant Director of Planning

- 3) Informative note to be included on the Decision Notice setting out that the applicant should continue to liaise with Anglian Water in order to ensure that the planned maintenance and cleaning works are carried out to the foul sewer network in the catchment of this site.**

**Part 2:**

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

**BLAKENEY – PF/21/0692 - Erection of one and a half storey detached dwelling (part retrospective) at 8 Langham Road, Blakeney, NR25 7PG for Mr & Mrs Ingham**

**- Target Date: 19<sup>th</sup> May 2021**  
**Case Officer: Mrs L Starling**  
**Full Planning Permission**

## CONSTRAINTS

LDF – Settlement Boundary  
LDF – Residential  
Area of Outstanding Natural Beauty  
Landscape Character Area  
SFRA - Areas Susceptible to Groundwater Flooding

## RELEVANT PLANNING HISTORY

PF/20/0564 – 8 Langham Road, Blakeney - Erection of one and a half storey detached dwelling (part retrospective) – Refused 15/09/2020, Appeal Dismissed 26/02/2021

PF/19/1785 – 8 Langham Road, Blakeney - Erection of one and a half storey detached dwelling (part retrospective) - Refused 13/02/2020

PF/17/0581 - 8 Langham Road, Blakeney - Erection of single storey dwelling - Approved 10/07/2017

PF/17/0143 - 8 Langham Road, Blakeney - Erection of detached chalet bungalow - Refused 22/03/2017 Appeal Dismissed 25/08/2017

PF/16/0699 - 8 Langham Road, Blakeney - Erection of detached 4 bed chalet bungalow - Withdrawn by Applicant 13/07/2016

PLA/20071271 - Erection of detached double garage - Approved 24/09/2007

## THE APPLICATION

Seeks full planning permission for the retention of a detached one and a half storey two bedroom dwelling (part retrospective) on a rectangular parcel of land previously forming part of the rear garden of 8 Langham Road (a detached two-storey dwelling fronting onto Langham Road). The dwelling is largely complete (albeit not constructed in full accordance with the approved plans) and occupied.

A detached double brick and pantile garage previously located on the site was demolished prior to the construction of the dwelling approved in 2017 under ref: PF/17/0581.

The site lies within an established built-up residential area, with residential dwellings situated to the north, east, south and west, with Blakeney Doctors Surgery and carpark directly to the south-east.

Now occupied as two separate properties, No. 8 remains served by an access off Langham Road, with the new vehicular access created off Queens Close used to serve the previously approved dwelling remaining under this current application (albeit the access differing in detail to that approved under the 2017 permission), with onsite parking provided to serve both properties.

Whilst this revised scheme is for a two-bedroom dwelling of the same height, scale and footprint as that approved in 2017, it differs from the approved scheme primarily in respect of changes to the fenestration. A window is proposed on the south elevation to serve a bedroom, with two obscure glazed ensuite windows at ground and first floor levels, with the remaining roofspace for use as storage. Changes are also sought to the boundary treatments, with a mixture of walls, fencing and gates.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Holliday on the grounds that the application does not comply with Policies EN1, EN 2, and EN4; the access is different from that approved and the installation of gates and pillars.

## PARISH/TOWN COUNCIL

Blakeney Parish Council – Objection on the following grounds;

- Permission was only ever granted for a single storey dwelling, i.e. a bungalow (PF/17/0581). The applicant appealed, and the appeal was recently dismissed by The Planning Inspectorate. We therefore request that the NNDC enforcement team take action to demolish the second (half) storey and return the property to a bungalow, in accordance to the plans for which permission was granted.
- Property incorrectly labelled as 8 Langham Road as now named The Hide and is in Queens Close. 8 Langham Road, is the other property on the same site.
- Dwelling does not enhance the area and Parish Council previous comments remain; the gated entrance in particular is totally out of keeping and should not be permitted, is totally inappropriate with no semblance of being in sympathy with local vernacular style or materials, indeed the stone clad gate pillars are not shown on the drawings.
- Flood lighting also considered inappropriate in an AONB and frequently on throughout the night. Lighting conditions previously suggested by Norfolk Coast Partnership should be supported and applied to both the property known as 8 Langham Road, and the new build referred to in this application, now known as The Hide, Queens Close.

## REPRESENTATIONS

None received to date.

## CONSULTATIONS

No consultations have been undertaken as part of this current application, following no objections being raised by either the Council's Landscape Team or Norfolk Coast Partnership to the previous application on the site (PF/19/1785) or by NCC Highways who were consulted as part of application PF/20/0564 in respect of the changes to the access/boundary treatments.

## 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.

#### POLICIES

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

Policy SS 1: Spatial Strategy for North Norfolk  
Policy SS 3: Housing  
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 CT 5: The transport impact on new development  
Policy CT 6: Parking provision

##### National Planning Policy Framework

Section 2: Achieving sustainable development  
Section 4: Decision-making  
Section 5 – Delivering a sufficient supply of homes  
Section 12: Achieving well-designed places  
Section 15: Conserving and enhancing the natural environment

##### North Norfolk Design Guide (SPD) Adopted 2008

#### MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Site history design, residential amenity and impact upon the Area of Outstanding Natural Beauty (AONB)
3. Highway safety

#### APPRAISAL:

##### 1. Principle (Policies SS 1S and SS 3)

The site lies within the Development Boundary for Blakeney (designated as a Coastal Service Village) in an area designated as 'residential' where the principle of a new dwelling is acceptable under Policies SS 1 and SS 3, subject to schemes satisfying a range of other policy criteria.

This site also benefits from extant planning permission for a dwelling to be constructed on the site (ref: PF/17/0581) with works substantially complete.

##### 2. Site history, design, residential amenity and impact on the Area of Outstanding Natural Beauty (AONB)

Members will note from the planning history that this site (formerly part of the garden of 8 Langham Road) has been subject of a number of planning applications over recent years for a dwelling to be constructed on it, following the demolition of a detached double garage.

Planning permission was initially sought in 2017 for the construction of a four-bedroom chalet bungalow on the site (ref: PF/17/0143), albeit of a different scale and design to the

dwelling approved under a subsequent scheme. This application was refused on the grounds of its unacceptable scale, design, overall height and massing, positioning on the plot and detrimental impact upon the residential amenities of neighbouring properties, with this decision of refusal subsequently upheld at Appeal.

Following this, an application was submitted and approved in 2017 for a single-storey two bed dwelling to be constructed on the site (Ref: PF/17/0581), of a lesser scale and differing in design and orientation on the plot. Whilst under construction, it was noted that works were not being carried out in accordance with the approved plans, resulting in a revised application being submitted in 2019 to regularize these changes (ref: PF/19/1785). This application was subsequently refused on amenity grounds.

A similar revised application was then submitted (ref: PF/20/0564) for a one and a half storey detached three-bedroom dwelling (part retrospective) of the same scale, design and footprint as that approved in 2017, but as was also the case with the application refused in 2019, included the addition of first floor windows/rooflights (following internal layout changes and installation of a staircase), to allow for first floor bedroom/bathroom accommodation. The application also included changes to some of the boundary treatments (from close-boarded fencing to walls of varying heights), the installation of gates and pillars and slight relocation of the site access.

Following refusal of this application on the grounds that the proposed development would provide poor living conditions for the future occupiers due to poor levels of natural light and outlook resulting from the limited size of the windows and rooflights serving the first floor bedrooms, contrary to Policy EN 4, this decision was subject of an Appeal. This appeal was dismissed, with the Inspector agreeing that bedroom 2 would not provide acceptable living conditions with regard to outlook and light levels. Bedroom 1 was shown at ground floor level as part of this scheme. However, he considered that the proposed scale of the opening on the south elevation would provide acceptable daylight and outlook to bedroom 3 and with the degree of separation due to the surgery car park there would not be any harmful overlooking of neighbouring dwellings or gardens. A copy of the Appeal decision has been attached as an Appendix to this report.

Therefore, notwithstanding the Parish Council objection to this latest application and the Council's previous concerns relating to the provision of first floor accommodation at this property (reflected in a condition being attached to the 2017 permission removing permitted development rights for additional windows), in light of the conclusions drawn in the Inspector's Appeal decision, and the changes made to the proposed first floor layout (creating only one bedroom and bathroom by retaining Bedroom 3 and omitting Bedroom 2), it is considered that the appeal decision must be given significant weight in the assessment of this latest application. As such, it is considered that refusal of this application on amenity grounds could not therefore be justified in this instance.

Furthermore, as was the case as part of the previous application, whilst the changes made to the boundary treatments (particularly the installation of sections of walls and gates/pillars at the access), were not considered ideal in visual terms and resulting in the site having a somewhat 'enclosed' appearance, given the context of the site (with the proposed dwelling sited to the rear of a Doctors surgery car park combined with the built character of the surrounding area, the scheme remains acceptable in design terms and would not have a significantly detrimental impact on the character of the area or significantly harmful to special qualities of the AONB.

Concerns have been raised to the use of external lighting at the site and its resulting impacts upon the area and wider AONB. Whilst no external lighting details have been provided as part of this current application, the view remains as was the case in the granting of the 2017

permission, that given the built up context of the surrounding development, it is not considered reasonable to control the installation of external lighting at this site through conditions.

It is therefore considered that the revised scheme would be acceptable in design, landscape and amenity terms and would accord with the requirements of Policies SS 3, EN 1, EN 2, EN 4 of the Core Strategy and Sections 12 and 15 of the NPPF.

### 3. Highway safety (Policies CT5 and CT6)

Notwithstanding that the access to serve the dwelling off Queens Close (an unclassified road) has been constructed in a slightly different position to that approved under the originally approved application (ref: PF/17/0581), given that NCC Highways confirmed that they raised no objections to the recent application (PF/20/0564), and subject to the imposition of conditions in respect of access and parking and turning arrangements, it is considered that the scheme would safeguard highway safety in accordance with Policies CT5 and CT6 of the Core Strategy.

### Conclusion

In conclusion, it is considered that the revised scheme is acceptable in landscape, design, highways and amenity terms, and subject the imposition of appropriate conditions, would comply with relevant Development Plan policies and the guidance set out in the National Planning Policy Framework (NPPF).

### **RECOMMENDATION:**

Approve, subject to conditions to cover the matters listed below, and any others considered necessary by the Assistant Director - Planning:

Conditions to include:

- Development to be carried out in accordance with submitted details and specifications (given part retrospective)
- Conditions as appropriate from 2017 permission including the removal of permitted development rights for additional windows and alterations.
- Highway conditions deemed necessary by NCC Highways.

Final wording of conditions to be delegated to the Assistant Director - Planning

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## Appeal Decision

Site visit made on 25 January 2021

by **David Spencer BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 February 2021

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**Appeal Ref: APP/Y2620/W/20/3259961**

**8 Langham Road, Blakeney NR25 7PG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Ingham against the decision of North Norfolk District Council.
  - The application Ref PF/20/0564, dated 25 March 2020, was refused by notice dated 15 September 2020.
  - The development proposed is erection of one and a half storey detached dwelling (part retrospective).
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters and Main Issue

2. The description of the proposal in the decision banner above is taken from the Local Planning Authority's (LPAs) decision notice and is the same as on the appellants' appeal form. Given the reasonably complex planning history and what has been constructed to date on site, I consider that it accurately describes what was applied for.
3. The main issue in the appeal is whether the proposed development would provide acceptable living conditions for future occupiers with regard to outlook and daylight levels.

### Reasons

4. The appeal site is located within the built fabric of Blakeney with surrounding housing at reasonably close quarters including the two-storey host dwelling at No.8 Langham Road, the single storey dwelling known as 'Close By' to the north-west of the appeal dwelling and other nearby housing on both Queens Close and Langham Road. Due to this pattern of development the appeal site has a constrained nature, requiring particular consideration be given to protecting the amenities of both neighbouring residents as well as future occupants of the dwelling.
5. At the time of my site visit a chalet scale dwelling has been constructed on the appeal site including at first floor level two bedrooms with en-suite facilities. None of the proposed rooflights had been implemented but openings have been inserted in the south and west elevations of the building to service bedroom 3 and its ensuite. The proposed plans show a slightly larger opening on the south elevation than what has currently been installed. The proposed scale of opening on the southern elevation would provide acceptable daylight and

- outlook to bedroom 3. There would be a reasonable degree of separation due to the surgery car park and highway to avoid any harmful overlooking of housing and gardens to the south on the corner of Langham Road and Queens Close.
6. In respect of bedroom 2 the proposed means of natural light and outlook would be solely via two rooflights. The lower rooflight on the western elevation would be obscured glazed, leaving the principal means for light and outlook being the rooflight proposed on the eastern elevation. To avoid harmful overlooking of the nearby No.8 Langham Road and other properties to the north on Langham Road, the rooflight would be positioned in the pitch of the roof so that the sill would be 1.7 metres above floor level. Whilst sky would be visible in some parts of the room, there would be no other outlook and for most occupants of this room there would be a harmful sense of enclosure. The proposed approach would also result in variable levels of natural light resulting in a predominantly gloomy room.
  7. Whilst bedrooms are principally rooms for sleep, they can also serve as private rooms during the day for study, home-working, quiet relaxation (such as reading) and children's play, all of which may be particularly necessary for potential occupants of the dwelling given the ground floor open plan layout. The proposed openings for bedroom 2, because of their high position and modest scale, would not provide suitable levels of natural light or outlook for these functions.
  8. The appellant suggests that the use of bedroom 2 is intended as a secondary room, even though the layout includes ensuite provision, which could be restricted by condition to be used as a study or storage room only. As set out above I do not consider the proposals for bedroom 2 would be appropriate for a study use in any event. Whilst a colleague Inspector found such a restrictive condition would meet the necessary tests for a condition, I have relatively few details of the circumstances in that case. It appears to relate to size of room rather than outlook or light levels and is therefore of limited comparison to the situation at the appeal scheme. In contrast to that appeal, I share the view of the LPA that without some form of regular and intrusive inspection, such a condition would not be enforceable and therefore would not meet the tests at paragraph 55 of the NPPF. As such the appellant's proposed condition would not mitigate the harm identified.
  9. I therefore conclude that the appeal proposal would not provide acceptable living conditions for the future occupiers of bedroom 2 with regard to outlook and daylight levels. Consequently, the proposal would be contrary to Policy EN4 of the North Norfolk Core Strategy which requires new dwellings to provide acceptable residential amenity. It would also fail to accord with the NPPF at paragraph 127(f) which requires all developments to secure high standards of amenity for existing and future users.
  10. I have taken into account all other matters raised but there is nothing that leads me to conclude other than the appeal should be dismissed for the reasons given.

*David Spencer*

Inspector.

**HIGH KELLING – PF/20/1904 - Demolition of existing TB annex and erection of replacement one and a half storey dwelling and cart shed at Land South of Brackenwood (Old TB Annex), Cromer Road, High Kelling for Mr Forster**

**Minor Development**

**- Target Date: 29 July 2021**

Case Officer: Miss J Smith

Full Planning Permission

**RELEVANT CONSTRAINTS**

- Landscape Character Area
- LDF Tourism Asset Zone
- Countryside
- Principal Routes
- Contaminated Land
- Tree Preservation Order
- Area of Outstanding Natural Beauty

**RELEVANT PLANNING HISTORY**

28789/60: Erection of a one and a half storey dwelling on land to the rear of Brackenwood, Cromer Road High Kelling. Approved July 1960.

EF/14/0993: Certificate of Lawfulness for proposed erection of one and a half storey dwelling Was Lawful Use 24/10/2014

DE21/16/0093: Proposed new two and a half storey dwelling Advice Given (for pre-apps) 17/06/2016

PF/18/1691: Demolition of barn and outbuilding (two-storey outbuilding to be retained), erection of two storey dwelling, detached cart shed & outbuilding. Refused 21/12/2018

PF/19/0574: Demolition of shed, outbuilding and footings and erection of two storey dwelling and detached garage (Existing barn on eastern boundary to be retained) Refused 21.10.2019

**UPDATE**

The application was considered at the Development Committee meeting on 3 June 2021. Consideration of the application was deferred to allow for amendments to the proposed development to be sought to address concerns relating to the extent of glazing on the proposed dwelling and its impact on the dark skies of the Area of Outstanding Natural Beauty, the proposed roofing material, loss of bats due to the demolition of the TB building, increased environmental standards/energy efficiency to reduce impacts climate change and construction vehicles using the shared access with the adjoining neighbours.

Officers have subsequently received confirmation from the agent that no changes to the scheme would be made and as such it is to be determined on the basis of the plans considered at the previous meeting.

## THE APPLICATION

The application seeks permission to erect a four bedroom detached replacement dwelling with detached two bay cart shed. The scheme provides parking and manoeuvring for a minimum of three cars, residential amenity space and bin storage.

Amended plans have been received which reduces the height, scale and massing of the proposed dwelling to that which was originally submitted.

The dwelling would comprise facing brickwork at lower level with timber boarding at upper level under a profile metal sheet roof.

The site is set back from the main Cromer Road and located within a secluded setting surrounded by mature screening and trees.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Perry Warnes as it is considered the proposed 2.5 storey dwelling is out of keeping with the scale of the three neighbouring 1/1.5 storey properties. Additionally, its design and location would adversely impact on the privacy of neighbouring properties and the demolition of the TB annex would also have an adverse impact on a resident population of bats, in contravention of the Wildlife and Countryside Act (1981) and Conservation of Habitats and Species Regulations (2017).

## PARISH/TOWN COUNCIL

High Kelling Parish Council: Object on the grounds of over development and highway safety. Although the footprint was smaller than the previous application for the site it was still double the size of what was granted by the Certificate of Lawfulness. The large house is top heavy and would overlook neighbouring properties. There was also concerns raised due to access and an increase in traffic at the road junction with the A148. The property also lends itself to being a holiday letting which could contribute further to increased traffic and road safety implications with visitors not familiar with the area and dangerous junction. Councillors also commented that they felt the materials proposed for the roof were not in keeping with the surrounding church area and would have a negative impact on the character and conservation of High Kelling. If officers were minded to approve the application the Parish Council request that conditions are attached to the permission so the roof materials used are more in keeping with the surrounding dwellings, the dwelling could not be used as a holiday letting and permitted development rights are removed.

## REPRESENTATIONS

Two letters of objection received on the following grounds:

- The proposed dwelling is disproportionately larger in height and scale than the approved dwelling in the 1960's (considered lawful in 2014).
- Design, materials and extent of glazing.
- Overlooking.

- Loss of privacy.
- Contamination at the site.
- Road safety hazard.
- Use of driveway for heavy construction traffic.
- Impact on trees.
- Noise and disturbance and sever intensification of use of the site of the driveway.
- Out of date reports.
- Position of septic tank.

## CONSULTATIONS

Landscape Officer: No objection, subject to conditions.

County Council (Highway) No objection subject to conditions.

Environmental Health: No objections subject to conditions.

## 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.

## POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 2 - Development in the Countryside

HO 8 - House extensions and replacement dwellings in the Countryside

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

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

National Planning Policy Framework (NPPF):

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

## MAIN ISSUES FOR CONSIDERATION

- Principle of development

- Design
- Amenity
- Trees
- Biodiversity
- Landscape
- Highways and parking
- Floor risk
- Environmental considerations

## APPRAISAL

### Principle

The principle of development was established with the issuing of a Certificate of Lawfulness EF/14/0993. The Certificate of Lawfulness acknowledges that planning permission 2879/60 was implemented. The site therefore has an extant permission for the erection for a one and a half story dwelling house located to the east of the site. As such, the dwelling could be built which is a fall-back position which in this case has to be given weight in the decision making.

The CL application highlighted that the principle of a replacement dwelling only applies to the part of the site, roughly the eastern half of this current application site. The western half of the application site is not included within the certificate of lawful development approved curtilage and as such, falls within the Countryside as set out within the Core Strategy policy SS1.

However, Policy SS2 sets out the criteria for development that requires a rural location and is considered acceptable in the Countryside. New market dwellings are not included within the list of acceptable development. Bearing in mind the assessment of policy SS 2 set out in a 2016 appeal decision: APP/Y2620/W/16/3152281 for two dwellings in High Kelling, the extant certificate of lawful development for a dwelling and that the planning principles have not altered since the appeal was allowed in November 2016, it is considered that the documented sustainability of the site within High Kelling in terms of its reasonable accessibility to services and facilities is such that the provision of one dwelling would be acceptable in principle. Additionally, it is Officer opinion that centralising of the one dwelling within this site, would not be uncharacteristic other dwellings in the immediate context which are situated within large spacious plots with mature gardens. The site will only permit one dwelling and can be conditioned accordingly if permission was granted.

Policy HO 8 of the adopted Core Strategy permits replacement dwellings in the countryside where they would not result in a disproportionately large increase in the height or scale of the original dwelling and would not materially increase the impact of the dwelling on the appearance of the surrounding countryside. In determining what constitutes a 'disproportionately large increase' account will be taken of the size of the existing dwelling, the extent to which it has previously been extended or could be extended under permitted development rights, and the prevailing character of the area.

On the basis that the approved scheme in the 1960 (subject to the CL) was of no architectural merit and that only the foundations had commenced, it is not considered unreasonable that an application has been received for its replacement with a larger, updated dwelling within this secluded site. The extant one and a half storey dwelling would have had a total floor area of approximately 98 sq. metres (noted as 1052 sq. feet on the approved plans). If permitted

development rights were to be considered, an extension of approximately 28 sq. metres (4 x 7metres) could be added to the dwelling totalling a floor area of 126 sq. metres.

Amended plans have been received which reduce the proposed dwelling's overall floor area by 25% from 200 sq. metres to 150 sq. metres. Additionally, whilst it is clear that the proposed dwelling is larger than the extant scheme in terms of floor space, the scheme has been amended to reduce the eaves and overall roof height resulting in a reduction from a full 2 and a half storey design (8.2 metres) to a 1.5 storey design (6.6 metres) in height. Additionally, a break in the ridge reduces its visual mass. The proposed use of brick, timber cladding and metal roofing is not considered out of context for a rural location – subject to a condition requiring materials to be agreed.

Whilst the proposed dwelling contains a larger floor area than the dwelling approved in 1960, it is not considered that the proposed dwelling, as amended would be significantly or disproportionately larger than what could be built if the extant permission was completed and permitted development rights implemented. Additionally, given the secluded nature of the site which is set back from the road side and surrounded by mature screening and trees, it is not considered that the proposed scheme would materially increase the impact of the dwelling on the appearance of the surrounding countryside. Furthermore, it is considered that the design solution proposed would result in an improvement to the extant permission.

On balance, the proposed scheme as amended is not considered to be in conflict with Policies SS1, SS2 and HO 8 of the adopted Core Strategy.

### Design

High Kelling contains a wide mix of dwellings which vary in size, scale, styles and materials. It is not an area where one character prevails over another, and has no overriding local distinctiveness. In the immediate context, there are both single and one and a half storey dwellings situated amongst generous plots. Therefore, taking into account the diverse mix in the character of the area there is no objection to a more contemporary design in this location, or to a dwelling that is larger in scale than the existing.

In terms of design, the form and massing of the dwelling has been amended to be relatively low-lying with a maximum height of 6.6 metres. The pitched roofscape is a more traditional form where the massing has been broken up by the step down in the ridge height. Furthermore, the mixed pallet of materials, with the use of brick, cladding and metal roofing are considered acceptable for this rural location. On balance, the combination of design, scale, massing and materials would not be out of context within the immediate setting. The proposal is considered to comply with Policy EN4 of the adopted Core Strategy and Section 12 of the NPPF.

### Amenity

Given the proposed dwelling's distance from neighbouring properties and the secluded, heavily screened nature of the site boundaries, it is not considered that the development would result in significant impact on the neighbouring occupier's residential or garden amenity in terms of overlooking, overbearing or overshadowing. The proposal is considered to accord with Policy EN 4 of the adopted Core Strategy and Section 12 of the NPPF.

## Trees

The application has been supported by a revised Arboricultural Report. The report details all of the tree constraints on site and has provided a detailed method statement and tree protection plan to ensure all trees set to be retained will be adequately protected throughout the course of development. Subject to the imposition of appropriate conditions, the proposal is considered to be acceptable in terms of Core Strategy Policies EN2 and EN4 of the adopted Core Strategy and Section 15 of the NPPF

## Biodiversity

The application is supported by a revised Ecological Impact Assessment (EclA). The Council's Landscape Officer states that the evidence submitted with the application indicates that a European Protected Species Mitigation Licence will be required to demolish the TB building due to the presence of bats. However, it is considered that a Natural England EPS Licence is likely to be granted. To ensure that the development results in no net loss of biodiversity (paragraph 174 of the NPPF) and to contribute towards the Council's statutory duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006 (NERC Act) conditions should be imposed on any permission which aim to secure detailed mitigation measures for bats and nesting birds on the development site. Subject to the imposition of appropriate conditions, the proposal is considered to comply with Policy EN 9 of the adopted Core Strategy and Section 15 of the NPPF.

## Landscape

Neither the Landscape Officer nor the Norfolk Coast Partnership have raised an objection to the proposal. The site is secluded and bounded by mature screening, set back from the roadside with residential properties as nearby neighbours. Given the reduction in size and scale, it is not considered that the replacement dwelling will have a significantly detrimental impact upon the surrounding landscape, and the proposed dwelling should not appear out of context with the surrounding area. As such, the proposal is considered to comply with Policies EN 1 and EN 2 and Section 15 of the NPPF.

## Highways and Parking

Norfolk County Council as the Highway Authority raise no objections to the proposal given that approval has previously been granted for one dwelling on this site. As such, the proposal is considered to comply with Policies CT 5 and CT 6 of the adopted Core Strategy and Section 9 of the NPPF.

## Flood Risk

Based on SFRA Level 1 & Addendum Briefing Notes May 2018, the site is located within an area subject to groundwater flooding. However, given the generality of the dataset only isolated locations within the overall susceptibility area are likely to suffer the consequences of groundwater flooding. Additionally, the building would remain within the same use class (C3 dwellinghouse), hence the property's level of vulnerability remains unchanged. In terms of Core Strategy Policy EN 10 and NPPF Section 14 the proposal is acceptable.



## Environmental Considerations

Given the site's former use as a TB Hospital and Builders Yard, the Council's Environmental Protection (EP) officers were consulted and raised no objection to the principle of the proposal subject to the imposition of a pre-commencement condition to assess the possible presence of contaminates at the site.

The EP officer also requested the inclusion of an informative note advising the applicant of their responsibilities with regard to the demolition of building(s) with a cubic content greater than 49.55cubic metres and that the proposed sewage package treatment plant will need to be appropriately sized for building control approval, where the applicant is advised to contact the Environment Agency as they will need to obtain discharge consent for the treatment plant. As such, subject to the imposition of appropriate conditions, the proposal is considered to comply with Policy EN 13 of the adopted Core Strategy.

## The Outbuildings

Concern was raised within the previous applications as to the over-development of the site with given the combination of the erection of a cart shed and retention of barn and TB building. The barn and TB building have been detailed for removal. In the event of planning permission being granted, the proposed cart shed can be conditioned to ensure that it remains for vehicle parking/ domestic storage only and permitted development rights removed for the erection of other buildings and structures within the curtilage, unless permission has been sought by the Local Planning Authority.

## Conclusion

The proposal is considered to be acceptable in terms of its principle for one dwelling, design, effect on the character and appearance of the area, living conditions, highways related matters, trees, landscape, contamination and biodiversity, and is recommended for approval subject to the imposition of appropriate conditions.

With regard to the comments made by the objectors:

- The design and external materials are considered acceptable for rural location in a secluded site.
- The highways officer has raised no objections to the proposal given the lawful certificate granted in 2014 for one dwelling at this site.
- The Landscape Officer and Norfolk Coast Partnership do not raise an objection on the grounds of landscape impact, trees, extent of glazing or protected species.
- Certificate B was served as part of the application in respect to the right of way over the driveway. This is a civil issue and not a material planning consideration.
- The Use Class for a dwelling and/or Holiday let will fall in to the same Use Class – C3 and therefore not subject to impletion of a planning condition restricting holiday use.

## **RECOMMENDATION - APPROVAL**

Approve subject to conditions relating to the following:

- Time limit for implementation

- In accordance with the approved plans
- Materials for the proposed development to be agreed prior to their first use on site
- Permitted Development rights removal for any further extensions, alterations, building and structures within the curtilage.
- The development hereby approved shall be carried out in strict accordance with the mitigation and enhancement measures outlined in section 7 & 8 of the Wild Frontier Ecology Preliminary Ecological Appraisal (Updated January 2021).
- No works including any clearance, demolition, modification or building work to the existing outbuilding to be demolished (also referred to as the TB Annexe) as identified on the SM Architects Planning Drawing 01 (Drwg no. PL01, Job no. 15.3502.046, Rev. L, 22/02/21) shall take place in any circumstance unless the local planning authority has been provided with either: a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.
- Development including any demolition and site clearance or preparatory work, shall not commence until the scheme for the protection of the retained trees has been implemented in full in accordance with the approved Timetable of Works (Appendix 6), Tree Protection Plan (Appendix 4) and Arboricultural Method Statement (Appendix 5): Revised Arboricultural Impact Assessment prepared by A.T. Coombes Associates (13/04/2021).
- Prior to the first occupation of the development hereby permitted the proposed on-site car parking/turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- Prior to its instillation, any external lighting to be agreed.
- Prior to the commencement of development, an investigation and assessment into the presence of possible contaminants affecting the site shall be carried out in accordance with details which shall have first been agreed in consultation with the Local Planning Authority.
- Foundations of the existing dwelling considered lawful under planning reference (EF/14/0993) to be removed prior to the occupation of the new dwelling.

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

**INGHAM - PF/21/0797 – Two storey detached dwelling; driveway and access to Palling Road; tree and hedgerow planting and formation of pond; Land north of Palling Road, Ingham for Mr Tom Coller**

## **Minor Development**

**- Target Date: 21 May 2021**

Case Officer: Mr D Watson

Full Planning Permission

## RELEVANT SITE CONSTRAINTS

- LDF – Countryside
- Landscape Character Area
- LDF Tourism Asset Zone
- Areas Susceptible to Groundwater SFRA - Classification:  $\geq 25\%$   $< 50\%$
- Flood Zone 3 - Flood Zone 1:200 & 1:1000 chance: Flood Zone 3
- Flood Alert Area SFRA
- Flood Warning Area SFRA
- Landscape Character Area - Description: Coastal Plain
- Flood Zone 3A SFRA -
- EA Risk Surface Water Flooding 1 in 100 - Risk of Flooding (1% annual chance): 1 in 100 (along the edge of Palling Road only)
- EA Risk Surface Water Flooding 1 in 1000 - Risk of Flooding (0.1% annual chance): 1 in 1000 (along the edge of Palling Road only)
- EA Risk Surface Water Flooding + CC - SFRA - Risk SW Flooding + Climate Change: (along the edge of Palling Road only)

## RELEVANT PLANNING HISTORY

PF/19/1978: Erection of two storey detached dwelling and garage - withdrawn

PF/20/2041: Two storey detached dwelling and detached garage and stables - withdrawn

## THE APPLICATION

A two storey detached 5-bedroom dwelling with a total floor space of approximately 414 sq.m is proposed. It would sit back approximately 125 metres from Palling Road within a large site 3445 sq.m in area. A detached single storey building comprising a 3 car garage with a store in the roof space above and two stables would be located to the south east of the dwelling adjacent to the east boundary of the site. A new vehicular access and driveway would link the site to Palling Road. Mixed native species tree and hedge planting is proposed in the area to the south of dwelling either side of the access, with a pond adjacent to the northern boundary of the site.

The application site is off the northwest side of Palling Road to the northeast of Ingham and forms part of a large arable field bounded by Palling Road and Long Lane. A farm track which is also a Public Right of Way runs adjacent to the east boundary of the site. It is within the area designated as Countryside under Policy SS 1 of the North Norfolk Core Strategy and is within Flood Zone 3a.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Lucy Shires for the following reasons:

- The Environment Agency have now removed their objection on flood risk grounds so the only area of contention is the fall-back position.
- The scheme certainly is in conflict with the development plan and that is acknowledged. The principle of the conversion of the barn is also in conflict with the development plan.
- Whilst the extant permission has yet to be enacted, it will be if this permission is refused so a dwelling will be built in conflict with the development plan.
- A Section 106 agreement to surrender the extant permission to convert the barn could be entered into. The proposed planting could be rolled into this agreement.
- The application building is a similar size to approved conversion

## PARISH/TOWN COUNCIL

Comment as follows:

- Over development in an open field site.
- Doesn't appear to fall within the same site as some 700m away from the building it replaces.
- The proposed development is in open countryside and would have a detrimental impact on the landscape
- The structural engineer's report notes that the existing barn is suitable for conversion. As there are adjacent buildings this would be a more appropriate option with less impact to the area as a whole

## REPRESENTATIONS

None received

## CONSULTATIONS

Norfolk County Council (Highways): with regards to highway safety, given the alignment of the C641 Sea Palling Road in the vicinity of the site and the apparent ownership of adjacent land offering the opportunity to provide access visibility sightlines, it is considered very difficult to sustain an objection.

It is nevertheless considered to be a totally unsustainable location in terms of access to services relying totally on a car. Whilst in the case of a single dwelling the Highway Authority would not cite this as grounds for objection, this concern is certainly for the Local Planning Authority to take into account when making an overall decision on the proposal's acceptability.

In the event that the application is approved a number of conditions and an informative are requested.

Environment Agency: following the receipt of further information have no objection, providing the Local Planning Authority have taken into account considerations which are its responsibility. These include the Sequential and Exception Tests, which as the site is within tidal flood zone 3a, the application must pass to comply with national policy.

Landscape Officer NNDC: objects commenting that the proposed dwelling has significant scale and height and would be extremely prominent in this open and rural setting, with no other buildings located nearby.

The site is within the Coastal Plain (CP1) Bacton to Waxham Landscape Character Type, but is close to the boundary with the Settled Farmland (SF1) Landscape Character Type (North Norfolk Landscape Character Assessment, 2021). The strong sense of remoteness, tranquillity and wildness (including dark skies) in undisturbed areas is a valued feature and quality of this landscape type. The introduction of this sizable dwelling and associated garaging, stables, access and amenity areas would significantly erode this valued feature of the landscape through the introduction of:

- the built form in a currently undisturbed agricultural setting;
- visual and noise disturbance associated with the use of the building as a domestic dwelling (e.g. vehicular movements, use of garden areas for play and domestic uses, deliveries in a rural location), including associated uses through the provision of stables; and
- light pollution with the introduction of both light spill from the dwelling and any external lighting.

The demand for isolated new homes in this Landscape Character Type is recognised as a force for change, with large scale buildings of non-traditional character together with lighting significantly detracting from the prevailing landscape character features. The landscape guidelines for this Type is to conserve the sense of rurality by maintaining the open and rural landscape. The introduction of a large new dwelling in a very open part of the landscape would not conserve the sense of rurality and would therefore not maintain or enhance the landscape character. The Landscape Officer considers the development does not therefore meet with the requirements of Policy EN 2 which states that development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area.

Norfolk County Council Public Rights of Way & Green Infrastructure: no objection in principle, but highlight that a Public Right of Way (Ingham Footpath 6), is aligned along the track to the east of the application site. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation

#### 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):

Section 2 – Achieving sustainable development  
Section 4 – Decision-making  
Section 5 – Delivering a sufficient supply of homes  
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

North Norfolk Core Strategy Policies:

SS 1 - Spatial Strategy for North Norfolk  
SS 2 - Development in the Countryside  
EN 2 - Protection and enhancement of landscape and settlement character  
EN 4 – Design  
EN 10 – Development and Flood risk  
CT 5 - The transport impact of new development  
CT 6 - Parking provision

Supplementary Planning Documents

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

#### MAIN ISSUES FOR CONSIDERATION

- Whether the proposed development is acceptable in principle and the site is an appropriate location for the development having regard to the development plan
- Flood risk
- The effect of the development on the character and appearance of the area
- The effect on the surrounding road network and whether there would be adequate parking provision
- The weight to be attached to the suggested ‘fall-back’ position as a material consideration, in the overall planning balance

#### APPRAISAL

##### Principle: policies SS 1 and SS 2

The site is within the area designated as Countryside under policy SS 1 of the Core Strategy which sets out the spatial strategy for the District and identifies areas that would be suitable for future development. Policy SS 2 lists the types of development that can be acceptable in principle within this area, but new market dwellings as proposed are restricted in order to prevent dispersal of residential uses that may otherwise will lead to a dependency on travel by car to reach basic services, ensure more sustainable patterns of development, and to protect the intrinsic landscape character of the Countryside. Recent appeal decisions have confirmed that these policies remain consistent with the NPPF in respect of setting an overall strategy for the distribution of sufficient housing and focusing significant amounts in locations which are sustainable, thus limiting the need to travel, offering a choice of transport modes and helping to reduce congestion and emissions, so as to improve air quality and public health.

The site is approximately 2.6km from Stalham which is defined as a Secondary Settlement under Policy SS 1 which has a reasonable range of services. Whilst there is a bus service (Sanders 34) that runs between North Walsham and Stalham via Ingham its route is via Ingham Corner and does not pass the application site. The service is in any event limited and only operates Monday to Friday. The road to Stalham has no footways and is unlit up to the edge of Stalham and for the most part is subject to the national speed limit. This, in combination with the distance, means that walking to reach facilities in Stalham would not be a realistic option. Stalham is within a reasonable cycling distance, but the road is generally narrow, unlit and can also be busy at times being a route to the coast. It is therefore considered that cycling would not be an attractive alternative to the private car particularly during bad weather or winter months.

It is noted there are some dispersed facilities such as a butchers on Palling Road (1000m away), a farm shop on Stalham Road (1800m) close to Sea Palling and a pub/restaurant at Ingham (600m) closer to the site, but similarly because of the constraints of the roads, it is likely that the majority of people would access these by car. Furthermore, other facilities such as employment, medical services, education and larger stores are further afield in Stalham. Consequently, it is considered that the site is functionally isolated and that occupiers of the proposed development would be very likely to rely on the use of the private car to access to almost all of the day-to-day services and facilities they would require.

The site is not physically isolated within the consideration under paragraph 79 of the NPPF as the closest dwelling is less than 200 metres away and in any event, the proposal would not comply with any of the circumstances listed in para 79 that can allow for an isolated home in the countryside. With regard to paragraph 78 of the NPPF, this states that policies should identify opportunities for villages to grow and thrive, especially where this will support local services and that where there are groups of smaller settlements, development in one village may support services in a village nearby. The site is however outside of the closest settlement.

The Planning Practice Guidance (PPG) notes that a wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness. As referred to in a recent appeal decision (dated 17/09/2020) relating to a site in Erpingham where unlike the current case, there were a number of facilities within walking distance of the site *"policies SS 1 and SS 2 are firmly supported in this respect by the correlation between the locations for growth and the availability of an appropriate level of supporting services and infrastructure. This part of the PPG does not contradict the broader Framework principles for achieving sustainable development"*.

The proposed development would not be a suitable location for housing, having regard to the spatial strategy for the area and the accessibility of services and facilities. It therefore conflicts with Policies SS 1 and SS 2 of the Core Strategy. and paragraph 78 of the National Planning Policy Framework which seek, amongst other things, to promote sustainable development within rural areas

### Flood risk

The site is within tidal Flood Zone 3a which is defined by the Government's Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. Following the receipt of further information, the Environment Agency (EA) have removed their initial holding

objection. With regard to the Flood Risk Assessment that has been undertaken they have highlighted the key points within it with regard to actual risk which are as follows:

- The site lies outside the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- The site does benefit from the presence of defences.
- Finished ground floor levels have been proposed at 2.94m AOD. This is above the 0.5% (1 in 200) annual probability flood level including climate change and therefore dry of flooding in this event.
- The site level is a minimum of 1.90 m AOD and therefore flood depths on site are 0m in the 0.5% (1 in 200) annual probability flood event including climate change.
- Assuming a velocity of 0.5m/s the flood hazard is very low hazard in the 0.5% (1 in 200) annual probability flood event including climate change.
- The development would have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain up to a 0.5% (1 in 200) annual probability including climate change flood event.
- Compensatory storage is not required.

With regard to the residual risk the EA advise that following:

- EA data shows that in a worst-case scenario the site could experience undefended flood depths of up to 4.88 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 5.59 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event.
- Assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- Finished ground floor levels have been proposed at 2.94m AOD. This is below the 0.5% (1 in 200) annual probability breach flood level including climate change of 4.88m AOD and therefore dry of flooding by 1.94 m depth in this event.
- Flood resilience/resistance measures have been proposed.
- Finished first floor levels have been proposed at 5.59 m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level including climate change of 5.59m AOD.
- A Flood Evacuation Plan has been proposed

Based on the EA's advice, the risk from flooding is minimal, the development would be likely to be safe and not increase flood risk elsewhere. To be acceptable in terms of flood risk however, and to comply with national policy as a dwelling is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Government's Planning Practice Guidance; the development must also pass both the Sequential and Exception tests. The local planning authority is responsible for deciding whether an application passes the sequential test, taking into account the particular circumstances in any given case as part of its consideration.

The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding, i.e. flood zone 1. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. In this case the applicant has not provided such evidence with the application only a statement within the Planning Statement that the



proposed development “*is an exchange for a building that already has permission within the same flood zone area so there is no change in the flood risk so a sequential test should not be required*”. This is not accepted as the proposal for a new building on a different site and changes of use are not subject to the test except in specific circumstances. It is considered that the geographical extent of the appropriate area for the Sequential Test in this case would need to be district-wide that as there is no evidence of an overriding need or requirement for the proposal to be located at or even near on the application site.

It is therefore considered that the Sequential test has not been passed and as such is not necessary to consider the Exception Test. The proposed development is therefore contrary to Policy EN 10 of the Core Strategy and national planning policy relating to flood risk.

### Character and appearance of the area

The site sits within generally flat open landscape and forms part of a large parcel of agricultural land with open boundaries along much of its southeast boundary to Palling Road and its boundary to Long Lane to the west. There are some trees along the boundary with the farm track that adjoins the east boundary of the site. The proposed dwelling would be substantial in terms of its scale and height. Its wide gables push the ridge level up to 10 metres in order to maintain the desired roof pitch. The scale and footprint of the separate garage/stable building with a 16-metre long continuous ridge is also considered substantial for an ancillary building.

Because of the openness of the site especially in views northwards from Palling Road, the proposed development would be readily apparent and extremely prominent in this open and rural setting, with no other buildings located nearby within these views. In views westward from Palling Road the sporadic trees along the boundaries of the adjacent farm track would provide some filtering but it is considered this would not be significant particularly during winter months. There would be less impact in views from Long Lane due to the distance.

With respect to the proposed planting and the potential screening effect of this to diminish the landscape and visual effects of the new development, while supplementary planting is proposed as mitigation this would take several years to provide any effective screening. Furthermore, in landscape and design terms screening the development does not necessarily make it acceptable. The development should be compatible with its surrounding landscape character and context without the need for concealment by vegetation screening, which in this instance the proposals do not achieve.

Consideration also needs to be given to the visual impacts of the residential use such as the vehicle movements and parking associated with the development. In addition, fencing, external lighting, domestic cultivation and items such as garden furniture and washing lines for the new dwelling would add to the overall effect of the development on this rural location.

The strong sense of remoteness, tranquillity and wildness (including dark skies) in undisturbed areas is a valued feature and quality of the landscape type within which the site is located. The introduction of this sizable dwelling and associated garaging, stables, access and amenity areas would significantly erode this valued feature of the landscape resulting in harm to the character and appearance of the area. The proposal therefore conflicts with Policy EN 2 which seeks, amongst other things, to ensure that developments respect and enhance the special character and local distinctiveness of an area.

### Highways and parking: policies CT 5 and CT 6

The Highway Authority raised safety concerns in respect of the access as proposed under the previous and subsequently withdrawn application (PF/20/2041). The access position has been amended as part of the current application and the the Highway Authority have no concerns in this respect. The proposal is therefore considered to comply with Policy CT 5.

There would be plenty of space within the site to provide parking in accordance with the current adopted standards and turning, such that the proposal would comply with Policy CT 6.

### Fall-back position and other material considerations

As outlined above, the erection of a dwelling in this location is a clear departure from Core Strategy Policy and contrary to national guidance relating to the location of new development. The location, whilst not isolated, is remote from services and occupants would be car dependant for all day to day needs. Such dispersed patterns of development which increase the need to travel are unsustainable and fail to address the impacts of climate change.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Therefore, the proposal could only be considered acceptable in this location if there are other material considerations in favour which outweigh the conflict with policies SS 1 and SS 2.

#### *Fall-back*

A fall-back position i.e. what would be the alternative use the site or development that could be carried out if planning permission was refused, is a material planning consideration. This can include development that can be carried out under permitted development rights.

As a fall-back option in this case, the applicant is citing the existing permission under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 relating to the conversion of an agricultural building/barn at Manor Farm, Sea Palling Road, Ingham to a dwelling. Prior approval was given on 9 October 2020 (ref. no. PU/20/0577). The permission only relates to the conversion of the building and the building operations reasonably necessary for the conversion. The area of the curtilage cannot be any greater than that of the footprint of the building and no ancillary development such as garaging forms part of the approval. Whilst the barn is an equally as unsustainable location as the dwelling proposed, as this is not a consideration under Class Q, so there is no direct comparison in this respect

The building at Manor Farm on a separate site about 760 metres to the east of the current application site. As such it cannot reasonably be as an alternative development that could be carried out on the site if the application was refused. In the Planning Statement supporting the application, it is stated that *"it is not intended to demolish the barn; however, we are offering to enter into a Section 106 agreement to give up the rights on all the buildings to carry out any other development under permitted development"*. On that basis it is considered that the existing permission can be taken into account

The weight to be attached to the possible fall back development should take proper account of the likelihood of such a fall back happening and should compare the relative merits of the fall back and the proposed development. The Courts have held that, in order to be a material consideration, a fall-back only has to have "more than a merely theoretical prospect". While the likelihood of the

fall-back occurring may affect the weight to be attached to it by the decision maker, the Courts did not rule that this affected its status as a material planning consideration. Any proposed development which seeks to rely on the fall-back position should be given greater weight if it is more beneficial and has less impact than the development which could take place under the fall-back position.

There is no compelling evidence provided within the application in respect of whether there is a realistic prospect of the existing permitted scheme being delivered if permission was to be refused. Nevertheless, and more importantly, even if the permission was implemented it would not result in the same degree of harm to the character and appearance of the area as the proposed scheme would as has been identified above, as the building that would be converted sits within an existing group of modern large scale agricultural buildings. As both sites are within Flood Zone 3, the current application site is not sequentially preferable in this respect.

It is therefore considered that for the reasons stated, very little weight can be attached to the fall-back position.

### Conclusion and Recommendation

The proposal is unacceptable in principle and contrary to policies SS 1 and SS 2 and would not be sustainable development. Very little weight can be given to the applicant's suggested fall-back position for the reasons explained above. In addition, the proposed development would result in harm to the character and appearance of the area and is contrary to the aim of locating development to areas with the lowest risk of flooding. Therefore, refusal of the application is recommended.

### **RECOMMENDATION:**

Refuse for reasons relating to the following:

- The proposed development would not be a suitable location for a dwelling, having regard to the spatial strategy for the area and the accessibility of services and facilities conflicting with Policies SS 1 and SS 2 of the Core Strategy.
- The failure to pass the flood risk Sequential Test contrary to Policy SS 10
- The effect on the character and appearance of the area contrary to Policy EN 2

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

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**WEYBOURNE - PF/21/0567 – Extensions to side and rear; replacement roof with raised ridge height; external alterations; The Seahouse, Temple Drive, Weybourne, Holt, Norfolk, NR25 7ET**

## **Householder application**

**Target Date: 29<sup>th</sup> July 2021**

Case Officer: Bruno Fraga Da Costa

Full Planning Permission

## CONSTRAINTS

Settlement Boundary

Residential Area

Area of Outstanding Natural Beauty

Landscape Character Area – Coastal Shelf

Sheringham Park

## PLANNING HISTORY

PF/88/1773 – To replace flat roof with pitched tiled roof – Approved 06.09.1988

PF/85/0308 – Extension to dining room area – Approved 29.03.1985

PF/84/1165 – Bedroom extension – Approved 24.08.1984

## THE APPLICATION

The proposed development would comprise of extensions to the side and rear of the existing dwelling, a replacement roof incorporating a raised ridge height, and further external alterations to glazing, fenestration and materials.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr. Victoria Holliday – the proposal is contrary to policies HO8, EN1, EN4, and paragraph 125 of the NPPF.

## PARISH COUNCIL

Weybourne Parish Council – object on the grounds of overdevelopment of the area, change of character, close to the Marlpit which is a site of special scientific interest, potential to wildlife and habitat damage and non-compliant with the dark skies agreement.

## REPRESENTATIONS

One letter of objection to the proposal on the following grounds:

- The proposal would result in an oppressive/overbearing and out of scale addition.

One further representation raised the following comments:

- Drainage, water run-off and noise disturbance.

- damage to the rights of way to access the neighbouring properties.

## CONSULTATIONS

Norfolk Coast Partnership – object to the application due to concerns over the levels of glazing on the east and south elevation, the roof lights, and the impact this will have on dark skies/he AONB.

County Council Highways – no objection.

Landscape Officer – no objection subject to conditions.

## 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.

## POLICIES

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

SS1 – Spatial Strategy for North Norfolk

SS3 – Housing

EN1 – Norfolk Coast Area of Outstanding Natural Beauty and The Broads

EN2 – Protection and Enhancement of Landscape and Settlement Character

EN4 – Design

EN9 – Biodiversity & Geology

CT5 – The Transport Impact of New Development

CT6 – Parking Provision

### National Planning Policy Framework (NPPF):

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

## MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design
3. Amenity
4. Biodiversity
5. Landscape impact
6. Highway impact/parking

## 7. Other matters

### APPRAISAL

#### 1. Principle (Policies SS1 and SS3)

The application site is situated in Weybourne, which is defined as a Coastal Service Village under policy SS 1 of the adopted North Norfolk Core Strategy, and within the designated Residential Area as defined under policy SS3. Within this area, extensions to existing dwellings are permitted, and are subject to compliance with other relevant policies of the adopted plan.

#### 2. Design (Policy EN4)

The proposed west elevation (front) would result in an increase in the ridge height and width of 1.3m and 1.65m respectively. The proposed east elevation (rear) would result in an increase in the ridge height and reduction in width of 0.85m and 0.5m respectively. The proposed north elevation would comprise of minor alterations to the fenestration in order to provide sunlight to the proposed bedroom/study, bathroom, and utility room that replaces the existing garage. In addition, a single storey extension to the south elevation is proposed measuring 4.50m in length, 5.6m in width and 5.45m in height, along with other external alterations such as the increase in glazing and alterations to existing fenestration and materials.

Concerns over the design and overdevelopment of the site have been raised. The existing dwelling has a footprint of approx. 152sqm, with the proposed extensions resulting in an increase in footprint of approx. 54sqm. Furthermore, it is proposed to convert the loft space into habitable accommodation to allow 1 additional bedroom and 2 bathrooms. On balance, given the modest increase in scale, footprint, and height of the proposal in contrast with the existing dwelling, it is considered that the proposed works would not represent overdevelopment, with the property fitting comfortably within the sizeable plot, and not giving rise to significant design concerns. On this basis, the proposed development is considered to be compliant with policy EN4.

#### 3. Amenity (Policy EN4)

The property boundary to the north and south comprises of 2 metre high timber fencing. To the east, woodland screens the site from the surrounding area. To the west, the property is separated from Weybourne Hall Park by Temple Drive.

The proposed north elevation comprises of small openings that would lie approx. 1.5m from the existing boundary fence and 4.2m from the neighbouring dwelling. The proposed dual-pitch extension on the south elevation would lie 1.75m from the boundary fence and 3.3m from the neighbouring dwelling. The proposed glazing that faces the dwellings to the north and south is of a relatively modest scale and at ground floor level. On balance, by virtue of the existing boundary treatments and modest scale and location of the proposed glazing in relation to neighbouring dwellings, it is considered that the proposed development would not give rise to a significantly detrimental impact upon the residential amenity of neighbouring dwellings. As such, the proposal development complies with policy EN4.

#### 4. Biodiversity (Policy EN9)

Given that there is the potential for protected species (bats/nesting birds) to be present and affected by the development, a preliminary roost appraisal has been submitted with the application. Furthermore, due to clearance of the garden area and movement of machinery and materials across the site, concerns have been raised in relation to two large pine trees located at the front of the dwelling. As such, a Tree Protection Plan and method for ground protection during demolition and construction has been provided.

The Landscape Officer has assessed the information submitted with the application and has considered that the development is unlikely to result in an offence to protected species. To ensure that the development results in a net gain for biodiversity, a condition is recommended to secure biodiversity enhancement measures. Furthermore, the inclusion of a pre-commencement condition is considered proportionate to ensure that a scheme for the protection of the remaining trees has been implemented in full accordance with the Tree Protection Plan and ground protection during demolition and construction.

On this basis, it is considered that the proposed development complies with policy EN9.

#### 5. Landscape impact (Policies EN1 and EN2)

The proposal is situated within the Norfolk Coast Area of Outstanding Natural Beauty (AONB), of which dark night skies are stated as one of the defined special qualities, in important in respect of the setting of Sheringham Park. In addition, the Landscape Character Assessment (LCA) 2021, defines the area as Coastal Shelf.

The dwelling is located within a consolidated residential area with dwellings to the north and south, neighbouring woodland and Weybourne Hall Park to the west. As such, given the site's location and the proposed modest scale of the development, it is considered that the proposal would not detract from the special qualities of the AONB or the surrounding landscape.

Concerns have been raised in relation to the levels of glazing on the east and south elevations, the roof lights and the resultant impact this may have on dark skies. As a result of these concerns, the number of roof lights on the south-facing roof slope has been reduced (over bedroom 1, originally being served by 6 rooflights but now only 2). In relation to the levels of glazing on the east and south elevations, it is considered that given that much of the glazing is located along the ground floor, with only a modest additional amount on the first floor, and would be partially shielded by existing boundary treatments and woodland, it would not give rise to a significantly detrimental effect in regards to light pollution.

With the additional control of further external lighting through condition, it is considered that, on balance, the proposed development is compliant with policies EN1 and EN2.

#### 6. Highway impact/parking (Policies CT5 and CT6)

The proposed development would result in an increase in the number of bedrooms from four to five. The existing concrete and gravel drive would provide adequate parking provision for three cars, in line with the minimum car parking requirements under Policy CT 6. No objections have been raised by the Highway Officer in respect of access or parking arrangements.

As such, it is considered that the proposed development complies with policies CT5 and CT6.



## 7. Other matters

Matters of drainage and water run-off have been raised. Given the minimal increase in footprint of the property, it is not considered that the proposed development would give rise to any significant drainage issues. In respect of noise disturbance relating to building works this is not a materials planning consideration. Matters relating to the privately owned road and vehicular damage are civil in nature and again cannot be afforded any material weight.

## 8. Conclusion

The development is considered to be in accordance with the requirements of the Development Plan. There are no material considerations that indicate the application should be determined otherwise. Approval is therefore recommended subject to conditions.

### **RECOMMENDATION:**

It is recommended that the application be APPROVED subject to conditions relating to the matters listed below and any others considered necessary by the Assistant Director for Planning:

- Time limit for implementation
- Accordance with approved plans
- Materials to be agreed
- Measure to be installed as per Tree Protection Plan/ground protection
- Ecological mitigation and enhancement measures
- Prior agreement of any external lighting

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## **APPEALS SECTION**

### **(a) NEW APPEALS**

**THURGARTON – EF/21/0972** - Lawful Development Certificate that the hybrid garden annexe and associated concrete plinth foundation, concrete lattice (max 7sqm) or lightweight lattice base falls under the definition of a caravan and its subsequent siting on a concrete plinth foundation, concrete lattice (max 7sqm) or lightweight lattice base for use ancillary to the main dwelling known as 1 Harmers Lane, Thurgarton, Norwich, Norfolk, NR11 7PF does not amount to development so that Planning permission is not required

**1 Harmers Lane, Thurgarton, Norwich, Norfolk NR11 7PF**

For Victoria Connolly

**WRITTEN REPRESENTATION**

### **(b) INQUIRIES AND HEARINGS – IN PROGRESS**

**BRISTON - PF/19/1567** - Change of use of land for the stationing of 9 no. caravans for residential use

**Land North Of Mill Road, Briston**

For Mr David O'Connor

**INFORMAL HEARING – Date TBA**

**CLEY-NEXT-THE-SEA - ENF/18/0164** - Alleged further amendments to an unlawful dwelling

**Arcady, Holt Road, Cley-next-the-Sea, Holt, NR25 7TU**

**for Mr Adam Spiegel**

VIRTUAL INFORMAL HEARING 08 February 2021 – Deferred until after 31 March 2021 – upon determination of newly submitted planning application

**RYBURGH - ENF/20/0231 – Replacement Roof**

**19 Station Road, Great Ryburgh, Fakenham NR21 0DX**

**For Christopher Buxton and A E Simcock**

**INFORMAL HEARING – no date as yet**

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

**BLAKENEY – PF/20/0614** - Subdivision of single dwelling to form two dwellings including replacement white PVC doors and windows throughout and erection of a detached double garage/cartshed for each dwelling, and conversion of existing detached garage to habitable space for proposed 'Dwelling 2'.

**Galley Hill House, Langham Road, Blakeney, Holt NR25 7PR**

**For J Bunn Homes Ltd**

**WRITTEN REPRESENTATION**

**CORPUSTY & SAXTHORPE - PU/20/0398** - Application to determine if prior approval is required for change of use of agricultural building to a dwellinghouse (Class C3) and for associated building operations

**Barn At Valley Farm, Wood Dalling Road, Corpusty, Norwich NR11 6QW**

**For Mr George Craig**

**WRITTEN REPRESENTATION**

**CROMER – ADV/20/1701 - Upgrading of advertisement hoardings to digital display of static, internally illuminated advertisements (instead of posters)**  
**Land at Station Road Junction, Norwich Road, Cromer**  
**For Wildstone Group Limited**  
WRITTEN REPRESENTATION – CAS (Commercial Appeals Service)

**HAPPISBURGH – PF/20/0778 – Single storey detached dwelling to rear of existing dwelling and alterations to vehicular access**  
**Old Police House, North Walsham Road, Happisburgh NR12 0QU**  
**For Mr & Mrs Mullins**  
WRITTEN REPRESENTATION

**HICKLING – CDC/19/0400 – Discharge of Conditions 6 (Visibility Splay) and 7 (On-site Parking and Turning) of Planning Permission PF/19/0400**  
**Former Andrews Garage Site, The Green, Hickling, Norwich NR12 0XR**  
**For Mr George Hermann**  
WRITTEN REPRESENTATION

**HIGH KELLING – TW/20/0427 - To remove 2 pine trees as concerns over the safety and close proximity to the dwelling, replacement trees could be planted in the woodland**  
**Coach House At Voewood, Cromer Road, High Kelling, Holt NR25 6QS**  
For Mrs Sylvia Ackling  
Fast Track

**NORTH WALSHAM – PP/20/0160 – Permission in principle for the demolition of the existing buildings on site and the erection of four dwellings with associated parking and gardens and an extension of 30mph speed limit**  
**Land East of Bacton Road, North Walsham NR28**  
**For Mr David Taylor – Cincomas Ltd**  
WRITTEN REPRESENTATION

**SHERINGHAM – PF/20/1660 - Demolition of redundant A1 use building and replacement with 6 no. studio holiday lets**  
**The Granary, Rear of 51 Station Road, Sheringham NR26 8RG**  
**For Mr Jon Nash**  
WRITTEN REPRESENTATION

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

**AYLMERTON – PF/20/0691 - Discontinuation of use of land for aggregate recycling and erection of a single self-build detached dwelling with garage, and ecological improvements.**  
**Highfield Aggregates And Recycling, Church Road, Aylmerton NR11 8PZ**  
For Mr Scott Wells  
~~INFORMAL HEARING – Date TBA~~ **Changed to WRITTEN REPRESENTATION**  
**APPEAL ALLOWED**

**HIGH KELLING - ENF/16/0131 - Alleged Unauthorised Development and Recreational Activity**  
**Holt Woodland Archery, Cromer Road, High Kelling**  
for Mr Jonathan Hancock  
WRITTEN REPRESENTATION  
**APPEAL ALLOWED**

**MUNDESLEY – PF/20/1585** – Alterations to roof to form roof terrace with access via external stairs

**1 Bramble Close, Mundesley, Norwich, NR11 8NF**

For Mr Richard Wideman

WRITTEN REPRESENTATION – Householder Appeals Service (HAS)

**APPEAL DISMISSED**

**NORTH WALSHAM – PO/20/1081** - Detached two storey dwelling - Outline application for access & layout (all other matters reserved)

**52 Aylsham Road, North Walsham, NR28 0BL**

For Mr John Smith

WRITTEN REPRESENTATION

**APPEAL DISMISSED**

**SMALLBURGH – PF/19/1834** - Demolition of farm buildings and redevelopment of agricultural land to provide 4 no. two-storey dwellings

**Chapel Farm Barn, Norwich Road, Smallburgh NR12 9LU**

For Mr George Watson

WRITTEN REPRESENTATION

**APPEAL DISMISSED**

**SOUTHREPPS – PF/20/0932** - Change of use from dwelling (Class C3) to mixed use of dwelling house and skin health clinic

**Church Farm, 20 Church Street, Southrepps NR11 8NP**

For Mrs Olga Brennand

WRITTEN REPRESENTATION

**APPEAL ALLOWED**

**STALHAM - PF/20/1073** - Single storey detached dwelling and garage

**Land At Lucinda House, Moor Lane, The Green, Stalham, Norwich NR12 9QD**

For Mrs Linda Fiske

WRITTEN REPRESENTATION

**APPEAL DISMISSED**

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

None to report.

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