

Development Committee



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TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 17 February 2021

A meeting of the **Development Committee** will be held **remotely via Zoom** on **Thursday, 25 February 2021 at 9.30 am.**

Please note that due to the Covid-19 restrictions, meetings of Development Committee will be held remotely via Zoom video conferencing and live streamed on Youtube.

Public speaking: If you wish to speak on a planning application on this agenda, please email DemocraticServices@north-norfolk.gov.uk no later than 5.00 pm on the Tuesday before the meeting and include a copy of your statement. You will have the opportunity to make your statement by video link but in the event that this is not possible, or if you would prefer, your statement will be read out by an officer.

This meeting will be broadcast live to Youtube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting and make a representation you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/ training purposes.

Emma Denny
Democratic Services Manager

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

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

All other Members of the Council for information.

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



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

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

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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. 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.
4. 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.
5. DECLARATIONS OF INTEREST

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

OFFICERS' REPORTS

ITEMS FOR DECISION

PLANNING APPLICATIONS

6. KELLING - PF/20/1056- DEMOLITION OF FORMER CARE HOME BUILDINGS AND ERECTION OF 8NO. DWELLINGS, CAR PARKING, ASSOCIATED ACCESS AND LANDSCAPING; KELLING PARK, HOLGATE HILL, KELLING, HOLT, NR25 7ER (Pages 1 - 38)
7. ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 3 ABOVE

8. 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

9. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 3 ABOVE

10. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

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KELLING - PF/20/1056- Demolition of former Care Home buildings and erection of 8no. dwellings, car parking, associated access and landscaping; Kelling Park, Holgate Hill, Kelling, Holt, NR25 7ER

Minor Development
- Target Date: 24 August

Case Officer: Mr P Rowson
Full Planning Permission

CONSTRAINTS

Landscape Character Area
LDF Tourism Asset Zone
Mineral Safeguard Area
Advertising Control
C Road
National Air Traffic Service - Application for Wind Turbines
Area of Outstanding Natural Beauty

RELEVANT PLANNING HISTORY

The application site has a long and detailed planning history. Many permissions relate to former uses, below is a truncated history detailing those permissions directly related to Care Home or recent residential proposals.

PF/20/1056 PF
Kelling Park, Holgate Hill, Kelling, Holt, NR25 7ER
Demolition of former Care Home buildings and erection of 8no. dwellings, car parking, associated access and landscaping

IS2/19/1316 IPA
Kelling Park, Holgate Hill, Kelling, Holt, NR25 7ER
Proposed demolition of Kelling Park & erection of replacement residential scheme of 8no. dwellings Withdrawn by Applicant 22/06/2020

PLA/19981660 PF
Kelling Park Hotel, Kelling
Change of use from hotel to residential care home
Approved 25/01/1999

PF/11/1094 PF
Kelling Park Nursing Home, Kelling Park, Weybourne Road, Kelling, Holt, NR25 7ER
Change of use from C2 (residential care home) to a mixed use of C2 & C3 (self-contained re-habilitation apartments)
Approved 01/12/2011

THE APPLICATION

The application description details the “*erection of 8no. dwellings, car parking, associated access and landscaping following the demolition of the existing buildings*”. The proposed residential development is an entirely open market housing development.

In addition to the supporting plans and application for the following evidence is also provided:

- Planning Statement
- Design and Access Statement
- Drainage Statement
- Ecological Report
- Landscape Visual Impact Assessment
- Landscape Masterplan
- Arboricultural Impact Assessment

The proposed residential development sits within the curtilage of the residential care home and requires its demolition to enable the proposed development. Vehicular access is shown via the existing access point at Holgate Hill to the west of the site. The proposed dwellings are set around a central courtyard with four, two storey dwellings in the south of the site; north of plots two one and half storey dwellings and finally further single storey dwellings in the north-east corner of the site. The housing mix is 2 x Two bed dwellings; 4 x Three bed dwellings and 2 x Four bed dwellings.

REASONS FOR REFERRAL TO COMMITTEE

Under the direction of Assistant Director Planning – departure from adopted local plan policy, with Local Parish Support.

CONSULTATIONS

Kelling Parish Council – Support,

Subject to conditional control on any consent given stating the new dwellings cannot be used for holiday letting and that a landscape plan has to be submitted (and approved) prior to any work taking place. Further that in order to ensure the proposal is green and sustainable Kelling Cllrs want to ensure the future residents have access to the main village.

Cllrs request a permissive path is created alongside the hedge opposite, providing a safe off road path from Holgate Hill into the village of Kelling. The permissive path would enhance the public rights of way network in this area by improving connectivity and therefore encourage walking and cycling instead of new residents being reliant upon their vehicle to get to the beach, reading rooms cafe etc.

REPRESENTATIONS

None received from neighbours

Applicants submissions – Appendix 1: rebuttal planning policy; Appendix 2: rebuttal Landscape, ecology and design.

County Council (Highway) - Cromer – Objection Sustainable transport

The siting of the proposed dwellings is such that the development is unlikely to meet the terms of any of the 12 core principles and particularly does not meet with the transportation aims. Sustainable transport policies are also provided at a local level through Norfolk's 3rd local transport plan Connecting Norfolk – Norfolk's Transport Plan for 2026. Policy 5 of this document states "New development should be well located and connected to existing facilities so as to minimise the need to travel and reduce reliance on the private car or the need for new infrastructure". It is reasonable to assume that the residents of the new dwellings would need to access services such as shops, schooling and employment on a daily basis.

The Local Highway Authority considers the Application Site to be poorly located in terms of transport sustainability. The site is well outside development boundaries and is remote from the local services and transport connections that are available in Holt, Sheringham or Cromer.

This precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport. Given the lengths involved and lack of suitable pedestrian provision this site is regarded as being inaccessible for pedestrians - especially those with a disability. Given the site's rural location and lack of alternative access methods it is likely that approval of the application would render the development reliant on the use of the motorised vehicles.

I am able to comment that in relation to highways issues only, as this proposal does not affect the current traffic patterns or the free flow of traffic, that Norfolk County Council does not wish to resist the grant of consent.

Conservation and Design Officer: Objection

Officers are mindful of the overarching planning policy issues at play here and comment within this context.

Firstly, with the existing building, it began life as a dwelling known as The Pines in the early 20th century and therefore possesses some local value. At the same time, however, it has since undergone several changes of use and numerous alterations and extensions. As a result, it has largely been stripped of any residual architectural or historic interest. It is not considered to be an undesignated heritage asset, there can be no objections to its wholesale demolition.

Equally, given the building has an established presence within the locality, the general principle of redeveloping the site cannot be challenged from a built environment point of view. Clearly, however, given the site's location in the countryside and within the AONB, it is vital that any replacement structures are appropriate for the setting and are properly assimilated into the landscape. Unfortunately, it is against this context that several concerns begin to emerge. These can be summarised as follows: -

- *As existing, the care home building has a rather sprawling footprint thanks to the various extensions added. Despite this, however, its built form remains concentrated in the NW corner of the site where it sits behind the existing residential and garden centre buildings - its gardens are to the SE which provide a gradual transition into the countryside beyond. By contrast the proposed buildings would be spread more liberally across the whole site and would thus potentially create a more instant passage from the built into the natural environment.*
- *Extending the above point, the existing building clearly has an original two-storey core. Beyond this, however, most of the floor space is provided at ground floor only, and generally under shallow-pitched roofs. Consequently, a significant proportion of the building nestles in recessively behind the existing boundary planting. By contrast, the proposed scheme provides for 6 two-storey blocks which would be approaching 9m tall and which would feature ridgelines of between 13.7m and 16.7m long. Cumulatively these would surely work together to create a more impactful built form within the landscape. NB: In offering this comment, it is acknowledged that Plots 6 & 7 would be single-storey only and would have very little impact beyond the confines of the site.*
- *In terms of layout, the narrative within the D&A Statement has been noted – in particularly the reference to para 3.3.7 of our Design Guide which advises that informal groupings of buildings tend to be more compatible within rural areas. Whilst certainly standing by this text, officers remain less than convinced that the scheme as submitted would actually accord with this guidance. Far from being arranged informally, Plots 1-4 have been laid out in a row which features similar spacing and orientation. Given they would also support similar and near-parallel built forms and subdivision, there is a rhythm to these dwellings which surely speaks more of regimentation and formality. Whilst this is not so pronounced on the other plots, the buildings still exist in isolation and do not feature the kind of additive and incremental ‘collisions’ so often seen in rural locations. If we also then factor in the hammerhead turning circles, delineated footpaths and the (in part) repeating on-plot parking spaces, the overriding impression is of a suburban undercurrent running through the scheme. NB: In offering this comment, the criticism is not directed towards the aspiration of creating a sustainable residential enclave with a contemporary architectural character (although it could be argued that the location does not necessarily lend itself to sustainability). Instead, it is more about the form of the development and its perceived lack of rurality.*

Taken these concerns together, the unavoidable conclusion is that the scheme would not achieve full compliance with Policy EN4 of the LDF Core Strategy.

As regards the design of the individual units, the following miscellaneous observations can be offered: -

- *On the two-storey plots, there is nothing inherently wrong with the proportions of these linear building blocks. Indeed, they would feature quite elegantly proportioned gables. Beyond this, however, the stated wish of departing from local vernacular architecture is apparent with the proposed buildings intentionally only paying limited regard to the local buildings photographed.*
- *These two-storey buildings are also certainly not without their design merit and feature visual interest and innovation in equal measure. However, they are not structures which one would immediately associate with our particular District.*
- *The palette of materials raises no concerns in principle. That said, the roof scape may appear rather one-dimensional by virtue of (presumably identical) standing seam being used on all two-storey plots.*

- *The large areas of glazing proposed are not necessarily best suited to a dark skies area.*
- *Although having no objection to the use of sedum, it has to be said that Plots 6 & 7 look rather stunted as shown. With them also lacking a more pronounced overhang at eaves level, much of their interest and quality would be derived from their bespoke plan form.*

Conclusion

Summarising, officers do not have fixed view on the principle of the proposed development. In terms of detail, however, we are yet to be convinced that some of the scheme's aspirations around compatibility would actually be achieved in practice. Instead, it is considered that the end result would be a new residential enclave which would most likely struggle for acceptance within its setting and the wider countryside.

Landscape & Ecology - Objection

Landscape

The site is located within the sensitive designated landscape of the Norfolk Coast AONB. This is a national designation recognising the scenic beauty of a landscape. NPPF para 172 requires that 'great weight' is afforded to the conservation and enhancement of these protected areas. The site lies within the Rolling Heath and Arable Landscape Type (RHA), a distinctive area of lowland heath, as defined in the North Norfolk Landscape Character Assessment (2018). Typical characteristics of the RHA Type include a natural pattern of heathland mosaic with natural transitions between acid grassland, regenerating woodland and open heath with long views over heaths and out to sea and intimate rolling hillocks and hills in the Kelling area. There is little development outside the clustered settlements of Salthouse, Cley, Kelling & Blakeney leading to a particularly, wild undeveloped landscape character.

The proposals involve demolition of a centrally located building of mixed height, (a care home until 2017, now vacant) with predominantly single-storey later extensions surrounded by areas of hardstanding and unmanaged amenity garden space. Site boundaries are defined in large part by a mature beech hedge which encloses the site. To the east is open acid grassland leading to a woodland plantation containing the North Norfolk Railway and to the south is mature mixed woodland known as Stone Pit plantation which has recently been thinned in an area near to the site.

The proposal for 8 new market dwellings ranging from one to two storeys will significantly alter the character of this site by introducing hard landscape in the form of roads, plot division and lighting, as well as increased vehicle movements and external domestic elements such as refuse areas, cycle stores and external parking provision. Despite retention of the mature boundary hedge vegetation, light and noise pollution would be significantly increased compared with that of the consented use for the existing set of buildings. Large areas of glazing are proposed, particularly on the end elevations of each dwelling, which, despite the inclusion of "brise-soleil" as proposed, will cause internal light spill that will adversely impact the ecology of the surrounding habitat (e.g. rear elevations of Plots 1-4 facing into Stone Pit Plantation where a bat mitigation building is proposed and which is assessed within 5.3.10 of the Ecological Appraisal as providing foraging and commuting resources for bats). As identified in the Security Strategy there is also a requirement for wall or bollard lighting within the site which would exacerbate light spill.

The increased light pollution that would result from this development, together with increased noise and vehicle movements would adversely impact the defined Valued Features and Qualities of the RHA Landscape Type, in particular 'A strong sense of traditional rurality, tranquillity and remoteness and dark night skies'. The dark nocturnal character emanates from the low level of development. This area is recognised as one of the darkest areas of the UK with this Landscape Type hosting two National Dark Sky Discovery sites at Kelling Heath Holiday Park (1.3km to the east) and Wiveton Downs. These characteristics are also intrinsic to the defined special qualities of the Norfolk Coast AONB which would also be adversely impacted as a result of the development. Two particular qualities that would be impacted are 'Diversity and Integrity of Landscape, Seascape and Settlement Character' which is based on maintaining the diversity of landscape character types and reinforcing settlement patterns within each type and the 'Sense of Remoteness, Tranquillity and Wildness'. The Norfolk Coast AONB Integrated Landscape Character Guidance (RHA p.6) cites the very prominent garden centre, ad hoc horsiculture, gentrified barn conversions and recent forestry plantations on former heathland in the Salthouse and Kelling Area (RHA2) as some of the introduced features that erode this otherwise wild and remote characteristic and are jarring features of this ecologically and visually important rare heathland landscape (which is also a Priority BAP habitat). It is the undeveloped character which contributes to the wild, remote sense of this part of the AONB. The Guidance warns that new developments, particularly outside of established settlements can erode this wild remote characteristic that is part of the inherent sensitivity of this area, unless they are well integrated into the landscape. Screening the development as proposed does not integrate it into its landscape setting and it is therefore not compatible with the AONB guidance and fails to reinforce or enhance the defined special qualities of the AONB. In this regard the proposal is not compliant with Local Plan policy EN1, nor does it meet the requirements of Local Plan Policy EN2 which requires that development should protect, conserve and enhance the special qualities and local distinctiveness of the area and the distinctive settlement character.

The layout results in little public amenity space, where planting can be specified and maintained, as opposed to planting within private gardens which cannot be controlled. There are token pockets of planting at the site entrance and adjacent to parking bays. Whilst species selection may be reflective of the surrounding habitats, as indicated on the Landscape Masterplan, there is no integration of the site into its landscape setting (as purported in 6.11 of the LVIA) due to the intention to maintain the high hedged boundaries to screen the development and thereby limit its visual impact. The need to make the development acceptable by visually divorcing it from its landscape setting is a clear indication that the rural location is unsuitable for this type of development and incompatible with the prevailing landscape character.

The design ethos states that one of the key design aspects is that the scale and proportions of the built form should draw upon existing building proportions within the local context (D&A Statement p. 8). The tall narrow steep pitched forms bear little resemblance to the buildings shown in the Local Context photos (p. 9) and the relevant Good Precedents show buildings which are not representative of the local vernacular of the Kelling area.

The resulting layout is of a contemporary group of buildings sited to maximise the size of plot that bears no relation to the rural context and would be more readily accommodated within an urban setting.

The LVIA relies on its assessment of the landscape immediately around the site as being of low/medium value and low sensitivity, yet acknowledges the wider landscape is of Very High

Sensitivity (5.15). The impacts of the development will extend beyond the immediate setting into this higher value landscape. The new development will incur more landscape and visual impact than the centrally located existing building cluster by virtue of the significant increase in two-storey elements of built form and by placing the two storey units all around the site and closer to the boundaries. It is therefore disputed that the Magnitude of Change will be Negligible to None (5.15) and that there will be No Significance of Effect on the localised and wider visual environment (5.20).

The LVIA is conflicting when on one hand it relies on the 'high degree of visual containment of the site' to conclude a visual significance of None (5.20), yet then claims that the development is successfully integrated into its landscape setting (5.17).

Officers do not agree that the proposals will represent 'betterment to the immediate landscape resource' (6.12). The principle of 8 market dwellings in this unsustainable location set apart from established settlement and services resulting in reliance on vehicle use will not conserve or enhance the prevailing wild, remote and tranquil landscape character of this part of the designated AONB landscape. Aside from key spatial policy principles, the proposals fail to meet the requirements of Local Plan policy EN1, EN2, EN4 and para 172 of the NPPF.

Ecology

The Ecological Appraisal by Aspect Ecology (July 2020) comprised a desk top survey (including biological records check), a site survey and an extended Phase One Habitat survey undertaken in Oct 2019. Secondary bat activity surveys were carried out in May 2020.

Designated Sites

The Landscape Section disagree with the evaluation of effects of the development on the North Norfolk Coast combined Habitats sites (Section 3.1) and consider that alone and in combination with other residential development in Norfolk, the development will contribute to increased recreational pressure on the North Norfolk Coast combined Habitat sites and as a such the Council will need to undertake a Habitat Regulations Assessment. The development does not provide sufficient on-site green infrastructure or recreational open space therefore residents are likely to travel the short distance to the coast for daily recreation (which could include dog walking). This is likely to result in disturbance to the qualifying features of the Habitats sites. The applicant will need to provide supporting information in order for the Council to undertake the HRA. This supporting information should use the best available information on recreational visitor pressure and mitigation measures in Norfolk, which is currently within the emerging Green Infrastructure and Recreational Avoidance Mitigation Strategy (GI/RAMS) document being prepared on behalf of the Norfolk Strategic Partnership.

Bats

The Ecological Appraisal report identifies that following a visual inspection of the buildings numerous bat droppings were recorded in several of the roof voids within the building. The building was assessed as having "considerable potential" for use by bats (5.3.7) and bat presence was confirmed by the identification of a long-eared bat individual found within the loft void LV4 on the October site survey. DNA analysis of some of the droppings collected from the loft voids confirmed previous use of the building by brown long-eared and common pipistrelle bats.

The report details that dusk and dawn (emergence/re-entry) roost characterisation surveys were undertaken in May 2020 on three different dates:

1. 5th May 2020 (dusk) –with no bats identified emerging (however cold temperatures recorded);
2. 6th May 2020 (dawn) –again, no bats identified “emerging” (assume this is meant to include ‘returning to roost’, in addition cold temperatures recorded); and
3. 19th May 2020 (dusk) -39 bats recorded emerging from 7 different access points.

Section 5.3.13 to 5.3.14 of the report concludes that on the basis of this survey work, it is “considered likely that the building represents a small maternity roost of Soprano Pipistrelle, Common Pipistrelle and Brown long-eared bat”. Furthermore, that the demolition of the building will result in the direct loss of maternity roosts for three bat species and that mitigation measures together with a licence from Natural England will be required. However, the report concludes that with the appropriate mitigation measures the favourable conservation status of the bats will be maintained at the site.

The unmitigated impact of the development would result in the destruction of the aforementioned bat roosts (a resting place) and potential disturbance of bats if present during the demolition and construction phases. The Landscape Section considers that with respect to the impact on bats, an offence under Article 12 of the European Habitats Directive (92/43/EEC) and Regulation 43 of The Conservation of Habitats and Species Regulations 2017 (as amended) will occur, with or without mitigation. As part of the decision making process, the Local Planning Authority must consider whether an EPSM Licence is likely to be granted by Natural England in order to derogate from the protection afforded by the Habitats Regulations.

Officers are concerned that based on the current information and evaluation provided by the bat surveys and contained within the Ecological Appraisal, we do not currently have sufficient information regarding the impact of the development on bats and the efficacy of the proposed mitigation measures in order to make an informed decision regarding the development in line with our statutory duties.

Roost characterisation surveys should provide sufficient information regarding the physical characteristics of the roost to design the mitigation requirements, which will be informed by the species using the roost, the size and type of the roost, aspect, orientation, temperature and humidity etc... The Bat Survey Guidelines (Bat Conservation Trust –3rd Edition) stipulate that buildings with a high roost suitability (or confirmed presence) require three separate survey visits between May to September, with at least two surveys between May and August and with multiple survey visits to be spread out to sample as much of the survey season as possible. The BCT Guidelines state that a dawn survey carried out immediately after a dusk survey is considered to be only one visit (Table 7.3 Footnote b). Furthermore, if a maternity colony is suspected, then consideration should be given to detectability. As pipistrelle bats are likely to give birth to young in June and July (brown long-eared later), it is expected that the survey dates would reflect this characteristic to enable a more accurate assessment of the numbers and species of bats and the use within the building. This is particularly concerning as the first ‘two’ surveys (one survey visit) recorded no emerging bats and the surveys were undertaken just under two weeks apart at the very beginning of the optimal survey season for maternity or summer roosts and not spread out as recommended in the BCT Guidelines.

Furthermore, only soprano pipistrelle bats were recorded during the activity surveys, yet the report has concluded that the building likely supports maternity colonies of three different species of bat. There is no justification provided within the report as to how this conclusion has been reached. There is no information on the numbers of bats affected by the

development or how this relates to the population dynamics and status of the local populations of the species affected (extent) and the mitigation measures proposed, which is as expected as good practice (CIEEM good practice guidelines). Furthermore, if this information is unknown how can the conclusion be drawn that the population status of the species affected will be maintained following development, as specified in the report? It is therefore not possible to determine if an EPSM Licence is likely to be granted. Officers would have expected that additional survey/s would have been undertaken during the peak maternity survey season to be more certain of access points, species and numbers, which in turn would inform the evaluation and mitigation requirements.

It is also not possible to apply the 'mitigation hierarchy' as required of paragraph 175 of the NPPF and local plan policy EN9 (and as applied in the British Standard -BS42020, CIEEM Guidelines for EclA and the BCT Good Practice Guidelines). Government Circular 06/2005, which provides further guidance in respect of statutory obligations for biodiversity and their impact within the planning system (as referred to in footnote 56 of the NPPF), states in paragraph 99 that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

Officers consider that the conclusions drawn in the Ecological Appraisal, i.e. that it is likely there is a small maternity roost of soprano pipistrelle, common pipistrelle and brown long-eared bats within the building; are not sufficiently evidenced or justified within the report in accordance with best practice, therefore it is not possible to identify suitable mitigation measures or conclude whether an EPSM Licence will be granted. As such the application fails to accord with Local Plan Policy EN9 as sufficient evidence has not been presented with the application to assess the impact of the development on protected species and apply the mitigation hierarchy. Furthermore, the Council would not be complying with its statutory duties with respect to a European protected species if it were to grant planning permission on the basis of the information currently submitted.

Planning Policy Manager – Objection

It is considered that the policy position has not changed since the pre application previously advice provided ref IS2/19/1316, and the proposal for 8 new build residential units following the demolition of the existing development constitutes residential development in the countryside which does not comply to the adopted Core Strategy policies, in particular SS1 and SS2 which deals with the distribution of growth.

The proposal site is unrelated to any residential settlement, does not have any form of settlement boundary, bereft of services aside from the nearby garden centre and is not in accordance with the spatial strategy for North Norfolk SS1 where development is directed to the principle settlements and through which a small amount of development is also to be focused on designated Service Villages and Coastal Service Villages to support rural sustainability. The remainder of the district is designated as Countryside where development is restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy. Policy SS2 relates specifically to the countryside area, limiting development to that specified in the policy which is recognised to require a rural location.

The proposal site in policy terms is designated as Countryside and policy SS2 of the adopted Core Strategy restricts new development in the Countryside in part in order to prevent dispersed dwellings that will lead to car dependency to ensure for a more sustainable pattern of development. If there are to be any exceptions to this, then as above a residential development proposal must:

- demonstrate that housing will meet an identified local need for affordable housing ('Rural*
- NNDC Internal Consultee Response Form JAN 2017*
- Exception Site' housing) as set out in Core Strategy policy HO 3, which is consistent with NPPF paragraph 77; or*
- must fulfil the specific criteria for developments which require a rural location and which are permissible under Core Strategy policy SS2; or,*
- must present express and specific public benefits as a material consideration of significant weight sufficient to outweigh the conflict with the adopted local Development Plan.*

The proposal as presented does not meet or seek to meet these criteria.

Policy HO3, Affordable housing in the Countryside sets out the council's position with regard exceptional development in the Countryside, though given the sites remoteness it is considered that it may be difficult to make a policy compliant case even in this regard.

Local roads are narrow and rural, unlit and without segregated pavements and considered inaccessible by pedestrians. They would be unsuitable for walking with no bus service. There does not appear to be a usable local public rights of way network. Further advice on the suitability of the road network and the transport sustainability issues around its location in regard the sustainable transport policies should be obtained from the Highways Authority.

Furthermore, the Council's climate change agenda reinforces this position of directing development to areas where there is not such a reliance on travel by the private car, which is also noted in Paragraph 122 c) of the NPPF

Five Year Land Supply

The Council can demonstrate a five-year land supply as required by the NPPF. The 2020 publication demonstrates a 5.16 yr supply achieving a Housing Delivery Target of 115%. The age of policies is immaterial in considering the proposal given the primacy of the development plan for decision making purposes.

HO9 Conversion

It's noted that the planning statement submitted makes reference to pre application discussions around a fall back scheme based on the conversion of the existing buildings which is guided by policy HO9. No such proposal is put forward. Furthermore, the justification for the 8 dwelling proposal seems to be based on a reliance of a volumetric replacement rather than a floor space replacement and I am not satisfied that this reliance is suitable. The approach results in a significant increase in floor space and the scale and massing on the site. The approach appears to be contrived in order to justify a significant increase in residential development.

Landscape consideration.

The land is located in the AONB, national policy detailed in para 172 of the 2019 NPPF states that Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Although the site is currently well screened from the road the development as proposed is none the less a sizeable incursion into the AONB, incorporates no improved open space and can be seen from other directions, notably the North Norfolk Poppy line railway. The site is seen as a valued landscape within the AONB being part of the rolling heath and arable landscape type. The proposal is unlikely to enhance /preserve the valued features which contribute to the key qualities of the AONB, where isolated homes are seen as a key force for change and detract from the landscape character. The proposals is thus country to EN1 and EN2 and the strategic environmental approach outlined in policy SS4.

NNDC Internal Consultee Response Form JAN 2017 - Kelling Estate Master Plan.

Much reference is made of the Kelling Estate Master Plan, however this is not a Council document and is not endorsed by the Council. Furthermore, the proposal to the best of my knowledge does not feature in the Estate Master Plan. The area in general in the masterplan is referred to as a tourism opportunity "The position of Kelling Park adjacent to the Garden Centre on one side, close to the North Norfolk railway and with woodland to the south-west offers the opportunity to build on the infrastructure already in place and provide facilities and self-catered woodland accommodation in an attractive countryside setting. The intention would be to bring this un-used former care home site and its surroundings into positive new use by offering woodland holiday lodges, enhanced visitor facilities and access to the adjacent woodland as part of the wider tourism corridor referenced above, improving public access to the countryside.

New accommodation could be achieved via conversion of the existing floorspace and the provision of low key lodge buildings which will sit unobtrusively in a woodland setting. In this location the need for additional support facilities will be limited by virtue of the infrastructure already in place at the neighbouring garden centre.

The proposals will be sensitive to their surroundings and provide an attractive new offer for holiday makers to the area with knock-on economic benefits. The proposals will also include provision for attractive associated outdoor space and woodland walks in a sensitively managed environment":

Conclusion

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council can demonstrate a five-year housing land supply and is delivering in excess of its Plan requirements.

The age of the Plan is not an issue in the determination of a proposal. Policies would apply regardless of their age given the primacy of the development plan for decision making purposes. This would also be the case even if weight were reduced to any policies for any specific reason.

The principle of the scheme is not accepted, it would lead to dispersed dwellings in the countryside that are wholly dependency on travel by car to reach basic services and does not represent a sustainable pattern of development. The proposed development falls

someway outside of the closest settlement boundary defined for the town of Holt and the principle of market-led housing development on this site does not accord with the Development Plan. Due to the site's 'Countryside' designation the proposed development conflicts with Policy SS1 Spatial Strategy for North Norfolk and Policy SS2 - Development in the Countryside, the proposal does not represent any of the exceptions for new housing development in the countryside under SS2. Furthermore, this is not a site allocated for development.

The proposal is contrary to a number of policies in the Core Strategy including SS1, SS2, SS3, SS4, H03, H08, H09, EN1, and EN2. For these reasons, it is considered substantial weight should be given to the conflict with the Development Plan.

Norfolk Coast Partnership – Comments

The area sits within the Rolling Heath and Arable Landscape Character Type of the AONB LCA.

Key forces for change include:

Pressure for extensions to properties, conversion of vernacular buildings and farm buildings, loss of gardens with mature trees, and introduction of new agricultural buildings, all of which tend to erode the undeveloped, wild character of the landscape.

and

Homogeneous estate-type development on the fringes of the principal clustered settlements, which undermine the traditional form of settlement and the gateways and views towards them. In response to these sensitivities guidance includes: careful visual appraisal (which has been carried out), avoidance of suburban features, large scale planting (which is mentioned in the D&A Statement), consider impact from surrounding elevated views, and exceptional high standards of siting and design.

Most of these issues have been considered in the VIA however being in the AONB and in countryside there needs to be absolute certainty that the development will 'conserve and enhance' the AONB in accordance with NPPF para 172 and not compromise the special qualities of the AONB namely, Sense of Remoteness, Tranquillity and Wildness and Diversity and Integrity of Landscape Seascape and Settlement Character. Both of these special qualities are currently amber - Cause for concern.

This proposal would cause concern in this particular character type in the AONB however it is a brownfield site and the context next to an existing business means that as the VIA points out there are detractors in the locality and the area is relatively well screened. Rights of Way are well east of the site with some longer distance views to the south.

We would however want assurance that the site is enhanced which would be through careful landscaping, ecological enhancement, high energy standards and careful consideration of boundaries that are not suburban and materials that do not detract. I have concerns that the glazing on the north elevations of 1&4 and 2&3 will create light spill. Nearby is designated the Kelling Heath Dark Sky Discovery Site. Dark Sky Discovery Sites form a nationwide network of places that are accessible by everyone and provide fantastic views of the dark skies and landscapes. Nominated by local groups and organisations, they have been nationally recognised as places so dark, you can easily see the Milky Way or the constellation of Orion with the naked eye. We cannot support this application unless tight lighting conditions are imposed to mitigate light impact and a reduction of glazing will need to be considered.

National Planning Policy Framework Clause 125 and Norfolk County Council's Environmental Lighting Zones Policy both recognise the importance of preserving dark landscapes and dark skies. In order to minimise light pollution, we recommend that any outdoor lights associated with this proposed development should be:

- 1) fully shielded (enclosed in full cut-off flat glass fittings)*
- 2) directed downwards (mounted horizontally to the ground and not tilted upwards)*
- 3) switched on only when needed (no dusk to dawn lamps)*
- 4) white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources*

Please also refer to the Institute of Lighting Professionals, Guidance Notes for the Reduction of Obtrusive Lights which gives guidance for lighting in an AONB.

Whilst we are not totally against the development we feel there needs to be very tight conditions imposed, especially in regards to light pollution.

Environmental Health – No objection

No known contamination, recommend conditions in relation to installation / operation of proposed foul water package treatment plant. The air source heat pumps shall be installed, operated and maintained in accordance with the manufacturer's specifications.

Demolition and asbestos removal informatives are recommended

Economic Development – to be reported verbally

Norfolk Fire & Rescue – comment

With reference to this application, taking into account the location of the existing fire hydrant coverage, Norfolk Fire and Rescue Service will require a hydrant to be installed on no less than a 90mm main.

No development shall commence on site until a scheme has been submitted for the provision of the fire hydrant on the development in a location agreed with the Council in consultation with Norfolk Fire and Rescue Service.

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS1 - Spatial Strategy for North Norfolk

SS2 – Development in the Countryside

SS3 – Housing

SS4 – Environment

H03 – Affordable Housing

H08 – House extensions & replacement dwellings in the countryside

H09 – Conversion & re use of rural buildings

EN1 – Norfolk Coast AONB & The Broads

EN2 – Protection & Enhancement of Landscape Character

EN4 - Design

EN6 - Sustainable Construction and Energy Efficiency

EN9 - Biodiversity and Geology

EN10 - Development and Flood Risk

CT3 - Provision and Retention of Local Facilities and Services;

CT5 - The Transport Impact of New Development;

CT6 - Parking Provision.

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

APPRAISAL

Main Issues:

- Background
- Principle
- Design
- Landscape
- Ecology
- Sustainable transport
- Other and material planning considerations
- Conclusion and planning balance

Background

The Council are requested to consider the application within the context of the Kelling Estate Master Plan. Officers note that the Estate Masterplan is not a document drafted by the Council and is not endorsed in any way by the Council.

Officers are supportive Estate Master Planning. In this instance tourism and visitor facilities with access to the adjacent woodland as part of the wider tourism corridor referenced above, may be supported. A pre application enquiry was withdrawn before officers gave a full written response to the proposed demolition and residential new build proposals.

The Council will strive to support policy compliant, sensitive and sustainable development proposals. In exercising regulatory duties, the Council will recognise that North Norfolk is home to a number of substantive businesses, property owners and custodians of the wider environment. Within the AONB the Council will ensure that 'great weight' is afforded to the conservation and enhancement of this national landscape asset.

The applicant has notified the Council that they are minded to appeal against non-determination of the application if no decision is forthcoming from the Council on or before the Development Committee of 25 February. Pre submission papers have been lodged with the Planning Inspectorate every appearance is that the balance of probability is for such action.

Principle

Applications for development must be determined in accordance with the Local Development Plan unless material considerations indicate otherwise, as laid out in Section 38 of the Town and Country Planning Act 1990 (as amended) and National Planning Policy Framework (Section 4) Paragraph 47. As the Council's approach to the use and protection of designated Countryside is considered both consistent with the NPPF and is up to date, the Local Development Plan is the primary means of assessment of this application. Nevertheless, the NPPF will also form a material consideration in the determination of the application.

Location:

Policy SS1 and Policy SS2 of the North Norfolk Core Strategy set out the development hierarchy and spatial strategy for North Norfolk. Under Policy SS1, the proposal site is located within the Countryside; being outside of any adopted settlement boundary. Policy SS2 prescribes that acceptable development in the Countryside will be limited to that which requires a rural location and can be accorded with one or more of the 18 listed uses. Under Policy SS2, there are no clear areas of development which this proposal could comply with.

The applicant alleges that Policies SS1 and SS2 is "*out of step*" with NPPF guidance and that the Council cannot demonstrate a five-year housing land supply. Therefore, the applicant considers the Council's location strategy is not applicable. The applicant considers that "*the tilted balance*" NPPF Para 11 should apply.

Officer's note that the development is located in the AONB, great weight should be given to the conserving and enhancing landscape and scenic beauty within an AONB. The NPPF (P172) advises that the highest levels of protection should be afforded.

Footnote 55 of the Framework advises that whether a proposal is major development within the AONB is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. In this case officers confirm that within the context of the NPPF (P172) this development proposal is not considered to be a major development

proposal, but will reserve the highest consideration for conserving and enhancing landscape and scenic beauty within an AONB when determining these proposals.

Officers consider that there is an existing 5-year Housing Land Supply (5.16 years) within NNDC, and that recent appeal decisions demonstrate that Policies SS1 and SS2 are compliant with the aims of the NPPF. Furthermore, that the Council's local plan policies continue to carry weight as saved policy.

In conclusion, officers find that the principle of the scheme is not accepted, it would lead to dispersed dwellings in the countryside which are wholly dependent on travel by car to reach basic services and will not represent a sustainable pattern of development. The development is beyond any settlement boundary, and set apart from the principal settlement of Holt. The proposal does not represent any of the exceptions for new housing development in the countryside under SS2.

Conversion

When considered as a pre application enquiry officers suggested that existing buildings may be converted under policy H09 as existing building in the Countryside. The proposal is submitted as a new build development.

Fallback position

The only clear fall-back position established by the applicant is the existing use of the site as a mixed C2 & C3 use. The supported "rehabilitation" apartments are considered analogous to the overriding C2 use on the site, 27 apartments in the C2 use and 9 apartments in C3 use. A restrictive condition (3) was applied to application 11/1094 to ensure that the rehabilitation apartments can only be occupied by residents of the care home and that the facilities of the care home remain available to all. The units were used for rehabilitation purposes and not an open residential use. Officers consider no precedent or fall back was created at that time for open market residential use at this site.

Brownfield Land

The applicant gives weight towards emerging plan policy, specifically brownfield land under SD3. Emerging plan policy can carry very limited weight currently, emerging policies have yet to complete final drafting before moving to Regulation 19 Consultation. Officers recommend reference to policy SD3 is given nil weight in consideration of these proposals. The Council continue to promote effective use of land by re-using land that has been previously developed in accord with NPPF (P117). However, any re use of brownfield land should be in circumstances which are otherwise policy compliant and sustainable.

Loss of Local facilities

Core Strategy Policy CT3 requires that proposals resulting in the loss of sites which currently or where last used for important local facilities or services will not be permitted, unless alternative provision is made; or that it is demonstrated that there is no reasonable prospect of retention. The prospects should be tested by a viability test or marketing campaign of no less than 12 months' duration.

The applicants state (appendix 1) that this policy does not apply as the site has not been in active use since 2017, and further that CQC report 11 care homes within a five-mile radius. Reference is also made to a recent proposal at Land off Nightjar Road, Holt (19/0891) potentially being made available, officers note this proposal was refused and an appeal dismissed.

An audit has been undertaken of the existing care home facilities which alleges deficiencies in the building, further notes are given which suggests the building is no longer fit for care purposes. In effect the applicants seek to demonstrate the former test, i.e. the use is not viable. Officers note that no viability report or marketing campaign have been submitted to support the proposals under policy CT3.

Officers consider this case to be a departure from local plan policy, in which circumstance the proposals can only be supported where they “*present express and specific public benefits as a material consideration of significant weight sufficient to outweigh the conflict with the adopted local Development Plan*”. The matter of planning balance will be considered within the conclusion to this report when all other matters of material significance will have been reviewed and then weighted.

Design

It is common ground that the buildings on site have been stripped of architectural interest, that there is no overriding conservation or heritage objection to demolition the building.

There is some disagreement between officers and the applicant regarding the value of the existing building as an established presence within the locality. Officers support considered re use of the building the applicants for the reasons set out in Appendices 1 & 2 consider it is appropriate to demolish and redevelop the site.

Officers report concerns over design on the following matters:

- the proposed buildings create a more instant passage from the built into the natural environment.
- the proposed scheme provides for 6 two-storey blocks approaching 9m tall featuring ridgelines of between 13.7m and 16.7m long. These are considered impactful within the landscape.
- there is a regimentation and formality associated with the proposed layout, heightened by turning circles, delineated footpaths and the (in part) repeating on-plot parking spaces. The impression is of a suburban residential layout, out of place in a rural / open countryside area.
- limited local vernacular referencing
- the roof scape may appear rather one-dimensional by virtue of (presumably identical) standing seam being used on all two-storey plots.
- large areas of glazing proposed inappropriate in a dark skies area.
- Sedum roofing at Plots 6 & 7 look rather stunted impression.

The in combination effect of the above factors creates an overtly impactful suburban enclave in an open countryside area Contrary to the provisions of core strategy policy EN4.

The applicant submits a rebuttal suggesting the floor area in total of the proposed development is less than that existing on site. It is argued that the layout is not regimented and the design materials and detailing entirely appropriate for their context. The applicant offers to consider a revised roofing material to avoid one-dimension impact alleged above.

Regrettably the impact of redevelopment to form 8 dwellings in the context of this site leads towards an enclave / appearance, it is difficult to avoid a suburbanising influence. However, the concerns noted by officers above remain an overriding concern and as such it remains clear that the proposals fail to comply with Policy EN4.

Landscape

The application site lies within the Norfolk Coast AONB. This is a national designation recognising the scenic beauty of a landscape, which requires *'great weight'* is afforded to the conservation and enhancement of these protected areas. The Council have an up to date Landscape Character Assessment. The site lies within the Rolling Heath and Arable Landscape Type (RHA), a distinctive area of lowland heath with little development outside the clustered settlements of Salthouse, Cley, Kelling & Blakeney leading to a particularly, wild undeveloped landscape character.

The development proposals are facilitated by demolition of a centrally located building of mixed single and two storey heights, surrounded by areas of hardstanding and unmanaged amenity garden space. A mature beech hedge encloses the site. To the east is open acid grassland leading to a woodland plantation containing the North Norfolk Railway and to the south is mature mixed woodland known as Stone Pit plantation which has recently been thinned in an area near to the site.

The proposal seeks to develop 8 dwellings of mixed single and two storey heights, the development will significantly alter the character of this site, i.e. single large central "institutional" building of predominantly single storey construction. The proposals introduce hard standing, service roads, plot division and lighting, and other domestic paraphernalia. Light and noise pollution are considered to be increased compared with that of the consented use for the existing set of buildings.

Officers concerns have been detailed fully within the consultations section above; the principle concerns are as follows:

- Light spill – dwellings ancillary, wall and bollard lighting, vehicle movements
- Erosion of the AONB character via adverse impacts on defined special qualities: "Diversity and Integrity of Landscape, and Settlement patterns"; and a "Sense of Remoteness, Tranquillity and Wildness"
- Landscape proposals that reinforce visual containment and do not successfully integrate the development into its landscape setting
- Limited public amenity space,
- Buildings not reflective of local vernacular

The resulting effect is that of a contemporary development which maximises private plots space and is better assimilated to an urban / suburban setting. The development has a poor and limited relationship with the wider landscape. The proposal seeks to make the development acceptable by visually divorcing it from its landscape setting through landscape screening. This is a clear indication that the rural location is unsuitable for this type of development and incompatible with the prevailing landscape character.

Officers find the applicant's Landscape Visual Impacts Assessment (LVIA) to be conflicting. For example, it notes a sensitive wider landscape; but then finds the immediacy of the

application site to be no more than of a low/medium value and low sensitivity. Furthermore, the LVIA promotes screening of development and then suggests that the site is well integrated into the wider landscape. This is contradictory and inaccurate, the strategy appears to promote a discrete and set apart approach to landscaping. The proposed development increases two storey elements, it has a more visually significant and impactful relationship to local landscape than the existing centrally located largely single storey care home.

The applicant has supplied a detailed rebuttal on matters of landscape design and ecology (appendix 2). In this it is contended that the care home is a brownfield site, that it is of limited landscape interest and is “highly contained”. It is suggested that the site offers little contribution to the wider AONB setting. The contention remains that the applicant considers these proposals enhance the site, local landscape and AONB.

Specifically, on matters of transport movement traffic movement and tranquillity the applicant refers back to the authorised use as a Care Home, noting impacts may continue if the building’s use were continued. The suggestion being that potentially up to 27 staff and 22 young adults would be associated with those activities.

Regarding the impact on the wider landscape the applicant considers the “highly contained” nature of the site ensures that there is no undermining of the wider landscape remoteness and wildness. Instead considering that the proposals are supported by a strategic landscaping plan. The applicants support the accuracy of the LVIA and confirm adherence to national guidance in its compilation.

Officers have considered the rebuttal and original evidence; it cannot be agreed that the proposals represent “betterment to the immediate landscape resource”. Furthermore, it is considered that the initial concerns are appropriately founded, and have proportionately considered the impacts on the AONB and local landscape. It is appropriate to consider that the proposals will be harmful and undesirable. As such it is concluded that the proposals fail to meet the requirements of Local Plan policy EN1, EN2, EN4 and para 172 of the NPPF.

Ecology

The application is supported by an Ecological Appraisal; an extended Phase One Habitat survey undertaken and secondary bat activity surveys.

Officers consider that alone and in combination with other residential development in Norfolk, the development will contribute to increased recreational pressure on the North Norfolk Coast combined Habitat Sites, as such the Council would need to undertake a Habitat Regulations Assessment. The development fails to provide suitable on-site green infrastructure or recreational open space. space and residents are likely to travel the short distance to the coast for daily recreational needs. This is likely to result in disturbance to the qualifying features of the Habitats sites.

The Ecological Appraisal suggests that the building supports small maternity colonies of Soprano Pipistrelle, Common Pipistrelle and Brown long-eared bat, and while the presence of these species is not disputed, Officers consider that the conclusions drawn in the report regarding the nature of the roost (i.e. whether it is a maternity roost) and the numbers of bats likely to be affected has not been sufficiently justified within the report. However, the demolition of the building will result in the direct loss of roosts for three bat species.

Officers agree that it is likely that the building represents a small maternity roost of Soprano Pipistrelle, Common Pipistrelle and Brown long-eared bat". Furthermore, that the demolition of the building will result in the direct loss of maternity roosts for three bat species.

The applicant's report concludes that with the appropriate mitigation measures the favourable conservation status of the bats will be maintained at the site.

As part of the decision making process, the Local Planning Authority must consider whether an EPSM Licence is likely to be granted by Natural England. Officers do not currently have sufficient information regarding the impact of the development on bats (including roost type and numbers of bats affected) and the efficacy of the proposed mitigation measures to make an informed decision regarding the development in line with our statutory duties.

Roost characterisation surveys should provide sufficient information regarding the physical characteristics of the roost to design appropriate mitigation requirements. Further surveys would be required to ascertain the specifics for such mitigation. Further surveys should be undertaken at optimal survey season for maternity or summer roosts and not spread out as recommended in the Bat Survey Guidelines (BCT) Guidelines.

Further evidence is required to support conclusions drawn. There is no information on the numbers of bats affected by the development or how this relates to the population dynamics and status of the local populations of the species affected (extent) and the mitigation measures proposed

It is not possible to apply the 'mitigation hierarchy' as required of paragraph 175 of the NPPF and local plan policy EN9, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

The applicant has submitted a rebuttal (Appendix 2). On the matter of the HRA it is considered that the likely significance of effects can be screened out on the basis of potential additional visits to sensitive sites associated with the existing care home use as against the 8 proposed dwellings, i.e. nil detriment arising from proposals.

There is no disagreement in relation to the presence of bats on site, the disagreement arises in terms of what further survey work is required to progress. The applicant suggests that mitigation can now be appropriately secured by the use of planning conditions. That the licensing process be updated by further survey information and final detailed mitigations / compensation be agreed via conditional controls. The applicant considers it is "not unlikely" that a EPSM license would be granted by Natural England in such circumstances.

No further evidence has been supplied by the applicant it is a rebuttal of the Council's stance. Officers believe it is not possible to identify suitable mitigation measures are being provided, or to conclude that there is a reasonable probability that an EPSM Licence will be granted. As such it is considered that the proposals fail to accord with Local Plan Policy EN9, furthermore the Council would not be complying with its statutory duties with respect to a European protected species if it were to grant planning permission on the basis of the information currently submitted.

Sustainable transport

Significant concerns surrounding the principle of open market residential use in this open countryside site are raised by NCC. The proposals are considered unsustainable and car dependent; little weight is given to the applicant's statement that adjacent Holt Garden Centre may serve some needs for the proposed residents. It is concluded that the proposals will be contrary to Policy 5 of Norfolk's 3rd local transport plan Connecting Norfolk – Norfolk's Transport Plan for 2026.

Officers consider the remote location set apart from local services and facilities will require car dependency on a regular basis contrary to sustainability principles of the NPPF, NCC and NNDC Core Strategy Policies SS1 & SS2.

Conclusion and Planning Balance

The Council is able to demonstrate five-years deliverable supply of housing land and the most important policies in the determination of this application are considered to be up to date. A market led-housing proposal of 8 dwellings facilitated by demolition of a Care Home in designated countryside and AONB would be considered a departure from Development Plan policies SS1 and SS2.

The proposal would result in harm to the special qualities of the Norfolk Coast AONB, and local landscape, officers consider that the applicant has failed to demonstrate or appropriately justify why the development needs to be located within an area afforded the highest status of protection.

The existing care home has not been marketed or its loss supported by any financial viability analysis. Contrary to CT3.

Officers consider that the landscape and visual impacts of this development have been underestimated by the applicant and that a development of this height, layout and design could not be assimilated effectively into the designated landscape setting without resulting in significant adverse effects. Contrary to local plan policy EN1, 2 & 4.

The applicant has failed to adequately demonstrate that the proposal would not have an adverse impact on ecology and biodiversity interest features. No recreational mitigation payment is offered to offset impacts of the proposed residents on local sites of nature importance. Contrary to NPPF and local plan policy EN9.

The proposals have failed to deliver a design which by means of its scale, height, detailing and layout effectively assimilates into the wider landscape. Contrary to policy EN4.

NCC Highways officers object to new build open market housing in an unsustainable location, the proposals are considered to lead to car dependent residential occupancy contrary to NPPF, Policy 5 of Norfolk's Transport Plan for 2026, and local plan policy SS1 & SS2.

The applicant considers that the Council no longer has a five-year housing supply; that the policies of the local plan are out of date and that the principle proposed is one that offers an otherwise sustainable redevelopment of a brownfield site. The applicant balances the existing landscape and transport footprint of the care home against the impact of that which is

proposed and find nil detriment. The applicant considers that the design is appropriate and that any harm created to the AONB / local landscape setting is otherwise mitigated. The applicant finds that there is no requirement for recreational mitigation for nature conservation interests and biodiversity assists, and that conditions can otherwise be applied to mitigate impacts on protected species. Finally, the applicant suggests that there is sufficient supply of care homes locally and that the building is not capable of continued use as a care home. Fledgling plans are provided showing a potential conversion of the care home to residential use, the applicant considers that the existing building is not capable of conversion to alternative uses.

The opinions of officer's and the applicant are set apart on a number of substantive planning matters. Officer's considerations strike out the development proposals on matters of principle: the development is located in the AONB and in open countryside. Officers are not persuaded that the Council lacks a five-year housing supply and therefore consider that the "tilted balance" under NPPF para 11 cannot apply. Policies SS1 & SS2 remain relevant to the determination of this case.

Furthermore, that Brownfield redevelopment is not a "golden ticket" for demolition and rebuilding in any circumstance, and on any site, irrespective of other material planning constraints, impacts or mitigation. Rather that brownfield redevelopment gives an opportunity to consider criteria relating to sustainability under the NPPF and policies SS1 / SS2 and that in any event the wider planning balance should be positive.

Officers are pleased to consider the matter of planning balance, and will give positive weight to the applicant's submissions where applicable. The applicant offers mitigation for the development, reducing any harm that arises inclusive of a landscaping strategy. The proposed dwellings will meet Part L Building Regulations and include PV panels, air source heat pumps and heat recovery ventilation. There will be positive contributions from employment in the demolition and redevelopment works. There may be some positive contribution made to the wider Kelling Estate, which may help to deliver Masterplanning objectives that support local tourism investment and job creation. The proposals may remove a building that has limited local social, historic or architectural interest.

Some opportunities to add positive weight have not been taken; for example, there is no contribution to local affordable housing; also that the proposals do not offer any sustainable repurposing of the building for alternative uses.

Negative weight should be applied under the following considerations; harm is identified to the AONB and local landscape; inappropriate design is proposed; a car dependent and unsustainable use results; no recreational mitigation payment is offered to nature conservation; further ecology and biodiversity survey work is required to enable suitable mitigation to be offered. There is an unproven position regarding the marketing and viability of the care home under the policy tests laid out under local plan policy CT3.

For the reasons detailed within this report officers find that the material considerations in favour of the proposed development offer limited potential benefits, those benefits are not considered capable of attracting sufficient weight to overcome the harm associated with the proposals and so cannot support the significant departure from Development Plan policies SS1, SS2, EN1, EN2, EN4, EN9 and CT3 of the adopted North Norfolk Core Strategy, paragraphs 172 along with Policy 5 of NCC Local transport plan "Connecting Norfolk – Norfolk's Transport Plan for 2026".

Recommendation: Refusal –

Final wording to be delegated to the Assistant Director of Planning

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

**SS1 - Spatial Strategy for North Norfolk
SS2 – Development in the Countryside
EN1 – Norfolk Coast AONB & The Broads
EN2 – Protection & Enhancement of Landscape Character
EN4 - Design
EN9 - Biodiversity and Geology
CT3 - Provision and Retention of Local Facilities and Services;**

In the opinion of the Local Planning Authority, a proposed market-led housing development within the AONB and Countryside Policy Area as set out in Policies SS1 and SS2 would amount to a significant departure from the Development Plan.

The proposal would result in harm to the special qualities of the Norfolk Coast AONB and the applicant has failed to demonstrate or justify why the development needs to be located within an area afforded the highest status of protection.

It is considered that the landscape and visual impacts of this development have been under-assessed by the applicant and that the development could not be assimilated into the designated landscape setting without resulting in significant adverse effects.

The proposals have failed to deliver a design which by means of its scale, height, detailing and layout effectively assimilates into the wider landscape.

The applicant has failed to adequately demonstrate that the proposal would not have an adverse impact on ecology and biodiversity interest features.

The proposals would result in new development which is not well located and connected to existing facilities so as to minimise the need to travel and reduce reliance on the private car or the need for new infrastructure.

The applicant has not fully explained or justified their compliance with policy relating to loss of local services or facilities.

Whilst the applicant has set out a range of material planning considerations which they consider mitigate and attract sufficient weight to justify a departure from the Development Plan, the Local Planning Authority are of the opinion that the material considerations advanced in favour of the proposal do not attract sufficient weight to outweigh the identified conflict with the Development Plan.

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Ref: GA/RW/02019/L0007

23 October 2020

Mrs J Medler
Planning Department
North Norfolk District Council
Council Offices
Holt Road
Cromer
Norfolk
NR27 9EN

Dear Jo

**Kelling Park, Holgate Hill, Kelling
Planning Application by Kelling Estate LLP – NNDC Ref. PF/20/1056**

On behalf of Kelling Estate LLP, I write to respond to the comments made in relation to the above application from the Council's Planning Policy team, dated 29 September 2020.

I note that the policy comments make reference to pre-application policy advice previously provided in respect of reference IS2/19/1316. This advice was never received by the applicant, despite our pre-application enquiry being with the Council for some 10months prior to its withdrawal.

As recorded in Section 2.0 of the Planning Statement which supports the above planning application, you will be aware that the applicant has sought to engage with the Council in a coordinated and meaningful way in bringing forward development proposals on the Estate. The application proposals for Kelling Park have evolved through the Kelling Estate Masterplan with detailed proposals put forward under pre-application enquiry reference IS2/19/1316.

Kelling Estate Masterplan

This document was prepared with regular input from officers to provide a coordinated reference point to guide development proposals on the Estate and recognise the important role that Estates like Kelling play in the positive conservation and management of the countryside and sustaining the local economy.

The final draft version of the document was submitted to the Council's Planning Policy Manager on 27 February 2019, with the understanding comments would be provided. None have been forthcoming.

Representations have been made to the emerging Local Plan that it should include policies which support the role of Estate Masterplans in the planning process.

Kelling Park is the fourth site identified in the masterplan to be brought forward. This follows on from the recent permission for extension and improvement works to the Holt Garden Centre which neighbours this site. The permission which was issued in October 2019, is currently being delivered on-site.

Pre-Application Enquiry IS2/19/1316

This was submitted and made valid on 21 August 2019. Proposals for the site were the subject of a number of meetings and follow up submissions. Key issues in those discussions were the need to:

- Satisfy the terms of policy CT3 – Provision and Retention of Local Facilities and Services;
- Evidence of an implementable fallback scheme;
- The desire expressed for the site to accommodate a contemporary eco design;
- A request to compare the level of proposed development with that which exists on-site.

This was provided in submissions made in November 2019 and January 2020.

As recorded at paragraph 2.14 of the Planning Statement, following on from those submissions the impact of Covid-19, delayed the Council's response such that on 16 June 2020 a decision was taken to withdraw the pre-application enquiry and proceed to planning application.

At that point no in-principle objection had been raised to the redevelopment of this brownfield site.

It is therefore with considerable surprise and disappointment that we have received the aforementioned policy objection.

Nevertheless we provide our response to the objection made below:

The proposals are contrary to Policy SS1 (Spatial Strategy) and SS2 (Development in the Countryside).

- The policies were adopted over 12 years ago;
- The policies were prepared to cater for a housing requirement set by the East of England Plan in 2004, a regime of plan-making which has since been abolished;
- This housing requirement falls significantly short of housing needs and is not consistent with the NPPF;
- The limits imposed on development in the countryside are inconsistent with the NPPF;
- Policy SS2 allows for replacement dwellings in the countryside. This is out of step with the NPPF which imposes no such limitation on the redevelopment of such sites;
- The Council cannot demonstrate an NPPF compliant 5year housing land supply
- All these factors limit the weight which should be afforded policies SS1 and SS2 insofar as they restrict housing development needed to meet future needs, particularly where this can be provided on a brownfield site in a form of development which bring significant benefits in terms of:
 - Quality of accommodation;
 - Positive contribution to the Council's deficient supply;
 - Limit pressure to release undeveloped greenfield sites to meet future needs;
 - Beneficial effects on the site its immediate surroundings and the AONB.

Remoteness of Location

- Highways have not objected;
- The lawful use C2/C3 would generate similar or greater levels of traffic;
- Travel demands associated with a conversion scheme would be similar;
- The principal settlement of Holt with full range of shops and services is around 2.5km away along lightly trafficked roads, well within the 5km threshold generally considered acceptable for journeys by bicycle;

- The development is functionally and physically linked to the neighbouring Holt Garden Centre, which itself is being extended and upgraded. Offering a wide range of retail goods and café the centre is open 7days a week and will be available to future residents on their doorstep.

Council's climate change agenda

- The redevelopment of previously developed brownfield sites is inherently sustainable and reduces the pressure to release greenfield sites for housing;
- The importance NNDC attach to brownfield sites is expressed in its latest Annual Monitoring Report which sets a target that 50% of new homes should be on previously developed land.

Five year land supply

- Contrary to what is stated the Council is unable to demonstrate an NPPF compliant 5year housing land supply. The NPPF requires the 5year housing land supply to be calculated in accordance with the Governments standard method. Calculated in this way the supply is **4.72years**. This is before one scrutinises the Council's supply;
- It is noted that the Council are currently defending an appeal (NNDC Ref. PO/18/1857) where the appellant (Gladman) has reviewed the Council's supply of sites and finds the deliverable supply to be at only **4.06years**.

The Age of Policies is Immaterial in Considering the Proposals

- The NPPF places great importance on up to date plan-making, with the requirement development plans are updated at least every 5years;¹
- The policies of the NPPF are material considerations from the day of publication and plans to reflect the policy changes should be updated as quickly as possible.² (see further commentary above under policies SS1 and SS2);
- Clearly it is not the case that policies adopted 12 years ago, informed by development requirements from the East of England Regional Plan (2004), a tier of plan-making since abolished and which fail to reflect the Governments required approach to calculate housing needs in accordance with the standard method, and which precede the NPPF, can carry equal weight to those informed by current evidence of future development needs which is consistent with National Policy.

H09 Conversion

- Contrary to what is stated details of a conversion scheme were provided at pre-application stage and submitted with the planning application.

The Justification for the 8 dwelling proposal is based on a volumetric replacement rather than floorspace. The approach results in a significant increase in floorspace, scale and massing. The approach is contrived in order to justify a significant increase in residential development.

- The table under paragraph 5.11 in the submitted planning statement confirms there to be a reduction from the existing when measured in both floorspace and volume terms.

Landscape Impact

- It is unclear on what basis the comments conclude the proposals are contrary to policies SS4, EN1 and EN2 of the Core Strategy;
- The application was supported by a detailed Landscape Visual Impact Appraisal which concludes that the proposals provide betterment in landscape terms which would enhance the landscape and scenic beauty of this part of the AONB;
- The Norfolk Coast Partnership has not raised an objection to the proposals subject to conditions limiting artificial light pollution;
- It is our understanding landscape comments have yet to have been received.

¹ NPPF, paragraph 33

² NPPF, paragraph 212

Kelling Estate Master Plan

- The policy comments draw from an earlier iteration of the draft Kelling Estate Masterplan (V11). The final draft (V15) submitted to the Council some 20months ago on 27 February 2020 proposed residential re-use/redevelopment of the site.

Conclusion

For the reasons explained above I hope you can understand the reasons disagree with the policy objection raised, which we consider to be at odds with the officer advice previously received in relation to the proposals.

I trust the content of this letter will be taken into account as the application is progressed towards determination. In the event you have any queries or need to discuss other aspects of the proposals please do not hesitate to contact either myself or my colleague Roger Welchman.

Yours sincerely



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Director

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Ref: GA/RW/02019/L0008

4 December 2020

Mrs J Medler
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By E-mail

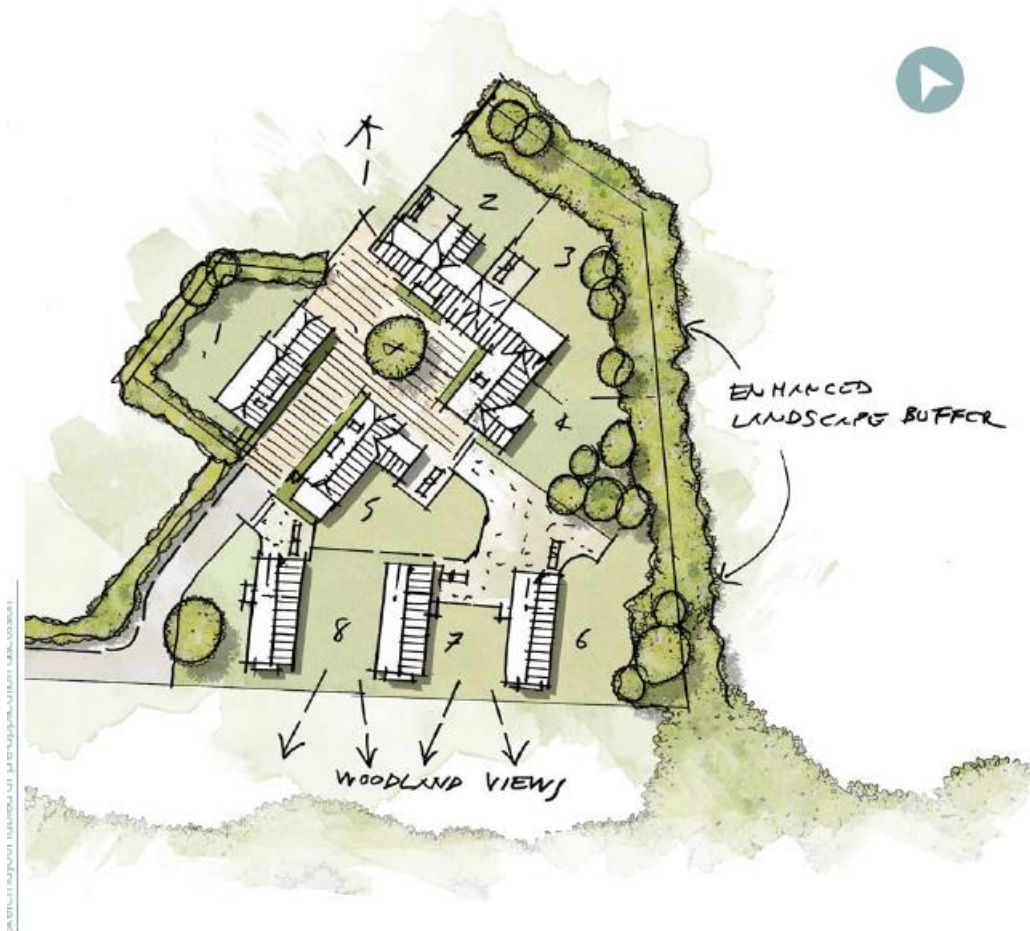
Dear Jo

**Kelling Park, Holgate Hill, Kelling
Planning Application by Kelling Estate LLP – NNDC Ref. PF/20/1056**

On behalf of Kelling Estate LLP, I write to respond to the comments made in relation to the above application from the Council's Landscape Officer, who also provides comments on ecology and those from the Conservation and Design Team.

As recorded in my last letter dated 23 October 2020, the applicant has sought to engage with the Council in a coordinated and meaningful way in bringing forward development proposals on the Estate. The application proposals for Kelling Park have evolved through the Kelling Estate Masterplan with detailed proposals for this site put forward under pre-application enquiry reference IS2/19/1316, which was confirmed as valid on 21 August 2019.

As part of the pre-application discussions we met on 28 November 2019. As recorded at page 14 of the submitted design and access statement (extract image below) a scheme layout was tabled and discussed at that meeting. By way of response you expressed reservations that this represented a traditional approach based on replacing a farmyard typology layout and traditional vernacular buildings.



The views firmly expressed at that meeting invited a more contemporary approach. The comment received, following an officer site visit, was that the site was highly contained with little visual interaction with surrounding built form, noting the most prominent neighbouring buildings to be large format commercial buildings at Holt Garden Centre. The site therefore offered the opportunity to accommodate a contemporary, innovative design solution, unencumbered by the need to follow traditional vernacular design.

The views are consistent with those expressed by Norfolk Coast Partnership in relation to the submitted application. They observe that the site is brownfield, adjacent to an existing business and that the site area is well screened.

A revised scheme, which is consistent with that now under consideration was submitted as part of the pre-application enquiry in January 2020. The submission included a computer-generated 3D animated fly through of the scheme to provide a thorough understanding of the design intent.

Despite repeated requests for a meeting no further feedback was received, such that in June 2020, the decision was taken to proceed on the basis of the submitted scheme.

It is against this background that we now find ourselves in the hugely disappointing position of responding to objections made in respect of landscape, ecology and design, which are completely out of step with the discussions held previously and which are considered to be both ill-conceived and unjustified given the nature of the site and its characteristics.

As a major landowner in the area our clients have sought to engage with the Council on numerous projects in a genuine and meaningful way. Regrettably on this occasion the standard of service received and the strength of unjustified objection to the application from Council consultees is such that unless a more constructive dialogue can be established they consider they will have no option but to lodge an appeal against non-determination.

Notwithstanding the above the consultee comments on landscape, ecology and design which have been received have been reviewed by the design team. This single response incorporates the comments of Aspect Landscape, Aspect Ecology and Thrive Architects. The NNDC consultee comments are shown in *italics*, with our response below, as follows:

Landscape

The proposal for 8 new market dwellings ranging from one to two storeys will significantly alter the character of this site by introducing hard landscape in the form of roads, plot division and lighting, as well as increased vehicle movements and external domestic elements such as refuse areas, cycle stores and external parking provision. Despite retention of the mature boundary hedge vegetation, light and noise pollution would be significantly increased compared with that of the consented use for the existing set of buildings....

The site is located within the Norfolk Coast AONB, however it is:

- A brownfield site;
- Offers very limited landscape interest;
- Is highly contained;
- Contains few elements or features that contribute to the special qualities of the wider AONB setting;
- Contains a large-scale unused care home property with areas of hard-standing which is of no architectural merit and detracts from its immediate setting.

Against this background the application proposals would signal change, but **not** negative change due to enhanced landscaping and architectural components, which will **improve** the character and appearance of the site.

It is simply not the case that vehicular movements, light and noise pollution would be significantly increased. The lawful use of the site as a C2/C3 residential care home for around 22 young adults plus 27 staff would be more intensive than that which is proposed.

Any activity at the site should be considered against this background and the activity at the neighbouring Holt Garden Centre which is open throughout the year open 7 days a week to the general public.

On this basis we strongly refute the claim that proposals will reduce the perceived sense of tranquillity within the immediate setting of the site, nor the perception of remoteness that is associated with areas that are more typical of the Norfolk Coast AONB and Rolling Heath and Arable Landscape Type.

Two particular qualities that would be impacted are 'Diversity and Integrity of Landscape, Seascape and Settlement Character' which is based on maintaining the diversity of landscape character types and reinforcing settlement patterns within each type and the 'Sense of Remoteness, Tranquillity and Wildness.' The Norfolk Coast AONB Integrated Landscape Character Guidance (RHA p.6) cites the very prominent garden centre, ad hoc horsiculture, gentrified barn conversions and recent forestry

plantations on former heathland in the Salthouse and Kelling Area (RHA2) as some of the introduced features that erode this otherwise wild and remote characteristic and are jarring features of this ecologically and visually important rare heathland landscape. It is the undeveloped character which contributes to the wild, remote sense of this part of the AONB. The Guidance warns that new developments, particularly outside of established settlements can erode this wild remote characteristic that is part of the inherent sensitivity of this area, unless they are well integrated into the landscape. Screening the development as proposed does not integrate it into its landscape setting and it is therefore not compatible with the AONB guidance and fails to reinforce or enhance the defined special qualities of the AONB.

The site does **not** reflect the remoteness and wildness characteristics which are mentioned. It is highly contained by surrounding built components, extensive woodland, equestrian paddocks and existing mature hedgerows. There would be no undermining or erosion of the valued characteristics of the wider landscape.

Within this context, the proposals are **not** considered to threaten the 'integrity' or 'diversity' of the localised landscape, with the high quality architectural and landscape proposals considered to enhance the existing detracting components that characterise the site and immediate setting referred to within the Integrated Landscape Character Guidance, noted above.

The strategic landscape proposals have incorporated guidance set out within the councils adopted Design Guide SPD (December 2008) which in relation to existing planting states:

The careful use of existing planting can be the difference between buildings being successfully integrated into their landscape or not. Indeed, where established hedges and mature trees already exist, they should be retained to provide buildings with a natural link to their surroundings. By preserving a sense of continuity in this way, new developments are also more likely to be accepted locally....

In this respect the retention of the positive boundary hedgerows is not considered to relate to any negative requirement of 'screening' of poor design, but represents an opportunity to take on board adopted local planning guidance and to positively integrate the proposed development within the surrounding agricultural landscape and visual environment.

New planting will incorporate a simple, naturalistic style, that reflects the local heathland settings and rustic, contemporary architectural vernacular expressed within the proposed built form. The planting palette incorporates locally valued species that are prevalent within the neighbouring heathland, utilising a similar approach that was advised by the council within the submission for the adjacent garden centre renovation. In this respect the proposals are considered to be fully compatible with the Design Guide SPD, which actively promotes the use of locally prevalent native plant species.

This application represents a **very positive** opportunity to improve the character and appearance of the site and its immediate setting.

The layout results in little public amenity space, where planting can be specified and maintained, as opposed to planting within private gardens which cannot be controlled. There are token pockets of planting at the site entrance and adjacent to parking bays. Whilst species selection may be reflective of the surrounding habitats, as indicated on the Landscape Masterplan, there is no integration of the

site into its landscape setting (as purported in 6.11 of the LVIA) due to the intention to maintain the high hedged boundaries to screen the development and thereby limit its visual impact. The need to make the development acceptable by visually divorcing it from its landscape setting is a clear indication that the rural location is unsuitable for this type of development and incompatible with the prevailing landscape character.

The landscape proposals form an integral part of the proposed development, with structural native tree and hedgerow species and more naturalistic lower level heathland planting, acting as key focal points and features in their own right that will assist with both physically and visually integrating the proposed built form within the site and its setting.

New planting will incorporate a simple, naturalistic style, that reflects the local heathland settings and rustic, contemporary architectural vernacular expressed within the proposed built form. The proposals are therefore fully compatible with the Design Guide SPD, which actively promotes the use of locally prevalent native plant species.

The LVIA relies on its assessment of the landscape immediately around the site as being of low/medium value and low sensitivity, yet acknowledges the wider landscape is of Very High Sensitivity (5.15). The impacts of the development will extend beyond the immediate setting into this higher value landscape. The new development will incur more landscape and visual impact than the centrally located existing building cluster by virtue of the significant increase in two-storey elements of built form and by placing the two storey units all around the site and closer to the boundaries. It is therefore disputed that the Magnitude of Change will be Negligible to None (5.15) and that there will be No Significance of Effect on the localised and wider visual environment (5.20).

The sensitivities of the site and its localised landscape setting are considered to have been accurately assessed within the submitted LVIA and reflects the baseline conditions of the site's immediate setting, where a clear sense of reduced tranquillity is experienced, in contrast to the wider AONB agricultural and heathland settings where a heightened sense of ruralness and remoteness is evident. **The baseline assessment has followed standard practice and a methodology, that incorporates guidance laid down by the Landscape Institute within its GLVIA3 guidelines and forms the basis of the LVIA in assessing the potential impacts on the receiving landscape and visual resource.**

The proposals do not exceed the roof heights of the existing care home facility, with the individual properties set out and carefully spaced to allow for a high quality landscaping scheme to be incorporated that will visually break up and reduce the perceived scale and massing of the proposed built form in contrast to the singular large scale massing of built form that is currently present on site.

The proposed development has not been screened, as is suggested within the above comments, but does take advantage of its highly contained nature, established by a mature vegetation structure and adjacent built form.

The LVIA has assessed **positive beneficial landscape effects** within the site and are **not** considered to cause any significant harm to the key characteristics of the Rolling Heath and Arable (RHA) LT or Salthouse and Kelling sub-character area as defined within the adopted 2009 Landscape Character Assessment. This reflects the reduced sensitivity of the site and its immediate setting and the limited inter-divisibility of the proposals with the localised landscape and visual setting.

Ecology

The proposals are likely to result in disturbance to the qualifying features of the Habitats sites. The applicant will need to provide supporting information in order for the Council to undertake an HRA. This information should use information on recreational visitor pressure and mitigation measures in Norfolk, which is currently within the emerging Green Infrastructure and Recreational Avoidance Mitigation Strategy being prepared on behalf of the Norfolk Strategic Partnership.

As clearly set out within the submitted information, the site is located within an identified Impact Risk Zone associated with the North Norfolk Coast SAC/SPA/RAMSAR designation. As such, it is necessary for the Council to undertake a Habitats Regulations Assessment (HRA) in order to ensure compliance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) as competent authority in granting any planning permission for the site.

The first stage of a HRA is a screening exercise, whereby it is necessary to examine if the proposals will result in any 'likely significant effect' on the internationally important features of the European site, either alone or in combination with other plans or projects. EC guidance recommends that key indicators should be used to determine the significance of effects.

"If it can be objectively concluded that there are not likely to be significant effects on the European site, no further assessment is necessary and permission should not be refused under the assessment."

If any 'likely significant effects' are identified or where it remains unclear whether effects will be significant the assessment procedure should follow on to further stages of the process (Appropriate Assessment).

As set out within the submitted information, the site is located approximately 2.6km from the North Norfolk Coast designation such that it is clear that the proposals will not result in any land-take, physical disruption or direct disturbance effects on the designation, nor are there any potential direct hydrological links that could result in effects on water quality. Accordingly, it is clear that likely significant effects in regard to these impact pathways can be screened out.

The proposals are for residential development (comprising the construction of 8no. new residential dwellings) and as such it is relevant to further consider potential for recreational impacts due to an increase in new residents visiting the relevant designations. Assuming an average occupancy of 2.4 persons per dwelling (in line with standard guidance and national occupancy rates), the proposals would therefore be anticipated to support a total of 19.2 residents, who may therefore be anticipated to visit the North Norfolk Coast designations. In this context it is necessary to consider the proposals in the context of the existing permitted position in order to establish if this would represent an increase in recreational pressure (and thereby potential to result in likely significant effects on the designations).

As set out within the previously submitted information, the existing permitted use of the site, following planning permission PF/11/1094 and as subsequently implemented at the site is for mixed C2 (residential care) and C3 (residential dwellings) use made up of 9 self-contained apartments (comprising 7 no 1-bed and 2 no. 2-bed apartments) and a further 11 one-bed residential units for residents making use of shared facilities (i.e. a total of 20 individual residential units providing accommodation for 22 residents). Further, it is understood that the facility provided rehabilitation for people with mental health problems rather than old-age care and as such residents would not be anticipated to be particularly infirm or less likely to visit the coastal areas due to age or mobility, as could be assumed of old-age care. Accordingly, on this basis it is not anticipated that the proposals would result in any increase in the number of residents at the site over the existing permitted position, such that no increase in recreational visits to European sites would be anticipated to be generated by the proposed development over the existing permitted position and accordingly, likely significant effects (either alone or in combination with other plans or projects) can similarly be screened out.

On this basis, it is considered that under the first stage of a formal HRA process, likely significant effects on the North Norfolk Coast designations as a result of the proposals can be screened out and there would appear to be **no** basis for the officer's unsubstantiated assertion that the proposals will result in increased recreational pressure on the North Norfolk Coast designations.

It is considered the conclusions drawn in the Ecological Appraisal, with regard to bats, are not sufficiently evidenced or justified, therefore it is not possible to identify suitable mitigation measures or conclude whether an EPSM Licence will be granted. As such the application fails to accord with Local Plan policy EN9 as sufficient evidence has not been presented to assess the impact of the development on protected species and apply the mitigation hierarchy. The Council would not be complying with its statutory duties with respect to a European protected species if it were to grant planning permission on the basis of the information currently submitted.

Notwithstanding the need to limit survey activities during the 2020 survey period due to COVID-19 considerations, in order to minimise risk of transmission and avoid unnecessary requirements for overnight accommodation and increased surveyor interactions, the surveys included emergence survey work undertaken during the appropriate seasonal period specified within the guidance for maternity and summer roosts (May to August).

The survey work has confirmed without doubt the presence of Soprano Pipistrelle (through observed emergences), Brown Long-eared Bat (through direct observation, droppings and DNA confirmation) and Common Pipistrelle (through droppings and DNA confirmation) roosting within the existing building at the site. Further, the number and location of droppings in relation to Brown Long-eared and Common Pipistrelle bats (as described within the reported information) provides clear information in regard to the numbers of individuals and likely nature of use afforded by these species. Nonetheless, emergence survey work was undertaken in order to further confirm the position, which has identified the additional presence (along with numbers and further detail such as access locations) of Soprano Pipistrelle bats roosting within the building.

The guidance sets out that "*If the presence of bats has been confirmed, then roost characterisation surveys may be required (depending on how much information on species, numbers, access points, roosting locations, timing of use and type of roost has already been collected),...*" Further, in relation to Roost Characterisation surveys the guidance is clear that these.. "*...include emergence/re-entry surveys. They also include the collection of information about the physical characteristics of the roost and surrounding area.*"...in order to inform the impact assessment and design of mitigation measures. Given the confirmed presence (and species identity) of bats at the site, the level of survey work undertaken is considered **appropriate** in order to inform the impact assessment and mitigation design at the current stage.

It is clear that the proposed redevelopment of the site will result in the loss of the existing building, such that the loss of the existing bat roosts cannot be avoided under the proposals and as such the extent of impact is evident. Accordingly, appropriate mitigation measures and compensation (in the form of a purpose-built bat roost building, the precise construction details of which could be suitably secured under a planning condition) is proposed, which will (as set out) also require licensing to be obtained from Natural England prior to any commencement of works at the site. Any such licensing process would necessarily require further, up to date survey information at that time (NE typically require survey information from the most recent available survey season prior to granting any licence for works), along with detailed mitigation and compensation information.

Standard guidance, including as set out within Natural England guidance note WML-G24 is clear in that the licensing and planning processes are separate and that the level of information required by Natural England in relation to licensing will be higher than that ordinarily required in the planning consent process. It is clear that appropriate mitigation measures and compensation (in the form of alternative,

bespoke roost provision) are available (and proposed) at the site, such that (in line with the requirements for consideration by The Council, including as set out within R(Morge) v Hampshire County Council (2011) it is **not unlikely** that a licence would be granted by Natural England in relation to the proposals.

Design

At the outset it is noted that the NNDC consultee comment confirms the:

- Buildings on site have been stripped of any architectural or historic interest;
- That there can be no conservation and design objection to the wholesale demolition of the existing buildings; and that
- The general principle of redeveloping the site cannot be challenged from a built environment point of view.

Notwithstanding the above a number of concerns have been expressed which are repeated below in *italics* with our response provided below, as follows:

The care home has a sprawling footprint but is concentrated mainly in the NW corner of the site sat behind existing residential and garden centre buildings. The proposed buildings would be spread more liberally across the site and potentially create a more instant passage from the built into the natural environment.

The proposed development is smaller in both floorspace and volume terms than the existing built form on-site. As confirmed through the submitted landscape assessment work the site is highly contained and the enhanced architectural and landscape components proposed will deliver improvements to the character and appearance of the site in an improved immediate setting.

Plots 1-4 have been laid out in a row which features similar spacing and orientation. Given they would also support similar and near-parallel built forms and subdivision, there is a rhythm to these dwellings which surely speaks more of regimentation and formality.

Plots 1-4 have been orientated to be south facing and maximise solar gain. They are not however formally laid out, rather they are fanned to follow the sun's path, so we consider the description of 'regimentation' to be unfounded. From ground level they ensure an active frontage to the lane and appear in a shallow curve.



The proposed buildings exist in isolation and do not feature the kind of additive and incremental 'collisions' so often seen in rural locations. If we also then factor in the hammerhead turning circles, delineated footpaths and the (in part) repeating on-plot parking spaces, the overriding impression is of a suburban undercurrent running through the scheme.

This is a new scheme and the houses are contained to keep the massing as compact as possible. The accidental collisions referred to usually take place over time and obviously this is a new build. Inventing collisions to look accidental would be contrived and contrary to the honest approach taken whereby the

houses respond to orientation, aspect and opportunities for outward views. The proposed buildings do have ground floor projections, the ends of which are articulated.

As outlined at the start of this letter, we were encouraged through the pre-application process to prepare a contemporary scheme for this site, which nevertheless still draws on local identity.

These two-storey buildings are also certainly not without their design merit and feature visual interest and innovation in equal measure. However, they are not structures which one would immediately associate with our particular District.

The buildings are designed in a contemporary idiom and the justification for this is set out clearly in the submitted DAS. As long as the design and detailing is carried out with rigor and thoroughness and appropriate conditions are applied to the approval there is no reason why this should not be an exemplar scheme and of its time.

The roofscape may appear rather one-dimensional by virtue of (presumably identical) standing seam being used on all two storey plots.

There is a possibility that this could be varied by either varying the direction of the standing seams or using an alternative sheet material or finish. This could be agreed pursuant to an appropriate condition.

The large areas of glazing proposed are not necessarily best suited to a dark skies area.

There will be opportunity to address this issue at the detailed design stage by the careful specification of appropriate glass or using a system that has a blind between the sheets of glass.

Conclusion

For the reasons explained above I hope you can understand the reasons we strongly disagree with the comments received which we consider to be at odds with the officer advice previously received in relation to the proposals and the encouragement given to follow a contemporary approach, which we were advised need not follow a traditional design approach given the highly contained nature of the site and the commercial nature of the neighbouring built form.

As has always been the case through the pre-application and application process we remain keen to engage in a dialogue with the Council which reflects the positive onus which national policy places on making best use of previously developed land. In this regard I would welcome the opportunity of discussing this case at the earliest opportunity.

As outlined above in the event that this does not occur we will be forced to consider lodging an appeal against non-determination.

Yours sincerely



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