

North Walsham – PF/21/2650 - Technical Details Consent following from Permission in Principle (PP/20/0160) for the demolition of the existing buildings on site and the erection of four dwellings with associated parking and gardens, Unit 1, Melbourne House, Bacton Road, North Walsham, for Mr David Taylor

Target Date: 09th November 2021
Extension of Time: 28th October 2022
Case Officer: Russell Stock
Technical Details Consent

RELEVANT SITE CONSTRAINTS:

Within a Countryside location outside of a Settlement Policy Boundary in policy terms
The site is partially covered by Tree Preservation Order TPO/19/0954 (TPO)
The site lies within the setting of the Grade II Listed Melbourne House
The site lies within a Mineral Safeguarding Area

RELEVANT PLANNING HISTORY:

Reference	PP/20/0160
Description	Permission in principle for the demolition of the existing buildings on site and the erection of four dwellings with associated parking and gardens and an extension of 30mph speed limit
Decision	Refused 15.01.2021
Appeal	Allowed 24.08.2021

The current Technical Details Consent (TDC) application follows this Permission in Principle (PIP) application which was allowed by the Planning Inspectorate. As set out within paragraph 7 of their decision, the main issues which were considered at the appeal stage were whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development. The Inspector found in the applicant's favour on the main area of dispute which centred around the site's location outside of the settlement boundary of North Walsham. The Inspector found that the relevant Core Strategy policies for determining the appeal were not out-of-date and were broadly in compliance with the latest National Planning Policy Framework (2021). The Inspector acknowledged the conflict with the Core Strategy in terms of the site's location outside of the defined settlement, however determined that the resulting harms in this respect would be limited and that the modest benefits associated with the development would outweigh the harms identified.

The Inspector stated within their decision that the detailed design and layout of the scheme are matters to be resolved at the Technical Details stage and at the time of decision, there was no substantive evidence before them to demonstrate that a suitably designed development, albeit that it may have to be below the maximum proposed, could not be located within the site. The Inspector highlighted that the Council had identified other matters of concern, including residential amenities and highway safety. They note that it is only when details are provided at the TDC stage that the final detailed design and these matters can be resolved. They highlight that this was the agreed approach taken by the main parties.

Reference PP/19/1307

Description Permission in principle for the demolition of the existing buildings on site & the erection of 5 no. dwellings

Decision Refused 19.09.2019

Reference PF/79/2035

Description Furniture store and workshops

Decision Approved 05.02.1980

THE APPLICATION

This application seeks Technical Details Consent for the demolition of the existing buildings on site and the erection of four dwellings with associated parking and gardens. External materials would consist of terracotta rustic pantiles, red stock bricks, timber cladding, windows, doors, glazed screens and fascia boards, and include brick headers and cills.

A full set of amended plans along with a Contamination Desk Study and Heritage Impact Assessment were received on the 04.01.22. Additional reports were received on the 11.01.22 (Protected Species Survey), 24.01.22 (Surface water drainage report), 27.01.22 (Arboricultural Impact and Lighting Assessments), 29.03.22 (Ammonia, Dust, Odour and Noise Impact Assessments) and 05.04.22 (Ammonia Addendum)

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllrs Seward and Heinrich in light of the complex planning issues involved with this proposal at technical details consent stage.

Cllr Seward has indicated that “Residential development in principle is permitted on the site. Further, there are no grounds on the basis of design of dwellings, landscaping and environmental considerations for this application to be refused’.”

PARISH/TOWN COUNCIL

North Walsham Town Council: No Objection

“North Walsham Town Council having read the Highways comments and referring to our previous response to PP/20/0160 we have no objection.”

LOCAL WARD COUNCILLOR COMMENTS

Cllr Eric Seward:

“The above application relates to technical (detailed) consent following outline planning permission (permitted on appeal) for residential dwellings on this site.

I am aware that there is a strong Environmental Health objection on the grounds of loss of amenity value for potential occupiers of residential dwellings due to the proximity of a nearby

poultry farm. How this objection is now addressed is matter for planning officers to determine. My comments at this stage are:

- The EHO objection does not address the appeal decision in PF/17/0902 (a similar case at another site in North Walsham) where the Inspector found against the Council's decision to refuse and also awarded costs against the Council.
- Whether, given the EHO objection, a noise and odour report is now required from the applicant.

I also recognise given the EHO's concerns that this application could be recommended for refusal. I do not believe, given the history of this planning case, that it should be determined by officers but should come before the Development Committee if a refusal is recommended. In order to protect this position I therefore as a local member 'Call In' the application. The grounds are:

'Residential development in principle is permitted on the site. Further, there are no grounds on the basis of design of dwellings, landscaping and environmental considerations for this application to be refused'."

CONSULTATIONS:

Environmental Health Officer: Objection.

Conservation and Design Officer: No objection, subject to conditions.

Ecology Officer: No objection, subject to conditions.

Tree Officer: No objection, subject to conditions.

Norfolk County Council Highway Authority: No objection, subject to conditions.

Norfolk County Council Lead Local Flood Authority: Development falls below threshold for comments.

Norfolk County Council Minerals and Waste: No objection – Refer to comments provided for PP/20/0160.

Environment Agency: Concerns raised.

Internal Drainage Board: No comment.

REPRESENTATIONS:

One letter of objection, from Banham Poultry (2018) Limited (operators of the neighbouring Bluebell Farm) was received as summarised below:

- The adjoining poultry farm was built around 1980 and is subject to the Environmental Permitting Regulations due to the high risk of environmental impacts.
- The site has received numerous odour and noise complaints over a number of years. Increased odour complaints have been received following the recently permitted

residential conversions. The proposed development would result in new dwellings being located in closer proximity to the poultry farm.

- The farm is operating at Best Available Techniques (BAT) and there is no ability to mitigate any impacts further.
- The development proposed would not be integrated effectively with existing businesses as required by the National Planning Policy Framework.
- The development would result in adverse impacts upon the operations of an existing and well established business. This would result in the potential loss of economic activity, both for the site and wider area. There would be climate change considerations should the farms operations be restricted due to the proposed development.

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.

LOCAL FINANCE CONSIDERATIONS

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

STANDING DUTIES

Due regard has been given to the following duties: Environment Act 2021 Equality Act 2010 Crime and Disorder Act, 1998 (S17) Natural Environment & Rural Communities Act 2006 (S40) The Conservation of Habitats and Species Regulations 2017 (R9) Planning Act 2008 (S183) Human Rights Act 1998

RELEVANT POLICIES:

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

Policy SS 1 (Spatial Strategy for North Norfolk)
Policy SS 2 (Development in the Countryside)
Policy SS 4 (Environment)
Policy SS 5 (Economy)
Policy SS 6 (Access and Infrastructure)
Policy SS 10 (North Walsham)
Policy HO 1 (Dwelling Mix and Type)
Policy HO 7 (Making the Most Efficient Use of Land (Housing Density))
Policy EN 2 (Protection and Enhancement of Landscape and Settlement Character)
Policy EN 4 (Design)
Policy EN 6 (Sustainable Construction and Energy Efficiency)
Policy EN 8 (Protecting and Enhancing the Historic Environment)

Policy EN 9 (Biodiversity & Geology)
Policy EN 10 (Development and Flood Risk)
Policy EN 13 (Pollution and Hazard Prevention and Minimisation)
Policy CT 5 (The Transport Impact of New Development)
Policy CT 6 (Parking Provision)

Minerals and Waste Development Framework - Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026

Policy CS16 (Safeguarding mineral and waste sites and mineral resources)

Material Considerations:

Supplementary Planning Documents and Guidance:

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

National Planning Policy Framework (2021):

Chapter 2 (Achieving sustainable development)
Chapter 4 (Decision-making)
Chapter 5 (Delivering a sufficient supply of homes)
Chapter 6 (Building a strong, competitive economy)
Chapter 8 (Promoting healthy and safe communities)
Chapter 9 (Promoting sustainable transport)
Chapter 11 (Making effective use of land)
Chapter 12 (Achieving well-designed places)
Chapter 14 (Meeting the challenge of climate change, flooding and coastal change)
Chapter 15 (Conserving and enhancing the natural environment)
Chapter 16 (Conserving and enhancing the historic environment)
Chapter 17 (Facilitating the sustainable use of minerals)

Other material documents/guidance:

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)
Natural England National Character Areas – 78 Central North Norfolk (2014)
Technical housing standards – nationally described space standard (March 2015)

BACKGROUND

On 01 June 2018, a new route for obtaining planning permission via an application became available for most small, housing-led developments: an application for Permission in Principle (PIP) followed by an application for Technical Details Consent (TDC). Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development.

The requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 apply in that PIP and TDC applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

Permission in principle was allowed on appeal for between 1no and 4no. dwellings at this site on the 24.08.2021. This followed the refusal of PIP application reference PP/20/0160, which was determined by the Development Committee on 14.01.2021. The current proposals are for the subsequent Technical Details Consent (TDC) in relation to this PIP.

An application for technical details consent must be in accordance with the permission in principle that is specified by the applicant. The requirements that apply to decisions on other types of application for planning permission also apply, including that the decision must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise (Planning Practice Guidance - Paragraphs: 003 Reference ID: 58-003-20190615 and 015 Reference ID: 58-015-20170728).

A TDC must cover the whole of the PIP development and separate TDC applications for different phases cannot be made (Paragraph: 019 Reference ID: 58-019-20180615). Conditions can be attached to a TDC provided they meet the relevant tests (Paragraph: 021 Reference ID: 58-021-20170728).

It should be borne in mind that a TDC should not reconsider the acceptability in principle of the type of development, in the location and up to the maximum specified in the PIP.

SITE DESCRIPTION

The application site is located on the eastern side of Bacton Road on the north eastern edge of the settlement of North Walsham. The site contains an existing steel frame former agricultural/commercial building whilst the site also extends across a large area of woodland along the eastern side of Bacton Road, which is subject to a tree preservation order.

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION

- 1. Background and Principle of Development**
- 2. Impact on the Character of the Area/ design**
- 3. Impact on Heritage Assets**
- 4. Housing Mix**
- 5. Ecology and Trees**
- 6. Habitats Regulations**
- 7. Residential Amenities**
- 8. Highways and Parking**
- 9. Waste and Refuse**
- 10. Flood Risk and Surface Water Drainage**
- 11. Contaminated Land**
- 12. Energy Efficiency**
- 13. Other Matters**
- 14. Planning Balance/Conclusion**

1. Background and the permission in principle

Permission in principle (PIP) was granted (on appeal) in August 2021 where it was considered that given its location, land use and amount of development proposed, development comprising a minimum of one and a maximum of four dwellings was considered acceptable for the site. Although the PIP did not grant any type of planning permission (because of the operation of sections 336, 70(2ZZZA) and (2ZZZB) of the Town and Country Planning Act 1990, the allowing of the PIP established the acceptability in principle of the type of development, in the location and up to the maximum specified in the PIP.

The relationship between the TDC and the PIP is set out in the Background section above. Officers consider that the PIP and the Inspector's Decision have settled all issues around the application of Core Strategy Policies SS1 and SS2.

A detailed assessment of the other pertinent matters, having regard to other relevant policies of the Development Plan is set out below. As part of the assessment below, due regard has been given to the Inspector's Decision and the details of the permission in principle.

2. Impact on the character of the area/ design

Policy SS 4 states that all development proposals will contribute to the delivery of sustainable development, ensuring protection and enhancement of natural and built environmental assets and geodiversity. Policy EN 2 seeks amongst other matters to ensure that development be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Proposals should demonstrate that their scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area, distinctive settlement character and the setting of, and views from, Conservation Areas.

Core Strategy Policy EN 4 states that all development will be of a high quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The existing building within the site is not considered to make a positive contribution to the character and appearance of the area. The proposed design of the dwellings has sought to represent an agricultural barn style building. The dwellings would be single storey and would be sited within the existing historic walled garden on the adjoining Grade II Listed Melbourne House. Vehicular parking and private garden areas would be provided on either side of the centrally located building. Public views into the site would be limited, whilst fleeting glimpses through the entrance from Bacton Road may be afforded. The scale of the dwellings would be appropriate in the context of the surrounding development where there can be found a mix of single and two storey buildings.

Following amendments to the proposals, the design of the dwellings would be acceptable, albeit that the number, design and scale of openings would undermine to a degree the agricultural character being sought through the scheme. The proposed materials are considered to be acceptable on balance, albeit that an alternative brick choice could better reflect the North Norfolk context.

A covered bike and bin store is proposed at the entrance to the walled enclosure. To ensure that this structure has an acceptable appearance in this prominent location, conditions can be used to secure further details.

The development would therefore accord with Policies EN 2 and EN 4 in respect of these matters.

3. Impact on heritage assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) places a duty on Local Planning Authorities to have special regard to the desirability of preserving a Listed Building, or its setting, or any features of special architectural or historic interest it possesses.

Policy EN 8 of the Core Strategy states that development proposals should preserve or enhance the character and appearance of designated assets, historic buildings/structures, monuments, landscapes and their settings through high quality, sensitive design. Where required, development proposals affecting sites of known archaeological interest will be required to include an assessment of their implications and ensure that provision is made for the preservation of important archaeological remains. This policy also seeks to ensure that the character and appearance of Conservation Areas is preserved, and where possible enhanced, encouraging the highest quality building design, townscape creation and landscaping in keeping with these defined areas.

It should be noted that the strict '*no harm permissible*' clause in Local Plan Policy EN 8 is not in full conformity with the guidance contained in the latest version of the National Planning Policy Framework (2021). As a result, in considering the proposal for this site, the Local Planning Authority will need to take into consideration the guidance contained within Section 16 of the NPPF as a material consideration. A number of these requirements are alluded to below, including the requirement to balance any less than substantial harm to a designated heritage asset against the public benefits of the development.

Paragraph 194 of the NPPF state that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 203 states that effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

The Inspector made clear within their decision relating to the PIP appeal that the development would provide an opportunity to enhance the setting of the Grade II List Melbourne House (paragraph 28). The Inspector confirmed that the detailed consideration of the layout and design of the proposals were a matter for the TDC stage.

Following requests from officers in light of the requirements set out within paragraph 194 of the NPPF, the proposals have been supported by a Heritage Impact Assessment prepared by Alfie Robinson. This assessment found that the development would both preserve and enhance the value of the historic environment.

The removal of the existing large storage shed and its replacement with the single-storey form of development is something which is broadly welcomed in heritage terms. This would ensure that the new building is appropriately subservient to the 'principal' listed house. In addition to the main listed building itself, the development would be located within the former walled garden to Melbourne House. Whether or not the brick walls which frame this space are technically 'accessory' structures to the 'principal' listed building, they are nonetheless associated with it and contribute to its overall significance and wider setting. If not listed as part of the principle building, these walls would qualify as non-designated heritage assets. The removal of the large existing building within the site would aid with the visual appreciation of this walled enclosure and its association to the listed building.

Following amendments to the design of the dwellings and the treatment of the historic wall, and whilst some reservations about the proposed design remain, the Conservation Officer is satisfied that the development would have an acceptable impact upon the affected heritage assets. Conditions are suggested to ensure that the development is carried out in an acceptable manner.

It is considered, having regard to the points made above, and having due regard for the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, that the proposals would accord with the requirements of Core Strategy Policy EN 8, the relevant guidance contained within Section 16 of the National Planning Policy Framework, and that contained within the North Norfolk Design Guide.

4. Housing Mix

Policy HO 1 states that unless demonstrated that a proposal will address a specific identified local need for sheltered/supported accommodation, for all new housing developments of three or four dwellings, at least one dwelling shall comprise not more than 70sqm internal floor space and incorporate two bedrooms or fewer.

The supporting text for this policy highlights that through the Strategic Housing Market Assessment (SHMA), there is an identified preponderance of larger, detached dwellings in the existing housing stock. One of the aims of this policy is to help address the imbalance and support the provision of smaller homes

Following receipt of amended plans, the proposed development would provide one two bedroomed dwelling (Plot 4) with an internal floor area of 70sqm in line with the policy requirements. The remaining dwellings would each have three bedrooms and have floor areas ranging from 118sqm to 132sqm. All of the proposed dwellings would exceed the minimum gross internal floor areas set out within the Governments Technical housing standards – nationally described space standard document.

The development would therefore accord with the requirements of Policy HO 1 in respect to these matters.

5. Ecology and Trees (Including Habitats Regulations)

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

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

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

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

The policy also states that development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.

Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180 states that when determining planning applications, significant harm to biodiversity should be avoided, adequately mitigated, or, as a last resort, compensated for. Should this not be possible, then permission should be refused. Opportunities to incorporate biodiversity improvement in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Following a request from officers, the application has been supported by a Protected Species Survey which has been prepared by Glaven Ecology. The report found that the site lies within the Site of Special Scientific Interest (SSSI) Impact Risk Zone for Southrepps Common, however the development type does not fall into a category requiring further consultation with Natural England. The existing building was assessed as having negligible potential for bats, with minimal roosting opportunities noted. The report sets of a number of mitigation and enhancement measures. Conditions can be used to secure such matters should the application be approved.

Trees

The front section of the application site, which comprises of an area of woodland, is covered by a Tree Preservation Order. This TDC application has been supported by an Arboricultural Impact Assessment (AIA) which considers the impact of the proposed development upon existing trees at the site, including those subject to the preservation order.

The AIA confirms that the development would not require tree removals to accommodate the construction of the proposed four dwellings. A minor breach of the root area for T25 would occur, however the existing built form means that tree roots are unlikely to be present. It is however suggested that precautionary root pruning take place. The proposed foot path would be constructed using no dig methods and a section detail has been provided to support this element of the development.

The AIA sets out within paragraph 3.6.1 that a tree protection plan would need to be submitted prior to works commencing. In addition to this, an arboricultural method statement would also be required. Such details could be secured via condition should the application be approved.

Subject to such conditions, the development would accord with Policies EN 2, EN 4 and EN 9 in respect to the arboricultural matters.

6. Habitats Regulations

Nutrient Neutrality

Long-term nutrient pollution has led to adverse impacts upon designated Habitats Sites to the extent that the condition of some sites, including The Broads Special Area of Conservation (SAC) and Ramsar site, are no longer considered to be favourable. Nutrient neutrality guidance was issued by Natural England on 16th March 2022 requiring competent authorities to ensure that any planning applications proposing a net gain in overnight accommodation (e.g. new dwellings) must evidence that there will be no net increase in nutrient loads (nitrates and phosphates) within an affected catchment area as a result of the proposal; i.e. that the development would be nutrient neutral. As the competent authority, North Norfolk District Council is required to have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended). Where the Local Planning Authority cannot lawfully conclude that development within the catchment of The Broads Special Area of Conservation and Ramsar site will not have an adverse effect, permission would have to be refused. However, where there is sufficient evidence to rule out likely significant effects, permission can be granted.

Whilst the application site lies within the catchment area for The Broads Special Area of Conservation (SAC) and Ramsar site, further work on behalf of the Norfolk Authorities by Royal Haskoning has identified that foul flows from the North Walsham area do not discharge into the catchment but travel north to waste water treatment works at Mundesley and therefore discharge outside of the catchment. Foul flows from the development would not therefore have an adverse effect on The Broads Special Area of Conservation (SAC) and Ramsar site. The application can therefore be screened out under the Habitats Regs in relation to nutrient neutrality.

GIRAMS

Since this application was initially submitted, the Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) has been adopted and agreed between the Norfolk planning authorities and Natural England. The Strategy enables growth in the District by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development.

The GIRAM Strategy is a strategic approach to ensure no adverse effects are caused to European sites across Norfolk, either alone or in-combination from qualifying developments. Taking a coordinated approach to mitigation has benefits and efficiencies and ensures that developers and the Local Planning Authorities (LPA) meet with the Conservation of Habitats and Species Regulations 2017 (as amended).

The application site falls within the Broads Sites, East Coast Sites, North Coast Sites, North Valley Fens and The Wash Zones of Influence as defined within the strategy. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. It would result in the significant features of the sites being degraded or lost, and these internationally important areas losing significant important areas for birds, plants and wildlife generally and, therefore, their designations.

All new net residential and tourism development are required to mitigate the effects of the development and show how this will be achieved before approval of planning permission. The tariff is collectively set at £185.93 per net new residential dwelling and is index linked. In relation to this application, the tariff required is £743.72.

The applicant has been provided with a copy of the GIRAMS report, alongside the Council's letter and Section S111 form which provides further details of the requirements. The required £743.72 tariff has not been received, neither has the applicant demonstrated that this development would not have localised and in-combination effects and ensure no adverse impact on the European sites.

Under the Conservation of Habitats and Species Regulations 2017 (as amended)., the Local Planning Authority as competent authority has considered the guidance and advice from Natural England in relation qualifying development under GIRAMS. On the basis that the proposal will result in four net new dwellings and in the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects from the proposed development, the Local Planning Authority cannot reasonably conclude it is satisfied that there is no reasonable doubt as to the absence of adverse effects on the integrity of European sites in relation to GIRAMS. The proposal therefore does not accord with Core Strategy policies SS 4 and EN 9.

7. Residential Amenities

Existing Neighbours

Policy EN 4 of the Core Strategy states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 130 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

Paragraph 3.3.10 of the North Norfolk Design Guide states that residents have the right to adequate privacy levels, nor should new development lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact. In order to ensure a degree of privacy between neighbouring properties guidance minimum separation distances are set out within this section of the document.

The Aviary, the closest existing dwelling to the application site lies approximately 16 metres from the southern elevation of Plot 1. The removal of the existing industrial building from within the application site and the erection of the single storey dwellings would result in a better 'built form' relationship between the site and this existing dwelling. The proposed dwellings would be sited at a greater distance from the site boundary and would reduce any overbearing impacts currently experienced.

The proposals would introduce glazing which would look south towards existing dwellings, however given that the proposals are single storey in height, coupled with existing and proposed boundary treatments, the privacy of these existing properties would not be adversely impacted upon. There are significant ground level changes between the site and neighbouring dwellings however it is not envisioned that these would give rise to significant harm. Careful consideration should be given to boundary treatments as the current separating close-boarded fencing is visually unappealing. Conditions can be used to secure details of boundary treatments should the application be approved.

There are a number of other residential dwellings to the south of the site, however due to the intervening distances and boundaries, it is not considered that the proposed development would result in significantly detrimental effects upon residential amenities of these nearby properties.

The developments impact upon neighbouring businesses are considered further within the 'other matters' section below.

Future Occupiers

Policy EN 4 of the Core Strategy states that new dwellings should provide acceptable residential amenity. Policy EN 13 states that all development should minimise and reduce forms of pollution and development will only be permitted where there are not unacceptable impacts on general amenity, health and safety of the public and air quality, amongst other matters.

Paragraph 130 of the NPPF states that developments should create places with a high standard of amenity for existing and future users. Paragraph 174 states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 185 states that planning decisions should ensure new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions.

Paragraph 3.3.9 of the North Norfolk Design Guide states that dwellings should include refuse disposal and recycling storage facilities, drying areas and access to outdoor amenity space.

Internally, dwellings should have not less than 20 square metres of habitable floor area. Paragraph 3.3.10 states that residents have the right to adequate privacy levels and to be kept free from excessive noise.

Paragraph 14 of the Inspectors Appeal Decision for Permission in Principle Application PP/20/0160 states:

“The Council have identified other areas of concern including matters associated with residential amenity and highway safety. However, Permission in Principle allows for development up to a maximum number of units. Detailed design and layout are matters to be resolved at a later date, when Technical Details are provided. There is no substantive evidence before me to demonstrate that a suitably designed development, albeit that it may have to be below the maximum proposed by the appellants, could not be located within the site, and it is only when details are provided at a later date that this matter can be resolved. I note that this accords with the approach taken by the main parties.”

Paragraph 15 continues to acknowledge that the Council accepted that, on the evidence provided, the site could accommodate up to four residential units and the main issue of dispute (*in respect of the appeal*) relates primarily to the suitability of the location for housing.

The main area of concern relating to the future residential amenities of the occupiers of the proposed dwellings are the impacts associated with the existing neighbouring Bluebell Poultry Farm which adjoins the application site and which has permission for 150,000 birds. This farm's operations are subject to a permit issued by the Environment Agency. The Environment Agency permit regime relates to poultry farms housing 40,000 birds or more. This is due to the known higher risks in terms of environmental pollution and nuisances associated with 'intensive' farms.

Following requests for further information to support the proposed development from Officers, the application was subsequently supported by the following reports:

- Ammonia, Dust and Odour Assessment prepared by Create Consulting Engineers Limited
- Ammonia Assessment – Addendum prepared by Create Consulting Engineers Limited
- Noise Impact Assessment Report prepared by Climate Acoustics
- Light Pollution Report prepared by unknown author

Ammonia/Dust and Odour

The applicant's Ammonia, Dust and Odour Assessment was undertaken by Create Consulting Engineers and was subsequently supported by an Addendum. Ammonia monitoring was conducted between 18th January 2022 and 15th March 2022. The report concludes that based on this data, the levels of ammonia emitted from Bluebell Farm are well below the relevant thresholds and that this existing use is no concern to existing and future sensitive receptors, and no mitigation is required.

Dust Monitoring was undertaken between 20th January 2022 and the 5th March, using a single dust monitor placed on the south-east boundary of the site. The report found that dust concentrations detected as part of this monitoring would not cause discomfort or have any

dust-related effects on future site users. This is based upon the 24-hour average detached dust concentrations being below the relevant thresholds alongside meteorological data.

Olfactometric odour surveys were undertaken on 18th January 2022, 1st February 2022, 15th February 2022, 1st March 2022 and 15th March 2022. The 15th February 2022 survey was invalid due to unfavourable meteorological conditions experienced. The olfactometric surveys show that there was only one recognisable odour, 'Farmyard/Cheese' detected at one location at the site and thus, the report concludes that it is not persistent. The report continues to state that ordinary sensitive receptors are unlikely to notice odour under ordinary conditions. The report concludes that the odours detected during these surveys would not cause discomfort to future site users due to the unrecognisable status of them overall as per the relevant guidance.

These reports have been considered by the Council's Environmental Protection Team alongside the Environment Agency, the later of whom is responsible for the permitting of Bluebell Farm. The Environment Agency raised issues in particular with the assessment relating to odour. The Environmental Protection Team raised concerns with the assessments in the reports. They have visited the poultry farm and have observed the operations which take place during the production cycle.. These concerns largely relate to the limited scope of the assessments which were undertaken during colder months, with favourable wind conditions, which were not representative of the location of the proposed dwellings, and did not consider the cycled operations of the poultry farm. The data collected during the surveys has then been taken to be representative of the conditions likely to be experienced during the whole year. No/limited consideration has been given to the actual operations which take place at the farm and no 'worst case scenario' has been presented/considered as would be expected as part of an assessment of this nature. Consequently, the reports do not provide a fully representative or typical assessment of the onsite odour and dusts conditions throughout the year, which the occupants of the proposed dwellings would experience.

The concerns raised by the Environment Agency and the Environmental Protection Officer in respect to the impacts to sensitive users are supported by the records of complaints received regarding the farm from existing surrounding residents. As a permitted site, the Environment Agency oversee the majority of complaints raised regarding the poultry farm. During 2021 our records indicate the Environment Agency received 14 complaints relating to odour, whilst the Environmental Protection Team also received 4 complaints relating to odour. Since January 2022 to date (13-07-2022), the Council's records indicate the Environment Agency have received 10 complaints, whilst the Environmental Protection Team have received 2 complaints relating to odour. Two odour complaints were received by the Environmental Protection Team in 2020 with further complaints dating back to 2008 (records from pre-2008 are no longer retained).

The submitted Ammonia, Dust and Odour Assessment has not provided sufficient information in order to demonstrate that the development would provide acceptable residential amenity in respect to such matters as required by Policy EN 4. Furthermore, as required by Policy EN 13 it has not been demonstrated that the development would not result in unacceptable impacts on general amenity, health and safety of the public and air quality. These requirements are also reflective of paragraph 130 of the NPPF aims to create places with a high standard of amenity for existing and future users and paragraph 174 requirements that decisions should prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels air pollution.

Noise

The applicant's Noise Impact Assessment was undertaken by Climate Acoustics. Unattended noise measurements were taken from areas within and adjoining the application site between 16th and 21st December 2021. As a result of this data, the report highlights that the noise from the poultry farm would result in significant adverse daytime and night-time impacts if unmitigated. Mitigation measures in the form of acoustic glazing and Mechanical Ventilation with Heat Recovery (MVHR) are proposed within the report. The report concludes that acceptable noise levels could be achieved with such mitigation in place and when windows are closed.

Comments from the Environmental Protection Officer highlight the weakness of the assessments made given the limited range of the data provided and used to inform the assessments. Similar to the odour considerations set out above, the data was collected during a time when ventilation fans within the poultry farm would not have been fully operational, i.e. during warmer conditions. Furthermore, the assessments do not provide a representative or a typical noise climate, including a worst-case scenario, that any future residents of the proposed dwellings would experience. The assessment is limited to the roof fans operating minimally at a cold time of year, the transport of poultry feed and the use of hopper silos on the site. These noise emitting operations are not reflective of the full site conditions or the wide ranging and extensive activities which take place at the site. Such conditions and activities include:

- 90 side inlets/vents per poultry shed;
- 18 roof fans per shed (108 in total), which run continuously between April and September and intermittently at other times;
- 2 large Alpha 48" fans per poultry shed (12 in total);
- Vehicular movements and idling engines associated with the poultry production cycle, including the catching/loading phase;
- Use of machinery, including forklifts;
- Operations at the site outside of 'normal' working hours and during weekends and bank holidays. Catching/loading phase takes place overnight for animal welfare reasons;

The assessments do not consider the tonal element (i.e., whine, hiss, screech, hum, etc) of the noise-making activity/equipment, the intermittent nature of the noise (i.e., cutting in and out, etc), the impulsivity (i.e., bangs, clicks, clatters, thumps, etc) and any other features identified which would then incur a correction penalty to each specific sound/noise-making activity. The Environmental Protection Team would expect that all corrections applied for these features are fully justified and reasons given for their inclusion or exclusion. However, there is a significant degree of reliance on the limited range of data provided from the unattended sound measurement results. Consequently, the resulting noise levels provided are likely to be inaccurate and potentially considerably lower than would actually be experienced in reality, particularly during warmer times of year and during more intensive phases of the production cycle. Accordingly, the merits of any proposed mitigation are limited and would not address the impacts of the unreported noise making activities which take place on the Poultry Farm site on such a regular basis.

Whilst odour complaints have been more frequently received regarding the farm, noise complaints have also been raised. Again as a permitted site, complaints received by North

Norfolk District Council have been referred onto the Environment Agency as sites regulatory authority.

The submitted Noise Impact Assessment has not provided sufficient information in order to demonstrate that the development would provide acceptable residential amenity in respect to such matters as required by Policy EN 4. Furthermore, as required by Policy EN 13 it has not been demonstrated that the development would not result in unacceptable impacts on general amenity and health and safety of the public. These requirements are also reflective of paragraph 130 of the NPPF aims to create places with a high standard of amenity for existing and future users and paragraph 174 requirements that decisions should prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels noise pollution.

Lighting

The applicant has submitted a Light Pollution Report in support of their development. This provides six photographs taken in two locations distanced from the main part of the application site (i.e. the proposed location of the dwellings). This report concludes that no adverse impacts would result from the proposed development.

The extent of the report is limited to photos of areas surrounding the application site taken at 16:30 and 18:30 on the 26th January 2022. The assessment does not consider the impact of artificial light used during the activities which take place at the site, including the associated vehicular movements. The report does not provide any quantitative evidence to support its findings and there is no reference to relevant standards or guidance.

The submitted Light Pollution Report has not provided sufficient information in order to demonstrate that the development would provide acceptable residential amenity in respect to such matters as required by Policy EN 4. Furthermore, as required by Policy EN 13 it has not been demonstrated that the development would not result in unacceptable impacts on general amenity and health and safety of the public. These requirements are also reflective of paragraph 130 of the NPPF aims to create places with a high standard of amenity for existing and future users.

Pests

Pest problems associated with poultry (and pig) farms include rodents and insects (flying insects) are well documented. Properties in close proximity to poultry farms often incur problems associated with migrating and expanding pest populations, providing further harbourage and searching for food. Pests move indiscriminately between filthy and clean surfaces, transmitting bacteria, viruses and diseases and cause damage to properties and additional distress to residents.

The siting of the proposed dwellings would be in close proximity to the adjacent poultry farm and would be at increased risk from amenity loss and pest problems arising from rodents (rats and mice) and flying insects (flies). The applicant has not provided any details assessing this matter, which would potentially highlight requirements for mitigation. A comprehensive assessment is requested to ensure that pest prevention and management features are

incorporated into all aspects, including the siting, design, construction, drainage and waste/refuse storage facilities at the proposed dwellings.

The decision in PF/17/0902

In his consultation response, Councillor Seward commented on the Environmental Health objection and referred to appeal decision in PF/17/0902, where the Inspector found against the Council's decision to refuse planning permission and also awarded costs against the Council. There are three key differences with this application.

- First, in PF/17/0902 there was no recent evidence of noise or odour complaints from any nearby occupiers. Here there is such evidence.
- Second, in PF/17/0902 there was an acoustic report which showed the noise from the poultry farm fell below background daytime noise levels and significantly below the World Health Organisation's recommended levels for internal spaces. Here, the applicant's acoustic report shows that noise from the poultry farm would result in significant adverse daytime and night-time impacts if unmitigated; and there is evidence the merits of the proposed mitigation are limited.
- Third, in PF/17/0902 there was no detailed substantiation provided by the Environmental Health Officer. Here, the Environmental Protection Team have provided detailed substantiation, including based on having visited the poultry farm and observed its operations. There is also substantiation on some issues provided by the Environment Agency.

Officers consider that the Technical Details Consent application before Committee is not alike to the appeal case PF/17/0902 cited by Cllr Seward. The Committee should give little or no weight to that matter when making its decision.

Garden sizes

The PIP established that, in principle, a maximum of four units could be developed on the site. The Inspector stated that a "suitably designed development" may have to be below the maximum proposed by the appellant and that this should be resolved "when details are provided at a later date".

Paragraph 3.3.9 of the North Norfolk Design Guide states that dwellings should include drying areas and access to outdoor amenity space. Paragraph 3.3.10 states that residents have the right to adequate privacy levels and that private garden areas should be of adequate size and shape to serve their intended purpose. They should be substantially free from shading and are recommended to be of an area equal or greater than the footprint of the dwelling they serve.

As noted above, the proposed dwellings would have internal floor areas ranging from 118sqm to 132sqm. The proposed rear private garden spaces proposed for Plot 1 would accord with the guidance above, providing 146sqm of external amenity space, albeit that it would likely experience significant shading during the late afternoon/evening given the proximity to existing mature trees. Plots 2 – 4 however would all provide external amenity spaces below the recommended levels. In the case of Plot 4, only 43sqm of external amenity space would be provided comparative to its 70 sqm internal floorspace.

No further amenity space is proposed within the application site to serve the proposed dwellings, and whilst there are areas of public open space within a 10-minute walk of the site, these may not be attractive alternative options to all future occupiers. The conflict with guidance and the shortfall in the proposed external amenity space sizes has not been justified through the submission. It is considered that this matter would compound the poor quality amenities being proposed for the future occupants of the dwellings having regard to the issues raised above.

Summary

It is understood that the poultry farm is already employing best practicable means (BPM) according to their regulator, the Environment Agency. This means that the Poultry Farm are already employing every available means of mitigating or reducing the extent of the issues on site and cannot do any more to improve conditions for the application site. Consequently, were the application to be approved, based upon the above, the proposals have not demonstrated that the future residents would not be subject to high levels of adverse noise, odour, dust and pest impacts and that these levels would not have adverse health implications for residents.

In light of the issues described above, insufficient information has been received in order to demonstrate that the development proposed would provide acceptable residential amenities having regard to such matters, as required by Policies EN 4 and EN 13 of the Core Strategy as well as the guidance set out within paragraphs 130 and 174 of the NPPF.

8. Highways and parking

Policy CT 5 requires amongst other matters that all development provide safe and convenient access for all modes of transport, including access to the highway network. Policy CT 6 requires adequate vehicle parking facilities to be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle parking in accordance with the Council's parking standards, including provision for people with disabilities.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112 of the NPPF states that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second, so far as possible, facilitate access to high quality public transport.

Vehicular access to the site would be via the existing gated entrance from Bacton Road which serves the existing building within the site as well as parking areas serving neighbouring dwellings. The proposals seek permission for a 1.5-metre-wide footpath which would extend from the proposed built form through the woodland, out onto the access track serving Melbourne House. Pedestrians would then be required to either walk along the grass verge, or cross the Bacton Road at a diagonal in order to join the existing footpath network which extends into the town. The proposed off-site footway creation/improvements put forward under application PP/20/0160 and shown on 03/002D do not form part of this Technical Details Consent application.

In terms of vehicular parking, the Council's parking standards require 2 spaces for 2 or 3 bedroom units. Based on the mix of housing proposed, the development would need provide 8 vehicular parking spaces in total. In this instance the proposals seek to provide 8 spaces, 2 for each of the four dwellings. Consequently, the development would accord with the required standards in respect to vehicular parking.

Policy CT 6 requires development proposals make provision for cycle parking in accordance with the Council's parking standards. The standards set out that for individual houses, provision could be accommodated within garages or within sheds in rear gardens. No garages are proposed and external access to the rear gardens for Plots 2 and 3 would not be possible. Consequently, the applicant has proposed a covered communal area for cycle parking. Limited information has been provided of this structure and given its separated siting from the Plots, the design would need to demonstrate that it would provide secure parking provision. Achieving a secure and covered bike store would ensure that this is an attractive feature which would be used by residents, helping to reduce the reliance upon the use of private car. Further details of this provision can be required by planning condition.

Having considered the proposed development, the Highway Authority raise no objection to the proposed development, subject to a number of conditions. These include a requirement to keep visibility splays clear and for the footpath to be provided prior to occupation of any of the dwellings. Subject to conditions, the development would accord with the requirements of Policies CT 5 and CT 6 of the Core Strategy.

9) Waste and refuse

Policy EN 6 seeks to ensure that adequate provision for separation and storage of waste and recycling is made. Paragraph 3.5.5 of the North Norfolk Design Guide states that sufficient covered external space should be provided to house wheelie bins. These structures should be conveniently located and be designed as an integral of a scheme utilising compatible materials.

The proposals seek to provide a shared covered bin/bike store at the entrance of the site. This location will require occupiers of the development to drag bins to and from the kerbside on collection day. Further details of the design and materials of the bin store structure are required in line with the requirements set out within the Design Guidance referenced above. These details can be suitably secured via planning conditions.

Subject to such conditions, the development would accord with the requirement of Core Strategy Policy EN 6 and the relevant sections of the North Norfolk Design Guide.

10. Flood risk and surface water drainage

Policy EN 10 of the Core Strategy states that the sequential test will be applied rigorously across North Norfolk and most new development should be located in Flood Risk Zone 1. This policy also states that appropriate surface water drainage arrangements for dealing with surface water runoff from new development will be required. The use of Sustainable Drainage Systems will be the preference unless, following an adequate assessment, soil conditions and / or engineering feasibility dictate otherwise.

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The Planning Practice Guidance details what sort of sustainable drainage system should be considered. Generally, the aim should be to discharge surface run-off as high up the following hierarchy of drainage options as reasonably practicable. This is 1) Into the ground (infiltration); 2) To a surface water body; 3) To a surface water sewer, highway drain or another drainage system; 4) To a combined sewer. This hierarchy follows the same order of priority of Approved Document H3 of the Building Regulations.

The application site lies within Flood Zone 1 and is therefore at the lowest risk of flooding with no known historic instances of such.

Following request for further information in respect of surface water management from officers, a SUDS Statement and Surface Water Drainage Strategy was subsequently submitted. This report has had regard to the sites existing surface water management and proposes a new strategy. This consists of infiltration drainage, including the use of an underground geo-cellular soakaway tank and permeable road surfacing. The report concludes that the development would reduce the overall flood risk at the site, provide adequate pollution mitigation and incorporate a sustainable surface water drainage strategy.

The report confirms that the maintenance and management of the tank and the main access road surface would be undertaken by a private management company. The private/shared permeable road drainage system would be the responsibility of the Plot owners. A Maintenance Regime is set out within Section 5.4 of the report which may need to be updated once the final detailed design is agreed. Such details can be conditioned as part of any approval of this application.

Subject to conditions securing the details of the report and the future management and maintenance of the surface water drainage system, the development would accord with Core Strategy Policy EN 10 and the guidance provided within Section 14 of the NPPF.

11. Contaminated land

Policy EN 13 of the Core Strategy states that all developments should minimise, and where possible reduce, all emissions and other forms of pollution, and ensure no deterioration in water quality. Development proposals on contaminated land (or where there is reason to suspect contamination) must include an assessment of the extent of contamination and any possible risks. Proposals will only be permitted where the land is, or is made, suitable for the proposed use.

Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to or being put at risk from unacceptable levels of pollution; along with remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 183 states that planning policies and decisions should ensure that sites are suitable for the proposed use, taking account of ground conditions and risks arising from contamination.

Following a request for further contamination information from officers, the application has been supported by an Interpretive Desk Study. This information was required as the Council's records note historic agricultural use of the land and traditionally, historical agricultural

practices have incorporated waste disposal practices which have caused land contamination issues. Furthermore, historical records indicate the presence of a “tank” on the site and current visual records show evidence of waste storage on site.

The Environmental Protection Team have reviewed the Study and largely concur with its findings, albeit consider that the contamination risks are higher than presented within the Study. Notwithstanding this, as set out within chapter 7.2 of the Interpretive Desk Study, intrusive investigations across the site will be required, following the demolition of existing structures. This further information can be suitably secured via planning condition should the application gain approval.

Subject to conditions securing phase 2 intrusive investigations and any subsequent remedial actions, the development would accord with the requirements of Policy EN 13 of the Core Strategy.

12. Energy Efficiency

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

The initial proposals included solar panels on the rear, south facing roofslope of the dwellings, however for design reasons, these were removed during the consideration of the application. The latest proposals seek to utilise photovoltaic roof tiles and air source heat pumps. These are welcome additions to the scheme which would support the use of low carbon energy sources and provide on-site renewable energy generation. Given the contribution that an uninterrupted roofslope provides when attempting to create a ‘barn-like’ building, the visual appearance of the roof tiles would need to be carefully considered. These details, along with further information of the air source heat pumps can be suitably secured via conditions.

Subject to such conditions, the development would accord with the requirements of Policy EN 6 of the Core Strategy.

13. Other Matters

Impact on existing neighbouring business

Paragraph 187 of the NPPF states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

The conclusions reached in relation to amenity matters would strongly suggest that by allowing the proposed development, a statutory nuisance could well arise given the operations of the

neighbouring poultry farm. At this stage, the applicant has not proposed any credible mitigation for the proposed dwelling for the impacts from the poultry farm. Without appropriate mitigation, a significant conflict would likely arise. This would conflict with the NPPF paragraph above and would likely have significant social and economic impacts locally and wider afield. The poultry farm is a well-established business which employs a number of staff, whilst supporting other associated industries. The business also forms part of the essential food infrastructure for the UK, a key issue which is currently receiving significant media attention.

There is real concern that in allowing this development, the farm would face significant pressures to mitigate/reduce its existing operations, options which are likely to not be possible or viable. The operator of the farm, alongside the Environment Agency have highlighted these concerns. Paragraph 188 of the NPPF highlights that planning decisions should focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities. These matters are relevant in this case as the Environment Agency have confirmed that Bluebell Farm is operating at best practicable means (BPM) and is currently compliant with their EA permit. This means that the farm would unlikely be able to mitigate any adverse impacts, should further complaints arise, including from the occupants of the proposed development.

Therefore, at this stage in light of the shortcomings of the noise, odour and lighting reports submitted with this application, the applicant has not demonstrated that the proposed development would not adversely impact upon the operations and viability of the adjoining existing business. Consequently, the development would be contrary to paragraph 187 of the NPPF and, if permitted, could eventually result in significant conflict between land uses. The social and economic impacts of such conflict could be significant having both local and wider ranging effects.

14. Planning Balance/Conclusion

Following amendments to the proposed design of the dwellings and subject to conditions, the removal of the existing building within the site and its replacement of a single storey barn-like building would not harm the significance of the Grade II Listed Melbourne House or the character and appearance of the area. Minor benefits would result of the loss of the exiting building and the reinstatement and exposure of the historic walled enclosure.

Safe access would be provided via the sites existing entrance from Bacton Road and an internal footpath would provide a better/safer route for occupants to access the facilities and services within North Walsham by foot/cycle. The trees within the application site would be adequately protected, whilst minor gains for on-site biodiversity could be achieved via conditions. Conditions could also secure appropriate contaminated land investigation and remediation, once the existing building has been safely removed. Subject to conditions, a suitable surface water drainage scheme and means of on-site renewable energy generation would be provided in line with the relevant requirements.

The proposals have however not demonstrated that the future occupants of the proposed dwellings would be provided with acceptable residential amenities. The submitted reports are not considered to accurately represent the full impacts that the adjoining poultry farm would

have upon future occupants of these dwellings. These issues relate to odour, noise, dust, lighting and pests. The external amenity spaces proposed for the dwellings would also fall below the relevant standards and guidance in respect to such matters.

The proposals have not demonstrated that the development could be integrated effectively with the adjoining existing businesses contrary to the requirements of the NPPF.

Finally, the application has not demonstrated that this development would not have localised and in-combination effects and ensure no adverse impact on the European Protected ecological/biodiversity sites having regard to the GIRAMS report. In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

Having regard to the matters above, the harms identified would outweigh the benefits associated with the development. The proposals conflict with the Development Plan and there are no material considerations which would indicate that other than in accordance with such plan. Refusal of this Technical Details Consent is therefore recommended.

RECOMMENDATION:

REFUSE for the following reasons:

- 1. The application has failed to demonstrate that future occupants of the proposed dwellings would be provided with high quality residential amenities having regard to matters such as odour, noise, dust, lighting and pests which are associated with the adjoining poultry farm. Furthermore, the proposed development would fail to provide external amenities in accordance with relevant guidance resulting in deficient levels of useable private amenity space. When considered together, the proposed development would result in compromised internal and external environments for use by occupiers of the proposed dwellings contrary to Policies EN 4 and EN 13 of the of the North Norfolk Local Development Framework Core Strategy (September 2008), Chapters 12 and 15 of the National Planning Policy Framework (2021) and Chapter 3 of the North Norfolk Design Guide Supplementary Planning Document (December 2008).**
- 2. The application has failed to demonstrate that it could be integrated effectively with the existing adjoining poultry farm business, or that unreasonable restrictions would not be placed upon this existing business as a result of development permitted after it was established. Given the shortcomings of the submitted odour, noise, dust, lighting assessments and the lack of consideration given to pests, suitable mitigation has not been proposed by the applicant (or 'agent of change'). Therefore, the proposed development would be contrary to the requirements of Paragraph 187 of the National Planning Policy Framework (2021).**

3. **The Local Planning Authority considers that the proposed development falls within the Broads Sites, East Coast Sites, North Coast Sites, North Valley Fens and The Wash Zones of Influence and affects European Designations as set out in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy. The application has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance. In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of Policies SS 4 and EN 9 of the North Norfolk Core Strategy (September 2008) and approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).**

Informative(s)

- 1 **In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the Applicant in the following positive and creative manner:-**
 - **proactively offering a pre-application advice (in accordance with paragraphs 39 - 46);**
 - **seeking further information following receipt of the application;**
 - **seeking amendments to the proposed development following receipt of the application;**
 - **considering the imposition of conditions (in accordance with paragraphs 54-57).**

In this instance:

- **the Applicant was updated of any issues after the initial site visit;**
- **additional information was requested by officers, some of which was submitted by the Applicant and has been given due consideration;**

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

The final wording of the above reasons for refusal and informative notes to be delegated to the Assistant Director – Planning.