

**CROMER – PF/22/2651 – Conversion of former bed and breakfast to 7no. flats at Leighton House, 11-13 St Marys Road, Cromer, Norfolk, NR27 9DJ**

**Minor Development**

**Target Date:** 20.04.2023

**Extension of Time:** 28.04.2023

**Case Officer:** Bruno Fraga da Costa

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS**

- Within Cromer Conservation Area as designated within North Norfolk Core Strategy
- Within the Coastal Shelf Landscape Character Area as designated in the North Norfolk Landscape Character Assessment
- Within a Residential Area as designated in the North Norfolk Core Strategy
- Within the Settlement Boundary as designated in the North Norfolk Core Strategy
- Within the Mineral Safeguard Area as designated within the Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026
- Within multiple Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) Zones of Influence

**RELEVANT PLANNING HISTORY**

None

**THE APPLICATION**

Site Description:

The site accommodates an existing building that the applicant has indicated was being used previously as bed and breakfast accommodation. However, that use has ceased operations for several years.

Proposal:

The proposal consists of the conversion of the former bed and breakfast to 7 self-contained flats.

**REASONS FOR REFERRAL TO COMMITTEE**

**At the request of Councillor Tim Adams for the following reasons:**

- Level of public interest in the application. Several residents have indicated their wish to speak to the Committee about the application.
- I feel we must fully understand the prior usage of the property and the level of change occurring. We understand that the building has not been serviced holiday accommodation for more than 30 years now. Our understanding is that this usage as serviced accommodation was actually very limited, and not what we would refer to as holiday accommodation today. Keeping in mind the long-term derelict state of the property, this

development constitutes a significant change from its most recent use as a single household residential property. It is going from one household to seven.

- The scale of the proposed development is unsuitable for the host building and its context. A reduced quantum of flats would be more suitable in this context close to the Town Centre. There is also particular pressure on parking in the area, which will mean there is little to no parking provision for the development on this or nearby roads.
- It is accepted that development does need to occur, and this is supported to bring the building back into use. However, based on previous experience on the road, there is concern about construction impacts and this needs to be carefully managed.

## **CONSULTATIONS:**

### **Cromer Town Council: objected**

The scale of development is too big which will impact on parking in the area. There are too many flats and those which are proposed are too small. A reduction would be appropriate given the existing parking pressures. Concerns have been raised that the timber windows will be replaced with uPVC. Members would like to see appropriate windows for the host building.

### **Highways Authority: does not wish to resist the grant of consent**

The proposal seeks to convert an unused 21-bedroom bed and breakfast, which could have the propensity to generate approximately 60 daily movements, to a block of 7 flats, which would be likely to see around 42 daily vehicle movements.

Whilst there is a lack of parking, previous uses would have had the propensity to generate higher levels of activity and parking demands than the 7 flats now proposed.

### **Environmental Health: no objection or comment**

There are no adverse environmental health concerns in relation to this proposal.

## **REPRESENTATIONS:**

Public consultation of the application took place for a period of 21 days between 10.03.2023 to 31.03.2023. Ten letters of **OBJECTION** have been received as summarised below:

- The proposed scale of the development, the number and size of the flats are inappropriate and disproportionate in terms of the location of the property. A reduction in the number of flats to four would be appropriate
- Concerns have been raised over the added traffic congestion and parking issues that will result from a conversion into 7 flats all with potentially multiple vehicles in an already overcrowded road.
- Concerns over privacy, light, security, and structure of this proposal have been raised the site is not identified for development in the North Norfolk District Council Local Plan, in contrast the council has identified 5.16-year housing land supply 2020-2025 which exceeds the Framework requirement for 5yr supply. Windfall sites such as Conversion of buildings and removal of restrictive conditions equates to 10 dwellings per annum. There is no identified need for an increase in residential properties outside the requirement of the Local Plan

- The proposal does not accord with the adopted Local Plan. Although this does not prevent an exception being made should the public benefit outweigh the presumption against windfall development. As detailed above the proposed development would create no public benefit other than the supply of housing. However, any increase in housing units on this site would cause harm and detrimental effect, therefore reducing current enjoyment to local residents and sense of place.
- The proposal would cause an inconvenience to neighbouring properties from overlooking private amenity space and direct observance into neighbouring windows/properties. Considerable disturbance would be caused by noise and vehicle lights projecting directly into neighbouring property when parking vehicles during night hours.
- Concerns over the parking and movement of construction vehicles and damage that it would cause to St Mary's Road.
- uPVC windows would not be permissible in this Conservation Area

## **HUMAN RIGHTS IMPLICATIONS**

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

- Article 8: The Right to respect for private and family life.
- Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

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

## **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:

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

Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

## **RELEVANT POLICIES:**

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

Policy SS 1: Spatial Strategy for North Norfolk  
Policy SS 3: Housing  
Policy SS 4: Environment  
Policy SS 5: Economy  
Policy SS 6: Access and Infrastructure  
Policy SS 7: Cromer  
Policy HO 1: Dwelling Mix and Type  
Policy EN 2: Protection and Enhancement of Landscape and Settlement Character  
Policy EN 4: Design  
Policy EN 8: Protecting and Enhancing the Historic Environment  
Policy EN 9: Biodiversity and Geology  
Policy EN 13: Pollution and Hazard Prevention and Minimisation  
Policy EC 8: Retaining an Adequate Supply and Mix of Tourist Accommodation  
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 CS 16: Supplementary Planning Documents and Guidance

### Material Considerations:

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

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

#### **National Planning Policy Framework (July 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 12: Achieving well-designed places  
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 relevant documents/considerations**

National Design Guide (September 2019)  
Norfolk Green Infrastructure and Recreation Impact Avoidance and Mitigation Strategy – Habitats Regulations Assessment Strategy Document (March 2021)  
Natural England's letter to local planning authorities dated 16<sup>th</sup> March 2022 regarding nutrients

#### **OFFICER ASSESSMENT:**

## **MAIN ISSUES FOR CONSIDERATION:**

- 1. Housing Land Supply**
- 2. Principle of development**
- 3. Housing**
- 4. Landscape**
- 5. Design**
- 6. Amenity**
- 7. Protecting and Enhancing the Historic Environment**
- 8. Biodiversity and Geology**
- 9. Pollution and Hazard Prevention and Minimisation**
- 10. The Transport Impact of New Development and Parking Provision**
- 11. Other matters**
- 12. Planning Balance/Conclusion**

### **1. Housing Land Supply**

The National Planning Policy Framework (the Framework) requires Local Planning Authorities (LPA's) to identify a five-year supply of specific deliverable sites to meet housing needs. At the current time, the council is unable to demonstrate that it has 5 years' worth of deliverable sites. Planning applications will therefore be considered in line with paragraph 11 of the Framework which states that where relevant policies are considered out of date, permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The determination of this proposal will have regard to these requirements.

### **2. Principle of development (Policies SS 1, SS 3, SS 5, SS 7, and EC 8)**

Policy SS 1 sets out that the majority of new commercial and residential development will take place in the towns, as defined as Principal and Secondary Settlements, and a small amount of new development will be focused on smaller villages as designated as Service and Coastal Villages. Policy SS 3 sets out that in designated Residential Areas appropriate residential development will be permitted.

The site lies in Cromer, which is defined as a 'Principal Settlement,' and a designated 'Residential Area' under Policies SS 1 and SS 3. The proposal consists of the conversion of a former bed and breakfast to 7 flats. In this designated area, appropriate residential development will be permitted, provided it complies with other relevant policies of the adopted plan.

Policy EC 8 states that development proposals that would result in the loss of sites or premises currently, or last used for, tourist accommodation will be permitted provided that: alternative provision of equivalent or better quality and scale is available in the area or will be provided and made available prior to commencement of redevelopment; and, the facility does not provide an important local facility or service to the community; or it can be demonstrated that there is no reasonable prospect of retention at its current site; and that an independent viability test has demonstrated that the use is no longer viable and that all reasonable efforts have been made to sell or let the property at a realistic price for a period of at least 12 months.

The former use of the existing building as a bed and breakfast would not fall under any of the types of tourist accommodation described in the supporting test of Policy EC 8. That being

said, it is not considered the list provided within Policy EC 8 to be exhaustive. It is not expressed in such a manner but rather it lists the types of tourist accommodation that may be considered as such. The supporting text explains that the purpose of the policy is to retain a mix of all types of tourist accommodation and allows for redevelopment if the use is no longer viable. As such, whilst 'bed and breakfast' is not expressly referred to, it is appropriate to assess the application against Policy EC 8.

Several holiday cottages, bed and breakfasts, and hotels are situated within a 600m radius of the application site. The existing building has not been used for at least ten years (which has led to it being in a poor state of repair). Given there is alternative provision of equivalent or better quality and having regard to the scale of tourist accommodation available in the area and that the facility has not for a significant period of time and currently does not provide an important facility or service to the community, it is considered the proposal complies with policy requirements.

For the reasons given above, it is considered the proposal complies with Policies SS 1, SS 3, SS 5, SS 7, EC 8, and Chapter 2 of the Framework.

### **3. Housing (Policy HO 1)**

Policy HO 1 requires that for schemes involving the conversion of existing buildings to five or more dwellings, at least 40% of the total number of dwellings shall comprise of not more than 70sq.m. of internal floor space and incorporate two bedrooms or fewer and at least 20% of dwellings shall be suitable or easily adaptable for occupancy by the elderly, infirm or disabled.

The proposal consists of 4 no. of 1-bedroom units and 3 no. of 2 bedrooms units. 71%, e.g., 5 of those apartments comprises of less than 70sq.m. of internal floor space, and 100%, e.g., 7 of the total of the apartments incorporate two bedrooms or fewer. Therefore, the first criterion of Policy HO 1 has been met. The proposal consists of 7 apartments. 43%, e.g., 3 of those apartments are situated at ground floor level, where layout could be easily made adaptable. These should comply with Buildings Regulations document M4 (2) accessible and adaptable and M4 (3) wheelchair user standards to meet the needs of people with limited mobility. No evidence has been provided that corroborates officer assumptions. However, on balance, 43% of the dwellings are located at ground floor level and, if required, alterations can be made to such apartments to adhere to Building Regulations requirements. Therefore, subject to a condition securing compliance with the relevant accessible and adaptable standards, the proposal would comply with the second criteria of Policy HO 1.

For the reasons provided above, the proposed development complies with Policy HO 1, and Chapter 5 of the Framework.

### **4. Landscape (Policies SS 4, and EN 2)**

Policy EN 2 sets out that proposals should be informed by and be sympathetic to the distinctive character areas identified in the North Norfolk Landscape Character Assessment (January 2021). Development proposals should demonstrate that their location, scale, design, and materials would protect, conserve, and where possible enhance the distinctive settlement character and setting of, and views from Conservation Areas.

The site lies within the Coastal Shelf Landscape Character Area as designed within the North Norfolk Landscape Character Assessment. Valued features and qualities of this landscape character area consist of the distinctive character and historical value of individual settlements,

which provides a sense of place, historic and visual interest, and is recognised in numerous Conservation Area designations throughout the Type.

Given the proposal comprises of the conversion of an existing building and would not result in any significant external alterations, it is considered the proposal conserves the distinctive settlement character and special character and distinctiveness of the area. As a result, it complies with Policy EN 2 and Chapter 15 of the Framework.

## **5. Design (Policy EN 4)**

Policy EN 4 requires that all development should be designed to a high quality, reinforcing local distinctiveness. Development proposals would be expected to have regard to the North Norfolk Design Guide and be suitably designed for the context within which they are set, amongst other things.

The proposed conversion of the building to 7 flats along with its palette of materials, which comprise of white painted masonry, replacement roof tiles to match existing, replacement windows and doors, and rainwater goods, would not give rise to significant design concerns. However, due to the absence of precise details of the method of opening, glazing, glazing bars, materials, colour and finish of the windows and doors, these would have to be secured by condition. The proposal would not give rise to significant design concerns, and subject to condition, it is considered it complies with Policy EN 4, and Chapter 12 of the Framework.

## **6. Amenity (Policy EN 4)**

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. New dwellings should provide acceptable residential amenity, and this relates both to external amenity and internal living space dimensions. Dwellings should include refuse disposal and recycling storage facilities, drying areas and access to outdoor amenity space. Residents have the right to adequate privacy levels and to be kept free from excessive noise and unwanted social contact.

### *Neighbouring amenity*

Residential properties surround the existing building. No new windows would be introduced; therefore, the amenity of neighbouring properties would not be significantly impacted. On balance, whilst there would be a different use of the internal spaces of the building, given no new windows would be introduced, the visual relationship between the building and neighbouring properties would not materially change. Officers consider that the intensified use of the building which would result from it being brought back into use would not have a significantly detrimental effect on the residential amenity of nearby occupiers in accordance with Policy EN 4.

### *Internal amenity*

Flat no. 4 and 6 would not provide for the required 70sq.m and 50sq.m. internal space standard to comply with the technical housing standards – nationally described spaced standard, albeit standards which do not currently have any policy weight. However, it could be argued that if flat 4 were occupied by 3 people (e.g., it would only require 61sq.m. of internal floor space instead of the proposed 69sq.m.) and flat 6 were occupied by 1 person (e.g., it would only require 39sq.m. of internal floor space instead of the proposed 49sq.m.) it would be acceptable.

It is considered that whilst the proposal falls short of 1sq.m. for flat 4 and 1sq.m. for flat 6 to comply with the technical housing standards, officers would not be able to refuse the scheme on this basis alone. In relation to other matters of residential amenity, including external amenity space, whereby two private areas are proposed alongside a communal space, the proposal is considered acceptable. Further details of the external amenity space, including hard and soft landscaping, as well as boundary treatments can be suitably secured via condition. Therefore, subject to such conditions the development would comply with Policy EN 4 in this regard.

## **7. Protecting and Enhancing the Historic Environment (Policy EN 8)**

Policy EN 8 requires that development proposals, including alterations and extensions, should preserve or enhance the character and appearance of Conservation Areas, and their settings through high quality, sensitive design. It should be noted that the strict 'no harm permissible' clause in Policy EN 8 is not in full conformity with the guidance contained in the latest version of the 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 Chapter 16 of the Framework as a material consideration. Paragraph 206 of the Framework sets out that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The site is situated within the designated Cromer Conservation Area as of December 2012, which is an area of special architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance as defined by the Planning (Listed Buildings and Conservation Areas) Act 1990. The Conservation and Design Team has raised concerns over the design and materials used in the replacement windows and doors (e.g., the use of uPVC). The North Norfolk Design Guide requires that alterations to existing buildings should aim to respect their character and appearance; this applies to replacement windows and doors. The use of timber remains the preferred option for window frames on visual grounds.

Officers consider that whilst the use of uPVC is not favourable, it may be permissible in this context. However, in order to secure an acceptable design and material for such windows and doors, full details of the replacement windows and external doors, including method of opening, glazing, glazing bars, materials, colour, and finish shall be secured through condition. Given the proposal would not give rise to any other significant heritage concerns and providing that acceptable details of the replacement windows and doors are secured by condition, it is considered the proposal would comply with Policy EN 8 and Chapter 16 of the Framework.

## **8. Biodiversity and Geology (Policy EN 9)**

Policy EN 9 sets out that development proposals should protect the biodiversity value of land and buildings and minimise fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated sites or protected species will not be permitted unless prevention, mitigation and compensation measures are provided.

*GIRAMS*



The Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) is a strategy 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 Authority meet the Conservation of Habitats and Species Regulations 2017 (as amended).

This Strategy recommends a tariff approach to ensure funds are collected and pulled together to deliver the Recreational Impact Avoidance and Mitigation (RAMS) package proposed. This reflects the entirety of Norfolk including all partner Local Planning Authorities and would see a common tariff amount for all net new dwellings in the county (£185.93 as of April 2022 and £210.84 as off 1 April 2023) alongside a 6:1 ratio for tourism development. This has been calculated from the RAMS mitigation package to cover the lifetime of the Local Plans.

The list of relevant residential growth, which this Strategy, and therefore the RAMS tariff, applies to, is as follows: 1. All new dwellings of 1+ units in current site allocations and windfall (excludes replacement dwellings and extensions); 2. Houses in Multiple Occupancy e.g., hotels, guest houses and lodges; 3. Student Accommodation; 4. Residential care homes and residential institutions (excludes nursing homes); 5. Residential caravan sites/mobile homes/park homes; 6. Gypsies, travellers and travelling show people plots; and in addition to Natural England's Advice: 7. Residential moorings, holiday caravans, touring pitches, and campsites.

The proposed development would create 7 dwellings, and the applicant has made a financial contribution amounting to **£1,475.88** through a Section 111 of the Local Government Act 1973. The Local Planning Authority as the 'competent authority' has completed an Appropriate Assessment and concluded that subject to securing the GIRAMS financial contribution, the planning application would not have an adverse effect on the integrity of the European Sites identified above from recreational disturbance, when considered alone and 'in combination' with other development. Consultation with Natural England is not considered to be necessary as the proposed development would be subject to the GIRAMS payment to offset potential impacts of an increase in recreational disturbance to nearby Habitat Sites.

#### *Nutrient Neutrality*

Long-term nutrient pollution has led to adverse impacts upon designated Habitat 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 16 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 because 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 SAC 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.

The proposed development would result in the creation of overnight accommodation through the conversion of the existing building into 7 residential dwellings. Given the scheme lies outside the affected catchments, in considering its duties as a competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), Officers consider 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 in relation to nutrient enrichment.

For the reasons provided above, it is considered the proposal complies with the requirements of Policy EN 9, and Chapter 15 of the Framework.

## **9. Pollution and Hazard Prevention and Minimisation (Policy EN 13)**

Policy EN 13 sets out the requirements for all development to minimise, and where possible reduce all emissions and other forms of pollution, including light and noise pollution. Proposals will only be permitted where, individually, or cumulatively there are no unacceptable impacts on the natural environment and general amenity, health, and safety of the public and air quality.

The Environmental Health team has assessed the proposal and considered there are no adverse environmental health concerns in relation to this proposal. On that basis, it is considered the proposal would comply with Policy EN 13, and Chapter 15 of the Framework.

## **10. The Transport Impact of New Development and Parking Provision (Policies SS 6, CT 5, and CT 6)**

Policy CT 5 sets out that a proposal should provide for safe and convenient access on foot, cycle, public, and private transport addressing the needs of all; is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality; the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety, amongst other things.

Policy CT 6 requires that adequate vehicle parking facilities should be provided by the applicant to serve the needs of the proposal. Proposals should make provision for vehicle and cycle parking in accordance with the Council's parking standards, including provision for parking for people with disabilities.

The proposal is an established building that is situated in a consolidated residential area where access to Cromer town centre can easily be made by all forms of transport. Given the scheme only comprises of alterations to the existing building, it would not change the physical nature of the site. However, questions have been raised by representations in relation to the existing use of the site as the planning history on record does not provide a decisive position. The applicant asserts that the building was previously used as a 21 bedroomed bed and breakfast accommodation. Representations received from third parties as well as the Ward Councillor have raised questions about this. At the current time, the definitive answer is not known and further information has been requested from the applicants in order to evidence their assertions.

If it can be demonstrated that the lawful use of the building is that of a 21 bedroomed bed and breakfast, then the nature and volume of traffic generated by the proposal would likely be less than the existing use. If the lawful use of the building is that of a single or even two dwellings,

the proposed development would result in an increase in trips generated as well as an increase in parking demand.

The County Council Highway Authority have been consulted on this application and have considered the development in light of the bed and breakfast being the current/lawful use. On this basis they have raised no objection. A further consultation request has been sent to the Highway Authority to seek their opinion on the scenario of the lawful use being that of a single dwelling. An update on this matter will be provided to Members at the meeting and the recommendation set out at the end of this report will reflect this pending matter.

No details have been provided with the application as to how the development would provide suitable storage for cycles in line with policy requirements. Details of such provision however in this instance can be suitably secured via condition.

## **11. Other matters**

### *Minerals & Waste*

Policy CS16 of the Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 defines the area as a Mineral Safeguarding Area for its sand & gravel resources. The Mineral Planning Authority would expect to see appropriate investigations conducted to assess whether any mineral resource there is of economic value, and if so, whether the material could be economically extracted prior to the development taking place. In this instance, given the proposal falls under the 12 excluded development types set out in Appendix C of the above document, it is considered it would be exempt from the requirements of Policy CS16.

### *Construction traffic*

Concerns have been raised that parking and movement of construction traffic vehicles would cause traffic issues and cause damage within St Mary's Road. This is not a planning matter and should be dealt with through appropriate civil channels.

### *Refuse and recycling*

Limited details of how waste would be managed on site have been provided with the application, therefore it is considered appropriate that conditions be used to secure further details of these provisions. This would include details of storage and collection areas, including any enclosures where appropriate, drag distances and surfacing details for drag routes.

## **12. Conclusion and Planning Balance**

Whilst Officers note the concerns raised in the public representations, the principle of the proposal is considered to be acceptable. Further clarification in respect to the lawful existing use is being sought alongside formal Highway Authority comments. Subject to the satisfactory resolution of this matter and the imposition of appropriate conditions, the proposal would accord with the aims of the Development Plan. Officers consider there are no material considerations to justify a decision other than in accordance with the Development Plan. Having regard to the provisions of paragraph 11 of the NPPF, any harms arising from the development would not significantly and demonstrably outweigh the benefits of the development.

## **RECOMMENDATION:**

**To delegate Authority to the Assistant Director of Planning to APPROVE PERMISSION subject to the satisfactory resolution of highway matters (including clarification of existing use) and the imposition of conditions listed below and any other conditions considered necessary by the Assistant Director of Planning:**

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

### Reason

As required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents, except as may be required by specific condition(s) and as listed below:

- Design & Access Statement, received on 28 February 2023
- Drawing no. 04, Revision B, Proposed SF Plans, Section & Site, received on 28 February 2023
- Drawing no. 03, Revision A, Proposed Plans & Elevations, received on 28 February 2023
- Drawing no. 02, Existing SF Plan, Section, Site & Location, received on 10 November 2022
- Drawing no. 01, Existing Plans and Elevations, received on 10 November 2022

### Reason

For the avoidance of doubt and to ensure the satisfactory appearance of the development in accordance with Policies EN 1, and EN 4 of the adopted North Norfolk Core Strategy.

3. Prior to their installation, full details of the replacement windows and external doors (including large appropriately scaled drawings which shall include, method of opening, glazing, glazing bars, materials, colour, and finish) shall be submitted to and approved, in writing, by the Local Planning Authority. The windows and doors shall then be installed and retained thereafter in accordance with the approved details.

### Reason

To ensure the satisfactory appearance of the development in accordance with Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy and the guidance set out within Chapters 12 and 16 of the National Planning Policy Framework.

4. The applicant/developer shall notify the Local Planning Authority in writing of the date of commencement of the development hereby permitted. Such notification shall be provided within 14 days of the date of commencement.

### Reason

To ensure the GI RAMS tariff payments secured in relation to this development are made available and can be used towards the county wide strategic mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy, or successive strategy, which is aimed at delivering the necessary mitigation to avoid adverse effects on the integrity of European Sites arising as a result of the development.

5. No hard landscaping works shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied and thereafter maintained.

Reason

To protect and enhance the visual amenities of the area, and ensure that residential amenities are appropriately provided for in accordance with the requirements of Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

6. The development hereby approved shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate). The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before commencement of the landscaping works. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

To protect and enhance the visual amenities of the area, and ensure that residential amenities are appropriately provided for in accordance with the requirements of Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

7. Prior to installation a plan indicating the positions, design, materials and type of screen walls/fences/gates/hedges and retaining walls to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The approved screens/walls/gates/fences shall be erected before the use/buildings hereby approved are first occupied and shall subsequently be maintained as approved. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, details of which shall be agreed in writing by the Local Planning Authority before replacement occurs.

Reason

To protect and enhance the visual amenities of the area, and ensure that residential amenities are appropriately provided for in accordance with the requirements of Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

8. No part of the development hereby approved shall be occupied until secure covered cycle parking facilities have been provided on site in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority. Such drawings shall show the position, design, materials and finishes of the facilities. The development shall be carried out, and thereafter maintained, in accordance with the approved details.

Reason

Details are required prior to occupation because insufficient information has been submitted with the application in this regard, to improve provision for cyclists and discourage the use of the car wherever possible and in accordance with Policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy and paragraphs 3.5.5, 11.1.14 and 11.1.15 of the Design Guide Supplementary Planning Document (December 2008).

9. No part of the development shall be occupied until refuse storage and collection facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority. Such drawings shall show the position, design, materials and finishes thereof. Development shall be carried out, and thereafter maintained, in accordance with the approved details.

Reason

Details are required in the absence of accompanying the application to ensure that the storage and collection of refuse does not harm highway safety or impact detrimentally upon the amenities of the site in accordance with Policies EN 4, EN 8 and CT 5 of the adopted North Norfolk Core Strategy.

10. A minimum of two of the dwellings hereby approved shall be built to accessible and adaptable standards. No development shall commence on site until details of which properties are to be built to such standards are submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

Details are required in the absence of accompanying the planning submission, to ensure an appropriate co-ordinated high quality form of development and to enable people to stay in their homes as their needs change in accordance with Policy HO 1 of the adopted North Norfolk Core Strategy.

## **NOTES AND INFORMATIVES TO APPLICANT**

1. The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application, to secure a policy compliant proposal that has been determined in the wider public interest at the earliest reasonable opportunity, in accordance with the requirements of the National Planning Policy Framework (paragraph 38).
2. The Applicant is advised that in relation to Condition 10 accessibility and adaptability standards are achieved by meeting requirement M4(2) or M4(3) of the Building Regulations 2015 or any subsequent government standard.