

Sheringham – PF/22/1928 - Full Planning Application: Revised scheme for the erection of 62. no retirement dwellings, access, roads, open space, parking areas and associated works at Land South Of Sheringham House, Cremers Drift, Sheringham, Norfolk for Sutherland Homes Ltd

Major Development

Target Date: 14.11.2022

Extension of time: 30.06.2023

Case Officer: Mr Geoff Lyon

Full Planning Permission

RELEVANT SITE CONSTRAINTS

The Norfolk Coast Area of Outstanding Natural Beauty

Contaminated Land

EA Groundwater Source Protection Zone 1 and 2.

Landscape Character Area - Description: Coastal Shelf (Weybourne to Mundesley Coastal Shelf)

Open Land Area

Site Allocation

Mineral Safeguard Area

TPO/00/0663 - TREE PRESERVATION ORDER 2000 NO 9 (AREA)

GIRAMS Zones of Influence:

GIRAMS ZOI (Broads Sites) - GIRAMS: Broadland RAMSAR Zone of Influence

GIRAMS ZOI (Broads Sites) - GIRAMS: Broadland Special Area of Conservation (SAC) Zone of Influence

GIRAMS ZOI (Broads Sites) - GIRAMS: Broadland Special Protection Area (SPA) Zone of Influence

GIRAMS ZOI (Norfolk Valley Fen Sites) - GIRAMS: Norfolk Valley Fens Special Area of Conservation (SAC) Zone of Influence

GIRAMS ZOI (North Coast Sites) - GIRAMS: North Norfolk Coast Special Protection Area (SPA) Zone of Influence

GIRAMS ZOI (North Coast Sites) - GIRAMS: North Norfolk Coast RAMSAR Zone of Influence

GIRAMS ZOI (North Coast Sites) - GIRAMS: North Norfolk Coast Special Area of Conservation (SAC) Zone of Influence

GIRAMS ZOI (The Wash Sites) - GIRAMS: The Wash Special Protection Area (SPA) Zone of Influence

GIRAMS ZOI (The Wash Sites) - GIRAMS: The Wash RAMSAR Zone of Influence

GIRAMS ZOI (The Wash Sites) - GIRAMS: The Wash & North Norfolk Coast Special Area of Conservation (SAC) Zone of Influence

Adjacent:

LDF Residential Area

Setting of Sheringham Park

RELEVANT PLANNING HISTORY

Application **PO/16/1725**

Description Erection of 62 later living retirement apartments including communal facilities

and car parking (outline application)

Outcome A - Approved

Status A - Decided

Application **PM/18/1502**

Description Erection of 62 later living retirement apartments including communal and car parking facilities (Reserved Matters for Landscaping; Outline ref: PO/16/1725)

Outcome A - Approved

Status A - Decided

Application **CDE/16/1725**

Description Discharge of Condition 7 (Off-site highways works - 3no. Crossing Points proposed along Cremer's Drift) for Planning Permission PO/16/1725

Outcome CD - Condition Discharge Reply

Status CD - Condition Discharge Reply

Application **CDD/16/1725**

Description Discharge of Condition 8 (Surface Water Drainage Strategy) for Planning Permission PO/16/1725

Outcome CD - Condition Discharge Reply

Status CD - Condition Discharge Reply

Application **CDC/16/1725**

Description Discharge of Condition 10 (Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity)) for Planning Permission PO/16/1725

Outcome CD - Condition Discharge Reply

Status CD - Condition Discharge Reply

Application **CDB/16/1725**

Description Discharge of Condition 9 (Partial discharge) (Contamination Assessment - Desk study and risk assessment) for Planning Permission PO/16/1725

Outcome CD - Condition Discharge Reply

Status CD - Condition Discharge Reply

Application **CDA/16/1725**

Description Discharge of Conditions for Planning Application PO 16 1725 - Cond.3: Landscaping, Cond.7: Highways, Cond.8: Flood Scheme, Cond.9: Contaminants, Cond.10: Enviro. Management Plan, Cond.11: Garaging & Storage, Cond.12: External Materials, Cond.13: Access & Footpaths, Cond.14: Fire Hydrants, Cond.15: Construction Traffic Mgmt

Outcome WFI - Withdrawn - Invalid

Status WFI - Withdrawn Invalid

THE APPLICATION

Seeks Full planning permission to erect 62 dwellings comprising 42 No. 2 Bedroom Apartments, 10 No. 1 Bedroom Apartments and 10 No. 2 Bedroom Bungalows. The proposal is, in effect, a revised scheme to that approved under application PO/16/1725 / PM/18/1502 which was a scheme of 62 apartments set across five buildings. This application seeks to retain three of the buildings without change ('Kittiwake House', 'Redshank House' and 'Puffin House') amend one of the buildings ('Sandpiper House') to accommodate a mix of 18 one and two bed apartments rather than the previous 14 two-bed apartments and to delete 'Pintail House' and replace it with 10 No. two bed bungalows which each have a floor area of circa 103sqm.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Liz Withington – there are ongoing concerns about drainage and flooding as a result of a drainage scheme which is not clear will mitigate or prevent further escalation of the localised flooding already an issue in the area.

In addition, there are also concerns about the need to include conditions to prevent anything other than pedestrian access through the gate and into Knowle road. The inclusion of passing places in a path appears to residents and concerns them that vehicular access will develop over time. Even if vehicular access is not included initially. Knowle Road is very waterlogged and would potentially become inaccessible with further traffic. This is also a private road providing a calm and quiet residential area with little traffic or people wandering around.

Given these issues need to be addressed, please can this application be called into the Development Committee

PARISH/TOWN COUNCIL:

Sheringham Town Council – **No Objection** but raised concerns about the impact of construction on the residents of Willow Grove, particularly were the construction period to prolong.

CONSULTATIONS:

Conservation and Design (NNDC) – **No Objection**

Environmental Health – **No Objection** subject to imposition of conditions

Landscape (NNDC) – Further ecology report requested. Comments awaited.

Planning Policy Manager NNDC – **No Comment**

Strategic Housing NNDC – **No Objection** - Financial Viability Assessment (FVA) requested given that proposal is not proposing any affordable housing on-site. FVA provided and Council's Viability consultant has confirmed and agreed the findings of the FVA which assumes the sum of £97,265 would be available for S106 contributions of which £ 57,292.92 is available for off-site affordable housing. The applicant has indicated that the proposal would be delivered within 5 years within a single phase. Ordinarily this would not require an uplift clause but the applicant has agreed that, in the event that completion takes longer than 5 years that an uplift clause would apply. Strategic Housing indicated they are content with this outcome.

Anglian Water – **No objection** in relation to AW assets affected, wastewater treatment and used water network but has raised concerns about surface water disposal and has recommended consultation with the LLFA

Forestry Commission – **No comment**

Natural England – **No objection** subject to GI RAMS mitigation being sought

NCC – Highways – **No Objection** subject to conditions and informative notes.

NCC - Historic Environment Service – **No objection**

NCC Flood & Water Mgmt (LLFA) – Objection (See copy of response at **Appendix A**)

NCC - Minerals And Waste – No Objection

NCC - Planning Obligations Co-Ordinator – No Objection subject to provision of fire hydrants and library provision contribution (£75 per dwelling).

NCC - Public Rights Of Way & Green Infrastructure – No Objection

REPRESENTATIONS

10 representations have been received of which 9 are in **objection** summarised as follows:

- Concerned about impact on amenity from glazing
- Existing planting is being removed and opening up views
- Replacement planting is insufficient to protect amenity of neighbouring residents.
- Public bus transport from Woodland Rise has not existed for 10+ years. Most residents will need some kind of personal transport to reach the town centre
- Single point of vehicular access from Willow Grove is not acceptable, especially during construction phase.
- Construction impacts will be significant for neighbouring residents
- Surface water run-off is a big problem along Knowle Road
- Added hard-standing will exacerbate surface water flooding concerns
- Footpath to Knowle Road should not be used by vehicles – Knowle Road is not suitable for vehicular access.
- Knowle Road should not be used by construction traffic
- Removal of trees will affect water levels and impact on properties in Knowle Road

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

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.

RELEVANT POLICIES

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

- SS 1: Spatial Strategy for North Norfolk (specifies the settlement hierarchy and distribution of development in the District).
- SS 4: Environment (strategic approach to environmental issues).
- SS 5: Economy (specifies expectation for jobs growth through distribution of new employment sites in the District, protection of designated Employment Areas, and specifies criteria for tourism growth)
- SS 6: Access and Infrastructure (strategic approach to access and infrastructure issues).
- EN 2: Protection and enhancement of landscape and settlement character (specifies criteria that proposals should have regard to, including the Landscape Character Assessment).
- EN 4: Design (specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction).
- EN 6: Sustainable construction and energy efficiency (specifies sustainability and energy efficiency requirements for new developments).
- EN 8: Protecting and Enhancing the Historic Environment
- EN 9: Biodiversity and geology (requires no adverse impact on designated nature conservation sites).
- EN 10: Flood risk (prevents inappropriate development in flood risk areas).
- EN 13: Pollution and hazard prevention and minimisation (minimises pollution and provides guidance on contaminated land and Major Hazard Zones).
- CT 2: Development contributions (specifies criteria for requiring developer contributions).
- CT 5: The transport impact on new development (specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport).
- CT 6: Parking provision (requires adequate parking to be provided by developers, and establishes parking standards).

Material Considerations:

Site Allocations Development Plan Document (Adopted Feb 2011)

Policy SH06 - Land Rear of Sheringham House

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide (December 2008)

National Planning Policy Framework (July 2021)

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision-making
- 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

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

1. **Principle of development**
2. **Housing Mix and Type**
3. **Effect on residential amenity**
4. **Effect on highway safety**
5. **Effect on Flood Risk**
6. **Effect on Trees and Landscape**
7. **Effect on Ecology**
8. **Affordable Housing and Development Viability**

1. Principle

The principle of residential development on this site was secured following the adoption of the Site Allocations Development Plan Document in Feb 2011. Policy SH06 (Land Rear of Sheringham House) sets out that:

Land amounting to 2.3 hectares is allocated for approximately 70 dwellings. Development will be subject to compliance with adopted Core Strategy policies including on-site provision of the required proportion of affordable housing (currently 45%) and contributions towards infrastructure, services, and other community needs as required and:

- a) *Development on this site will not be permitted until improved pedestrian access is provided to the town centre, the health centre and the town's schools (including access to Morley Hill);*
- b) *the development must secure the permanent protection of trees and woodland (including the orchard at the northern end of the site) and the development must follow a landscaping scheme that incorporates suitable native species together with a management plan;*
- c) *wildlife mitigation and improvement measures including ensuring connectivity of the site to surrounding habitats;*
- d) *demonstration that there is adequate capacity in sewage treatment works and the foul sewerage network and that proposals have regard to water quality standards; and,*
- e) *prior approval of a scheme of mitigation to minimise potential impacts on the North Norfolk Coast SPA/SAC and Ramsar site arising as a result of increased visitor pressure, and on-going monitoring of such measures.*

This site is within the Norfolk Coast AONB, and development proposals should be informed by, and be sympathetic to, the special landscape character of this protected area. Proposals should also be informed by Development Control Policies EN1 and EN2.

Outline planning permission was secured under application ref: PO/16/1725 for 'Erection of 62 later living retirement apartments including communal facilities and car parking (outline application)'. A subsequent reserved matters application was submitted under application ref: PM/18/1502 and approved. Conditions were discharged (including a surface water drainage scheme) and the applicant made a meaningful start such that the applications have been lawfully commenced / implemented. The principle of 62 dwellings on site has therefore been established and the existing permissions remain capable of completion, albeit work has ceased whilst an alternative proposal is explored.

Whilst the revised scheme, similar to the permitted scheme, departs in some areas from the expectations set out in the site allocation policy (as detailed in this report), the existence of the

implemented permission is a material consideration to which significant weight should be apportioned. Officers therefore consider the principle of development is acceptable subject to compliance with all other relevant development plan policies unless material consideration indicate otherwise.

2. Housing Mix and Type

Policy H01 of the Core Strategy expects schemes of more than 5 dwellings to have at least 40% of the total number of dwellings with an internal floor area of 70 sq m or less and no more than 2 bedrooms. In addition, 20% of dwellings should be suitable or easily adaptable for occupation by the elderly, infirm or disabled (with calculations rounded up as per policy requirements).

The proposed development comprises the following housing mix:

- 42 No. 2 Bedroom Apartments
- 10 No. 1 Bedroom Apartments
- 10 No. 2 Bedroom Bungalows

The scheme approved under application PO/16/1725 had a housing mix of:

- 62 No. 2 Bedroom Apartments

The plans submitted by the applicant indicate that the 10 No. 1 Bedroom Apartments within 'Sandpiper House' would have floor areas of 50.7sqm (five apartments) and 62 sqm (five apartments). The remainder would have floor areas ranging from 92.4sqm up to 170.85sqm.

Only 10 out of 62 units (16%) would comply with the size requirements of Policy HO1. However, the proposals do comply with the policy expectations regarding being suitable for occupation by the elderly, infirm or disabled.

On balance, whilst the number of smaller units falls below the policy expectation of Policy HO1, the mix represents an improvement on the scheme approved under application PO/16/1725. Officers consider that the existence of the implemented permission is a material consideration to which significant weight should be apportioned as a reason to depart from Policy HO1.

3. Effect on residential amenity

Policy EN 4 of the Core Strategy requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers.

The development site adjoins existing residential development along Woodland Rise including properties on Chestnut Grove, Willow Grove, Juniper Grove, Cedar Grove, Ash Grove, Poplar Grove and Elm Grove. Adjoining properties predominantly comprise bungalows along Chestnut, Willow and Juniper Groves with two-storey properties along Cedar, Ash, Poplar and Elm Groves. The sloping nature of topography both on the site and

off-site affect the impact of development.

The main changes resulting from this application (compared with the scheme approved under application PO/16/1725) is the removal of 'Pintail House' and replacement with 10 bungalows. This primarily impacts residents on Chestnut, Willow and Cedar Groves with 'Pintail House' being a three storey property with a height to ridge of circa 11.5m. The proposed bungalows would be single storey in height with a height to ridge of circa 5.6m.

Even accounting for the fact that the bungalows would sit closer to the southern boundary (circa 9m) compared with circa 21m for 'Pintail House', Officers consider that this is a better relationship than the previously approved scheme and would accord with the aims of Policy EN 4.

In respect of other changes, Officers consider that the changes to 'Sandpiper House' would not materially change the impact on residential amenity.

It is therefore considered that the proposed development would not result in any material effect on the living conditions of the occupiers of neighbouring dwellings and therefore complies with Policy EN 4 of the CS and Chapter 12 of the NPPF (2021).

4. Effect on highway safety

Core Strategy Policy CT 5 considers the transport impact of new development and sets out that proposals should be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its location Policy CT 5 lists specific criteria against which development proposals are to be assessed including:

- *Safe and convenient access on foot, cycle, public and private transport addressing the needs of all;*
- *Capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;*
- *Expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and*
- *Development proposals with significant transport implications to be accompanied by a transport assessment.*

Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal seeks highway access from Woodlands Rise via Willow Grove for the development. Pedestrian access to the town centre would be facilitated via a new footpath to the north to join Knowle Road. This remains the same as previously approved under PO/16/1725. The Highway Authority have raised No Objection subject to conditions and informative notes.

Whilst representations have raised concerns about the potential for the Knowle Road

pedestrian access to become a vehicular route, that is not what is being proposed and Officers would recommend the imposition of suitable conditions to secure that this remains for pedestrian use only. The applicant has indicated their agreement to such a condition.

Subject to conditions, the application is therefore considered acceptable in terms of highway and parking impacts, in accordance with Core Strategy Policies CT 5 and CT 6 and, Chapter 9 of the NPPF (2021).

5. Effect on Flood Risk

Core Strategy Policy EN 10 considers development and flood risk and seeks to ensure that the sequential test is applied to direct new development to be located only within Flood Risk Zone 1. Development in Flood Zones 2 and 3 will be restricted. Policy EN10 requires new development to have appropriate surface water drainage arrangements for dealing with surface water run-off. The use of Sustainable Urban Drainage systems is preferred.

The site is located within Flood Risk Zone 1 (the lowest risk of flooding). However, the applicant has identified a spring on the north/northwest site boundary and the site also falls within the Environment Agencies Groundwater Source Protection Zone 1 and 2. This means that careful consideration needs to be given to ensure that surface water drainage is appropriately managed so as not to result in adverse impacts off-site nor adversely affect protected groundwaters.

In considering the flood risk implications, the Committee need to be aware that a surface water drainage scheme was agreed for the site in relation to applications PO/16/1725 / PM/18/1502. That scheme was discharged in 2020 following agreement by the Lead Local Flood Authority in relation to discharge of condition application CDD/16/1725.

However, as a new planning application, surface water drainage issues are being considered again to ensure they remain appropriate. The applicant's drainage engineers submitted a flood risk assessment and drainage strategy dated 24 May 2023. This has been reviewed by the Lead Local Flood Authority with a response provided on 06 July 2023. The LLFA have identified a number of areas where further information is required so that they can be satisfied that the development is acceptable in relation to matters of flood risk (See full response at **Appendix A**).

In response to the LLFAs recent comments, the applicant's drainage engineers have confirmed that they are to fully review the points raised and update the design and Drainage Strategy document. Alongside this, the applicant's drainage engineers have indicated that they will provide a response document which will provide a direct response to each of the points raised to facilitate a subsequent LLFA review to allow the design to reach approval. This continued dialogue should enable parties to reach a point to allow planning acceptance to be reached.

Whilst it may be preferable to have all drainage matters resolved prior to determination by Development Committee, in this instance given that an extant scheme exists with an acceptable drainage scheme, Officers consider it would be reasonable to conclude that a very similar scheme should also be capable of reaching an acceptable conclusion in relation to

surface water drainage. The recommendation will reflect this with Officers seeking delegated authority to resolve the drainage issues and would seek the imposition of suitable drainage conditions to secure an acceptable drainage scheme for this development.

Subject to the above, the development would accord with the aims of Core Strategy Policy EN 10.

6. Effect on Trees and Landscape

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

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

The application site/adjoining land contains a number of trees many of which contribute positively to the character and appearance of the area. The applicant has submitted an Arboricultural Impact Assessment (AIA) as well as a Landscape Plan. On the basis of these submissions, the Landscape Officer has not raised any objection save for the fact that a further ecology survey is required (now submitted). Subject to conditions to secure the landscape plan, the proposal would broadly accord with the aims of Policy EN 2. In any event, Officers consider that the existence of the implemented permission is a material consideration to which significant weight should be apportioned when assessing the impact on trees and landscape.

7. Effect on Ecology

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

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

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

interests of nationally designated sites will not be permitted.

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

Following a request from the Landscape Officer, the applicant has now submitted an Ecological Appraisal and Impact Assessment which, at the time of writing this report, is still being assessed by the Landscape Officer.

Subject to the findings of the report being considered acceptable and subject to the imposition of any conditions required to secure any required ecological mitigation, the proposal would accord with the aims of Core Strategy Policy EN 9.

8. Affordable Housing and Development Viability

Core Strategy Policy HO 2 sets out, amongst other things, that:

‘Planning permission for the erection of new dwellings or conversion of existing buildings to dwellings will be permitted provided that, where it is viable to do so, the scheme provides affordable housing in accordance with the following:

- On all schemes of 10 or more dwellings or sites of more than 0.33 hectares in Principal and Secondary Settlements, not less than 45% of the total number of dwellings proposed are affordable...’

Core Strategy Policy CT 2 (Developer Contributions) sets out, amongst other things, that:

‘On schemes of 10 or more dwellings and substantial commercial development where there is not sufficient capacity in infrastructure, services, community facilities or open space, improvements which are necessary to make that development acceptable will be secured by planning conditions or obligations, and these must be phased so as to be in place in accordance with an agreed time frame or prior to the occupation of an agreed number of units...’

In this case, the applicant has advanced an argument that it is not financially viable to provide on-site affordable housing for this scheme and, on that basis, a Financial Viability Assessment (FVA) was requested.

The submitted FVA has been reviewed by the Council’s Viability consultant who has confirmed and agreed the findings of the FVA which assumes the sum of **£97,265.00** would be available for S106 contributions of which £ 57,292.92 is available for off-site affordable housing.

The applicant has indicated that the proposal would be delivered within 5 years within a single phase. Ordinarily this would not require an uplift clause but the applicant has agreed that, in the event that completion takes longer than 5 years that an uplift clause would apply. Strategic Housing indicated they are content with this outcome.

In terms of the total financial contributions to be secured via S106 Obligation these would be:

Contribution Type	Purpose	Cost per dwelling	Number of Units	Total Cost
GI RAMS Contribution	To mitigate the impact of development on European Sites	£ 210.84	62	£ 13,072.08
Library Contribution	To be spent on increasing the capacity of the library serving the development	£ 75.00	62	£ 4,650.00
Community Infrastructure Contribution	To be used towards capital investment projects in the expansion, extension and improvement of the Sheringham Little Theatre	£ 358.87	62	£ 22,250.00
Affordable Housing Contribution	To be used towards the provision of Affordable Housing in the District	£ 924.08	62	£ 57,292.92
Total				<u>£ 97,265.00</u>

On the basis of the above, Officers consider that sufficient evidence has been provided by the applicant to justify their viability case. Subject to the securing of the S106 obligations, the proposal would accord with Core Strategy Policies HO 1 and CT 2.

Other considerations

As part of the consideration of the application, a Habitats Regulations Assessment has been undertaken. The Council's Landscape Officer is satisfied that concerns regarding impacts upon sites of international importance have been addressed. Concerns regarding hydrological impacts upon Norfolk Valley Fens SAC/Sheringham and Beeston Regis Common SSSI were also initially raised as part of application PO/16/1725 though further investigation determined the two sites were hydraulically unconnected. Recreational impacts are considered the only likely potential pathway of impacts based on the site location and proposed scheme.

Officers conclude that the GIRAMS tariff payment and provision of Enhanced Green Infrastructure onsite are sufficient to ensure no significant recreational impacts upon the Norfolk Valley Fens SAC will occur. Subject to securing the mitigation payments and onsite green infrastructure, the proposal would accord with the aims of Policy EN 9.

Planning Balance and Conclusion

The Development Committee are being asked to, in effect, consider a revised scheme to that previously approved under application PO/16/1725 / PM/18/1502 which was a scheme of 62 apartments. That scheme has been implemented and Officers consider the extant permission is a material consideration to which significant weight should be apportioned.

In many ways the proposed scheme will deliver enhancements compared with the extant permission and much of the proposal accords with Development Plan Policy.

At the time of writing this report, there are two outstanding areas to resolve which Officers consider are capable of being delegated to the Assistant Director for Planning to resolve. These include surface water drainage and ecology.

Relevant Core Strategy policies are broadly supportive of this type of development and it is considered that subject to securing a S106 Obligations and subject to the imposition of conditions, the proposal will not result in any significant adverse effects for the reasons stated above and complies with all relevant policies. Where the proposal departs from Policy, Officers consider that the existence of the implemented permission is a material consideration to which significant weight should be apportioned as a reason to depart from Policy.

RECOMMENDATION:

DELEGATE APPROVAL TO THE ASSISTANT DIRECTOR - PLANNING SUBJECT TO:

- 1. satisfactory resolution of surface water drainage and ecology matters;**
- 2. Securing of S106 Obligations to the value of £97,265.00 for the purposes as set out in Section 8 of this report; and**
- 3. Imposition of conditions including any considered necessary by the Assistant Director - Planning (draft list of conditions to follow)**

Final wording of conditions to be delegated to the Assistant Director – Planning.

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