

DILHAM - PF/21/1478 – Conversion of agricultural building with associated external alterations to indoor swimming pool for private hire at Agricultural Barns, Oak Road, Dilham, Norfolk, NR28 9PW

Minor Development

Target Date: 31.03.2022

Extension of Time: 30.09.23

Case Officer: Russell Stock

Full Planning Permission

REASONS FOR REFERRAL TO COMMITTEE

In accordance with Note 4 (d) of the relevant section of the Council's scheme of delegation, this application is referred to the Development Control Committee as the applicant is a District Councillor. Furthermore, the application is referred to the Development Control Committee at the request of Councillor Nigel Dixon for the following reasons: The scheme results in environmental harm, lies in an unsustainable location and raises concerns in relation to highway safety arising from the increased use of the poor local road network serving the site.

RELEVANT SITE CONSTRAINTS

- Within the Countryside as designated within the North Norfolk Core Strategy
- Within the Low Plains Farmland Landscape Character Area as designated within the North Norfolk Landscape Character Assessment
- Within various defined GIRAMS 'Zones of Influence'
- Within the Nutrient Neutrality Surface Water Catchment area

RELEVANT PLANNING HISTORY

PF/21/1479

Conversion of agricultural building with associated external alterations to form four bedroom holiday accommodation - Pending consideration

PU/21/2825

Change of use of an agricultural building to 5 dwellinghouses (4 "smaller" dwellinghouses and 1 "larger" dwellinghouse), and building operations reasonably necessary for the conversion

Refused 17.12.21

Appeal Allowed 20.02.23. Award of Costs Refused 20.02.23

It is noted that whilst this was allowed on appeal by the Inspectorate, there were two substantive matters to be resolved before the development is carried out. 1. Whether the development is permitted under the General Permitted Development Order (GPDO). 2. Whether the development accords with the requirement at Article 3(1) of the GPDO, in that regulations 75-78 of The Conservation and Habitats and Species Regulations 2017 (as amended) are complied with. The Inspector made it clear in their decision that "it is for the appellant to satisfy themselves that the development conforms to these limitations. If it does not conform to these provisions, the GPDO does not grant it planning permission and the proposed development will be at risk of enforcement action by the Council."

THE APPLICATION

Site description:

The site lies within an area designated as Countryside. The barn is located at Oak Farm and is situated in a cluster of agricultural buildings historically associated with the farm. Oak Farm is located 1.5km northeast of Dilham and is accessed via Oak Road. Oak Road is a public highway as it leaves the village of Dilham heading east but reverts to a private road halfway between the application site and the village. Oak Road provides access to several dwellings, Tonnage Bridge Glamping Site, and equine livery fields. Oak Road is also in regular use by the applicant's farming enterprise, which farms land on both sides of the road and the areas surrounding the application site. The barn is a red brick building with corrugated sheet roof measuring approximately 7.4m wide and 27m long.

Proposal:

This application seeks permission for change of use of the barn together with associated operational development to accommodate a swimming pool. The swimming pool would comprise of a single pool measuring 12m long and 5m wide. The existing lean-to element would house a hot tub, sauna and plant room, and the existing porch on the north facing gable would be converted to provide two changing rooms. The large existing openings in the west-facing elevation would be infilled with glazing, and the external sliding doors would be retained. A new opening would be formed in the south-facing elevation both to provide light into the swimming pool area and views south across the neighbouring fields. The addition of an entrance porch to the north-facing elevation measuring 1.8m by 3m is proposed to provide a transition area from the heated barn to the outside. Externally, the area dedicated to parking has been designed to accommodate 13 car parking spaces and four cycle parking spaces.

CONSULTATION:

Cllr Nigel Dixon: Concerns regarding the development as set out above

Dilham Parish Council: Concerns over the disposal of the swimming pool water

Conservation and Design: No objection subject to conditions

Landscape: No objection subject to conditions

Environmental Health: No objection subject to conditions and informative note

Norfolk County Council Highways: No objection subject to condition

Natural England: Impacts to designated sites caused by foul drainage arrangements, as well as GIRAMS matters to be considered by North Norfolk District Council

Environment Agency: No objection subject to Informative Notes

REPRESENTATIONS

Public consultation of the application took place for a period of 21 days between 20.08.2021 to 10.09.2021. To date, two objections have been received. The key points raised in the **OBJECTION** representations are as follows:

- The use of this facility would increase the amount of traffic

- The proposal would affect the wildlife in Broad Fen Site of Special Scientific Interest (SSSI) and the Broads National Park
- Concerns over the light pollution in such a dark sky remote location

HUMAN RIGHTS IMPLICATIONS

Art. 8: The right to respect for private and family life.

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

Having considered the above matters, APPROVAL of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

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 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 EN 1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads

Policy EN 2: Protection and Enhancement of Landscape and Settlement Character

Policy EN 4: Design

Policy 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 EC 1: Farm Diversification

Policy EC 2: The Re-use of Buildings in the Countryside

Policy EC 5: Location of Retail and Commercial Leisure Development

Policy EC 7: The Location of New Tourism Development

Policy CT 5: The Transport Impact of New Development

Policy CT 6: Parking Provision

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 6: Building a strong, competitive economy
Chapter 7: Ensuring the vitality of town centres
Chapter 8: Promoting healthy and safe communities
Chapter 9: Promoting sustainable transport
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

OFFICER ASSESSMENT

MAIN ISSUES FOR CONSIDERATION:

- 1. Principle**
- 2. Landscape**
- 3. Design**
- 4. Residential Amenity**
- 5. Biodiversity**
- 6. Pollution and Hazard Prevention and Minimisation**
- 7. Highways**
- 8. Other matters**
- 9. Conclusion**

- 1. Principle** (Policies SS 1, SS 2, SS 5, SS 6, EC 1, EC 2, EC 5, and EC 7)

Policy SS 1 sets out that most of the new development in North Norfolk will take place in the towns and larger villages as defined as Principal and Secondary Settlements and a small amount of new development will be focused on several designated Service and Coastal Service Villages. The rest of North Norfolk, including all settlements that do not fall under the above criteria, will be designated as Countryside. Policy SS 2 limits development in areas designated as Countryside to that, which requires a rural location and accord with a list of set criteria. Related to this application in this list it includes the re-use and adaptation of buildings for appropriate purposes and recreation and tourism.

The site is situated in Dilham, which is an area designated as Countryside under Policies SS 1 and SS 2. The proposal involves the change of use of the barn to accommodate a swimming pool, sauna, and additional supporting facilities. Such a use falls under the category of re-use and adaptation of buildings for appropriate purposes and recreation and tourism which are two of the types of development that are acceptable in principle in this location under Policy SS 2 subject to assessment against the relevant 're-use and adaptation' and 'recreation and tourism' policies.

Policy EC 1 sets out that proposals for development in the Countryside for purposes of farm diversification will be permitted provided it can be demonstrated they would make an ongoing contribution to sustaining the agricultural enterprise.

The farming diversification at Oak Farm focus on small-scale tourism accommodation and activities across the farming estate, i.e. camping and glamping accommodation, equine livery fields and canoe hire. Given the proposals location and scale, it is considered appropriate in nature and therefore would complement the existing tourism accommodation and activities within Oak Farm.

Within the Countryside policy area proposals should first re-use existing buildings to protect the countryside from development that could erode the character of the area. Paragraph 84 of the Framework seeks the sustainable growth and expansion of all types of business in rural areas through the conversion of existing buildings, the development and diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments which respect the character of the countryside. On that basis, Policy EC 7 restricts new tourist accommodation in the Countryside subject to compliance with Policy EC 2.

Government policy has focused on encouraging the re-use of rural buildings for either business or community purposes as a means of supporting the diversification of farming enterprises and the general vitality of rural communities without necessitating the development of new buildings. To that effect, Policy EC 2 states that the re-use of buildings in the Countryside for non-residential purposes will be permitted providing the economic use is appropriate in scale and nature to the location. Secondly, it can be demonstrated that the building is soundly built and suitable for the proposed use without substantial rebuilding or extension and the proposed alterations protect or enhance the character of the building and its setting. Finally, that the proposal is in accordance with other policies seeking to protect biodiversity, amenity and character of the area.

The barn is appropriate in scale and nature to the location and can therefore accommodate a swimming pool, sauna, and additional facilities that support other economic uses within the farming estate. Secondly, the structural inspection report prepared by S. F. Johns, dated October 2021 concludes that the barn is structurally sound providing a careful and a thorough repair of the structural fabric is undertaken. To conform to the requirements of Policy EC 2, the proposals should comply with the relevant policies concerning biodiversity, amenity, and character of the area. Consideration of these matters is set out within the sections below.

Policy EC 5 is concerned with ensuring that significant proposals for commercial leisure developments on unallocated sites are focused on North Norfolk's eight town centres (Cromer, Holt, Fakenham, North Walsham, Hoveton, Sheringham, Stalham and Wells-next-the-Sea), thereby helping to maintain and enhance the vitality and viability of the town centres and minimise the need to travel. Under Policy EC 5, Commercial Leisure Proposals with a gross floor area of less than 500sqm should be located within the development boundary on the best sequentially available site.

The scheme has a gross floor area of 203.5sqm, therefore, it would not comply with the above requirements as it is located within the wider Countryside. However, providing for local needs in the wider rural area will be limited to existing buildings in order to support the general restriction on new-build development in the Countryside policy area, and will complement the preferred approach towards Farm Diversification under Policy EC 1 and the Re-use of Buildings in the Countryside under Policy EC 2.

For the reasons given above, it is considered the proposal complies Policies, SS 1, SS 2, SS 5, SS 6, EC 1, EC 2 (subject to consideration of relevant matters below), EC 7 and paragraph 84 of the Framework, and therefore is acceptable in principle.

2. Landscape (Policies EN 1, and EN 2)

The Broads are valuable assets for North Norfolk, in terms of sustainable tourism, quality of life and as wildlife habitats. It has a status equivalent to a National Park and include several European wildlife designations. Policy EN 1 states that the impact of individual proposals, and their cumulative effects on The Broads and its setting, will be carefully assessed. Development will be permitted where it is appropriate to the economic, social, and environmental well-being of the area or is desirable for the understanding and enjoyment of the area and does not detract from the special qualities of The Broads.

Paragraph 176 highlights that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and the Broads which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The application site is situated north of The Broads Special Area of Conservation (SAC). The proposal seeks to bring back to use a dilapidated agricultural store by converting it to a swimming pool and sauna for private hire. The conversion of the barn would provide economic and social benefits and would support the current tourism activities within the area. Moreover, given the proposal comprises of utilising an existing building, the proposed minor alterations would not affect its scale or impact on the setting of The Broads. On that basis, the scheme complies with Policy EN 1 and paragraph 176 of the Framework.

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 (LCA) (January 2021). Development proposals should demonstrate that their location, scale, design, and materials would protect, conserve, and, where possible, enhance the special qualities and local distinctiveness of the area.

The site lies within the Low Plains Farmland Landscape Character Area as designated within the LCA (January 2021). The Landscape guidelines for the Low Plains Farmland Landscape Character Area requires that the redevelopment of redundant barn complexes outside settlement boundaries, is sensitively undertaken avoiding use of suburban features such as surfaced drives, domestic style gates and fences, ornamental planting, overly large windows, or excessive external lighting.

The proposal involves the addition of one and two large windows on the south and west elevations respectively, with the latter utilising existing apertures within the fabric of the building. Given that these elements sensitively re-adapt existing features of the building and their design is considered recessive, it is considered the proposal results in the protection and conservation of the building and would not significantly impact on the special qualities and distinctiveness of the area. As a result, it is considered the scheme complies with Policy EN 2.

3. Design (Policy EN 4)

Policy EN 4 requires that all development should be designed to a high quality, reinforcing local distinctiveness, be expected to be suitably designed for the context within which they are set, and ensure that the scale and massing of buildings relate sympathetically to the surrounding area. Moreover, paragraph 130 of the Framework sets out that developments should be sympathetic to local character and history, including the surrounding built

environment, while not preventing or discouraging appropriate innovation or change and optimise the potential of the site to accommodate and sustain an appropriate amount of mix development.

The swimming pool would comprise of a single pool measuring 12m long and 5m wide. The existing lean-to element would house a hot tub, sauna and plant room, and the existing porch on the north facing gable would be converted to provide two changing rooms. The large openings in the west-facing elevation would be infilled with glazing, and the external sliding doors retained. A new opening would be formed in the south-facing elevation both to provide light into the pool area and views south across the neighbouring fields. The addition of an entrance porch to the north-facing elevation measuring 1.8m by 3m would be proposed to provide a transition area from the heated barn to the outside. The proposed pallet of materials comprises of corrugated sheets, soft red brick, and dark coloured aluminium fenestration. Externally, the area dedicated to parking has been designed to accommodate 13 parking spaces and four cycling parking spaces.

The Conservation and Design Officer has not objected to the proposal subject to the details of the windows, and glazed screens being secure through condition.

Officers are of the opinion that subject to the above planning condition, the proposal would be sympathetic to the local character and context of the surrounding area and therefore would not give rise to significant design concerns. As such, the scheme complies with Policy EN 4 and paragraph 130 of the Framework.

4. Residential Amenity (Policy EN 4)

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

The barn lies 6.5m east of an agricultural store and 12.5m west of a redundant agricultural storage building which is under assessment under application PF/21/1479 to be converted into a four-bedroom holiday let. The proposed fenestration on the east elevation serves a plant room and spa area and on the west elevation a walkway to the swimming pool. Given the separation distance between the proposal and the redundant agricultural storage building located east, and the public nature of the areas proposed, it is considered the proposal would not give rise to significant amenity concerns. As such, the scheme complies with Policy EN 4.

5. Biodiversity (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.

The application has been supported by a Preliminary Ecological Appraisal report prepared by Liz Lord Ecology, dated 10 August 2021 and a subsequent Nocturnal Bats Survey report prepared by Biome Consulting dated 15 September 2021. The reports concluded that the proposal would result in the destruction of the day roost for one common pipistrelle bat and day roosts for three brown long-eared bats and potential disturbance of bats if present during the construction phase resulting in minor negative impact on the local bat populations.

During the consideration of the application, concerns were raised on the grounds that the proposal would affect the wildlife in Broad Fen Site of Special Scientific Interest (SSSI) and the Broads National Park. The Landscape Officer has assessed the information submitted with the application and subject to the provision of appropriate mitigation and compensation measures, the favourable conservation status of the local bat populations affected would be maintained. It is considered that a Natural England European Protected Species Mitigation (EPSM) Licence is likely to be granted due to the relatively low ecological cost of the development against the social and economical benefits. Moreover, to ensure that the development results in a net gain for biodiversity (paragraphs 174 and 180 of the Framework and 25 Year Environment Plan) and to contribute towards the Council's statutory duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006 (NERC Act) conditions should be secured on the permission which aim to secure detailed mitigation and enhancement measures on the development site

Following comments from the Council's Ecologist, the Environment Agency and Natural England, the applicant has supported their submission with details of a scheme for wastewater management. This sets out that a Package Treatment Plant (PTP) would be used for foul water flows from the washbasins, showers and toilets from within the building. The swimming pool and hot tub waste water (backwash) would be treated separately. This would be filtered using standard filter/chemical cleaning processes and backwash water from this would be directed into a dedicated sealed tank. This tank would have a capacity of approximately 9,000 litres and would be emptied on a monthly basis by HFS Agriculture, the farms existing licensed waste handler. HFS Agriculture have confirmed that they have capacity and the appropriate licensing to undertake a monthly emptying of the tank. The wastewater would be taken off-site and processed at the Stalham Sewage Treatment Works.

Given that the proposals are commercial in nature, rather than residential or a scheme directly resulting in the release of increased nutrients, the 'Nutrient Neutrality' requirements are not applicable to this application. The proposed use of a sealed tank for backwash water which would be treated offsite in combination with a PTP to deal with other flows is considered to satisfactorily address the comments received from the Council's Ecologist, the Environment Agency as well as Natural England in respect to these matters.

Details of the exact backwash storage tank can be suitably secured via condition which would ensure that it is of sufficient size to accommodate the proposed loads. Additionally, conditions securing the measures/processes set out within the Wastewater Management Plan in perpetuity can be utilised, alongside a requirement for records of wastewater transfers to be maintained and made available upon request. Subject to these measures, likely significant effects upon the nearby protected sites can be ruled out.

Lastly, concerns have been raised in respect to light pollution in the site's remote location. The Landscape Officer is of the opinion that to ensure that excessive light spill in the countryside is avoided and to protect the Broads National Park and avoid any adverse impacts on protected species populations, a planning condition requiring prior approval of external lighting shall be made to the Local Planning Authority.

For the reasons stated above and subject to a Natural England European Protected Species Mitigation (EPSM) Licence, mitigation and enhancement measures set out in the above protected species reports, the conditions relating to wastewater management and external lighting, Officers consider that the proposal would comply with Policy EN 9 and paragraphs 174 and 180 of the Framework.

6. 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. Paragraph 185 of the Framework requires that local planning authorities ensure that new development is appropriate for its location considering the effects (including cumulative effects) of pollution on health, living conditions, and the natural environment.

The Environmental Protection (EP) Team have reviewed this application and have no objection to the proposal. The location of the plant and equipment associated with the scheme lies approximately 10m west from proposed four-bedroom holiday let accommodation which is being assessed under planning application PF/21/1479. As such, prior to the installation of any plant, machinery, ventilation, air conditioning, heating, extraction equipment, details of the location, acoustic specifications, and specific measures to control noise, dust, odour from the equipment shall be secured through a planning condition. Subject to the above conditions and relevant informative notes, Officers consider the proposal would not give rise to significant environmental health concerns. On that basis, the scheme complies with Policy EN 13 and paragraph 185 of the Framework.

7. Highways (Policies CT 5, and CT 6)

Policy CT 5 sets out proposals should provide for safe and convenient access on foot, cycle, public, and private transport addressing the needs of all without detriment to the amenity or character of the surrounding area or highway safety. Policy CT 6 requires that adequate vehicle/cycle parking should be made in accordance with the Council's parking standards.

Appendix C: Parking Standards of the Core Strategy requires one car parking space per 22sq.m (nine car parking spaces) plus coach drop off point and one cycle parking space per four visitors and one space per four staff. Parking and cycle stand plans have been submitted on 8 November 2021. The plans provide for 13 parking spaces and four cycle parking spaces. As such, the proposal meets the Council's parking standards requirements set out in Appendix C: Parking Standards of the Core Strategy.

The Highways Officer has assessed the information submitted with the application and considers that given the compact size of the swimming pool and its restricted use to appointment only swimming, traffic movements would be limited by these constraints and given the existing access benefits from passing places, no objection has been raised subject to planning condition(s) that ensures the on-site car and cycle parking area shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the plans submitted.

Objections have been received to the proposal on the grounds of highway safety arising from the increased use of the poor local road network serving the site. Paragraph 111 of the Framework sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highways Officer considered that the former farm use would have had a degree of traffic generation, which needs to be compared to the proposed use. In addition, the existing access benefits from passing places and provides for adequate space for vehicles to park and turn around.

In addition to the comments and condition proposed by the Highways Officer, Officers consider that an Operational Management Plan with details for a booking system of the facilities provided at the site and other measures shall need to be submitted to the Local Planning Authority prior to the first use of the development. This is to ensure that 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.

For the reasons given above and subject to the required conditions, Officers consider that it would be difficult to substantiate a reason for refusal based on the development having a severe impact upon the local road network. Therefore, on balance, subject to conditions, the proposal is considered to comply with Policies CT 5 and CT 6 as well as the guidance set out within Chapter 9 of the NPPF.

8. Other Matters

Pre-commencement Conditions

The recommendation proposes pre-commencement planning conditions therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such a condition. Notice was served on the 15 February 2022 and agreed in writing by the applicant on the 15 February 2022.

9. Conclusion

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

RECOMMENDATION:

It is recommended that the application be APPROVED subject to the conditions listed below and any others considered necessary by the Assistance 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:

- Location Plan, dated 26 May 2021
- Drawing no. 27292EA-02, Measured Building Survey, dated 26 May 2021
- Drawing no. OFS1, Proposed Site Plan, dated 26 May 2021
- Drawing no. PL0002, Proposal Drawing Units 3, dated 26 May 2021
- Drawing no. SK0002, Proposal Drawing Units 3, dated 26 May 2021
- Parking Plan, received on 8 November 2021
- Drawing no. CS-1-A, Cycle Stands, received on 8 November 2021

Reason:

To ensure the satisfactory appearance of the development and for the avoidance of doubt in accordance with Policies SS 1, SS 2, EC 2, EC 7, EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

3. Before their first use on site details of the manufacturer specifications for the windows and glazed screens shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details/samples. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application.

Reason:

To ensure the satisfactory appearance of the development in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

4. The approved works, which includes any demolition, modification or building work, to the building identified as the Swimming Pool Barn in the Nocturnal Bat Survey report prepared by Biome Consulting dated 15 September 2021, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
 - a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
 - b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason:

The Habitats Directive requires a system of 'strict protection' for certain protected species. It is a criminal offence to consciously harm European protected species without a licence, which would only be issued if the statutory licensing body is satisfied that the derogation criteria are met. However, the risk of criminal prosecution might not prevent harm from taking place. This condition therefore helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardise the protected species, before the species is harmed. This condition can be enforced by a temporary stop notice or by injunction. This condition ensures that the Local Planning Authority is complying with its statutory obligations with respect to the Habitats Regulations, as well as in accordance with Policy EN 9 of the Adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

5. The development hereby approved shall be carried out in strict accordance with the protected species mitigation and enhancement measures outlined in Section 6 of the Preliminary Ecological Appraisal report prepared by Liz Lord Ecology dated 10 August 2021 and Section 5 of the Nocturnal Bat Survey report prepared by Biome Consulting dated 15 September 2021. This shall include the provision of compensatory bat roost facilities. The boxes shall be erected according to the approved details, prior to the first use of the facilities hereby approved and thereafter maintained in a suitable condition to serve the intended purpose.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraphs 174 and 180 of the National Planning Policy Framework, and for the undertaking of the Council's statutory function under the Natural Environment and Rural Communities Act (2006).

6. No external lighting shall be erected without prior approval of the Local Planning Authority.

Reason:

To ensure that excessive light spill in the countryside is avoided, to protect the Broads National Park and to avoid any adverse impacts on protected species populations in accordance with Policies EN 1, EN 2, EN 4, EN 9 and EN 13 of the adopted North Norfolk Core Strategy.

7. Prior to installation, details of the proposed backwash water sealed tank shall be submitted to, and approved in writing by the Local Planning Authority. The approved tank shall thereafter be installed in accordance with the manufacturers specifications and be made fully operational prior to the first use of the swimming pool/hot tub facilities hereby approved. The tank shall be maintained in accordance with manufacturers specifications in perpetuity and shall only be used for the storage of treated swimming pool/hot tub backwash water.

Reason:

In accordance with the requirements of Policies EN 9 and EN 13 of the adopted North Norfolk Core Strategy and paragraphs 174, 176, 180 and 185 of the National Planning Policy Framework, and for the undertaking of the Council's statutory function under the Natural Environment and Rural Communities Act (2006).

8. The development hereby permitted shall be carried out in strict accordance with the processes and procedures for dealing with wastewater resulting from the development as set out within the Oak Farm Swimming Pool - Scheme of Waste Water Management from Pool and Hot Tub Cleaning operations document, Rev 230705.3 dated July 2023 by Principle Planning. Waste transfer records from the appointed operator shall be maintained and made available to North Norfolk District Council upon request. The Scheme of Waste Water Management shall be operated in accordance with the approved document in perpetuity.

Reason:

In accordance with the requirements of Policies EN 9 and EN 13 of the adopted North Norfolk Core Strategy and paragraphs 174, 176, 180 and 185 of the National Planning Policy Framework, and for the undertaking of the Council's statutory function under the Natural Environment and Rural Communities Act (2006).

9. Prior to installation of any plant/machinery/ventilation/air conditioning/heating/extraction equipment including any replacements of such, full details including location, acoustic specifications, and specific measures to control noise/dust/odour from the equipment, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, used, and maintained thereafter in full accordance with the approved details.

Reason:

To control the noise or odour emitted from the site in the interests of residential amenity in accordance with Policies EN 4 and EN 13.

10. Prior to the first use of the development hereby permitted the proposed on-site car and cycle parking area shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason:

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

11. Prior to first use of the development hereby permitted a site Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details for a booking system of the facilities provided at the site and other measures to be implemented to manage vehicular traffic movements.

The Operational Management Plan shall be implemented prior to first use of the development hereby permitted and thereafter adhered to and retained as approved for the lifetime of the development.

Reason:

To ensure 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, in accordance with Policies EN 1, EN 2, EN 4 and CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework (2021).

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 businesses require a Trade Waste contract to dispose of all waste associated with commercial activities as stated in the Environmental Protection Act 1990, Section 34. For further advice regarding this matter can be obtained by contacting the District Council's Environmental Protection Team (telephone 01263 516085).
3. Advisory note for contamination for conversion of Farm buildings and sites. In the event of any contamination becoming evident (from storage of oil/fuel/agrochemicals, disposal pits etc.) the applicant/developer is advised to halt works and seek advice from the District Council's Environmental Protection Team (telephone 01263 516085).