

**Cromer PF/23/0941 – Remedial works to the existing groynes and seawalls. Construction of rock revetment, scour protection works on a section of cliff and remedial works on access ramp on the western section. Installation of an apron on an existing seawall on the eastern section. (Cromer Phase 2 coastal defence project)**

### **Major Development**

**Target Date:** 7<sup>th</sup> September 2023

**Case Officer:** Mr Mark Brands

**Full Planning Permission**

### **REASONS FOR REFERRAL TO COMMITTEE**

This application is referred to the Development Committee in line with the Council's constitution as the development is a Major Application and the District Council are the applicants and representations have been received.

### **RELEVANT SITE CONSTRAINTS**

Within The Norfolk Coast Area Of Outstanding Natural Beauty

Within Floodzones 2 and 3

Within the Undeveloped Coast

Within and adjacent to Candidate County Geodiversity Site - Cromer Cliffs, Overstrand Cliffs Sites of Special Scientific Interest (SSSI)

Within the defined Coastal Erosion Risk Area

Within Cromer Conservation Area

The site may contain Contaminated Land

The site contains areas of the England Coast Path Coastal Margin

Landscape Character Area - Coastal Shelf

The site lies both within the Countryside and within the Cromer Settlement Boundary

The site lies within areas designated as Open Land Area, Public Realm, Principal Routes, and Town Centre

The site lies within a Mineral Safeguarding Area

The site lies within a Specific Area of Conservation, Special Protection Area, Site of Special Scientific Interest and County Wildlife Site - Cromer Sea Front

Within multiple Zones of Influence as contained within the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS)

### **RELEVANT PLANNING HISTORY**

None.

### **THE APPLICATION**

#### **Proposal**

The proposal is for remedial repair works to the existing groynes, navigation beacons and seawalls, construction of rock revetment, scour protection works on a section of cliff and remedial works on access ramp on the western section. Installation of an apron on an existing seawall on the eastern section. The application site covers 35.6 hectares and scope of works,

repairs and maintenance covers the full Cromer frontage, around 1.6km. The most significant works are taking place to the West of the pier, including the rock revetment (inc stepped access point), slope protection to a section of cliff to the southwest of the pier, rock transition structure, new ramp and apron encasement to the west side of the application site. To the east of the pier, beyond the maintenance and repairs of the existing defences the proposal is for a concrete apron to a flint wall.

## **CONSULTATIONS:**

### **Cromer Town Council - support**

### **Environment Agency – no objections**

**Historic England – No comments** (views from the council's conservation team should be sought)

### **Marine Management Organisation – Intent to defer – The marine works (Environmental Impact Assessment) Regulations 2007**

The MMO confirms its intent to defer an EIA consent decision under the Regulations, by virtue of article 10(1)(b)(i and ii) of the Regulations, on the basis that assessment of the effects of the project has been/will be carried out by the appropriate authority for this case, North Norfolk County Council under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **Conservation and Design (NNDC) – No objections**

Concur with the findings in the submitted heritage statement that the works would cause less than substantial harm to the significance of designated assets.

- The proposed rock revetment would alter the recreational character of the area between the pier and Melbourne slope and affect the way the promenade is viewed from and interacts with the beach.
- The slope protection work would see a shift in emphasis from the existing predominantly grass coverage to a more functional and engineered appearance in which the planting would be secondary
- The pedestrian gantry across the revetment, by virtue of its solid appearance and significant projection, would extend out from the line of the sea wall and could thus become an unwanted distraction from the primacy of the pier
- However a recommendation for refusal is not put forward for the following reasons;
- Much of the beach frontage already has an unforgiving/protective quality as a result of the existing expanse of concrete,
- The proposals would not fundamentally undermine our collective understanding and appreciation of the pier which would remain the principal focal point on this part of the coast.
- The works would not profoundly affect the intrinsic connection/relationship between the built form and the sea front,
- They would, however, provide a much needed defence for the town and its heritage assets from the maritime elements,
- The public benefits therefore accruing from the proposals would far outweigh the relatively modest levels of harm identified in the heritage statement – the scheme can therefore be

considered compliant under para 202 of the NPPF.

### **Environmental Health – No objections subject to conditions**

#### **NCC - Minerals And Waste – Comments**

Application would be exempt from the requirements of Policy CS16-safeguarding of the adopted Norfolk Minerals and Waste Core Strategy. A full list of exemptions is contained in Appendix C of the adopted Core Strategy

#### **NCC Public Rights Of Way & Green Infrastructure – no objections**

We have no objections on Public Rights of Way grounds as although Cromer Footpath 1a and the Norfolk Coast Path are in the vicinity they do not appear to be affected by the proposals.

#### **Norfolk Local Access Forum – Comments**

It appears that no significant account has been taken of the tourist implications for Cromer and how any effects might be moderated. It also seems clear that the England Coast Path (ECP) runs through parts of the work site and the Norfolk Local Access Forum therefore strongly requests that the planned work be reviewed to ensure that the ECP is safeguarded and safely accessible throughout any works. Should it need to be closed, the closure should be for the shortest possible period and there should be a convenient diversion established and clearly signposted.

#### **Natural England - No objection, subject to conditions**

As originally submitted, the application could have potential significant effects on:

- Greater Wash Special Protection Area (SPA), Southern North Sea Special Area of Conservation (SAC), Overstrand Cliff SAC Paston Great Barn SAC, Sidestrand and Trimmingham Cliff Site of Special Scientific Interest (SSSI), Mundesley Cliff SSSI Overstrand Cliff SSSI, East Runton Cliff SSSI, West Runton Cliff SSSI, Winterton-Horsey Dunes SSSI

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information was required:

- An assessment of changes to geomorphological processes that may impact the erosion patterns of any of the designated cliff sites that increase the vulnerability of the Winterton-Horsey Dunes SAC, SSSI to a lack of sediment input.
- A SSSI Impact assessment to rule out adverse impact on SSSI's as a result of the project
- Without this information, Natural England may need to object to the proposal.

Additional comments from Natural England, extract as per the below;

On further review Natural England are satisfied that if the mitigation and best practice proposal outlined in the environmental assessments submitted are sufficiently detailed within the Construction Management Plan and Construction Environmental Management Plan (to include details of any mitigation and enhancement proposals for the soft eroding cliffs) and that these plans are a condition of any granted permission, that, subject to further review and agreement by Natural England as part of the Discharge of Condition process, we can withdraw our objection/requirement for further information – although all other aspects of our response

will stand. We, therefore, have no objection subject to suitably worded conditions being applied to any granted permission for the Cromer Phase 2 Coastal Defence Project.

**Ramblers Association – comments received**

- Not clear what diversions are taking place and when and how existing paths are being diverted during works
- Seaward of the England Coast Path is accessible to everyone on foot. Thus, while the Coast Path can be diverted by application to Natural England and the County Council, an application for a restriction on the spreading room to seaward would have to be made to Natural England

**Norfolk County Council (Highways) – No objection, subject to conditions**

The Seawalls and Groynes which do not adjoin the public highway, as such I have no issues in principle, however, the management of the works Traffic is an essential element of the proposals given the beach access points (Gangway and Adj No.1), the stature of the approach roads, which are strategic routes subject to seasonal embargos and some concerns I have with the proposed routing (no entry into gangway as proposed - will need to route through town/manoeuvring taking place adj no.1.- conflicts with pedestrians in this area

it will be necessary to liaise with our Streetworks Team and ensure that a CTMP is prepared in accordance with their advice. upon the agreement of acceptable routing, I would be able to formally respond

Further comments received 20 September 2023

The Streetworks team have had discussions with Balfour Beatty, the highways officer has voiced concerns regarding the turning manoeuvres into New Street and The Gangway, but subject to the CTMP being adhered, including management of abnormal 'wear and tear' together with the necessary permitting/noticing in place, there would not be reasons to resist the proposals, with the comments being the same as the Mundesley application (including the conditions under PF/23/0942).

**REPRESENTATIONS:**

No third party representations received, consultation period has expired.

**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):**

Policy SS 1 - Spatial Strategy for North Norfolk

Policy SS 4 - Environment

Policy SS 6 - Access and Infrastructure

Policy SS 7- Cromer

Policy EN 1 - Norfolk Coast Area of Outstanding Natural Beauty

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

Policy EN 3 - Undeveloped Coast

Policy EN 4 - Design

Policy EN 5 - Public Realm

Policy EN 8 - Protecting and Enhancing the Historic Environment

Policy EN 9 - Biodiversity and Geology

Policy EN 10 - Development and Flood Risk

Policy EN 11 - Coastal Erosion

Policy EN 12 - Relocation and Replacement of Development Affected by Coastal Erosion Risk

Policy EN 13 - Pollution and hazard prevention and minimisation

Policy CT 5 - The transport impact of new development

Policy CT 6 - Parking provision

### Material Considerations:

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

Design Guide Supplementary Planning Document (December 2008)

North Norfolk Landscape Character Assessment (2021)

Conservation of Habitats and Species Regulations 2017 (as amended).

Coastal Adaptation Supplementary Planning Document (September 2023)

### **National Planning Policy Framework (September 2023):**

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 12 - Achieving well-designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

Chapter 17 - Facilitating the sustainable use of minerals

### **Other material documents/guidance:**

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)

Kelling to Lowestoft Ness – Shoreline Management Plan (August 2012)

Norfolk Coast AONB Management Plan 2019 - 2024

## **OFFICER ASSESSMENT**

### **MAIN ISSUES FOR CONSIDERATION:**

- 1. Principle of development**
- 2. Environmental Assessment**
- 3. Scope of works**
- 4. Impact upon the landscape character of the area and design**
- 5. Impact on heritage assets**
- 6. Transport**
- 7. Residential amenity impact**
- 8. Flood risk**
- 9. Habitats Regulations Assessment**
- 10. Planning balance/conclusion**

#### **1. Principle of development**

Paragraph 153 of the NPPF states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

Paragraphs 170-173 are also relevant, and make it clear that Local Plans should identify Coastal Management Areas and areas likely to be affected by physical changes to the coast and makes it clear that development in such areas would only be deemed acceptable where it can be demonstrated that:

- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
- b) the character of the coast including designations is not compromised;
- c) the development provides wider sustainability benefits; and
- d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast

Core Strategy Policy EN 3 sets out that in the Undeveloped Coast, only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted.

Core Strategy EN 11 sets out new development will not be permitted in Coastal Erosion Constraint Areas, unless it can be demonstrated that it will result in no increased risk to life or significant increase in risk to property.

Core Strategy Policy SS 4 sets out that all development proposals will contribute to the delivery of sustainable development, ensure protection and enhancement of natural and built environmental assets and geodiversity and be located and designed so as to reduce carbon emissions and mitigate and adapt to future climate change.

The Council will minimise exposure of people and property to the risks of coastal erosion and flooding and will plan for a sustainable shoreline in the long-term, that balances the natural coastal processes with the environmental, social and economic needs of the area.

The works relate to a section of coast subject to a Shoreline Management Plan (Policy Unit reference 6.04). The long-term plan for Cromer is to continue to protect assets within the town through defending the present position. This is technically sustainable due to relatively low sediment transport rates and therefore limited impact upon adjacent shorelines. The town is a key service centre of the district providing a range of facilities that support surrounding communities. This is recognised in the settlement hierarchy under Policy SS 1, where Cromer is identified as a principal settlement, where such settlements accommodate the majority of new development in the district. Given the significant size of the settlement and amongst the most sustainable parts of the district, ensuring the long-term protection of the town from coastal erosion is required. This is done through a hold the line policy, maintaining and, if necessary, replacing, and in the medium to longer term replacing and upgrading seawall structures. The scope of works fall within the objectives of the Shoreline Management Plan.

The Cromer frontage is at risk from coastal erosion should failure of the existing defences occur, despite maintenance of them, as set out in the supporting documentation there has been a gradual degradation of the defences, including the newer parts of the sea wall from abrasion. The scheme is the second part of a two phased Cromer Coastal Management Scheme. Phase 1 was completed in 2015 which consisted of refurbishment of sections of the seawalls and repairs to the timber groynes to preserve their integrity, as well as repair works from the 2013 storm. The works entailed in the application seek to address risks to the existing defences, and provide essential improvement and maintenance works to the existing coastal defences. The proposed works would be supportive in addressing coastal erosion processes and risks within this area.

The works relate to repair, maintenance and new sea defence works within an area where the policy is to hold the line and protect existing properties in Cromer, the principle of development on the Cromer frontage is therefore acceptable, subject to adherence to the rest of the Development Plan, the provisions contained within the NPPF and any other material considerations.

## **2. Environmental Assessments**

The proposed development comprises EIA development and an Environment Statement (ES) has been submitted with the application (following earlier screening and scoping stages). Appendix A-H of the ES provides comprehensive information, identifying potential significant environmental impacts of the scheme. Adverse significant environmental effects can be reduced and mitigated where identified, with the Environment Statement setting out the outcome of this assessment, including direct and cumulative impacts on the natural, built and human environments.

Through implementation of the mitigation measures indicated in the technical assessments above and detailed in the Environment Statement (Volume 2) and Outline Environmental Management Plan (OEMP) (volume 3, Appendix H), no significant adverse effects are expected for Air Quality, Biodiversity, Fish and Shellfish, Commercial Fisheries, Climate Resilience, and Major Accidents and Disasters.

Not all significant adverse effects are likely to be avoided through implementation of the identified mitigation measures. There remains potential for significant adverse effects to occur for:

- Carbon during construction as construction of the Scheme would result in Green House Gas emissions through the embodied carbon of the materials, use of construction plant, transport of materials to site, maintenance and repair of assets and end-of-life emissions.
- Landscape and visual during construction - visibility of construction plant and equipment, storage of rocks and movement of vehicles, and the construction works themselves on some visual receptors.
- Materials and waste during construction as the rocks used during construction will be sourced nationally, or internationally.
- Noise and vibration during construction from the construction activities and from vibration during groyne piling activities on some receptors including some bird species in the Greater Wash SPA, however they can become habituated to the effects in the longer term.
- Population and Health during construction on some businesses within 500m, from construction activity and road works at interventions. Some adverse effects are also expected on walkers and cyclists due to potential temporary reduction in use and enjoyment for users of Public Rights of Way (PRoWs), Pier and beach.

In addition, significant benefits are expected for Coastal processes during operation, relating to the Scheme's improvements to the coastal defences.

Officers consider that the potential significant effects raised which cannot be fully mitigated against are more time limited during the construction phase (expected to last for 12 months) and are a mostly unavoidable part of the scheme. The improved defences should be more robust and require less maintenance than the existing defences, particularly the impacts to the sea wall through the revetment dissipating the wave energy to protect the existing seawall.

The Local Planning Authority is satisfied with the assessment and mitigation. The preferred Option was shortlisted from 5 options. Option 4 was selected as the preferred option for the scheme as this approach includes: groyne and seawall refurbishments with modification for sea level rise recognising that the most efficient long-term coastal protection is through a balanced approach between seawall and beach management. The other options were discounted on an assessment of whole life technical, economic and environmental grounds. Sufficient mitigation for other areas covered in the assessment can be achieved through the submission of a comprehensive CEMP during the construction phase.

### **3. Scope of works**

The full extent of works is set out in the planning statement, the repair works would not require planning permission but the seawall, rock revetment and slope protection measures would require planning permission (see Table 4.1 below).



**Table 4.1: Planning Permission Requirements**

<b>Proposed Works</b>	<b>Requirement for Planning Permission</b>
Groyne Repairs	Involves maintenance and like-for-like repairs. Would likely not constitute development or would fall within GPDO.
Seawall Repairs	Comprises seawall repairs. Would likely not constitute development or would fall within GPDO
Seawall Apron	Sheet steel pile driven into the beach to depth (approx. 7.5m below apron level), with a concrete apron then infilling between the sheet pile and the flint wall. Planning permission required.
Rock Revetment	Introduction of rock revetment. Planning permission required.
Slope Protection	Introduction of concrete mattress. Planning permission required.
Access	Repair works would likely not constitute development or would fall within GPDO. Planning permission required for new structures.

### Groyne repairs

The eight timber groynes along the frontage require ongoing maintenance to ensure their continued performance in holding the beach.

The repairs to the groynes are mostly like-for-like repairs to maintain the performance of the groynes in retaining beach material. The repairs would use sustainably sourced timber consisting of either European Oak or tropical hardwoods. The height of timber groynes is only likely to be changed if sediment transport conditions and wider consultation indicates that this is appropriate or beneficial. If there is a change it would be a reduction in height to remove upper planking where the beach level is much lower than the existing beach level. Therefore any change would still be in line with the rights afforded by the General Permitted Development Order (GPDO). There are no proposed changes to the layouts of the groynes, with the exception of including plant bays. The plant bays would be located within Groynes 4,5 and 6.

It is not expected that any of these repairs would significantly alter the visual aspect of the existing groynes; where planking is removed from groynes this would improve visibility along the frontage and reduce future risk of damage to the groynes in storms. There are to be some enhancements to the materials used; steel sheeters would replace timber where required but these are generally at or below current beach levels. Therefore, it is considered the works that would materially alter the appearance of the groynes would benefit from permitted development rights. Works that would not impact the appearance would not constitute development.

Existing beacons located at the end of the groynes would be replaced with a steel monopile and top mark to maintain marine navigation safety.

Locations of the repairs would be finalised during construction so that any damage over upcoming winter periods is captured, and so that additional defects to groyne elements uncovered during removal of marine growth that require addressing during construction can be addressed. However, the design package covers all types of anticipated repairs and these can be implemented across the groyne system as required. Plant access bays are included within the scheme to facilitate future maintenance. These bays allow a length of planks to be easily lifted out temporarily to allow plant access through groynes, before being reinstated within the groyne.

### Seawall repairs

A range of seawall repairs are required where defects in the existing concrete and (flint) masonry walls are apparent. These repairs would typically require the breaking out of a patch of defective concrete or masonry and replacement with a repair mortar formed to the original geometry as well as joint sealing. Such patch repairs would be observable where the fresh mortar is located within older concrete but once weathered would become less noticeable. Taking this into account, the proposed repairs that would materially affect the appearance of the seawall would benefit from permitted development rights. Works that would not impact the appearance would not constitute development.

### Seawall apron

The flint wall to the east of the site is a historic seawall which lines the toe of the steep cliffs behind. This section of seawall currently has a shallow foundation. If beach levels were to drop significantly, this would risk the structural integrity of the wall. A proactive preventative measure is being installed which is formed of a steel sheet pile driven wall into the beach, with a concrete apron then infilling between the sheet pile and the flint wall. The apron will initially be below the beach level until ongoing beach material loss exposes the apron in the future.

### Rock revetment

The introduction of a rock revetment to the west of Pier is the most significant change along the Cromer frontage. A revetment consisting of layers of rock is an effective structure at dispersing wave forces; for the Cromer frontage, this will perform three functions:

- Protecting the existing seawall from the flint cobbles that exist on the beach and currently cause severe abrasion of the seawall;
- Reducing the volume of overtopping during high tides with swell waves and storm events via the effectiveness of the rock revetment in absorbing most of the wave energy; and
- Reducing wave energy reflected from the seawall which may encourage the retention of beach material helping to maintain current beach levels.

A shore parallel revetment along the toe of the existing concrete seawall is to be constructed from the pier heading west to the Melbourne Slope. The structure will be constructed from layers of rock armour (suitable rock for the marine environment) placed on the top of the concrete apron and extending beyond the seaward edge of the apron with some embedment below the level of the existing beach. Major defects in the concrete apron would be repaired prior to rock placement.

A concrete walkway access from the existing ramp across the new rock revetment would be constructed to maintain access (see section 4.8 Access). The concrete steps would have replaceable steel/timber risings owing to anticipated abrasion.

A short transition revetment is proposed at the western extent of the Scheme to manage future outflanking of the seawall at the transition between the Hold the Line and No Active Intervention policies.

### Slope protection

Behind the promenade the steep cliffs are to be provided with slope protection in the form of a cellular concrete mattress, between the Pier and the Melbourne Slope (identified in accompanying drawings). The mattresses would extend to a level approximately 5m above the top of the wall at the back of the promenade. At end of the slope aligned with the Pier, where the mattresses interacts with the access ramp, the level of the top of the mattress would remain constant and the bottom of the mattresses would be locally adjusted to suit the slope of the ramp.

The provision of this slope protection is a direct response to the erosion that occurred during the December 2013 storms which saw significant wash out and failure of the cliff. Considering the proximity of the Victorian buildings along the cliff top, failure of the slope could have significant repercussions and therefore a robust solution is required.

The concrete mattress consists of individual concrete blocks connected by steel wires to form mattresses approximately 2m by 6m. Wires are secured within a concrete beam at the top and toe of the mattress. This would leave a horizontal concrete feature along the toe and midway up the slope over the extent of the mattress. The design has minimised the surface preparation requirement to avoid destabilising the cliff. The mattresses are to be pinned with steel stakes to keep them tight against the cliff face. Each concrete block has a cut-out at the centre which enables it to retain soil and be seeded so that the slope can re-vegetate. Seeding is proposed to be a local native wildflower mix that does not require maintenance owing to the steep slopes. A similar system has been installed nearby at Sheringham

The slope protection would minimise the potential for wash out of the cliff face during significant overtopping events. Combined with the reduced overtopping that is anticipated from the provision of the rock revetment in front of the seawall, this should improve the stability of the cliffs during storms.

#### Temporary site compound

The site compound area would be in existence for the duration of the construction period. Temporary buildings and structures are permissible under Schedule 2, Part 4, Class A of the General Permitted Development Order (GPDO) subject to limitations and conditions set out in Part A.1 and A.2. Construction works is expected to last around 12 months The main compound would be located at the Runton Road Car Park and there would be multiple storage locations on the Promenade.

Officers consider that the temporary buildings and structures have been adequately assessed as part of the submitted Environmental Statement and proposed conditions would secure a Construction Traffic Management Plan.

#### **4. Impact upon the landscape character of the area and design**

Policy EN 1 seeks to protect the special qualities of Norfolk Coast Areas of Outstanding Natural Beauty (AONB), with development only being permitted where it is appropriate for the area, does not detract from the special qualities of the Norfolk Coast AONB, and facilitating the delivery of AONB management plan objectives.

Only a small section of the affected frontage would be in the AONB, which is to the east. The works within this area would be limited to repairs to the existing groyne, the concrete apron to the flint wall is further west from this designation, with the most significant developments taking

place to the west of the pier, as such the impact to this designation would be negligible (including views towards and from the designated area).

Policy EN 2 seeks amongst other matters to ensure that development be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area, distinctive settlement character and the setting of, and views from, Conservation Areas. Core Strategy Policy EN 4 states that all development will be of a high quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The proposal would entail visual changes in the area, notably the rock revetment and slope protection works. This would impact the character and introduce a more engineered appearance looking towards the town from the beach. It is recognised the revetment would be placed forward of the existing sea wall defences, and as noted in the supporting documentation, is not dissimilar to similar defence works undertaken at Sheringham. There are other examples of rock defences within North Norfolk including the Runtons, Overstrand and Happisburgh.

The cellular concrete mattress proposed to be installed would extend to a level of 5m above the level of the top of the wall at the back of the promenade between the pier and Melbourne Slope. The concrete blocks have cut-outs at the centre, with a native wildflower seed mix planted, enabling them to retain soil so the slope can re-vegetate. This should provide some mitigation against the more engineered appearance of the slope during the summer months, but during the winter months the vegetation coverage would die back resulting in some exposure of the concrete blocks. The nature of the slope would be significantly altered from the slope protection works, it is recognised such works are required to protect the slope and clifftop properties (restaurants, hotels and homes). The design ensures that when revegetated, there would be sufficient coverage to mitigate against this engineering.

## **5. Impact on heritage assets**

Policy EN 8 of the Core Strategy states that development proposals should preserve or enhance the character and appearance of designated assets, historic buildings/structures, monuments, landscapes and their settings through high quality, sensitive design. This policy also seeks to ensure that the character and appearance of Conservation Areas is preserved, and where possible enhanced, encouraging the highest quality building design, townscape creation and landscaping in keeping with these defined areas.

It should be noted that the strict 'no harm permissible' clause in Policy EN 8 is not in full conformity with the guidance contained in the latest version of the National Planning Policy Framework (September 2023). 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 NPPF as a material consideration. A number of these requirements are alluded to below, including the requirement to balance any less than substantial harm to a designated heritage asset against the public benefits of the development.

Paragraph 194 of the NPPF state that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected,

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

As set out in the conservation officer comments, the proposed works would result in less than substantial harm (low level) to the significance of designated heritage assets, these include; Cromer Pier; Sea Wall Defences Including Promenade And Cliff Retaining Walls From Opposite The Bottom Of Melbourne Slope To The Gangway; Western House, Kandahar Flats and Regency Hotel; Jetty Cliff and Bastion including Sloping Pedestrian Pathways; Hotel de Paris (MM035), Victoria House; and the Cromer Conservation Area

The heritage statement acknowledges the proposed scheme would alter the setting of assets situated to the west of Cromer Pier, where the proposed rock revetment is to be located. Assets situated close to the proposed slope protection may also experience minor impacts to their setting. It is considered that the repair works to the sea wall and groynes would not result in any permanent impacts to the significance of any heritage assets. The proposed sea defences are in the context of the existing structures and would not alter any important historic views to the extent that the heritage interest of the Cromer Conservation Area is significantly diminished. The proposed scheme would provide some positive impacts on designated and non-designated heritage assets as the coastal erosion protection provided would minimise potential damage to these assets caused by coastal erosion.

Officers concur with the findings of the heritage statement, and comments from the conservation team. The recreational character of the locality would be impacted from the proposed developments, particularly the additional significant engineering development proposed. The harm from the proposed works are in part mitigated given the existing context of defences on the Cromer frontage, and the works would not fundamentally undermine the understanding and appreciation of the pier as the principal focal point, nor significantly affect the relationship between the built form and the sea front.

Even if it were considered that the proposed works result in harm to designated heritage assets, such harm would be at the lower end of "less than substantial" and only modest public benefit would be required to outweigh this harm.

Officers consider that the proposals would accord with the aims of Core Strategy policy EN 8 and the provisions within Chapter 16 of the NPPF.

## **6. Transport**

The submitted transport assessment concludes that the proposals would not have a severe impact on the local highway network. There would be two access routes to the scheme to be used by construction vehicles for the scheme. The Transport Assessment considered a worst-case scenario, based on Central Rhyll coastal defences scheme for traffic flow estimates (which were comparable in terms of the nature of works). From the trip generation in the case

of Rhyl (which would be a worst case scenario on the trip generation expected for Cromer), this could require 32 two-way HGV vehicles to access the site and typically 45 contractor staff vehicles each day.

It was observed that there was not excessive queueing or flows along the highway network during the AM or PM peak periods. The additional traffic flows generated by the development proposals are not considered to severely increase flows on the local highway network, nor result in a severe worsening in the operation of the local highway network during the schemes construction.

NCC Highways have responded with no issues in principle, however, the management of the works traffic is an essential element of the proposals given the beach access points (Gangway and Adj No.1 (the Melbourne Slope)), the stature of the approach roads, which are strategic routes subject to seasonal embargos and some concerns have been raised with the proposed routing and potential conflict with pedestrians. There have been discussions with the Streetworks Team and subject to the submission of a Construction Traffic Management Plan and adherence to this via condition (same as per the highway comments for the Mundesley application), the highways officer confirmed they have no objections to the proposals.

It should also be noted, as set out in the supporting documentation, aspects of the works would be subject to sea transport, with the rocks being delivered to Cromer on barges for the proposed revetment works. Full details of this would be outlined in a Construction Environmental Management Plan (CEMP).

Concerns have been raised over access to coastal paths and routes between the town and frontage, whereby separate permissions would be required for closures and diversions. In this case, no permanent path closures or diversions are envisaged during construction works.

Subject to the imposition of conditions, the proposal would accord with the aims of Core Strategy policies CT 5 and CT 6.

## **7. Residential amenity impact**

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

The proposed works have the potential to impact nearby residential receptors during the construction phase. Particularly through increased road traffic, excavation works and presence of construction vehicles and equipment. This would result in effects including dust, noise, vibration and visual issues. These effects are noted in the Environment Statement and as set out the works would be subject to compliance with a finalised CEMP which would be conditioned to mitigate, and as far as reasonably practical, reduce some of these impacts and disturbance to nearby receptors. As noted in the Environmental Health comments there is some discrepancy in the proposed working hours and these would need to be set out in a finalised CEMP.

Whilst there will inevitably be some short-term impacts during construction, it should also be recognised that nearby receptors to the defence works stand to benefit the most from the

proposed works by protecting properties on the Cromer frontage.

Subject to the imposition of conditions, the proposal would accord with the aims of Core Strategy policy EN 4

## **8. Flood Risk**

The development site lies within Flood Zones 2 and 3 as defined by the Environment Agency. Such development should be supported by a Site Specific Flood Risk Assessment (FRA) in line with the requirements set out within Core Strategy Policy EN 10 and Chapter 14 of the NPPF. No FRA has been submitted with this application which conflicts with the above requirements. However, the development relates to coastal sea defences, reinforcing and enhancing the existing defences which is in line with the policies in the Shoreline Management Plan to support holding the line. The defences would protect business and properties in the town from coastal erosion, and this is considered a sustainable option in the current SMP. Therefore, whilst the appropriate supporting documents have not been provided as part of this application, in this instance, for the reasons set out above, the impacts have been assessed across the wider coastal area covered by the Shoreline Management Plan and its adoption. Furthermore, the Environment Agency have considered the proposed development have raised no objection.

On balance, Officers consider that the proposal would not give rise to significant adverse impacts from flooding and, subject to the imposition of conditions, would accord with the aims of Core Strategy policy EN 10.

## **9. Habitats Regulations Assessment**

The applicant has undertaken appropriate assessments of the proposals (December 2022, Mott MacDonald), in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).

The HRA has considered that the proposed works would not have any adverse effects on the overall integrity of the designated sites and their features either alone, or in-combination. This is due to the nature of the works themselves and also the mitigation measures outlined in the report, and subject to the submission of a CEMP to minimise the impacts from the proposed works.

Natural England provided a combined response for both Mundesley and Cromer defence works and initially raised a holding objection on the works based on insufficient information, citing this could have potentially significant effects on protected designated sites. However, these comments are directed to the defence works proposed to take place at Mundesley (this was confirmed in subsequent discussions with Natural England, and email correspondence received 22 September 2023). Upon further review, Natural England are satisfied with the mitigation and best practice proposals outlined in the environmental assessments submitted, and subject to conditions being included, the objection has been withdrawn.

Subject to conditions, officers are satisfied with the scope and measures outlined in the habitats regulations assessment. The proposal would accord with Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 174 of the NPPF.

## 10. Planning balance/conclusion

The principle for sea defence works along this section of coastline is supported by the Development Plan, Shoreline Management Plan and provisions within the NPPF, as the works would protect existing properties in Cromer, a significant settlement in the settlement hierarchy.

Officers recognise that aspects of the proposed works would have a notable visual impact on the character of the frontage, and would result in a more engineered appearance.

However, the proposal, as a whole, would accord with the aims of Development Plan policies. Where conflicts with Development Plan policies arise, those conflicts are considered to be outweighed by the public benefits associated with the proposal including the longer-term protection of Cromer from coastal erosion impacts

### 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 following approved plans and documents, except as may be required by specific condition(s):

Documents

Planning Statement, received 25 April 2023

Design and Access Statement, received 25 April 2023

Buildability Statement, received 25 April 2023

Volume 1: Non-Technical Summary, December 2022, received 25 April 2023

Volume 2: Environment Statement, January 2023, received 25 April 2023

Volume 3: Appendix A - Dust Risk Assessment, December 2022, received 25 April 2023

Volume 3: Appendix B - Heritage Statement, December 2022, received 25 April 2023

Volume 3: Appendix C - Water Framework Directive (wfd) Assessment, December 2022, received 25 April 2023

Volume 3: Appendix D - Habitats Regulations Assessment, December 2022, received 25 April 2023

Volume 3: Appendix E - Marine Conservation Zone (MCZ) Assessment, December 2022, received 25 April 2023

Volume 3: Appendix F - Transport Assessment, December 2022, and associated appendices A (MCC data) and B (traffic flow diagram) received 25 April 2023

Volume 3: Appendix G - Terrestrial Habitat and Botanical Walkover Survey Report, December 2022, received 25 April 2023

Volume 3: Appendix H - Outline Environmental Management Plan, December 2022, received 25 April 2023



Appendix C: Vehicle Swept Paths, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1010 P01, received 25 April 2023

Appendix D: Visibility Splays, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1015 P01, received 25 April 2023

## Plans

Cromer Access Ramp, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1120 C02, received 17 May 2023

General Arrangement Plan, Sheet 01 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1020 C01, received 17 May 2023

General Arrangement Plan, Sheet 02 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1021 C02, received 17 May 2023

General Arrangement Plan, Sheet 03 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1022 C03, received 17 May 2023

General Arrangement Plan, Sheet 04 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1023 C02, received 17 May 2023

Groyne Repairs, Sheet 01 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1200 C02, received 17 May 2023

Groyne Repairs, Sheet 02 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1201 C01, received 17 May 2023

Groyne Repairs, Sheet 03 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1202 C01, received 17 May 2023

Groyne Repairs, Sheet 04 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1203 C02, received 17 May 2023

Navigation Beacon, drawing no. 102438-MMD-CR-XX-DR-C-1205 C01, received , received 17 May 2023

Reinforced Concrete Apron, Sheet 01 of 02, drawing no. 102438-MMD-CR-XX-DR-C-1130 C02, received 17 May 2023

Reinforced Concrete Apron, Sheet 02 of 02, drawing no. 102438-MMD-CR-XX-DR-C-1131 C02, received 17 May 2023

Rock Armour, Sheet 01 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1300 C02, received 17 May 2023

Rock Armour, Sheet 02 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1301 C02, received 17 May 2023

Rock Armour, Sheet 03 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1302 C02, received 17 May 2023

Rock Armour, Sheet 04 of 04, drawing no. 102438-MMD-CR-XX-DR-C-1303 C02, received 17 May 2023

Site Clearance, Utilities and Access Compounds, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1002 C02, received 17 May 2023

Site Location Plan, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-T-1001 P02, received 17 May 2023

Site Plan Proposed, Sheet 01 of 03, drawing no. 102438-MMD-CR-XX-DR-T-1051 P01, received 25 April 2023

Site Plan Proposed, Sheet 02 of 03, drawing no. 102438-MMD-CR-XX-DR-T-1052 P01, received 25 April 2023

Site Plan Proposed, Sheet 03 of 03, drawing no. 102438-MMD-CR-XX-DR-T-1053 P01, received 25 April 2023

Slope Protection, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1150 C02, received 17 May 2023

Steps Plan, Sheet 01 of 01, drawing no. 102438-MMD-CR-DR-C-1600 C01, received 17 May 2023

Steps Sections, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1601 C02, received 17 May 2023

Steps Details, drawing no. 102438-MMD-CR-XX-DR-C-1602 C02, received 17 May 2023

Toe Beam, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1500 C02 received 17 May 2023

Typical Examples of Seawall Repairs, Sheet 01 of 01, drawing no. 102438-MMD-CR-XX-DR-C-1110 C02, received 17 May 2023

Reason:

For the avoidance of doubt

3. Prior to the commencement of works a Biosecurity Risk Assessment shall be produced and enacted for the project, setting out preventative and avoidance measures for the spread and introduction of Invasive and Non-Native Species (INNS). Any mitigation measures outlined in the Biosecurity Risk Assessment shall be incorporated into the Construction Environmental Management Plan required by Condition 4.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 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)

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when special ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason:

In accordance with the requirements of Policies EN 4 and EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 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).

5. Throughout the development, where noise limits have the potential to be exceeded or construction works are to take place outside of the agreed hours specified with the Construction Environmental Management Plan, alternative methods will be considered and specific mitigations agreed in conjunction with North Norfolk District Council. This may include application under Section 61 of the Control of Pollution Act 1974.

Reason:

In accordance with the requirements of Policy EN 4 of the National Planning Policy Framework and paragraph 130 of the National Planning Policy Framework in the interests of protecting nearby residential amenity.

6. The works shall be undertaken in strict accordance with the mitigation measures outlined in the Habitats Risk Assessment (Volume 3: Appendix D - Habitats Regulations Assessment, Mott Macdonald dated December 2022) and The Environmental Statement (Volume 2: Environment Statement, January 2023, received 25 April 2023)

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 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)

7. Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the construction period.

Reason:

To ensure adequate off-street parking during construction in the interests of highway safety, in accordance with the requirements of Policy CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework. This needs to be a pre-commencement condition as it deals with the construction period of the development.

8. Prior to the commencement of any works a Construction Traffic Management Plan (and Access Route) which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority (together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic).

For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads.

Reason:

In the interests of maintaining highway efficiency and safety, in accordance with the requirements of Policy CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

### **Applicant Notes and Informatives:**

- 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).

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