

CROMER - RV/23/1131 - Variation of condition 1 of planning permission ref. RV/21/2628 [variation of condition 1 (plans) of planning permission PF/19/1073 (variation of condition 1 (plans) of planning permission PO/18/1779 to allow changes to garaging & parking, with underground parking changing the design of the Day Room, a small rear extension to Larkwood Apartments for services & balconies added at first floor level to Larchwood Court and Oakwood House),to allow addition of a single storey side extension to unit 4 of Oakwood House, and the addition of 2 no. replacement parking spaces (in lieu of double garage)] to allow for changes to elevation and roof design of Maplewood House, Woodland House and Rosewood House and to include basement parking; new dayroom position and removal of Laurel House at Barclay Court Gardens, Overstrand Road, Cromer, Norfolk

Major Development

Target Date: 6th September 2023

Extension of Time: 13th November 2023

Case Officer: Russell Williams

Section 73 Application – Variation of Condition to Previous Approval (RV/21/2628)

RELEVANT SITE CONSTRAINTS:

Norfolk Coast Area of Outstanding Natural Beauty

Undeveloped Coast

Countryside

Settlement Boundary

Residential Area

Residential Site Allocation

Landscape Character Area – Coastal Shelf

Areas Susceptible to Groundwater SFRA – < 25% EA Risk Surface Water Flooding 1 in 1000 (0.1 annual chance)

Tree Preservation Order

RELEVANT PLANNING HISTORY

The original approval associated with this development is:

Reference: **PO/15/0572** for Erection of 68 Later Living Retirement Apartments and one bungalow, including communal facilities, car parking and management proposals for adjoining woodland.

That application as registered in April 2015 was approved (with conditions and a Section 106 Agreement) in July 2016. It was an outline planning permission (with just 'landscaping' reserved – which was then subsequently agreed).

Since then there have been 3 different Section 73 variation applications submitted (and approved) as follows:

Reference: **PO/18/1779** for Erection of 68 later living retirement apartments and one bungalow, including communal facilities, car parking and management proposals for adjoining woodland (variation of condition 3 of PO/15/0572 to permit revised layout and design).

Reference: **PF/19/1073** for Variation of condition 1 (plans) of planning permission PO/18/1779 to allow changes to garaging and parking, with underground parking changing the design of

the Day Room, a small extension to Larkwood Apartments for services and balconies added at first floor level to Larchwood Court and Oakwood House

Reference: **RV/21/2628** for Variation of condition 1 (plans) of planning permission PF/19/1073 (Variation of condition 1 (plans) of planning permission PO/18/1779 to allow changes to garaging and parking, with underground parking changing the design of the Day Room, a small rear extension to Larwood Apartments for services and balconies added at first floor level to Larchwood Court and Oakwood House) to allow addition of a single storey side extension to unit 4 of Oakwood House, and the addition of 2 no. replacement parking spaces (in lieu of double garage).

There are a number of other applications relating to the site – e.g. discharge of conditions – but the above are considered to be the main one's relevant to this particular proposal.

The original Section 106 Agreement was varied as part of both the 2018 and 2019 approvals to ensure it remained relevant to the new permissions. The latter update also inserted a clause meaning it remained relevant for subsequent permissions such as this 2021 one and this current application – in the event that the Council considered the requirements to remain relevant.

The Section 106 covers:

- Age restriction for occupancy of units
- Maintenance of private road
- Woodland management
- Public Rights of Way Improvement Payment
- Contribution to North Norfolk SAC / SPA / Ramas sites as a consequence of increased visit pressure.

Two main blocks of the original scheme have been built and are occupied at the western end of the site (Larchwood and Oakwood) – totalling 13 units. This does mean that the permission(s) have been implemented and the scheme could be built out as previously approved.

THE APPLICATION

As can be seen from the above – this is basically the 4th variation of a 2015 application. The headline changes – within this application - can be summarised as:

- The introduction of further basement car parking (incorporating electric car charging points) and the alternative use (e.g. landscaping and the larger Woodland House (see below)) of some of the previously proposed external car parking areas (which are no longer proposed);
- Changed elevation designs (including to the roof design) for the Maplewood, Woodland and Rosewood Blocks). The roof ridge height is not increased for any of the buildings;
- The day room has been re-sited to the southern boundary and replaces – effectively – a former 2 and a half storey residential block ('Laurel House')
- The 6 units lost from Laurel House are included within a larger footprint 'Woodland House' – which is sited near the northern boundary and between the two other main buildings that are the focus of this application (i.e. Maplewood and Rosewood) – meaning the quantum of development stays the same as approved (i.e. 68 apartments plus a bungalow).

There are no changes proposed (within this application) to two apartment buildings within the development (Cedar House and Beechwood House) or the covered car parking building in the south-east of the site – that are also within the current approvals.

REASONS FOR REFERRAL TO COMMITTEE

This application has been referred to the Development Committee as requested by Cllr Spagnola.

CONSULTATIONS

Cromer Town Council - No objections

Norfolk County Council (Highways) - No Objections

Norfolk County Council (Lead Local Flood Authority) - No comments to make about application.

North Norfolk District Council (Landscaping) - No comments to make about application.

REPRESENTATIONS

15 letters of representation have been received:

- 7 from residents of Sutherland Court Gardens, Overstrand Road, Cromer, NR27 0DA
- 4 from residents of Oakwood House, Barclay Court Gardens, NR27 0FN
- 1 from a resident of Larchwood House, Barclay Court Gardens, NR27 0FN
- 1 from a resident of Overstrand Road, Cromer NR27 0DJ
- 1 from a resident of Coach Road, Overstrand Road, NR27 0DJ; and
- 1 from a resident of Hilton PE28 9NH

The issues raised are summarised as:

1. **The Scale of the Buildings**: The increased height of the proposed buildings will alter the character of the development and stand out from the existing properties. The land rises up from Old Coach Road, Sutherland Court Gardens, Swinton House, and the two blocks already constructed on the site (Oakwood House & Larchwood House), so adding a third storey to any of the blocks will make them too prominent – especially in an area of outstanding beauty in our community.
2. **Long-term highway matters**: The increased accommodation will mean a greater number of traffic movements from the development. Query around removal of a speed ramp at entrance to Barclay Court Gardens, the need (or not) for gates and interest in possible traffic calming measures and longer-term traffic implications of the development e.g. delivery and refuse etc (as well as additional residents).
3. **Infrastructure provision**: There will be increased pressure on the existing infrastructure for water, foul and surface water drainage, electricity and health / dental services.
4. **Construction Phase Implications**: Concern around access (etc) by contractors to the site, hours of working, location of any access points and potential impacts of working practices

and location of facilities for those working on site. Numerous comments about use of Old Church Road. The construction of Oakwood and Larchwood was considered to have taken significantly longer than necessary with work continually stopping for weeks and sometimes months at a time – can this be controlled so it doesn't happen again?

5. Natural Environment – a number of detailed comments were made e.g. about hedging on Old Coach Road, impact of the development and construction on wildlife and the relationship / boundary treatment between Maplewood House (proposed) to Oakwood House (completed).
6. Built Heritage: Implications in terms of the impact on nearby listed buildings.
7. Development(s) so far: a number of detailed comments were made e.g. the importance of a well sited day room, concerns about quality / safety of existing car parking area(s) and concern about loss of visitor parking space. In addition concern about the choice of materials to-date and the importance of materials for next phase(s)
8. Section 106 Agreement: Suggestion that there is a need for a reassessment of the section 106 agreement that accompanied the first planning application for this site.
9. Future Phase(s): Concern as to what might be proposed for Beechwood and Cedar Houses

The applicant provided a detailed response to some of the comments via letter dated 29th August 2023 (available online).

Further comment on the above matters is made within the '*Officer Assessment*' element of the report.

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 Core Strategy (September 2008):

Policy SS 1 – Spatial Strategy for North Norfolk

Policy SS 3 – Housing
Policy SS 4 – Environment
Policy SS 6 – Access and Infrastructure
Policy SS 7 – Cromer
Policy HO 8 – House Extensions and Replacement Dwellings in the Countryside
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 3 – Undeveloped Coast
Policy EN 4 – Design
Policy EN 6 – Sustainable Construction and Energy Efficiency
Policy EN 8 – Protecting and Enhancing the Historic Environment
Policy EN 9 – Biodiversity & Geology
Policy EN 10 – Development and Flood Risk
Policy EN 13 – Pollution and Hazard Prevention and Minimisation
Policy CT 5 – The Transport Impact of New Development
Policy CT 6 – Parking Provision

North Norfolk Site Allocations Development Plan Document (February 2011):

Policy C04 - Land at Rear of Sutherland House, Overstrand Road

Material Considerations:

Supplementary Planning Documents and Guidance:

Design Guide Supplementary Planning Document (December 2008)

North Norfolk Landscape Character Assessment (2021)

National Planning Policy Framework (NPPF) (September 2023):

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 8 – Promoting healthy and safe communities

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

OFFICER ASSESSMENT

MAIN ISSUES FOR CONSIDERATION:

- 1. Principle of development**
- 2. The acceptability of the design changes**
- 3. The effect on residential amenity**
- 4. Highway matters**
- 5. Built and Natural Heritage**
- 6. The Passage of Time since the Original Approval and the Completion of the Entire Development**
- 7. Construction Matters**
- 8. Other Matters Raised in the Representations**

1. Principle of development

This is a 'variation' application that flows from a permission issued in 2016. In addition, it is a permission that has been implemented (and 13 units have been built / completed) and the entirety could therefore be built out as already approved. The current proposal – whilst seeking

to vary the original / the predecessor approval(s) is proposing exactly the same number of apartments as approved (68).

6 of those would be relocated from the southern strip of development (within a unit shown as 'Laurel House' on the approved plans) to the northern strip (within a larger 'Woodland House' building and the single storey 'day room' relocated from the eastern entrance of the development to the southern boundary where 'Laurel House' was originally envisaged to be).

The principle of the development is therefore long-established and it is not considered that any objection to the proposal on quantum or overall layout could be sustained.

Arguably the core issue to consider within this application is whether there are any components of the current proposal that are unacceptable in planning terms and which are worse in planning terms than what could happen anyway via the implementation of the approved scheme.

2. The acceptability of the design changes

The revised scheme effectively introduces further elements of 'basement' parking and a reduction of 'surface' car parking. This is a positive step from a design and visual appearance basis.

Furthermore the relocation of the day room from directly in front of the completed Oakwood House to replace (at a smaller scale) Laurel House should improve both the setting of Oakwood House and move the day room into the centre of the scheme. It will also reduce any possible harm that the scheme could have been argued to cause to the setting of the listed buildings to the south of the boundary (i.e. by the Day Room being a lower building than Laurel House).

The slightly more contentious element is whether the changes to Maplewood, Woodland and Rosewood are considered acceptable. The buildings – and in particular the roofs – are arguably bulkier than the previously approved proposal – although not higher at ridge height. They remain two storeys plus a third floor of accommodation in the roof space. The new design is considered acceptable in the context of the site – and the introduction of photo-voltaic cells on the roofs should be seen as a positive addition.

3. The effect on residential amenity

This really focusses on whether the inter-relationship between the proposed east side elevation of Maplewood House is acceptable from the existing west side elevation of Oakwood House. It is recognised that Maplewood House is a large building but the general arrangement between the two remains as approved – although arguably the space between the two will be less intensively used within the current proposal than would be the case within the approved – due to the fact that the approved has an access route to 11 parking spaces between the buildings whereas the proposed removes that parking area.

More detailed designs of how that area would be used / landscaped have been sought from the applicant. The applicant has indicated that they propose to:

- Reduce the width of the existing car park access road (which in the latest plans doesn't access any car parking) by 1m from each side;
- Plant a new hedge on either side of the remaining element of that road with this hedge is to be a laurel hedge with a planted height of 2.5m; and,

- To the east of the existing roadway adjacent to Maplewood House, 5 new trees will be introduced. These will be trees planted at a scale / height of 3.5m (2 would be Quercus Ilex and 3 Acer Campestre).

This would need to be controlled by a planning condition.

Overlooking is not considered to be an issue as the side elevation just has three small bathroom windows on the west side elevation of Maplewood House.

4. Highway matters

It is noticeable that the County Council has made no observations on the current application and that – coupled with the fact that the quantum of development is unchanged and there are conditions controlling both surface materials for roads and car parks and car park space provision – means it is not thought to be sustainable to object to the proposal on transport / highways grounds.

Following discussion with the applicant, he has agreed to the introduction of a speed reduction measure (e.g. speed bump) to the access road in the areas of the proposed gate to the development. This should be controlled by condition in the event that permission is granted.

5. Built and Natural Heritage

Sections 1 and 2 above largely address the acceptability of the application from a built heritage application perspective – i.e. this is an improvement on what is approved. In terms of the natural environment, the Section 106 obligation already provides a reasonable degree of protection and mitigation (e.g. in relation to the woodland) and is not considered that this variation introduces any additional concerns in this area.

6. The Passage of Time since the Original Approval and the Completion of the Entire Development

It is a core principle of the planning system that once a development has started it can – effectively – be built out at whatever pace the site owner / developer chooses. Councils have very little ability to control the pace of building – although they can – in some cases control the timing of provisions of parts of a development when compared with other parts e.g. that parking spaces are available at the same time as – or prior to – related residential accommodation.

This development has clearly started, and the Council has little control or influence over the pace of it. In determining this application the Council could introduce new planning considerations – primarily if a new Policy had been introduced since the last approval – but also has to bear in mind that it can't retro-fit that to the last permission which the owner could just build out. In this instance – and having regard to that fall-back position – Officers consider that there isn't anything that the Council could or should seek to impose. Therefore, in this instance it is considered appropriate to rely on the existing Section 106 obligations (as varied) for on-going control etc in the areas it addresses (as outlined above).

7. Construction Matters

This is an area that has resulted in a great deal of comment and clearly the area has changed considerably since the time of the original approval – primarily via the erection and occupation of Oakwood House and Larchwood Apartments and the creation of the access road at Barclay Court Gardens. Many of the representations raise concerns about the potential use of Old Coach Road.

However, it does need to be recognised that there is consent for the scale of development and that the latest main approval (via RV/21/2628) doesn't have any controls over construction matters – and nor did the original approval at PO/15/0572.

Discussions are underway with the applicant with a view to understanding the proposals and whether an appropriate condition could be designed to ensure that the environmental / amenity impacts of the construction are appropriately managed.

An update will be provided on that point at Committee.

8. Other Matters Raised in the Representations

There were a variety of matters raised in the representations and the majority are either addressed above or are matters between the leaseholders of the flats and the freeholder. However, it is recognised that the element of the development revised within this current application, would – if built out as a single phase – extend the development the entire west to east depth of the site and that logically conditions relating to the completion of the entire road and the landscaping to the north of the road should be in place to control timely delivery prior to occupation of relevant apartments related to this potential approval.

This could also – arguably - be extended to the provision of the 'Day Room' (even if that might need to be closed during any subsequent build phase that might occur adjacent to it). This is also being discussed further with the applicant and the Committee will be updated.

Conclusion and Planning Balance

The planning history of this site does set a strong framework for the consideration of the current application. Having said that it has also generated a lot of interest. Having considered all relevant matters carefully, Officers consider the proposal to be acceptable in principle – subject to the re-imposition of a suite of conditions that were attached to previous approvals and also –additional conditions relating to:

- The detailed proposals – set out above - being implemented in a timely manner – for the area between Maplewood House and Oakwood House.
- The introduction of a speed reduction measure (e.g. speed bump) to the access road in the areas of the proposed gate to the development.

Plus, potentially conditions relating to

- A Construction Environmental Management Plan
- The timing of provision of landscaping, the day room and the completed access road.

RECOMMENDATION:

APPROVAL subject to the condition headings listed below (and any others subsequently considered necessary by the Assistant Director – Planning):

(1) To refer to the following drawings.

- Proposed Plans and Elevations: Maplewood House (drawing no. TL-TL-3444-14-2 Revision (C)), received on 29th August 2023

- Proposed Plans and Elevations: Woodland House (drawing no. TL-3444-14-3 Revision (C)), received on 29th August 2023
- Proposed Plans and Elevations: Rosewood House (drawing no. TL-3444-14-4 Revision (C)), received on 29th August 2023
- Proposed Covered Car Parking Spaces & Proposed Day Room (drawing no. TL-3444-14-9 Revision (J)), dated 15th May 2023 and received on 24th May 2023
- Proposed site Layout Plan (drawing no. TL-3444-14-10 Revision (J)) received on 24th May 2023
- Location Plan (drawing no. TL-3444-14-13 Revision (B)) received on 24th May 2023
- Part Site Layout Plan (drawing no. No. TL-3444-23-SK1) received on 24th October 2023

Together with plans and documents approved under application RV/21/2628

- Proposed Plans and Elevations: Oakwood House (drawing no TL-3444-14-11 (*note: this has been built*))

Together with plans and documents (as included within approval RV/21/2628) approved under application PF/19/1073 as set out below:

- Proposed Plans and Elevations: Larchwood Court (drawing no. TL-3444-14-8 Revision G) (*note: this has been built*)

Together with plans and documents (as included within approval RV/21/2628) approved under application PO/18/1779 as set out below:

- Water Main and Hydrant Plan (10528023 NMC-0001665)
- Drainage Layout (drawing no. 10144-104 Rev 8)
- External Works (drawing no.10144-102 Rev 3)
- Exceedance Flow Routes (drawing no. 10144-109 Rev 2)
- Proposed Level Layout Plan (drawing no. TL-3444-15-SK1B)

Together with plans and documents (as included within approval RV/21/2628) approved under application PO/15/0572 as set out below:

- Proposed Building Plans (drawing nos. TL-3444-14- 5A (Cedar House) and TL-3444-14- 7A (Beechwood House))
- Woodland Management Plan for Woodland adjoining Barclay Court Gardens prepared by A T Coombes Associates Ltd 01 September 2014

Conditions 2 to 15 to be as per the previous approval reference RV/21/2628 dealing with the following 'topics' – except as specified within the below:

(2) Floor levels

(3) and (4) Materials – to be merged into 1 condition and seeks agreement prior to construction being above relevant slab level

(5) Cycle and Bin Stores

(6) Car Park Building Materials

(7) Access road materials

- (8) Car park availability
- (9) External Lighting
- (10) Foul Water Strategy
- (11) Surface Water Strategy
- (12) Infiltration testing regarding soakaways and drainage design
- (13) Fire hydrants
- (14) Landscaping maintenance
- (15) Garages materials

Two additional conditions related specifically to this application:

- (16) Delivery of the detailed proposals for the area between Maplewood House and Oakwood House.
- (17) The introduction of a speed reduction measure (e.g. speed bump) to the access road in the areas of the proposed gate to the development.

And potentially – one or both of the additional *conditions* set out in the ‘Conclusions’ Chapter above.

‘Informative Notes’ to be added to any approval as per the previous approval reference RV/21/2628, i.e. – relating to the Section 106 obligation and constructive engagement between the Council and the applicant.

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