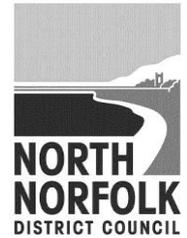


Development Committee



Please contact: Linda Yarham

Please email: linda.yarham@north-norfolk.gov.uk
Direct Dial: 01263 516019

22 August 2017

A meeting of the Development Committee will be held in the **Council Chamber** at the Council Offices, Holt Road, Cromer on **Thursday 31 August 2017 at 9.30am.**

Coffee will be available for Members at 9.00am and 11.00am when there will be a short break in the meeting. A break of at least 30 minutes will be taken at 1.00pm if the meeting is still in session.

Any site inspections will take place on **Thursday 21 September 2017.**

PUBLIC SPEAKING – TELEPHONE REGISTRATION REQUIRED

Members of the public who wish to speak on applications are required to register by **9 am on Tuesday 29 August 2017** by telephoning **Customer Services on 01263 516150.** Please read the information on the procedure for public speaking on our website [here](#) or request a copy of “Have Your Say” from Customer Services.

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so must inform the Chairman. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mrs S Arnold, Dr P Butikofer, Mrs A Green, Mrs P Grove-Jones, Mr B Hannah, Mr N Lloyd, Mr N Pearce, Ms M Prior, Mr R Reynolds, Mr P Rice, Mr S Shaw, Mr R Shepherd, Mr B Smith, Mrs V Uprichard

Substitutes: Mrs S Butikofer, Mrs A Claussen-Reynolds, Mr N Coppack, Mr T FitzPatrick, Mr V FitzPatrick, Mrs B McGoun, Miss B Palmer, Mr J Punchard, Mr E Seward, Mr D Smith, Mr N Smith, Ms K Ward, Mr G Williams, Mr A Yiasimi

All other Members of the Council for information.
Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance
If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

Heads of Paid Service: Nick Baker and Steve Blatch
Tel 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005
Email districtcouncil@north-norfolk.gov.uk **Web site** www.north-norfolk.gov.uk

AGENDA

PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS
2. TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)
3. MINUTES

To approve as a correct record the Minutes of a meeting of the Committee held on 3 August 2017
4. ITEMS OF URGENT BUSINESS (to be taken under items 8 or 10 below)
 - (a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.
 - (b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.
5. ORDER OF BUSINESS
 - (a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.
 - (b) To determine the order of business for the meeting.
6. DECLARATIONS OF INTEREST

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.
7. OFFICERS' REPORT

ITEMS FOR DECISION

PLANNING APPLICATIONS

- (1) **CROMER - PM/17/0751 - Erection of 68 later living retirement apartments and one bungalow, including communal facilities, car parking and management proposals for adjoining woodland (Reserved Matters of landscaping pursuant to outline permission PO/15/0572); Land to the rear of Barclay Mews and Sutherland Court Gardens, Overstrand Road for Sutherland Homes** Page 5

- (2) **HOVETON – PF/17/0696** - Erection of 25 dwellings with associated roads and landscaping, extension to church graveyard and off-site highways works Church Field for F W Properties
Page 13
(Appendix 1 – page 55)
- (3) **SHERINGHAM - PO/16/1725** - Erection of 62 later living retirement apartments including communal facilities and car parking (outline application); Land to south of Sheringham House, Cremers Drift, Sheringham for Sutherland Homes
Page 21
- (4) **CROMER - PF/17/0785** - Erection of single storey building for use as a tea room including store/toilet and outside seating area; Land at Fearn Park, Station Rd, Suffield Park for Mr/Mrs Bishop
Page 35
- (5) **DUNTON - PF/17/0613** - Equestrian business with stabling and teaching facility including formation of riding arena with floodlighting, new building to provide stabling; Cannister Hall Barns, Swaffham Road, Toftrees for Mr Donohue
Page 41
- (6) **NORTH WALSHAM - PF/17/0829** - Formation of new access to agricultural land from Bradfield Road; Land at Bradfield Road, North Walsham for Mr M Drury
Page 49
- (7) **DONG ENERGY - HORNSEA PROJECT THREE CONSULTATION** Page 52
- (8) **APPLICATIONS RECOMMENDED FOR A SITE INSPECTION** Page 53
- (9) **NEW APPEALS** Page 53
- (10) **INQUIRIES AND HEARINGS - PROGRESS** Page 54
- (11) **WRITTEN REPRESENTATIONS APPEALS - IN HAND** Page 54
- (12) **APPEAL DECISIONS – RESULTS AND SUMMARIES** Page 54
(Appendix 2 – page 81)
- (13) **COURT CASES – PROGRESS AND RESULTS** Page 54
8. **ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE**
9. **EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

10. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE
11. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

**OFFICERS' REPORTS TO
DEVELOPMENT COMMITTEE - 31 AUGUST 2017**

Each report for decision on this Agenda shows the Officer responsible, the recommendation of the Head of Planning and in the case of private business the paragraph(s) of Schedule 12A to the Local Government Act 1972 under which it is considered exempt. None of the reports have financial, legal or policy implications save where indicated.

PUBLIC BUSINESS - ITEM FOR DECISION

PLANNING APPLICATIONS

Note :- Recommendations for approval include a standard time limit condition as Condition No.1, unless otherwise stated.

- (1) **CROMER - PM/17/0751 - Erection of 68 later living retirement apartments and one bungalow, including communal facilities, car parking and management proposals for adjoining woodland (Reserved Matters of landscaping pursuant to outline permission PO/15/0572); Land to the rear of Barclay Mews and Sutherland Court Gardens, Overstrand Road for Sutherland Homes**

Major Development

- Target Date: 31 August 2017

Case Officer: Miss S Hinchcliffe

Reserved Matters

CONSTRAINTS

Residential Use Allocation

Controlled Water Risk - Medium (Ground Water Pollution)

C Road

Tree Preservation Order

Countryside

Listed Building Grade II - Consultation Area

Area of Outstanding Natural Beauty

Undeveloped Coast

RELEVANT PLANNING HISTORY for Land to the rear of Barclay Mews and Sutherland Court Gardens, Overstrand Road, Cromer, NR27 0DA

PO/15/0572 PO

Land to rear of Barclay Mews, Overstrand Road, Cromer

Erection of 68 later living retirement apartments and one bungalow, including communal facilities, car parking and management proposals for adjoining woodland

Approved 29/07/2016

THE APPLICATION

This is a reserved matters planning application for the single outstanding matter of landscaping, subsequent to the approval of the outline planning application PO/15/0572.

The principle of the construction of 68 later living retirement apartments and one bungalow and communal facilities has been established as part of the previous grant of outline planning permission.

This submission includes a landscaping plan, boundary section and associated landscaping legend which sets out the detail of what will be planted, when and where. All other details including access to the site, layout, scale and appearance of the buildings remain as approved as part of the outline planning application.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Lee as the application causes a lot of local anxiety and this needs to be represented to committee to make a decision on the landscaping. Impacts on The Grove as a listed building and a very successful business need to be considered with visual impacts and noise during construction reduced as much as possible and visual impact after completion reduced as much as possible.

CROMER TOWN COUNCIL

Object to the removal of the hedge and trees, the inclusion of the restaurant (this should revert back to the original description of coffee lounge). Would like to see the bund and planting carried out before the building work, to screen the adjacent business.

Further to consultation on amended plans – the landscaping along the southern boundary is not sufficient and will negatively affect the listed asset and viability of the business (The Grove). Wish to see any landscaping works to the southern boundary take place ahead of construction.

REPRESENTATIONS

Representations have been received in relation to the original and revised details by 8 separate individuals. With the exception of one representation, all comments take the form of objections raising the following concerns/issues:

- The landscaping is significant to ensure as little impact as possible and to reduce significant financial losses and to preserve and enhance the character of the listed building at The Grove, and should also include provision for screening during the build stage,
- The location plan and landscaping plans are inconsistent,
- The original plans showed a communal day area and coffee lounge and this has been changed to a restaurant on the landscaping plans,
- Concerns raised about the Councils handling of the application to date being made at the expense of current and future Council residents and tax payers,
- The hedge along Old Coach Road was supposed to be retained as part of the outline approval. Part of it looks to be replaced with car parking bays and a grassed area,
- All existing trees along the southern boundary should be retained, including the 3 sycamores, 1 oak and 1 hawthorn as they are already established and form a substantial screen to The Grove and Midway, Coach Lane,
- The plans are contradictory as they state all existing trees to be retained along the southern boundary but the previously approved Arboricultural Impact Assessment Report shows some of these trees to be removed regardless of whether they are on the application site,
- The preservation of the setting and character of The Grove was completely ignored during the previous application,
- The process followed by NNDC for application PO/15/0572 is currently being investigated by the external ombudsman and therefore propose that the landscaping application is put on hold until the investigation is complete,
- The Landscape Officer previously stated that the southern boundary was important and that the bund and trees would form an instant barrier,
- The proposed blackthorn hedge is not appropriate as it spreads sideways and does not grow high, the proposed buildings would tower over such a hedge,
- A blackthorn hedge would take until 2024 to reach 3 metres tall,
- It is not possible to buy blackthorn at three metres height,
- The plans do not show sufficient screening to prevent The Grove gardens being overlooked. (Photographic representations have been made showing the extent of the gardens of The Grove that the owners consider will be overlooked and the extent to which the development proposed will be visible from The Grove above the landscaping).

- From The Grove, the whole of the first floor and second floor would be visible above the hedge,
- The Grove is an important local business which contributes considerably to the local economy and employs 40 Cromer residents. The massive buildings just metres from the Grove boundary will loom over the grounds and threaten the future of the business,
- The Grove holds a wedding licence and obtains temporary events licences for marquee weddings held on the lawns with live music within 15 metres of the new residential development. This expanding side of the business currently has a turnover of £80,000 per annum set to increase to £200,000 over the next five years,
- The construction of the proposed development is less than 10 metres away from yurts that form part of 'The Grove Glamping' business and will have a negative impact on the business in terms of noise and visual impacts. In 2016 the glamping business had a turnover of £67,000 attracting over 1000 visitors and we are considering closing the glamping business until construction is complete to prevent complaints from guests,
- Suggestions made by the owners of The Grove;
 - A reduction in ground levels through the site should be insisted upon,
 - An additional ten metres of clear area behind the southern development and The Grove boundary should be achieved,
 - A proper bund of at least three metres should be provided,
 - Mature evergreen (Holm Oaks) oaks should be planted 3 metres apart along the one metre bund, pleached for ornamental effect to preserve and enhance the character of the area surrounding the two listed buildings (further to independent advice being sought from a local tree/plant nursery),
 - A 2.5 metre high reclaimed Norfolk brick wall should be built immediately north of the bund to reduce overlooking, visual impacts and sound transfer from functions at The Grove,
 - A minimum five metre high construction acoustic barrier during construction should be secured to mitigate the consequences on The Grove, in particular the impact on peace and seclusion that guests enjoy,
 - Working hours should be enforced with suggestions of 09:30 to 16:30; 10:00 to 16:00; not at weekends,

Comments from Ward Members further to consultation on amended plans –

Cllr Lee – There should be substantial screening in place before any work on this development commences, because of the potential detrimental effect on the business at The Grove. Noise and disruption could have a devastating effect on the business at The Grove. Understands it is impossible to plant the proposed blackthorn hedge at the height suggested.

Cllr Pearce – screening should be secured before any works are commenced of suitable quality and height. The Grove is a long established establishment.

CONSULTATIONS

Landscape Officer - The general plan is acceptable and the retention of the large trees on the western boundary will reduce the impact of the development on neighbouring properties.

The hedge on the southern boundary and to the south of the site entrance forms an important barrier between the new and existing developments. Further details of this hedge are required to demonstrate that the hedge will remain a screen between the developments. The details should include what existing trees are being retained and what trees/shrubs will be planted. The grassed area shown on the plan should be planted with suitable trees/shrubs.

Further to consultation on amended plans - The planting plan and description have incorporated all comments and suggestions and will assist in mitigating the impact of the development on the landscape.

Conservation and Design Officer - The Conservation & Design (C&D) comments at outline stage identified two designated heritage assets within the vicinity of the application site; Sutherland House and The Grove. At this time it was concluded that the proposed development would not result in any demonstrable harm being caused to the setting of the former, and that it would result in "less than substantial" harm being caused to the setting of the latter.

Within this, the landscaping was always seen as one of the key components in minimising the level of the harm. Hence, landscaping inevitably features as a means of softening the development whilst preserving the perception of rurality and the outlook from The Grove.

Therefore, the importance of establishing an affective planting belt on the southern boundary of the site is reiterated. What 'affective' means is essentially something for comment by Landscape colleagues. However, whatever is ultimately agreed should be in place as soon as possible and retained as such thereafter.

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.

POLICIES

North Norfolk Site Specific Allocations Development Plan Document (DPD) (Adopted February 2011)

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

Land amounting to 1.4 hectares is allocated for residential development of approximately 60 dwellings. Development will be subject to compliance with adopted Core Strategy policies including on-site provision of the required proportion of affordable housing (currently 45%) and contributions towards infrastructure, services and other community needs as required and:

- a. Provision of improved highways access to Overstrand Road;*
- b. improvement of pedestrian and cycle routes to the sea front and town centre;*
- c. provision of pedestrian routes through the site to the woodland and beyond;*
- d. provision of a significant landscaped buffer between the woodland to the north and the developed part of the site and other wildlife mitigation and improvement;*
- e. archaeological investigation if required;*
- f. demonstration that there is adequate capacity in sewage treatment works and the foul sewerage network and that proposals have regard to water quality standards; and,*
- g. prior approval of a scheme of mitigation to minimise potential impacts on the North Norfolk Coast SAC / SPA and Ramsar site arising as a result of increased visitor pressure, and on-going monitoring of such measures.*

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

North Norfolk Core Strategy (Adopted September 2008):

Policy EN 1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads (prevents developments which would be significantly detrimental to the areas and their setting).

Policy EN 2: Protection and enhancement of landscape and settlement character (specifies criteria that proposals should have regard to, including the Landscape Character Assessment).

Policy EN 3: Undeveloped Coast (prevents unnecessary development and specifies circumstances where development replacing that threatened by coastal erosion can be permitted).

Policy EN 4: Design (specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction).

Policy EN 8: Protecting and enhancing the historic environment (prevents insensitive development and specifies requirements relating to designated assets and other valuable buildings).

Policy EN 13: Pollution and hazard prevention and minimisation (minimises pollution and provides guidance on contaminated land and Major Hazard Zones).

Relevant Sections of the National Planning Policy Framework (NPPF) 2012

Section 1: Building a strong, competitive economy

Section 7: Requiring good design

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

MAIN ISSUES FOR CONSIDERATION

1. The Approved Development
2. Impact of the proposals on the surrounding landscape
3. Impact on designated heritage assets/setting of listed buildings
4. Impacts on adjacent business

APPRAISAL

The Site

The application site (approx 1.5 ha), is roughly rectangular in shape and consists of an open field adjacent to the eastern built up boundary of Cromer. Its immediate surroundings comprise of high density residential development adjoining its western boundary (and access to Overstrand Road), open land and low density development to the south, woodland and undulating open land leading to the coastal cliff tops to the east, and woodland with residential development beyond to the north. Site levels rise gently from west to east.

Access to the site is gained from the west via the development at Sutherland Court Gardens, Sutherland House, Barclay Mews and Swinton House. There is existing mature woodland to the northern and eastern boundaries, although the current boundary with Swinton House to the north west consists of low level shrubs. The southern boundary to The Grove and Midway consists of unmanaged vegetation including a small number of existing trees. The western boundary with Old Coach Road consists of more consistent vegetation of hedging and trees.

The Approved Development

The site is allocated for residential development in the North Norfolk Site Allocations DPD. Accordingly the principle of developing the site for residential use is acceptable in planning policy terms. Outline planning permission was granted on 29 July 2016 for 68 later living retirement apartments and one bungalow, including communal facilities, car parking and management proposals for adjoining woodland. As part of this application detailed plans were submitted and approved which determined the access, appearance, layout and scale of the development. The outline approval included some lowering of levels across the site from the existing ground level. No changes have been made to the development as approved, including the residents' day room and restaurant. Landscaping was the single matter reserved for subsequent determination.

Impact of the proposals on the surrounding landscape

This submission for approval of landscaping details builds upon the basic principles of the landscaping illustrated as part of the outline planning application. Principal amongst this was a 3m high hedge on a 1m high earth bund along the length of the southern boundary (bordering The Grove and Midway), the retention and supplementing of trees and a hedgerow on the western boundary and incidental planting throughout the site and on the boundary with Swinton House.

The Councils Landscape Officer considered the content of the initial landscaping details alongside suggestions made by residents/owners of adjacent sites and suggestions were made to the applicant as to how to modify the proposals to more effectively mitigate impacts of the development on the landscape, on the amenity of surrounding residential properties and on the operation of the adjacent business while ensuring longevity of the planting.

The revised landscaping proposals include;

Western boundary with Old Coach Road

For clarification any plans which showed visitor parking spaces near to the access along Old Coach Road have since been superseded. No parking spaces are to be provided along the Old Coach Road boundary and supplementary planting is to be provided where existing landscaping is not sufficient. The amended plans show three, 1.75 high trees and shrub planting in this area alongside the site access.

Southern Boundary with The Grove and Midway

Existing trees along and close to the southern boundary are to remain, including three trees previously shown to be removed as part of the outline submission (2 Sycamores and 1 Pedunculate Oak). A 1.8 metre high dark green chain link fence will be erected approximately 1m from the southern site boundary and a mixed hedge of hazel, beech, hornbeam and holly of heights between 1.5 and 3 metres planting height will be planted along the full extent of the southern boundary, set 1m back from the mesh fence. Immediately to the north of this a line of 6.5 to 7 metre high (planting height) Italian Alder trees will be planted along an approximately 50 metre length of the boundary. These would be along the central section of the boundary and either side of existing trees along the boundary. The planting is intended to form an instant hedge with a mix of species interspersed to provide variety in terms of appearance and in order to improve the biodiversity of the planting, with a line of higher trees behind. It has been concluded that an earth bund along the boundary would not be the best solution when trying to establish significant landscaping on this site and therefore no longer forms part of the proposals. The applicant has indicated that all planting will be carried out early in the development of the site and prior to the commencement of construction of the buildings on the site and will be protected by a line of Heras fencing to prevent the planting from becoming damaged during construction.

The applicant is looking to source specimens of substantial height to form a continuous and instant screen along the boundary and has confirmation from his landscaping design and plant stockist that it is possible to source plants as specified within the landscaping legend. The planting will also provide an instant and effective screen during construction.

The applicant has confirmed that all landscaping will be maintained by a management company funded by the annual service charge that residents will enter into as part of their lease.

Various suggestions have been made by the owners of The Grove with regards alternative forms of planting, construction of walls and temporary fencing during construction, which have been considered and adopted where appropriate and necessary. The applicant has amended the proposed planting to incorporate a variety of species within the hedge, adding

variety of height, cover, colour and wildlife interest. These late revisions to the planting have not been considered by third parties that have previously commented on the application and therefore will be subject to a further period of consultation. However, Officers are of the opinion that the proposed planting as revised is considered both appropriate and sufficient to mitigate the impacts of the development on the landscape and the setting of the designated heritage asset at The Grove.

In hard landscaping terms the roads and parking areas on the site consist of block and permeable paving of three main colours. Grey paving will be used to the main private access road with brindle (dark red) block paving to the smaller access drives and parking areas and buff paving to private patio areas and paths. Water features, ponds and rhyls are a common theme across the site which tie the soft and hard landscaping together. The choice and variety of materials and features is considered appropriate given the context of the site and its landscape location within the Area of Outstanding Natural Beauty and Undeveloped Coast.

Impact on designated heritage assets/setting of listed buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ..., shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses"*.

The National Planning Policy Framework (NPPF) makes a distinction between proposed developments which would lead to 'substantial harm' to a heritage asset and those which would result in 'less than substantial harm'. In the case of the latter paragraph 134 of the NPPF advises that the harm caused should be weighed against the public benefits of the proposal.

Securing the landscaping proposed as part of this submission will ensure that affective planting is put in place before the development commences, something that the Conservation and Design Officer considers should take place as soon as possible and be retained as such thereafter. Considered in combination with the details of the development as approved as part of the outline planning application (including the previously agreed lowering of site levels), the overall impact of the development on the setting of listed buildings on adjacent sites remains a 'less than substantial' level of harm to the significance of designated heritage assets, and in accordance with the test to be applied by paragraph 134 of the NPPF, it is considered that the public benefits of bringing forward housing development on this site, already considered in granting outline approval for development of this site, outweigh any such harm.

Impacts on adjacent Businesses

A number of representations have been made to this and the previous outline application by the owners of the adjacent site at The Grove and The Grove Glamping site. It is recognised that The Grove is an important local business in terms of what it offers tourists and visitors to Cromer in terms of accommodation and dining and is also an important local employer. The application site was allocated for residential development and outline planning permission granted while the business at The Grove has been in operation and consideration was taken at the relevant time of the compatibility of the proposed land use adjacent to that business and the suitability of the design, scale and location of the proposed development on the site in relation to that business. Detailed plans have already been submitted and approved under the outline application for the development of the site. What remains for consideration at this final stage is the suitability and adequacy of the proposed landscaping in terms of mitigating any impacts of the development on the surrounding landscape and surrounding land uses, both during construction and upon completion of the development.

There will inevitably be some impacts that development of the site will have on adjacent business and residential occupiers, however it is considered that the applicant is looking to provide a significant amount of landscaping that will offer sufficient screening to The Grove and mitigate impacts of the development on visual amenity and the operation of the business to an acceptable level.

In addition, although not specifically required in the determination of a landscaping reserved matters application the applicant has provided a Construction Management Plan which sets out basic detail of how the site will be developed, stating hours of site operations. This is a commitment which at this stage of the application process the applicant does not need to offer, however acceptance of the Construction Management Plan sets out guidelines to which the developer should adhere to and establishes hours within which neighbours to the site may expect works on site to be taking place.

Conclusions

The principle of development on this site has already been established by virtue of the grant of outline planning permission PO/15/0572 in 2016.

The details provided in relation to landscaping are considered acceptable in terms of mitigating impacts of the development on the wider landscape and considering the less than substantial harm previously identified on the significance of designated heritage assets, in accordance with Core Strategy Policies EN1, EN2, EN3, EN4 and EN8.

Early installation of the planting will provide adequate mitigation of impacts of the development during construction on residential properties and businesses on adjacent sites, in accordance with Core Strategy Policies EN4 and EN13.

The proposed landscaping is therefore considered acceptable and accordingly the application is recommended for approval.

RECOMMENDATION: Delegate authority to the Head of Planning to APPROVE subject to expiry of the period of re-advertisement of amended plans and no new grounds of objection being received and subject to the following conditions;

- 1. This permission is granted in accordance with the approved plans**
- 2. Prior to the commencement of any development on the site the planting and fencing shall be installed in accordance with the details hereby approved and to the satisfaction of the Local Planning Authority.**
- 3. No tree, shrub or hedgerow which is indicated on the approved plan to be newly planted or retained, shall be topped, lopped, uprooted, felled or in any other way destroyed, without the prior consent of the Local Planning Authority in writing.**

- (2) **HOVETON – PF/17/0696 - Erection of 25 dwellings with associated roads and landscaping, extension to church graveyard and off-site highways works Church Field for F W Properties**

Major Development

- Target Date: 24 August 2017

- Extension of Time Agreement: 31 October 2017

Case Officer: Mr R Parkinson

Full Planning Permission

Background

The application was deferred at the 3 August 2017 Committee:

- To seek clarification as to the design details of affordable housing;
- To seek clarification in respect of the percentage of affordable housing provision;
- To await confirmation from the Lead Local Flood Authority that the drainage strategy is acceptable;
- To seek clarification from Natural England in respect of a Habitats Regulations Assessment;
- To seek clarification regarding impact on bats and badgers;
- To address design concerns raised by the Highway Authority and Broads Authority;
- To allow reconsideration of the location and visibility of the play area;
- To confirm whether any further archaeological investigation is necessary; and,
- To further clarify the benefits in relation to economic development.

A copy of the Committee report from 3 August 2017 is available at **Appendix 1**.

Since the Committee meeting further discussions have taken place with the applicant and relevant consultees, and Officers can provide the following updates:

Affordable Housing and Design

The Development Committee sought assurances from the applicant that the design and external appearance of the affordable housing units would not be markedly different from the open market housing. The applicant has responded confirming that the affordable housing is the same design as the private sale housing and that they will be using the same palette of bricks, windows and roof tiles for both the affordable and the open market housing. These commitments can be secured by way of planning condition(s) and Officers consider this issue will be satisfactorily addressed.

Officers have discussed the proposal with the Strategic Housing Manager who is satisfied that the designs are appropriate and are consistent with the fenestration of other 2-bedroom and 3-bedroom market housing (which also do not have chimneys, for example).

Overall, the affordable housing design is considered to be acceptable and contributes to a high quality design of development comprising a range of housing types and sizes.

Affordable Housing – Percentage mix

The Development Committee sought clarification from the applicant as to why the specific mix of housing was chosen, why only 7 dwellings (28%) out of 25 proposed were for affordable housing and why a policy compliant amount of affordable housing (45%) could not be provided.

In coming to a view about the affordable housing mix it is important to not lose sight of the primary purpose of the development which is to help enable delivery of the employment land approved under planning ref: PF/16/0733. Whilst a scheme purely focussed on generating

income for the enabling element could have been submitted without any affordable dwellings, the applicant has sought to try and find a balance between meeting the enabling requirements but also providing a range of public benefits including a proportion of affordable housing. The applicant has set out that the scheme needs to comprise this number of private of units in order to fund the following items (in addition to the usual development costs):

- The land payment for the Church Field Site;
- The enabling costs of £251k for the Commercial Development on Littlewood Lane;
- The cost of putting in the extensive adopted highway to the site from Horning Road (this is unusually long to account for the site's constraints);
- The other highway related costs including the pavement along Horning Road, splitter island, traffic regulation order, the resurfacing of the layby, etc;
- The costs of putting in the services including the foul and surface water drainage and power to the site;
- The overall landscaping to the scheme.

If a policy compliant scheme of 45% affordable dwellings was required on this site, subject to the tenure mix of these affordable units, the applicant estimates that between 45 and 50 homes would be required on the site in order to deliver these proposals and enable the Benthics scheme on Littlewood Lane (this is subject to the size and type of the additional private units). If additional units were required, then the applicant has indicated that it has to be recognised that not only would the development costs of the project increase and more complex planning issues would be raised by the scheme having to encroach into the land at the front of the site but also the landowner would expect a higher land receipt for the additional units. All the other community contributions would also increase.

Whilst recognising and supporting the need for developments to provide an amount of affordable housing in accordance with policy requirements, in this case, there is adequate justification for accepting an amount of affordable housing below adopted standards. This has been verified through the independently-assessed viability appraisal which follows both RICS and NPPG guidance. Accepting the reduced provision is based on a need to meet the enabling requirements for the employment land but also providing an amount and mix of housing appropriate for the context of the site and the range of planning issues that need to be addressed.

Surface Water Drainage

The Development Committee sought clarification that the proposed surface water drainage methods for the site were suitable, were acceptable to the Lead Local Flood Authority (LLFA) and, if necessary, the Internal Drainage Board (IDB) and that the pipes and attenuation system will not be adversely affected by tree roots. The following actions have been taken:

- The applicant has confirmed that they have carried out the additional infiltration testing and have the results which are positive and have been issued by their drainage consultants (Rossi Long) to the LLFA.
- The applicant has confirmed that Rossi Long have compiled a SUDS Management and Maintenance report which has been issued to the LLFA. The maintenance is proposed to comprise:
 - Anglian Water is expected to adopt the main drainage pipe system which will receive water from the adopted Road A and roofs of houses, eventually draining to the Bure;
 - The applicant has confirmed that should Anglian Water not adopt this part of the system, it will be managed by a residents management company;
 - Rainfall to gardens will naturally infiltrate;

- Rainfall to private Roads B and C and on the footpath leading to Meadow Drive will infiltrate into the subsoils via permeable paving or other permeable material (e.g. gravel), to be determined by conditions, and these will be maintained by the residents' management group;
 - Rainfall to private drives of houses will infiltrate into the subsoils via permeable paving / permeable materials, to be determined by conditions. Individual households will be responsible for their maintenance, and planning permission would be required to change to non-permeable materials for areas of more than 5sqm .
- Both the applicant and Local Planning Authority have consulted the IDB but as yet have not received a response. The positions of the IDB, LLFA and Broads Authority will be clarified before the Development Committee meeting.
 - The applicant has investigated the sloping topography of the south-west corner of the site, and presented a detail for addressing the slope through minor land levelling. This is considered acceptable in section views.
 - The applicant has provided plans showing how the pipework on site will be protected from root ingress using root protection barriers.

At the time of writing this report a response from the LLFA was still awaited. However, on the basis of the additional information provided, subject to the LLFA not raising further objection to the results of the infiltration testing, matters relating to surface water drainage can be secured by way of planning condition(s) including that works should be carried out in accordance with the submitted SuDS maintenance and management plan and that pipework is protected from root ingress in accordance with the details provided.

In respect of the discharge of surface water to a watercourse, there remains some discussion about who is responsible for agreeing new points of discharge. In terms of whether management falls to the Internal Drainage Board or the Broads Authority or the LLFA itself, this matter would not necessarily prevent a planning decision being issued as any levy charged on the development would be a civil matter between the parties. If consent to discharge was refused then the applicant will have to consider alternative surface water drainage solutions, at which point the Local Planning Authority would have some control on land within the District boundary and as part of any surface water condition(s) imposed on the planning permission.

The applicant has also agreed to provide a chemical/oil interceptor within the drainage scheme, in order to prevent contamination of the Bure (see below), and this will be secured by planning condition.

Habitats Regulations Assessment

The Development Committee sought clarification that matters relating to a Habitats Regulations Assessment were completed and that a view was known as to whether the proposal is likely to have a significant effect on the conservation objectives of the Natura 2000 site or adversely affect the integrity of the Natura 2000 site alone or in combination with other plans or projects.

Since the 03 August Committee a Habitats Regulations Assessment (HRA) has been completed by the Council's Landscape Officer which concluded that there would be no likely significant effects subject to the following mitigation:

- Implementing standard construction best practice and due diligence measures;
- The use of an oil/chemical interceptor in the surface water drainage system;

- A contribution of £50 per dwelling to contribute to a programme of monitoring and if necessary mitigation, to assess the impact of the development on the SAC/SPA/Ramsar; and
- On site public greenspace and a circular dog walking route.

Natural England have subsequently confirmed that they agree with the findings of the HRA and have no objection to the proposed development but advise that the development will need to provide:

- a financial contribution to NNDCs Habitats Regulations monitoring work to monitor effectiveness of the mitigation measures; and
- educational information to new residents to highlight the importance of sensitive areas and sustainable recreational destinations.

These are required to offset potential recreational impacts to:

- Broadland Ramsar
- The Broads Special Area of Conservation
- Broadland Special Protection Area
- Bure Broads and Marshes SSSI
- The Broads National Park

Subject to securing these mitigation measures through a S106 Obligation, the HRA matters are satisfactorily addressed and planning permission can be issued.

Ecology (Bats and Badgers)

The Development Committee sought further clarification in respect of the impact of the proposal on ecology including bats and badgers.

Since the 03 August Committee the applicant's ecologist has submitted a plan showing the various ecological features that are proposed on the site including the location of bat boxes (2), hedgehog holes in boundary fences (17), log piles (2) and bird boxes (2).

In respect of badgers, the applicant's ecology report identified that a *'badger sett was noted within the species-poor hedgerow along the eastern boundary of the wider development site. No setts were noted within the woodland itself although evidence of foraging activity including latrines and snuffle holes were noted'*.

The ecology report then goes on to note that *'The sett along the eastern boundary of the wider development site will be monitored during subsequent reptile and barn owl surveys to determine whether the sett is active. If the sett is active and will be affected by the proposals....further surveys will be required to determine its size and status. This data would then be used to prepare a Natural England badger licence application and mitigation strategy to permit the works'*.

In terms of adjoining land, the report states *'Given that the woodland is also suitable for badger sett building, there remains the risk that badgers could move onto the site between the survey and the commencement of development, particularly if a significant amount of time elapses. The likelihood of this risk occurring is high given the presence of a sett nearby.'*

The applicant's ecologist recommends that *'...the woodland should be checked for evidence of badgers immediately prior to works by an experienced ecologist as a precaution'*.

Such mitigation recommendations for badgers, together with other species affected by the proposal would be secured by way of planning condition(s).

In respect of the field fronting on to Hoveton Road, the applicant has confirmed that this land would be managed and maintained by Hoveton Estate and a management and maintenance regime for this land would be secured by way of S106 obligation with a primary focus on delivering biodiversity/ecology benefits and providing the continuous walking circuit around the perimeter.

Officers therefore consider that these matters have and can be satisfactorily addressed.

Highways

The Development Committee sought clarification regarding a number of the off-site highway improvements along the Horning Road.

Since the 03 August meeting the applicants have amended their site plan to show the splitter island, gateway feature with repositioned 30mph limit, & resurfaced layby. A revised highway plan has also been received showing the new 20mph speed limit outside the school. The Highway Authority have raised no objection to the revised plans. The landowner of the field to the north of Horning Road has confirmed that it will be acceptable for trees to be planted on their land for highways mitigation, if they can't be provided within the highway land itself.

Therefore, subject to the imposition of appropriate conditions and the carrying out of highway works under a Section 278 agreement, there would be no highway objections to the proposal.

Broads Authority

The Development Committee sought clarification regarding a number of the concerns raised by the Broads Authority and whether it was possible to address those concerns.

Since the 03 August meeting the applicants have amended the site plan to show a hedge running along the northern boundary of the retained field as requested by the Broads Authority. The applicants have also compiled a sketch showing how the southern area of the site can create an ecological link between the eastern and western woods.

All of these amendments can be secured through the imposition of planning condition(s) such that the concerns raised by the Broads Authority can and would be satisfactorily addressed.

In terms of process, it has been brought to officers' attention that part of the application site (the proposed outfall of the drainage system) actually lies within the administrative area of the Broads Authority as Local Planning Authority. Following discussion, the Broads Authority has since consented to North Norfolk determining the subject part of the development on its behalf, taking into account the Broads Authority's additional consultation comments, which are expected prior to the Committee meeting.

Public Open Space

The Development Committee sought clarification regarding a number of the concerns raised about the on-site public open space in terms of design and location.

Since the 3 August meeting the applicants have put forward a proposal which sees the public open space moved further north to improve sight lines from the surrounding plots. The applicant has also revised the floor plans and elevations of the plots surrounding the public open space to include further windows to increase sight lines, at both ground and first floor level, as well as repositioning trees and benches to provide better visibility and openness to the area. The remaining area connecting to Meadow Drive will be used as meadow grass, managed by the residents' management group, which will reduce the likelihood of play activity being unacceptably close to neighbouring properties.

Officers consider these changes represent a positive improvement that will increase the opportunity for the play space to be overlooked from residential dwellings within the development site and, amongst other things, help reduce the potential for anti-social behaviour.

These design amendments have been shown in revised plans and details and can be secured through the imposition of planning condition(s). The quantum of play space is unchanged, so the proposed commuted sum for enhancing play equipment at Hoveton Village Hall remains in place.

Archaeology

The Development Committee sought clarification regarding the possibility of archaeological remains between the Church and Church Farmhouse.

An archaeological geophysical survey has been carried out for the proposed development site which has identified a large former quarry within the central part of the site.

Norfolk Historic Environment Services have reviewed the survey and note that, *'although [there are] few distinct anomalies of possible archaeological origin, the proximity of the site to the medieval St John's Church means that there is still potential for heritage assets with archaeological interest (buried archaeological remains) relating to Anglo-Saxon and medieval settlement activity to be present. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance will be affected by the proposed development'*.

Norfolk Historic Environment Services have recommended that, subject to planning approval a condition be imposed securing a programme of archaeological work in accordance with National Planning Policy Framework paragraph 141. In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction).

Norfolk County Council Historic Environment Service have indicated that they can provide a brief for the archaeological work required.

Subject to the imposition of an archaeology condition, as suggested by Norfolk County Council Historic Environment Service, officers consider the concerns raised by Development Committee in relation to archaeology will be satisfactorily addressed. The applicant has confirmed the condition is acceptable.

Enabling Development

The Development Committee sought clarification regarding the enabling development elements of the planning case in relation to Benthic Solutions Ltd (BSL) who would occupy the approved unit(s) at Littlewoods Lane, specifically:

- a. Information on the upwards growth in BSL work, projections for next stages for BSL, timescales for possible expansion and jobs creation.
- b. Role of the Southampton arm of BSL and its future plans.
- c. Set out stages that the Littlewood Lane project is at e.g. tender and timescales for completion.

a) Information on the upwards growth in BSL work, projections for next stages for BSL, timescales for possible expansion and jobs creation

The applicant has provided the following information that was provided by BSL:

Turnover in Benthic Solutions has remained stable during the Oil & Gas recession (since late 2014). We have operated at about 50% of our capacity so we have been able to remain in our current premises with the current workforce. 2017 has been marked by a significant upturn in activity with our turnover expected to double for the year. In 2015 and 2016 we completed 15 and 24 projects, but in 2017 we have been successful in 34 projects with almost a third of the year still to go. We have also already received awards for projects in 2018.

In the past we have been heavily reliant on contractor personnel from all over the country but experienced problems in reliability and client confidentiality. We plan to replace these with full-time staff when we have the room to house them. Our new office building (Building A) has the capacity for 20-25 office staff, doubling the capacity of our current workforce. Following the current upturn in the industry we would hope to fill these within the 12 month period from construction with the need to expand into the neighbouring building (Building B) the following year. The company is being restructured at the moment and it is planned to have the parent company administrative team located in Hoveton. With an industry upturn, we plan to support offshore marine innovation with the start-up science hub buildings (Buildings C and D). Our prediction for these will be within 3 years from completion of the main office. The expected employment for the total site is upwards of 45.

Currently 5 of our 11 staff live in the village, with some of the future positions expected to also be supported from the village. We have a number of positions for new staff and we are looking to recruit from Norfolk before we look further afield. We are already in discussion with the UEA about a graduate scheme and are also talking to the local colleges.

b) Role of the Southampton arm of BSL and its future plans

The applicant has provided the following information that was provided by BSL:

Our Southampton office was an acquisition a few years ago. This is a small specialist underwater acoustic consultancy with 5 permanent staff. We have no plans to move this office as strategically positioned near the National Oceanographic Centre and all staff are local to that area. We are moving the administration facilities from that office back to Hoveton (head office) creating a new position in Norfolk. However, we will be forced to employ field staff from our Southampton office if the Hoveton premises does not get resolved quickly. Ultimately, an expansion of this office is one possible option, albeit an expensive and very disruptive one, if we are forced to abandon Norfolk.

We have also already declared that we operate a small eDNA laboratory down in Brixham, Devon. This currently has 2 personnel but expected to expand quickly after the recession has passed. This was only setup up there as we had no space in Norfolk. This would have been an ideal business for building C/D, if we had been able to progress this proposal sooner.

c) Set out stages that the Littlewood Lane projects is at e.g. tender and timescales for completion.

The applicant has provided the following information that was provided by BSL:

The preparation work for the Littlewood Lane site is very advanced. All of the surveys have been completed and the detailed architecture prepared. A detailed tender pack has been furnished and delivered to prospective contractors for bidding on 3rd August. This means that we would be in a position to appoint a contractor and commence the works within a matter of weeks from the time the contract for the land has been concluded.

In light of the above position from BSL, there is a reasonable prospect that development of the Littlewood Lane site would commence quickly in the event that this enabling housing scheme is permitted and the employment land can be delivered. The applicant has agreed to a shorter timescale for commencement of this residential development, further confirming an ability to progress the Littlewood Lane scheme quickly.

Conclusion

In making its decision the planning committee will have to exercise planning judgment in weighing the public benefits of the proposal against the identified harm. The application for 25 dwellings and associated infrastructure is contrary to the development plan by proposing housing within the Countryside. The proposal is acknowledged to include difficult access arrangements and a design that has a degree of detrimental impact on the setting heritage assets (the Church of St John and Church Farmhouse, Hoveton) as well as adverse impacts on wider landscape character.

As the Council is able to demonstrate a 5-year housing land supply there is little or no justification to provide market housing in locations that do not accord with current adopted policy. As such, the proposal must offer notable public benefits sufficient to outweigh the level of harm caused to heritage assets and to justify the degree of conflict with the local planning policy.

The primary public benefits proposed are the jobs created through the enabling development and, to a much lesser extent, the provision of the church graveyard extension.

It has been confirmed that the scheme has an acceptable level of viability to be considered as a mechanism for enabling development and there are reasonable grounds to believe the employment site will be provided by virtue of this development being approved, although if the commercial site should not proceed the planning obligations should ensure that the residential development also does not proceed, particularly as the residential development can only be reasonably accepted if it is enabling the commercial development.

This residential development will enable the re-location of an existing employer from their substandard facilities and constrained site into a new and larger facility within Hoveton, and offer much greater potential to expand beyond that in the future.

The benefits of jobs growth, through construction of both sites and extension of the Stalham Road Industrial Estate, and marketing, are considered significant to Hoveton where there are few available and deliverable alternative employment areas, whilst the relocation from existing premises offers a site for other smaller companies.

Opportunities for new business growth would also increase business rate growth which can be used by the Council to fund other projects for the wider public benefit.

In terms of other public benefits, the extended graveyard offered to the Church of St John can attract some, albeit limited, wider public benefit in favour of the proposal.

Whilst the planning decision is finely balanced, the opportunity to positively support and enable business growth through linkages with additional housing development offers an opportunity that might not otherwise be delivered through the commercial/employment development alone. Approval of this application could act as a catalyst for further job and wealth creation to support the local economy.

As such, it is considered appropriate to approve this application, as a means to financially enable the delivery of the commercial land in the wider public interest.

The public benefits of the proposal are considered to attract sufficient weight such that they would outweigh the statutory presumption against the grant of planning permission under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 resultant from the identified less than substantial harm to the setting of two heritage assets, namely the Church of St John (Grade II* Listed) and Church Farmhouse (Grade II Listed).

Recommendation

Delegate approval to the Head of Planning subject to satisfactory resolution of the following issues:

- Confirmation that the drainage strategy can be resolved to the satisfaction of the Lead Local Flood Authority;
- Confirmation that the revised plans have satisfactorily addressed the primary concerns raised by the Broads Authority; and,

subject to the imposition of appropriate conditions (including a shorter timescale for implementation) and subject to the prior completion of a Section 106 Agreement to include the list of planning obligations set out in the 03 Aug 2017 Committee report and any other conditions or S106 Obligation requirements considered necessary by the Head of Planning.

- (3) **SHERINGHAM - PO/16/1725 - Erection of 62 later living retirement apartments including communal facilities and car parking (outline application); Land to south of Sheringham House, Cremers Drift, Sheringham for Sutherland Homes**

Major Development

- Target Date: 23 June 2017

Case Officer: Miss S Hinchcliffe

Outline Planning Permission

CONSTRAINTS

Controlled Water Risk - Medium (Ground Water Pollution)

Controlled Water Risk - High (Ground Water Pollution)

Proposed Residential Use Allocation

Unclassified Road

Mineral Safeguard Area

Tree Preservation Order

Section 106 Planning Obligations

Section 52 - Planning Obligation

Contaminated Land

Area of Outstanding Natural Beauty

LDF - Open Land Area

Within defined Residential Area

Within defined Settlement Boundary

RELEVANT PLANNING HISTORY

PO/99/0900 PO

SHERINGHAM HOUSE, CREMERS DRIFT, SHERINGHAM

ERECTION OF FIFTY-THREE FLATS INCLUDING EXTERNAL PARKING AREAS

Approved 28/06/2000

PLA/20001039 PM

SHERINGHAM HOUSE, CREMERS DRIFT, SHERINGHAM

LANDSCAPING (RESERVED MATTER FOLLOWING PLANNING PERMISSION 19990900)

Approved 28/09/2000

PLA/20001324 PF

SHERINGHAM HOUSE, CREMERS DRIFT, SHERINGHAM

VARIATION OF CONDITION 3 OF PLANNING PERMISSION REFERENCE 990900
(AMENDMENT OF APPROVED DESIGN TO INCORPORATE UNDERGROUND PARKING
AND SWIMMING POOL)
Approved 12/02/2001

PF/01/1108
ERECTION OF SIXTY APARTMENTS (REVISED PROPOSAL INCLUDING SEVEN FLATS
IN THE ROOFSpace)
Approved 16/12/2002

PF/03/0468
VARIATION OF CONDITION 2 OF PLANNING PERMISSION REFERENCE 20011108 TO
PERMIT INSTALLATION OF REVISED FENESTRATION, INCLUDING DORMER
WINDOWS, (PART RETROSPECTIVE)
Approved 30/07/2003

THE APPLICATION

This is an outline planning application which includes all matters of detail (access, layout, scale, appearance) for determination at this stage, except for landscaping.

The proposal is for the erection of 62 two bedroom apartments in five apartment blocks, six garaging blocks of varying sizes, a communal dayroom building and two small office buildings, together with associated parking and landscaped areas. The accommodation is described as retirement apartments to meet the needs of the elderly. The five apartment blocks range in size accommodating between seven and fourteen apartments comprising of either three or four floors of accommodation (with the upper floor accommodated within the roof space). All of the units provide two bedrooms and two bathrooms with internal floor space ranging between 92 square metres in the smaller units, up to 170 square metres in the larger penthouse apartments.

Vehicular, pedestrian and cycle access is proposed via Willow Grove to the south of the site, a cul-de sac currently serving 16 dwellings. A total of 102 car parking spaces are proposed within the development comprising 66 residents' spaces within a combination of garage blocks and open parking spaces together with 36 visitor parking spaces spread throughout the development. 20% of the parking provision will be made suitable for disabled residents and visitors. There is also an intention to make provision on site for mobility buggy storage with provision for 32 buggies.

The principal external building materials will comprise rendered walls and glazed tile roofs.

The application is supported by the following documents:

- Design and Access Statement
- Planning Statement
- Flood Risk Assessment
- Hydrological Impact Appraisal
- Transport Statement and Travel Plan
- Phase I Habitat & Protected Species Survey
- Arboricultural Impact Assessment
- Utilities Assessment
- Energy Efficiency Statement
- Financial Viability Assessment (Confidential)

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Ward Member Councillor Shepherd, to allow debate around the affordable provision.

The Development Committee undertook a public site visit on 30 June 2017.

TOWN COUNCIL

Sheringham Town Council - Object on grounds that there is no social housing and the proposed access off the cul-de-sac is inadequate.

REPRESENTATIONS

14 letters of objection raising the following concerns/issues:

- Object to provision of pedestrian/cyclist paths through the grounds of Sheringham House for the benefit of non-residents as this would violate the privacy of residents.
- Buses no longer run along Common Lane/Woodside Rise West. The bus has to be accessed from Holway Road.
- Services in Sheringham Town Centre are half a mile away and uphill on the way back. Is this suitable for elderly residents?
- Many trees are to be felled and replaced and assurance is needed to retain the screening to Sheringham House.
- The site needs to be fenced for security purposes.
- Concern about increased surface water run-off into the stream to the rear of properties on Knowle Crescent and Knowle Road, which could cause flooding, especially as a result of construction activities.
- The creation of a footpath from the development on to Knowle Road is unsuitable and will pose an increased safety risk to users as the road is narrow, unadopted and has no pavement.
- Residents of the unmade section of Knowle Road do not agree to the road being made up, this will destroy the nature of the road and create drainage issues.
- The narrow vehicular access from Willow Grove with parked cars along its route should not be the only access and egress to the site.
- Can restrictions be placed on contractors parking to ensure they park on site?
- There should be no access on the Cremers Drift which is unadopted, narrow and with no footway or lighting.
- Negative effect of the development on people and wildlife that use the site.
- Overlooking and loss of privacy of gardens and properties to Juniper Grove due to scale of the proposed buildings, with boundary hedge screening needing to be maintained and supplemented.

CONSULTATIONS

Anglian Water - Comments that there is sufficient capacity at the Cromer Water Recycling Centre to cater for the proposed development, in terms of both waste water treatment and the foul sewerage network.

Environment Agency - No objections subject to conditions relating to the protection of groundwater.

Natural England – Further to receipt of an amended Hydrological Impact Assessment and supporting ecological information Natural England have no objection to the proposals.

Natural England advise that a Habitats Regulation Assessment is required.

Norfolk County Council (Lead Local Flood Authority) – No objection subject to conditions.

Norfolk County Council (Planning Obligations) - Requires two fire hydrants to be secured either by a S.106 Obligation or planning condition.
Requires £4,650 (£75 per dwelling) to increase capacity at Sheringham Library.

Mitigation of impacts on Beeston Regis Common and Back Common and Beeston and Sheringham Common SAC is required. A contribution to provide signage/interpretation of alternative sites for public access and recreation would be the best option.

Norfolk County Council (Highways) - Within the allocation description (9.3.1) there is particular reference to the creation of footpath links, repeated again at a) within the policy, whereby it states- '*development on this site will not be permitted until improved pedestrian access is provided....*'

Having now taken a wider view of the surrounding network, it is considered that rationalisation/improvement to the existing drop kerb crossing points at each junction along Cremers Drift to formalise them to a standard width and enable use by the motorised buggies and scooters likely to emanate from the site is a means of addressing the footpath shortcomings between the site and the existing facilities on Cromer Road and beyond.

'The existing access road, whilst not constructed to the standards required by the County Council for an adopted road, is laid out in a manner that would be sufficient to serve this type and scale of development and the junction with Willow Grove is also acceptable in its current form'.

Sheltered housing developments are found to have lower levels of car ownership and use, as such a reduction in the usual parking requirements is acceptable on the basis of a 1 to 1.5:1 ratio of parking spaces to dwelling units. The proposed parking provision equates to 1.35:1 spaces per unit plus approximately 50% Buggy space provision. Given the distance from the public highway it would be difficult to object on highway safety grounds to this level of parking provision.

This proposal results in development, which exceeds the Highway Authority's criteria for the number of dwellings that may be served by private drive. However the Highway Authority has agreed with the Applicant that the roadway can remain private provided they enter into an obligation (Section 106 Agreement) covering the future maintenance of the private roadway.

Concludes, no objection subject to the applicant entering into a S.106 Obligation to cover future maintenance of the private road and conditions requiring the setting out of the access, provision of parking and provision of details of the off-site highway works.

Norfolk County Council (Minerals and Waste) - Do not object on the grounds of mineral resource safeguarding.

Conservation and Design Officer - On the basis that the application site has been allocated for housing within the Core Strategy, and because it would not affect any existing heritage assets, Conservation & Design (C&D) have no objections to the principle of the proposed development.

Landscape Officer - No objection, subject to conditions to secure hard and soft landscaping detail, tree protection and mitigation and enhancement measures as set out in the Protected Species Survey.

Norfolk Coast Partnership - Developer contributions for mitigation as required by North Norfolk's Appropriate Assessment are required. Also consideration should be given to lighting on overall visual landscape impact.

Norfolk Geodiversity Partnership - Do not consider that the proposed development will have a significant negative impact on the geological landscape of the Cromer Ridge. We also recommend a Habitat Regulations Assessment on the potential impact of the development on the SSSI/SAC, as per statutory duties. No further comments, further to the submission of a

Hydrological Impact Assessment of the groundworks and the proposed SUDS measures on the spring.

Environmental Health - Suggest conditions to secure, details of ventilation, air conditioning, extract systems; external lighting; investigation of contamination.

Housing Strategy - The Strategic Housing Team has no objection to this application being approved, subject to a financial contribution being secured by a Section 106 Agreement or other agreement. The Council's viability consultant has carefully considered the viability appraisal submitted by the applicant and concluded that there is only viability for the scheme to provide a £85,000 contribution towards the provision of affordable housing and other requirements. It is suggested that this contribution is applied on a pro-rata basis to affordable housing and the other requirements and is secured through a Section 106 Agreement (or unilateral agreement). During the consideration of this application additional disabled parking spaces have been provided adjacent to or near to the entrance of the blocks of flats and this change is welcomed as it will ensure the suitability of the flats for occupiers who are currently or who become infirm or disabled and who require a parking space which is well related to their property entrance. All of the 62 flats are large as the smallest flat is 92.4m² and the largest 170.85m², whilst all the flats will have 2 bedrooms, the large size of the flats means that the scheme will only meet the requirements of older persons looking for and able to afford a large property.

NHS (England) - No objection. No primary healthcare mitigation is required.

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.

POLICIES

Relevant Policies from the Development Plan.

North Norfolk Site Specific Allocations Development Plan Document (DPD) (Adopted February 2011)

Policy SH06 - Land at Rear of Sheringham House:

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

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

Coast SPA/SAC and Ramsar site arising as a result of increased visitor pressure, and on-going monitoring of such measures.

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

North Norfolk Core Strategy (Adopted September 2008):

Policy SS 3: Housing (strategic approach to housing issues).

Policy SS 12: Sheringham (identifies strategic development requirements).

Policy HO 1: Dwelling mix and type (specifies type and mix of dwellings for new housing developments).

Policy HO 2: Provision of affordable housing (specifies the requirements for provision of affordable housing and/or contributions towards provision).

Policy HO 7: Making the most efficient use of land (Housing density) (Proposals should optimise housing density in a manner which protects or enhances the character of the area).

Policy EN 1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads (prevents developments which would be significantly detrimental to the areas and their setting).

Policy EN 2: Protection and enhancement of landscape and settlement character (specifies criteria that proposals should have regard to, including the Landscape Character Assessment).

Policy EN 4: Design (specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction).

Policy EN 6: Sustainable construction and energy efficiency (specifies sustainability and energy efficiency requirements for new developments).

Policy EN 9: Biodiversity and Geology (requires no adverse impact on designated nature conservation sites).

Policy EN10: Development and Flood Risk (prevents inappropriate development in flood risk areas).

Policy EN13: Pollution and hazard prevention and minimisation (minimises pollution and provides guidance on contaminated land and Major Hazard Zones).

Policy CT 2: Development contributions (specifies criteria for requiring developer contributions).

Policy CT 5: The transport impact on new development (specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport).

Policy CT 6: Parking provision (requires compliance with the Council's car parking standards other than in exceptional circumstances).

Relevant Sections of the National Planning Policy Framework (NPPF) 2012.

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

MAIN ISSUES FOR CONSIDERATION

1. Type of development
2. Dwelling Mix / Affordable Housing
3. Amount, layout, scale and appearance
4. Drainage and Hydrology
5. Access and Parking
6. Landscape and Ecological Impacts
7. Residential Amenity
8. Viability/Developer Contributions
9. Other considerations

APPRAISAL

The Site

The application site (approx 2.3 ha), is an irregular shape and consists of an area of wasteland to the south of Sheringham House (retirement apartments) which would have formed part of the grounds of the former Sheringham House convalescent home which once occupied the site. The site has become overgrown in parts and immature trees have started to become established. Significant spoil heaps have been created on the site (in particular in the south east corner) from previous excavations associated with Sheringham House.

Its immediate surroundings comprise of Sheringham House a large five storey block of 64 retirement apartments to the north west, two storey residential development adjoining its eastern boundary, single storey residential development close to the southern site boundary and open land known as Morley Hill to the west. Sheringham and Beeston Common can be found less than 100m to the east. Site levels rise from north to south, over a ten metre height difference. The site is located within an established residential area within walking distance of the town centre (1km to the north) and other local facilities, although it is acknowledged that the site is located part way up the incline of the Cromer Ridge.

The site is located within the designated Area of Outstanding Natural Beauty (AONB) and as Open Land Area, however the site is one which has since been allocated for residential development in the North Norfolk Site Allocations DPD, acknowledging that the site is not prominent within the wider landscape. Accordingly the principle of developing the site for residential use is acceptable in planning policy terms.

Development Type

The proposal is for a specialised form of housing development for the elderly/retired, similar to that provided at Sheringham House to the north west, which was developed by the applicants over ten years ago. These private apartments will be fully self-contained with access to a communal dayroom building, the option of a 24 hour care line and access to a house manager during office hours, although no registered personal care will be provided.

It is worth noting that during the public examination of the Site Allocations DPD (2010) the current applicants put forward a case for the site to be specifically allocated for retirement homes. Although not carried forward into the requirements of the allocation, in his subsequent report the Planning Inspector stated: *"It would not necessarily preclude an application on this site for retirement housing, which could be assessed on its design and merits at the application stage."*

It is recognised that the proposed development is different to many of the housing developments which have to date been granted planning permission on other allocated sites in the district. These have been for standard forms of housing development and have in many cases provided a proportion of affordable housing. The applicants gained outline planning permission last year for a development consisting of a similar form of retirement development on allocated site C04 at Overstrand Road, Cromer. Also of note is the approval earlier this year of a retirement housing scheme at the Beaumaris Hotel site, South Street, Sheringham.

In support of the application and to highlight the need for this type of housing, the applicant refers to information published by the Council and available in Census data which suggest that by 2030 the percentage of people aged over 65 living in North Norfolk will make up more than 43% of the North Norfolk population.

In addition the applicants refer to the benefits which retirement housing can provide both for residents and the wider community (their design, meeting local housing need, reducing anxiety, safety, security, addressing problems of mobility/frailty, proximity to services, maintains independent lifestyle).

The Core Strategy does not contain a specific policy which relates to housing for the elderly, although Policy SS3 (Housing) does state that *'the accommodation needs of a range of households of different sizes, ages and incomes will be met by ensuring that the type of housing built contributes to identified needs'*.

Paragraph 50 of the National Planning Policy Framework (NPPF) states that *"To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should.....plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)."*

There is therefore a policy case for permitting a development of this type. In addition, there are circumstances specific to this site which arguably make this type of development more compatible with its surroundings compared to a more standard form of housing development (i.e. the adjacent complex of retirement housing with pedestrian access provision possible through woodland within the applicants control). The applicant has confirmed that they would be happy for a planning condition to be used to restrict occupation to persons at least 55 years old to be used to control occupation in to the future.

Taking into account all the above factors it is considered that there would not be an objection to the principle of this type of housing development on this particular site.

Dwelling Mix / Affordable Housing

Core Strategy Policy HO1 requires that new housing developments of this size should comprise at least 40% of dwellings with not more than 70 sqm floorspace and with no more than one or two bedrooms. Although the whole development is for two bedroom units the units are generally of a size in excess of 70 sqm minimum gross internal floorspace quoted within this policy and the governments technical housing standards – nationally described space standards. The applicant seeks to justify the uniformity of providing only two bedroom units by explaining that the somewhat larger than a typical retirement apartment with two bedrooms is proposed to meet the trend evidenced in the applicants other developments of meeting the requirements of a live in carer if required at a future date. Therefore, the proposal meets an identified local need for specialist accommodation for the elderly and is located in a secondary settlement in accordance with Core Strategy Policy HO1.

Policy HO1 also requires at least 20% of the dwellings to be suitable or easily adaptable for occupation by the elderly, infirm or disabled, the applicant has provided information which demonstrates how all of the apartments are constructed to allow future adaptation to install hoists if necessary and have large circulation spaces, door openings, external ramps and lift access as standard. Therefore the development as proposed meets with the requirement of Policy HO1.

Core Strategy Policy HO2 and site specific policy SH06 requires that 45% of the total number of dwellings on this site should be affordable housing (subject to viability). A financial viability assessment (confidential) has been submitted with the application. This concludes that there is a viability issue which prevents all required contributions, including the policy requirement for affordable housing to be provided in full. The Council's viability consultant has concluded that there is only limited viability to provide contributions for affordable housing and other requirements as the viable contribution available totals £85,000. This funding should be used to provide a financial contribution to affordable housing and to address the other requirements on a pro-rata basis.

Notwithstanding the conclusions of the viability assessment the applicant also contends that it would not be suitable or practical to integrate affordable housing into the type of scheme proposed which relies heavily on the communal gardens and communal parking and for which the maintenance of such a complex will require the payment of quite a substantial annual service charge and the supporting text for Core Strategy Policy HO1 recognises that this can be the case.

Members are referred to the comments of the Council's Housing Strategy Team (above) who concurs that on the basis of the development proposed an off-site financial contribution towards provision of affordable housing is all that the development can reasonably deliver.

Amount, Layout, Scale and Appearance

The total of 62 dwelling units proposed is less than the figure of 'approximately 70 dwellings' referred to in Policy SH06. As proposed the development allows for areas of landscaped open space spread throughout the site and is considered acceptable in this respect.

The scheme comprises a largely self-contained scheme consisting of 5 substantial blocks of accommodation, supported by a series of ancillary outbuildings and support structures. Although these buildings differ in size and shape, they all share a consistent elevational treatment which has been informed by the area's seaside arts and crafts architecture. With this approach broadly compatible with the established architectural style of Sheringham House, and with it potentially offering a qualitative end result, the scheme as a whole is acceptable in design terms.

A topographical survey of the site indicates that the natural levels of the site rise by around 10 m from its northern to southern boundary (not taking into account the spoil heaps). The plans submitted indicate the buildings to the south of the site being built off of a ground level between 1.0m and 2.0m below existing site levels, helping to reduce the overall height and scale of the development. The variation in levels across the site allows blocks of differing scale to be introduced without having a significantly detrimental visual impact.

As regards materials, the use of render and glazing is acceptable. The use of glazed tiles on all of the blocks similar to those used on Sheringham House, will not unduly 'announce' the building within the wider landscape. Particularly as most of the long range views are from the north (where the sun is part of the backdrop rather than providing direct luminance), the shiny finish is not considered to be a point of concern.

The Conservation and Design Officer has raised no objection to the proposals.

Drainage and Hydrology

The submitted Flood Risk Assessment (FRA) documents that the site has variable infiltration rates and lies over a principal and secondary aquifer. The Environment Agency have commented that the site is of high environmental sensitivity as it is located within a drinking water protected area/a ground water source protection zone and is close to watercourses/springs. The drainage solution put forward for the site consists of two main elements;

1. a soakaway for the clean roof water (via sealed guttering) of the buildings to the south of the site,
2. an underground attenuation tank for water from roads, parking areas and roofs of buildings in the northern part of the site which will have sufficient capacity to contain a 1 in 100 year plus climate change allowance (40%) storm event and additional storage for a concurrent 1 in 10 year event. A flow control valve will then release flows at a restricted rate (1.0 litre/second) into a ditch within the grounds of Sheringham House and into the wider network of ditches to the north of the site.

A revised Flood Risk Assessment addressed early comments made by consultees and both the Environment Agency and Norfolk County Council as Lead Local Flood Authority have confirmed that they have no objection to the development subject to use of planning conditions to secure a detailed drainage strategy which protects groundwater

Foul drainage will be disposed of by connection to the public sewer in Knowle Road and Anglian Water has confirmed that there is available capacity within the foul sewerage network and at Cromer Water Recycling Centre to accommodate the proposed development.

There are a number of springs either on or very close to the site and the proximity of the site to Sheringham and Beeston Commons which are designated as a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC) and any hydrological connectivity between the application site and the Commons required further investigation to ensure that the development would not have an adverse impact on these designated sites. A Hydrological Impact Appraisal was carried out which confirmed that the development is in a separate surface water catchment from the SSSI and that there will not be surface water interactions as a result of the development that could impact on the SAC. As a result both the Norfolk Geodiversity Partnership and Natural England have confirmed that further to receipt of this further amended report clarifying matters relating to hydrology they have no objection to the development. A Construction Environmental Management Plan will be required by planning condition to secure details of construction practice which acknowledge the sensitivities of the site and mitigate potential impacts to ground water.

Access and Parking

Vehicular access to the site would be via Willow Grove off of Woodland Rise. Members will note that the Highway Authority has raised no objection to this arrangement subject to planning conditions and subject to a S.106 Obligation to secure future maintenance of the private road.

A requirement of Policy SH06 is to 'improve pedestrian access to the town centre, the health centre, the towns schools and Morley Hill'. The intention of this policy requirement is to encourage and provide the option for residents to access the facilities that Sheringham has to offer on foot. The facilities in question are located to the north and west of the site, whereas the vehicular access to the site is from the south. However, access to Cremers Drift (a private road to the north) would involve crossing land that forms part of the separate Sheringham House development which is not possible giving existing lease arrangements. Knowle Road (to the north) is also a private road and although access rights are understood to exist from this site along Knowle Road it seems likely that the applicants are not entitled to make alterations to the road surface without the consent of all parties that have an interest in the road and on the basis of representations received this consent from all other parties does not appear to be forthcoming. Therefore, the applicants suggestion to provide pedestrian access (via a designated path) from the development site through woodland in their ownership between the development site and Knowle Road and which terminates at the southern end of Knowle Road is all that the applicants can reasonably offer to improve pedestrian access in this area. Pedestrians may then be able to use Knowle Road (a no through road) utilising existing access rights, as is the current situation. In addition the applicant has offered to make available a maximum of £10,000 towards off-site highway improvements, consisting of footpath crossing enhancements as identified by the Highway Officer. Together these measures are considered to meet with the requirements of Policy SH06 in terms of improving pedestrian access.

With regards parking, roughly one parking space is provided for each apartment, although the Councils Parking Standards require a maximum of two spaces per two bedroom unit. However, given the specialist nature of the accommodation and the opportunities within the site to accommodate additional parking, including provision of 36 visitor parking spaces, then

it is considered that not providing the maximum parking provision on site is not likely to give rise to any consequential on street parking to the detriment of occupiers of surrounding dwellings within the surrounding estate roads. Provision is also being made for mobility scooter parking/storage, accommodating potential longer term needs of some residents. Furthermore, the Highway Authority considers that the proposed amount of car parking provision is acceptable. As this conclusion is based on the type of accommodation proposed, it would be sensible to include in a S.106 Obligation an age restriction on occupancy of the apartments. This would be consistent with the other adjacent retirement developments which have a restriction on there being at least one resident of each apartment aged 55 or over.

Landscape and Ecological Impacts

The site is located in the Norfolk Coast Area of Outstanding Natural Beauty (AONB) and is located within an Open Land Area designation, notwithstanding this the site has been allocated for development due to its enclosed nature and the fact that it is not prominent within the wider landscape and the land does not have open character. The design and scale of the development proposed and the extent of landscaping indicated are such that the development proposals are not considered to be significantly detrimental to the special qualities of the AONB and involve development of a site that does not contribute to the open character of the wider area.

The mature trees on and adjacent to the site have amenity value and are important to the landscape of the area and are protected by a Tree Preservation Order. The proposals involve the replacement of a large number of trees, mainly in the centre of the site and poor specimens around the site boundary. It is the opinion of the Councils Landscape Officer that the majority of the trees proposed for removal and replacement have low individual value and loss of amenity can be mitigated by significant planting. The proposed development will have an impact on the trees, however if it is carried out sympathetically with the guidance of an arborist then the health of the trees will be retained. Substantial replacement planting is proposed, in particular around the site boundaries and trees to be removed will be replaced at least on a one for one basis with specific details to be provided as part of a separate reserved matters application.

The Ecological and Protected Species Survey submitted with the application demonstrates how the impacts of the proposed development can be mitigated and biodiversity enhanced. Supplementary ecological and hydrological information has been provided to inform a Habitat Regulations Assessment, which is to be completed prior to any decision being issued

Natural England have confirmed that the proposed development will not have significant adverse impacts on designated sites at Sheringham and Beeston Regis Common Site of Special Scientific Interest and the Norfolk Valley Fens Special Area of Conservation and has no objection and the Councils Landscape Officer concurs with this conclusion. Planning conditions are required to secure the necessary mitigation and enhancement recommendations.

On the basis of the above the Council is currently undertaking a Habitat Regulations Assessment, which is reflected in the recommendation.

Residential Amenity

The site is surrounded by existing residential neighbours. To the north west the substantial apartment block of Sheringham House stands an acceptable distance away behind mature landscaping. Dwellings to the east mainly sit perpendicular to the site and are found at a lower level. The separation distances meet the recommendations set out in the North Norfolk Design Guide and also the east facing gables of Puffin and Kittiwake House are devoid of windows to prevent direct overlooking. To the south the single storey properties to Willow and Juniper Grove are located very close to the site boundary and have modest gardens.

That said the blocks closest to the southern site boundary will be located at least 20 metres from the site boundary and meet the recommendations set out in the North Norfolk Design Guide when considering separation distances between windows. Although it is recognised that there are a large number of windows and terraces that face south towards this boundary over three floors, it is considered that the separation distances and the introduction of substantial additional landscaping to the southern (and all) site boundaries will result in the development not giving rise to a level of overlooking which is considered significantly detrimental.

There will be some level of temporary disturbance to amenity during construction, but a Construction Environmental Management Plan/Traffic Management Plan secured by planning condition will limit these impacts as much as reasonably possible.

Viability/Developer Contributions

Core Strategy Policy CT2 requires planning obligations to address the additional demands of new development on physical infrastructure and social facilities where they cannot be addressed by conditions, and the NPPF para 204 and CIL Regulation 122 requires obligations to satisfy the tests of being necessary, directly related and reasonable in scale and kind.

A Section 106 Planning Obligation will be required to secure the following contributions;

- Affordable housing provision off-site (based on 25%(HDIS) = 15 dwellings);
- European sites monitoring (£50 per dwelling = £3,100)
- Libraries (£75 per dwelling = £4,650),
- Mitigation of impacts on Beeston Regis Common and Back Common and Beeston and Sheringham Common SAC is required. A contribution to provide signage/interpretation of alternative sites for public access and recreation - yet to be determined and costed.
- Financial contribution towards parks/greenspace/ allotments, - yet to be determined or contribution to community infrastructure,
- Contribution of up to £10,000 towards off-site highway improvements to Cremers Drift (if not possible to secure these works by planning condition).

In relation to this scheme, given the specialist type of accommodation proposed, it is not considered appropriate to expect financial contributions towards children's play space facilities.

Where viable to do so it could be considered appropriate to divert half the contributions for public open space maintenance towards community infrastructure contributions at the Sheringham Little Theatre.

However, the applicant contends that the scheme does not have suitable viability to support the full delivery of affordable housing or other section 106 obligations, so a Financial Viability Assessment has been submitted to the Local Planning Authority and has been assessed by an independent third party.

The Council's viability advisor does not agree with all the inputs and costs provided in the appraisal, but does consider the appraisal to be a fair assessment of the viability of the development and one which provides a competitive return to the developer and landowner as required by the appropriate guidance. The overall conclusion is that the applicant has made a justified case that the proposed development is unable to support the full delivery of the required amount of affordable housing or other Section 106 requirements. It is recommended that the Council accepts the sum of £85,000 proposed by the applicant as contribution to the S106 requirements of the development. Once all of the planning obligations listed above have been fully costed then it is proposed that Officers will be able to

determine how the £85,000 is distributed. However, in any event the contributions towards mitigating impacts on European sites, including impacts on Sheringham and Beeston Commons (SACs) are not negotiable amounts, as such contributions are direct requirements to mitigate impacts and inform the associated Habitat Regulations Assessment.

Whilst national and local policy requires the provision of affordable housing and other contributions to address the impacts of the development, these should not be required where such contributions would make the scheme unviable; NPPF paragraph 173 states:

“...sites and the scale of development...should not be subject to such a scale of obligations and policy burdens that their ability to develop viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements, should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.”

If it is accepted that there is limited viability to the scheme at this particular point in time, it would be reasonable to believe that some contribution could become possible or feasible in due course. As such, it would not be unreasonable to either try and recover some of any improved viability by some means at a later date, or require the scheme to commence on these less desirable terms whilst the development is said to be unable to make its expected contribution.

As this is a single-phase short-term development, the Local Planning Authority would not look to require an ‘uplift’ mechanism for future reappraisal in light of Government guidance (as per the position agreed at Development Committee on 28 July 2016), so there are no means to ‘claw-back’ some of the compromised contributions. This would also not be necessary, as the appraisal has been produced using recent values and an expected lead in and construction period of 22 months, which is consistent with the NPPG advice on viability appraisals which states that: *“Viability assessment in decision-taking should be based on current costs and values. Planning applications should be considered in today’s circumstances.”*

Therefore, in accordance with the Development Committee resolution of July 2018, a one year deadline for submission of reserved matters and a one year commencement following reserved matters approval is required.

Other considerations

Energy efficiency – A supporting Energy Efficiency Statement has been provided which concludes that the thermal performance of the apartment envelopes, low design air permeability and mechanical ventilation heat recovery systems meet the requirements for low carbon technologies through significant reductions in heat demand and hence energy supply.

There will be almost a 25% reduction in energy supply due to the incorporation of low carbon technologies in the development. There is a potential for further reductions in energy supply through any future photovoltaic installation for which the applicants have indicated interest in installing a free standing ‘smart flower’ array. The development is therefore considered to comply with the requirements of Core Strategy Policy EN6.

Conclusions

The principle of residential development on this site is established by virtue of its allocation for such purposes.

The proposal is for retirement accommodation for which there is an acknowledged and increasing need in the district. This form of development would compliment existing retirement housing on an adjacent site to the north west. It has been demonstrated that with the form of development proposed it would not be viable to provide for affordable housing on-site.

The layout, scale and design of the proposed development is considered acceptable.

Whilst concerns have been raised by the Town Council and local residents, as this is an allocated site and statutory consultees have raised no objections, it is considered that the development would accord with Development Plan policy and the provisions of the NPPF, subject to the provisions of a Section 106 Agreement and the imposition of appropriate conditions.

RECOMMENDATION: Delegate authority to the Head of Planning to APPROVE subject to;

1) Satisfactory completion of a Habitat Regulations Assessment which concludes that there is no likely significant effect of the development on Natura 2000 sites

2) Satisfactory completion of a S.106 Planning Obligation to cover the following:

- a) Financial Contribution to libraries
- b) Financial payment to mitigate against potential impacts on the North Norfolk Coast SAC / SPA and Ramsar site arising as a result of increased visitor pressure.
- c) payment to provide mitigation of impacts on Beeston Regis Common, Back Common and Beeston and Sheringham Common SACs (if mitigation by planning condition is not possible)
- d) payment in lieu of on-site open space provision or community infrastructure contribution
- e) financial contribution towards off-site provision of affordable housing
- f) Contribution of up to £10,000 towards off-site highway improvements to Cremers Drift (if not possible to secure these works by planning condition).
- g) Future maintenance of the private road.

3) The imposition of appropriate conditions to include;

- The submission of reserved matters (landscaping) within one year and one year commencement upon approval of reserved matter(s),
- Development to be carried out in accordance with the approved plans,
- An age restriction of 55 years or over to at least one occupier of the proposed apartments,
- precise details of materials (roof tiles, hanging tiles, dormer roof covering and render colours),
- a Landscape and Ecological Management Plan,
- a Construction Environmental Management Plan,
- a Construction Traffic Management details/plan including site operating hours,
- provision of access prior to occupation,
- provision of car parking prior to occupation,
- details of off-site highway improvement works, to be provided at the applicants expense (footpath crossing enhancements),
- contamination assessment,
- details of external lighting,
- details of ventilation/air conditioning equipment,
- foul and surface water drainage strategy,

- details of stand alone solar photo voltaics (if included),
- Provision of 2 x fire hydrants,
- Details of bin stores/enclosures and mobility scooter buildings,
- and any other conditions considered to be appropriate by the Head of Planning

- (4) **CROMER - PF/17/0785** - Erection of single storey building for use as a tea room including store/toilet and outside seating area; Land at Fearn's Park, Station Rd, Suffield Park for Mr/Mrs Bishop

Minor Development

- Target Date: 1 September 2017

Case Officer: Caroline Dodden

Full Planning Permission

CONSTRAINTS

LDF - Settlement Boundary

LDF - Education and Formal Recreation Area

LDF - Open Land Area

Controlled Water Risk - Medium (Ground Water Pollution)

RELEVANT PLANNING HISTORY for Land at Fearn's Park, Station Rd, Suffield Park, Cromer, NR27 0DY

PLA/19830951 HR

FEARNS PARK RECREATION GROUND, STATION ROAD, CROMER

PROPOSED TIMBER BUILDING FOR USE AS CHANGING ROOMS

Approved 23/08/1983

PLA/20011380 PF

PLAYING FIELD, STATION ROAD, CROMER

ERECTION OF CHANGING ROOMS AND JUNIOR FOOTBALL CLUBROOM

Approved 28/05/2002

PLA/19761260 HR

BOWLING GREEN, STATION ROAD, CROMER

ERECTION OF TOILETS

Approved 22/10/1976

PLA/19950384 PF

SUFFIELD PARK BOWLS CLUB, STATION ROAD, CROMER

EXTENSION EAST AND WEST

Approved 08/06/1995

PLA/19940867 PF

SUFFIELD PARK BOWLS CLUB, STATION ROAD, CROMER

TOILET EXTENSION

Approved 04/08/1994

PLA/19901838 PF

SUFFIELD PARK BOWLS CLUB, STATION ROAD, CROMER

EXTENSION TO PAVILION TO PROVIDE MALE/FEMALE CHANGING/WC

Approved 09/01/1991

THE APPLICATION

Planning permission is sought for the erection of a timber clad building to be used as a tea room with an associated store room to the rear, an external seating area to the front, a toilet facility to the side and pedestrian access from Station Road to the proposed site on Fearn's Park (also known as Fearn's Field).

REASONS FOR REFERRAL TO COMMITTEE

In discussion with the Development Manager, it is considered that the number and nature of letters of objection and support received for the proposal warrant discussion and determination at Development Committee. In addition, North Norfolk District Council is the landowner.

PARISH/TOWN COUNCIL

Cromer Town Council – support the application.

Councillor Nigel Pearce (Suffield Park Ward Councillor) – Considers that the proposed development would be an asset in this location.

REPRESENTATIONS

Twenty-three letters of objection have been received from twenty-two local households objecting on the following grounds:

- Doesn't accord with local plan open space policy designation CT1;
- The field is historically open land gifted to the community for public enjoyment. The tea room will encroach negatively on the open recreational space due to its overall plot size;
- The proposed tea room is not comparable to the former changing room building in terms of size and function and would have a negative visual and environmental impact on the surrounding area;
- The proposal is speculative – there is no need for it and there are nearby facilities that already cater for food and drink. This is a residential area not a commercial area;
- If the business fails the park will be left with a 'white elephant';
- The roads around the park are busy and have on-street parking, particularly Station Road, which is a bus route and cut-through that is used by big lorries. The tea room would exacerbate the existing highway issues in terms of the traffic, congestion and parking, and increase the risk of accidents to both people and vehicles;
- The field has drainage problems and the properties opposite the site periodically flood;
- The tea room will add to the existing rubbish and drug problems, creating more anti-social behaviour and noise disturbance, particularly if the toilet is available to the public. External lighting will add to light pollution and cooking smells would create air pollution;
- Accessibility for elderly and disabled would not be provided;
- The tea room will impact on the outlook of the properties along Station Road;

Sixty-five letters of support have been received from sixty-four households living in Cromer and various places within Norfolk, supporting the proposal for the following reasons:

- The tea room will create a welcome amenity for families and people of all ages to bring the park back to life, which is a bit run down and not used very much at the moment;
- A lot of the residents are elderly or young families and this facility would offer them something convenient and close to home;
- Station Road does get a little busy when the Bowls Club has a function, but there is always Park Road and Carrington Road too.

CONSULTATIONS

County Council (Highway) – Broadland

Details are required in relation to the site for deliveries, showing position, width and any alterations to the footpath, which may be required.

These details have been provided and further comments from the Highways Officer will be presented verbally to the Development Committee.

Environmental Health

It is noted that the proposal seeks to connect to the mains sewer. As such, a condition would be needed for the submission of schemes for foul and surface water disposal.

Conditions would be appropriate regarding the submission of details of any external lighting, extract ventilation system and refuse storage details.

Given the location in a residential area, conditions would need to be attached to control any delivery and collections and to restrict opening hours.

Landscape Officer

The site is located within an area designated as Open Space (policy CT1) on the Proposals Map. Within these areas, development is not permitted except where it enhances the open character or recreational use of the land.

A thriving Tea Room/Café could be seen to enhance the recreational use of the land, however an unsightly, run-down or failed business could have a detrimental effect on the open land area. Whilst the success or failure of a business cannot be foreseen by planning, conditions could be imposed on a planning permission which require the removal of the building and ancillary structures should the business cease to operate, thereby securing the principle of the CT1 policy.

If the above condition is secured then the Landscape Section would not object to the application.

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.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 7: Cromer (*sets out the strategic targets for Cromer as a Principal Settlement*)

EN 4: Design (*specifies criteria that proposals should have to regard to, including the North Norfolk Design Guide and sustainable construction*).

EN 13: Pollution and hazard prevention and minimisation (*seeks to minimise and where possible reduce, all emissions and other forms of pollution*).

EC 5: Location of retail and commercial leisure development (*specifies where new retail and commercial proposals will be permitted*).

CT 1: Open space designations (*specifies the circumstances when development on these areas will not be permitted*).

CT 5: The transport impact of new development (*development proposals considered against criteria to reduce the need to travel and maximise the use of sustainable forms of transport*).

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design
3. Impact on neighbour amenity
4. Highways and accessibility
5. Opening hours deliveries and collections
6. Foul and surface water drainage
7. Other matters

APPRAISAL

1. Principle

Fearn's Park is located within an identified residential area within the settlement boundary of Cromer. The triangular recreational area is identified as an Open Land Area on the North Norfolk Proposals Map. There is a Bowls Club pavilion and bowling green occupying the northeast area of the park, which is identified as an Education and Formal Recreation Area on the Proposals Map. It is separated from the wider park by a hedge that runs along the south and west sides of the bowling green. A children's play area, made up of a number of pieces of play equipment, is situated in the south western part of the park. The remainder of the park is grassed and can be used for more informal recreational activities.

Apart from around the Bowls Club, the park has low railings around its perimeter, set back from the footpaths by a grass verge and is bounded by Station Road on its north western side, Carrington Road to the east and Park Road to the south. Residential properties overlook the park on all sides.

In terms of the siting of new retail facilities, policy EC 5 seeks to locate these within the development boundary on the best sequentially available site (on schemes where the net sales area is less than 500sq.m). In this particular case, the location of the tea room is very much determined by and complementary to the park, serving the local community and beyond. As such, it is considered that the proposal would accord with the objectives of policy EC 5.

It should be noted that it is not for the Local Planning Authority to judge the viability of a new small business as part of such a planning application.

Policy CT 1 states that within Open Land Areas, development will not be permitted except where it enhances the open character or recreational use of the land.

It is considered that the provision of a tearoom can be viewed as an enhancement to a recreational area, in that it can offer a complementary use alongside the open space and recreational facilities/opportunities, both formal and informal. This type of complementary use is a common feature of many parks. The buildings and external terrace would cover approximately 112sq.m within the park, which has an approximate site area of 8,450sq.m (excluding the Bowls Club). Nevertheless, it is appreciated that a potential vacant building would not be an appropriate future for the site. This can be resolved through the imposition of

conditions which would firstly make a planning consent personal to the Applicant and secondly, that would require the removal of the buildings and external terrace and for the land to be returned to its former state, should the Applicant cease to operate from the premises.

With the imposition of such conditions, it is considered that the proposed tea room and associated terrace would comply with policy CT1 of the Core Strategy.

2. Design

The proposed building and associated store and toilet would be timber clad. An external seating area would be positioned at the front of the building facing southwest. This area would be paved and fenced with gates to the front, side and rear.

Given the form, context and function of the building, it is considered that its scale and design is acceptable in this residential area and would comply with the objectives of policy EN 4, in this regard. In addition, the Applicant has stated that they intend to put plants and flowers around the building, to soften its appearance. Should Members be minded to approve the application, the submission of hard and soft landscaping details covering planting, paving and fencing could be attached as a condition of a planning consent.

3. Impact on neighbour amenity

The proposed building is to be located immediately to the west of the bowling green, set back from the footpath on Station Road, by approximately 10 metres at the closest point from the footpath.

The building and external terrace would be viewable from a number of properties on the opposite side of Station Road, but given the southwest orientation of the building and distances between the proposed building and the properties (a minimum of 28 metres), it is considered that the proposed tea room would not be significantly detrimental to the residential amenities of these neighbouring dwellings, by way of loss of outlook or overlooking.

The Applicant has confirmed that the proposed business would be of a small scale. As such, any kitchen extractor system is likely to be modest. Nevertheless, it is considered that a condition requiring the submission of any kitchen extraction system would be appropriate, to protect the nearby residents from potential cooking odours and noise disturbance.

It is not known whether external lighting is to be installed. As such, in order to protect the residential amenity of nearby residents, it is considered that it would be appropriate to attach a condition for the submission of any external lighting details for consideration, should this be required.

Provided the above mentioned conditions are attached to a planning consent, it is considered the proposed tea room would not be detrimental to the residential amenities of the nearby dwellings and as such, would comply with policy EN 4.

4. Impact on highways and accessibility

A hard surfaced footpath is proposed from Station Road to the northwest corner of the external terrace. This would involve removing a section of the existing post and rail boundary fence to form a new pedestrian opening across the grass verge and create a ramped path to the tea room.

Many objectors have raised concerns about the existing highway difficulties, particularly along Station Road. It is considered that whilst the proposed tea room may attract some custom from

further afield, its main group of customers is likely to be drawn from the local population within this part of Cromer, who are most likely to walk or cycle and combine their trip to the park with a visit to the proposed tea room.

The further comments of the Highways Officer in relation to delivery details will be reported verbally to the Development Committee.

5. Opening hours, deliveries and collections

The Applicant has confirmed that the tea room is to be operated during the daytime only. To protect the residential amenity of the nearby residential occupiers it is considered appropriate to attach a condition to a planning consent to restrict the hours that the premises is open to the public to between 08:00 and 18:00hrs on any day.

The Applicant has stated that the small scale nature of the business will not require deliveries from large vehicles. In any event, it is considered that deliveries would be achievable from Station Road, which although busy, is nevertheless unrestricted and could serve as a dropping off point for occasional deliveries.

A 770 litre refuse bin is to be located between the toilet building and the main tea room. In the same regard as deliveries, refuse can be collected from Station Road using the proposed hard surfaced path to the highway.

The times for deliveries and refuse collections would be restricted by condition in order to protect local residents from potential noise disturbance.

Provided the above conditions are attached and the subsequent details agreed, it is considered that the proposal would accord with policy EN 13 of the Core Strategy.

6. Foul and surface water drainage

Schemes for both foul sewerage and surface water disposal would need to be submitted which would be secured by condition and will include requirements for details of suitable grease traps, given the commercial nature of the proposal.

7. Other matters

Objectors have highlighted that there is a restrictive covenant that prevents development on the park. This will need to be investigated by the applicant but in any event is not a material planning consideration and its existence does not, however, prevent the granting of planning permission.

Conclusion

The application is considered to be acceptable in terms of scale and design and would have a complementary function to the wider park and is therefore considered to be appropriate. Subject to the imposition of conditions, it is considered that the proposed tea room would not be significantly detrimental to the residential amenities of neighbouring properties or significantly exacerbate current highway arrangements. Therefore, the proposal is considered to be in accordance with the Development Plan and is recommended for approval.

RECOMMENDATION: Approve, subject to the following conditions and any others as deemed necessary by the Head of Planning:

1. Time limit
2. In accordance with submitted plans

3. Details of hard and soft landscaping including materials for new pedestrian access
4. Provision of new pedestrian access from Station road prior to occupation
5. Personal permission for the benefit of Applicant only
6. Building and associated development to be removed if Applicant ceases to operate from premises and land to be returned to former state.
7. Details of proposed foul sewerage and surface water disposal
8. Details of any external lighting
9. Details of any kitchen extractor system
10. Provision of bin storage as shown on drawing ref: 2017/253 02A
11. The tea room and associated toilet shall not be open to the customers/public outside the following times of 08:00 hours and 18:00 hours on any day.
12. No deliveries or collections, taken or dispatched between 19:00 hours and 07:00 hours on any day.

- (5) **DUNTON - PF/17/0613 - Equestrian business with stabling and teaching facility including formation of riding arena with floodlighting, new building to provide stabling; Cannister Hall Barns, Swaffham Road, Toftrees for Mr Donohue**

Minor Development

- Target Date: 18 August 2017

Case Officer: Miss J Smith

Full Planning Permission

CONSTRAINTS

A Road

Principal Routes

Countryside

Controlled Water Risk - Medium (Ground Water Pollution)

Listed Building Grade II - Consultation Area

Advertising Control

RELEVANT PLANNING HISTORY

PLA/19950087 PF

CANISTER HALL FARM BUILDINGS, SWAFFHAM ROAD, TOFTREES
CHANGE OF USE OF REDUNDANT FARM BUILDINGS TO FORM TWELVE
SELF-CONTAINED DWELLINGS FOR HOLIDAY ACCOMMODATION ALONG WITH
ANCILLARY ACCOMMODATION

Approved 27/04/1995

PLA/20090240 PF

10 CANNISTER HALL BARNs, SWAFFHAM ROAD, TOFTREES
CONVERSION OF BARN TO ONE UNIT OF HOLIDAY ACCOMMODATION

Approved 14/05/2009

PLA/19961547 PF

CANISTER HALL BARNs, SWAFFHAM ROAD, TOFTREES
AMEND LANDSCAPING CONDITION (NUMBER 3) ON PLANNING PERMISSION
REFERENCE 950087 TO EXCLUDE LAND NOW IN SEPARATE OWNERSHIP

Approved 22/01/1997

PLA/19931398 PF

CANISTER HALL, SWAFFHAM ROAD, TOFTREES
CHANGE USE OF FARM BLDGS. TO 12 HOLIDAY DWELLINGS + ANCILLARY

ACCOMMODATION & REINSTATE CANISTER HALL AS MANAGEMENT & STAFF
RESIDENTIAL ACCOM.
Approved 25/03/1994

PLA/20010509 PF
CANNISTER HALL BARNES, TOFTREES
VARIATION OF CONDITION 5 OF PLANNING PERMISSION REFERENCE 950087 PF TO
PERMIT PERMANENT OCCUPATION OF UNITS 10 (PART), 11 AND 12 AS MANAGER'S
ACCOMMODATION
Refused 09/07/2001 AALL 14/06/2002

THE APPLICATION

Planning Permission is sought for an equestrian business operation which includes the formation of a riding arena with flood lighting and the erection of a new building to provide stabling, tack room and reception area at Canister Hall Barns, Swaffham Road in Toftrees.

The riding arena will measure approximately 60 metres in length by 20 metres in width with a total of 8 columns for lighting at 6 metres in height. The arena will be enclosed by a timber post and rail fence at 1.2 metres in height.

The stable building would measure 22.5 metres in length x 14 metres in width to a maximum height of 6 metres and be constructed with Vertical Yorkshire board cladding above concrete panel walling to the north and south elevations, limestone coloured blockwork to the east elevation, concrete panel walling to the west elevation and a cement fibre corrugated profile roofing with matching translucent sheeting.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Palmer having regard to benefits to the rural economy.

PARISH/TOWN COUNCIL

Dunton Parish Council: No response received.

REPRESENTATIONS

No representations have been received to date.

CONSULTATIONS

County Council (Highway): No objections subject to conditions regarding on-site parking and turning provision and external lighting.

Conservation and Design Officer: Object to the application. The site lies adjacent to the curtilage of the Grade II Listed Canister Hall. The land in question is situated approximately 170m north-west of the Hall and approximately 80m from Canister Hall Barns which are ancillary listed by virtue of being in the curtilage of the Hall. This range of traditional brick, flint and pantile outbuildings make a significant contribution to the setting of the Hall and the wider landscape context.

Conservation and Design have no objection in principle to the erection of a new outbuilding in this location, its siting and enclosure would potentially create a grouping with the existing range of outbuildings. However, the scale, form, footprint and massing of the proposed building barn raises a number of concerns:

- The heavy/bulky appearance and massing of the barn is at odds visually within the established architectural context.
- The finishing treatments and cladding compound the sense of scale and lack of relationship to the nearby ancillary listed building.

- The 'boxy' form and footprint offers little articulation or elevational relief and is considered to be poor design.
- General lack of detailing or refinement to the proposals.
- Poor relationship to landscape context and wider viewpoints.

As a result, the cumulative impact of the above points means the proposal would harm the setting of the Grade II listed Canister Hall and the existing outbuildings which are ancillary listed buildings. The level of harm to the listed buildings is 'less than substantial' but there is no justification of public benefits to outweigh the harm caused. Conservation and Design must object to the proposal in line with para 132 and 134 of the NPPF.

Environmental Health: No objections subject to conditions.

Landscape Officer: No objection subject to conditions.

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, refusal 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.

NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 14 - Presumption in favour of sustainable development.

Paragraph 28 - Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should (inter alia):

- promote the development and diversification of agricultural and other land-based rural businesses.

Paragraph 132 - 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 134 - 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 securing its optimum viable use.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS 1: Spatial Strategy for North Norfolk (*specifies the settlement hierarchy and distribution of development in the District*).

Policy SS2: Development in the Countryside (*prevents general development in the countryside with specific exceptions*).

Policy SS 5: Economy (*strategic approach to economic issues*).

Policy EN 2: Protection and enhancement of landscape and settlement character (*specifies criteria that proposals should have regard to, including the Landscape Character Assessment*).

Policy EN 4: Design (*specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction*).

Policy EN 8: Protecting and enhancing the historic environment (*prevents insensitive development and specifies requirements relating to designated assets and other valuable buildings*).

Policy CT 5: The transport impact on new development (*specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport*).

Policy CT 6: Parking provision (*requires compliance with the Council's car parking standards other than in exceptional circumstances*).

Policy EN 13: Pollution and hazard prevention and minimisation (*minimises pollution and provides guidance on contaminated land and Major Hazard Zones*).

MAIN ISSUES FOR CONSIDERATION

1. Principle of Development
2. Design and Impact upon Heritage Assets
3. Economy
4. Landscape Impact
5. Pollution
6. Amenity
7. Highways
8. Conclusion

APPRAISAL

1. Principle of Development

The application site is located within the Countryside Policy Area where development is limited to that which requires a rural location as specified under Policy SS2 of the adopted Core Strategy.

Policies SS1 and SS5 also seek to support the rural economy through different types of development. In addition, paragraph 28 of the National Planning Policy Framework (NPPF) promotes development of agricultural and other land based rural businesses.

It is considered that the equestrian business proposal is rural development and is acceptable in this countryside location in accordance with Policies SS1, SS2 and SS5 of the adopted Core Strategy, and Paragraph 28 of the NPPF.

Whilst the principle of such a use may be acceptable, the proposed development also needs to comply with other relevant policies within the adopted North Norfolk Core Strategy, as considered in the remainder of this report.

2 Design and Impact upon Heritage Assets

The Development Committee is required by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a Listed Building and its setting, or any features of special architectural or historic interest which it possesses. The desirability of preserving the setting of listed buildings is not a mere material consideration to which any weight can be attached, it is a legal obligation. When a local authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight. There effectively is a statutory presumption against planning permission being granted. That presumption can, however, be outweighed by material considerations, including the public benefits of a proposal.

Development Committee should also take into account the advice contained within the National Planning Policy Framework (NPPF), which specifically addresses the need for conserving and enhancing the historic environment, in particular paragraph 132, which states:

*'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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset **or development within its setting**. As heritage assets are irreplaceable, **any harm** or loss **should require clear and convincing justification**.*

Paragraph 134 goes on to state: **'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 securing its optimum viable use'**.

Considerable weight must therefore be given to the preservation of heritage assets including their setting. Adopted Core Strategy Policy EN 8 reflects those duties and Chapter 12 of the NPPF sets out the Government's national policies on the conservation of the historic environment.

The NPPF defines setting of a heritage asset as the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, and may affect the ability to appreciate the significance or may be neutral. Significance is defined as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The application site is situated approximately 170m north-west of Canister Hall (Grade II listed) and approximately 80m from Canister Hall Barns. Canister Hall Barns are a range of traditional brick, flint and pantile outbuildings which are ancillary listed, by virtue of being situated within the curtilage of the listed Hall. The barns make a significant and positive contribution to the setting of Canister Hall and the wider landscape context.

The Council's Conservation and Design Officer has assessed the application and considers that the proposed building, by virtue of the detrimental visual impact as a result of the large scale and form, the size of the footprint and massing will harm the setting of Canister Hall and Canister Hall Barns. Furthermore, the industrial appearance of the proposed stable building would result in a building which sits at odds with the established architectural and open landscape context. This harm would be 'less than substantial' but harm none the less and should be considered in accordance with Paragraph 134 of the NPPF.

Whilst the applicant disputes that Canister Hall Barns are ancillary listed buildings to Canister Hall, the Council has considered and applied the tests as identified in the Historic England Advice Note (consultation draft – 27 January 2017) and are of the opinion that the Canister Hall Barns satisfy the following tests;

- **Does the structure pre-1948?** Yes, the structures pre-date 1 July 1948.
- **Is it geographically or physical related?** Yes, the barns are considered to closely relate to the principal listed building.
- **Was it in the same ownership at the time of listing?** It must have been in the same ownership as the principal listed building at the time of listing (for buildings listed on or

after the 1 January 1969), or at the 1 January 1969 (for buildings listed before this date). Yes, based on the information that is available, the barns would appear to be in the same ownership at the time of listing in 1984. Given that the conversion works did not take place till the 1990's, the Local Planning Authority can assume the barns were all in the same ownership in 1984.

- **Did it serve an ancillary or supporting function** to the main listed building at the time of listing (for buildings listed on or after 1 January 1969), or at 1 January 1969 (for buildings listed before this date). Yes, the barns would appear to have served an ancillary function to the Hall at the time of listing.

There is no objection to the principle of a new building in this location but the design proposed is not considered to be acceptable. A more appropriate design for a stable building could be achieved which respects the rural, architectural and landscape setting of the immediate context, although the applicant has been unwilling to consider a revised proposal.

Taking the above view of consultees into consideration, it is considered that the proposed building would result in harm to the setting of the listed building and the curtilage listed barns, contrary to adopted Core Strategy Policy EN 8 and S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3 Economy

The application form submitted with the application states that the proposed business would create 1 part time job, although further discussion with the applicant has revealed that 2 jobs would be created. Supporting information contained within the application further states that the riding area would be keen to employ an apprentice in equestrian and hospitality and offer a traineeship placement for Eastern College delegates and that the proposed equestrian business would offer a unique equestrian facility in the region which would contribute to the local economy. Albeit a small enterprise, the creation of rural employment would make a minor but positive contribution to the local economy. However, this has to be balanced against the harm caused to the heritage asset. Whilst it is considered that the proposal complies with Policy SS5 of the adopted Core Strategy, officers consider that the provision of 2 jobs does not outweigh the harm identified.

4 Landscape Impact

In terms of landscape and visual impacts, the site is located within a field to the west of Canister Hall Barns. The applicant states that the land in which the equestrian operation is proposed has been used by horses since 2012.

There are three elements to the proposed development, the construction of the arena, the instillation of flood lighting to the arena and the erection of a stable building. The flood lighting will be discussed under section 5 of this report.

In respect to the riding arena, this is screened from the north-west by an approximate 2.4 - 3 metre hawthorn hedge. Given its location, it is considered that the proposed arena would have a negligible impact on the wider landscape.

The site contains mature trees and hedgerows on and adjacent to the site. These trees and hedgerow are considered to have amenity value and are important to the landscape of the area. The applicant has provided a plan detailing the proposed trees for removal and hedgerows for retention as part of the proposed scheme. The Development Committee will note that the Landscape Officer considers that the trees proposed for removal are young and that any replacement trees will mitigate their loss. Any approval granted would require a condition securing the submission of a hard and soft landscaping scheme detailing new trees and hedges and existing hedgerows to be retained.

However, notwithstanding the lack of objection from the Landscape Officer, the proposed stable building given its position, height, scale and materials, will introduce an industrial feature into the landscape which would detract from the landscape character especially when viewed approaching the site from the south west.

It is therefore considered that the proposal does not comply with Policies EN2 and EN4 of the adopted Core Strategy.

5 Pollution (Odour, Water, Waste, Light)

The site is located approximately 80 metres from Canister Hall Barns and approximately 170 metres north west of Canister Hall.

In respect to the proposed lighting, officers raise concern with regards to the proposed height of the lighting (6 metres) combined with the angle of the light and resulting light pollution into this rural countryside location. Whilst the applicant intends to only use the lights at darker times of the year between 16:00 and 20:00, Policy EN13 requires all proposals to minimise light pollution arising from new development especially in areas that are free from street lights and other lighting installations. Environmental Protection were consulted on the application and raise no objection to the proposed lighting scheme subject to the lighting being installed at an angle not capable of causing artificial light nuisance to nearby properties. It is not considered that sufficient information has been submitted at this stage to assess the impact of light pollution on this rural countryside location and understand any potential impact upon nearby residential properties. If members are minded to approve the application, it is recommended to require the applicant to submit a Lighting Design Strategy to allow the Local Planning Authority to assess the impact of the light spill on the surrounding landscape and residential properties.

In respect to the disposal of manure, Environmental Protection has advised that manure storage and the disposal of manure must be considered prior to the commencement of operation of the business to address issues surrounding odour and flies. This could be addressed by the imposition of appropriate conditions.

The applicant has submitted as Foul Drainage Assessment Form as they are not proposing to connect to the mains sewer for foul water disposal. Environmental Protection has reviewed the application proposal and raise no objection to the use of non mains drainage.

Subject to the imposition of appropriate conditions, the proposed development is considered to comply with Policy EN13 of the adopted North Norfolk Core Strategy.

6 Amenity

Given the distance from nearby residential properties, is not considered that the proposed business operation or stable building and arena would give rise to unacceptable impacts. Concerns regarding light pollution have been considered within section 5 of the report. It is therefore considered that the proposal complies with Policy EN 4 of the adopted Core Strategy.

7 Highways

The Highways Authority considers that the site contains adequate parking facilities on site and that the access onto the A1065 provides acceptable level of visibility to cater for the proposed use. It is therefore considered that the proposal complies with Policies CT 5 and C T 6 of the adopted Core Strategy.

8 Conclusion

Careful consideration has been given to this application in reaching a recommendation. Whilst the principle of the use and proposed building is considered to be policy compliant, any

proposed development needs to comply with other relevant policies within the adopted North Norfolk Core Strategy and all legislative duties.

Officers consider that the proposal generally accords with the Development Plan in relation to impacts on residential amenity, highway safety, parking provision, pollution and the economy such that refusal in relation to these matters alone could not be substantiated or justified.

In relation to the landscape impact, it is considered that the proposed stable building, given its position, height, scale and materials would introduce an industrial feature which would detract from the landscape character of the wider area.

Impact upon listed building and its curtilage buildings needs to be considered in accordance with our statutory duty under sections 66 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990. This is not a simple balancing exercise, but a question of whether there is justification for overriding the presumption in favour of preservation. The Development Committee will have to consider whether it accepts that there is harm to the heritage asset and whether the presumption against planning permission which arises as a result of any harm is outweighed by the public benefits of the proposal. Officer advice is that, in relation to the harm that the proposal will cause to the setting of Canister Hall (Grade II) and its ancillary listed buildings (Canister Hall Barns) there would need to be compelling public benefits in favour of the proposal to outweigh the presumption and these are lacking.

Whilst the opportunity to create employment is noted, it is considered that the cumulative harmful impacts on heritage assets and the wider landscape are not considered to outweigh the public benefits. As such it is considered that the proposal does not accord with Core Strategy Policies EN 2, EN4 and EN8 and paragraphs 132 and 134 of the NPPF.

RECOMMENDATION: Refusal

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

Policy EN 2 - Protection and enhancement of landscape and settlement character

Policy EN 4 - Design

Policy EN 8 - Protecting and enhancing the historic environment

The National Planning Policy Framework (the NPPF) (published 27 March 2012) is also material to the determination of the application.

The proposed building to provide stabling would result in harm to the setting of heritage assets which include Canister Hall which is grade II listed and Canister Hall Barns which are ancillary listed buildings to Canister Hall. Whilst this harm is 'less than substantial' in terms of the National Planning Policy Framework, it is still significant and it is not considered that there are sufficient public benefits or material considerations that outweigh the harm identified. The proposal is therefore considered contrary to North Norfolk Core Strategy Policy EN 8 and the aims and objectives of the National Planning Policy Framework, in particular paragraphs 132 and 134.

Furthermore, the proposed stable building would incur harm to the wider landscape including heritage assets within the landscape and their setting that are intrinsic to those landscapes. These impacts are considered to be contrary to Policy EN 2 and EN 4 of the North Norfolk adopted Core Strategy.

(6) **NORTH WALSHAM - PF/17/0829 - Formation of new access to agricultural land from Bradfield Road; Land at Bradfield Road, North Walsham for Mr M Drury**

Minor Development

- Target Date: 16 August 2017

Case Officer: Mr A Afford

Full Planning Permission

CONSTRAINTS

Unclassified Road

LDF - Countryside

Contaminated Land

RELEVANT PLANNING HISTORY for Land at Bradfield Road, North Walsham

PLA/20070464 NP

LAND AT BRADFIELD ROAD, NORTH WALSHAM

PRIOR NOTIFICATION TO ERECT AGRICULTURAL STORAGE BUILDING/WORKSHOP

Refusal of Prior Notification 29/03/2007

PLA/20080198 PF

LAND AT BRADFIELD ROAD, NORTH WALSHAM

ERECTION OF BUILDING FOR AGRICULTURAL STORAGE AND ACCOMMODATION OF LIVESTOCK

Refused 02/04/2008

THE APPLICATION

The application seeks to establish the formation of a new access to existing agricultural land from Bradfield Road. The new access is proposed approximately 30m north of the existing access which will be blocked up through planting of a replacement hedgerow.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr A. Moore and Cllr V. Gay for the following reasons:

1. Adverse impact on highway safety;
2. Concerns regarding the removal of the hedgerow on the landscape and rural character of the area.

PARISH/TOWN COUNCIL

North Walsham Town Council - No Objection

REPRESENTATIONS

Two representations have been received: one objection and one comment, raising the following points:

- Existing Anglia Water infrastructure may be damaged as a result of the hedgerow removal or blocking of the existing access;
- Concern that the new access would link up to the road to the west on the industrial estate: 'Cornish Way', which would create a through road.
- The new access will further enable the use of the site for waste deposition or further intensification of the activity.
- The removal of the hedgerow will reveal with industrial site in the wider landscape views.

CONSULTATIONS

Environmental Health - No Objection

Landscape Officer - No Objection

County Council (Highway) Broadland - No Objection

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.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS2 - Development in the Countryside

EN2 - Protection and Enhancement of Landscape and Settlement

EN4 - Design

EN9 - Biodiversity & Geology

CT5 - The Transport Impact of New Development

MAIN ISSUES FOR CONSIDERATION

1. Principle of Development
2. Impact on Landscape Character
3. Impact on Highways
4. Impact on amenity
5. Biodiversity
6. Other matters

APPRAISAL

1. Principle

Within the countryside, development which requires a rural location, including development related to agriculture, is considered acceptable in principle in accordance with Core Strategy policy SS2. However, proposals must also comply with other relevant policies of the Core Strategy.

2. Impact on Landscape Character

With regard to the creation of a new access there is no landscape objection. The hedgerow surrounding the application site is approximately 2m high and is made up of predominantly hawthorn but with some spindle and elm species. The section of hedgerow proposed to be removed is relatively small (approximately 25m in length). Furthermore, the removal of the hedgerow is to be off-set by the planting of a replacement hedgerow to block up the existing

access. It is therefore considered that the removal of this section of hedgerow will not result in a detrimental visual impact to the landscape character so significant as to warrant refusal of the application.

A condition is recommended requiring the replacement hedgerow be comprised of native species.

The proposal is considered acceptable in terms of Core Strategy policies EN2 and EN4.

3. Impact on Highways

The Highways Authority has been consulted and has no objection to the application. The proposal seeks a replacement agricultural access with the existing access being permanently stopped up. The existing access is very poor in terms of visibility when exiting from the site. Further, when accessing/exiting the site to/from the north the angle of turning can prove difficult for agricultural vehicles due to the existing angle of approach. Due to the issues with the existing access, agricultural vehicles will often try to access the site from a southerly direction, meaning that they have to use a main road which is far from ideal for all road users.

The proposed access has the potential to provide safer access into the site from all directions, and will help ensure that heavy agricultural vehicles do not have to use main roads.

The application is considered to be in accordance with the policy CT5 of the Core Strategy.

4. Impact on Amenity

The new access is not considered to give rise to any harm to the amenity of neighbouring properties. The existing access is almost directly opposite the nearest dwelling, but the proposed access will be moved some 18m (approx.) to the north away from this dwelling hereby reducing any impact. The application is considered to be in accordance with policy EN4 of the Core Strategy in this regard.

5. Biodiversity

Given that the existing access will be blocked up with replacement hedgerow planting, the removal of the section of hedgerow for the proposed access is not considered to result in any adverse impacts to wildlife or biodiversity. The application is therefore in accordance with policy EN9 of the Core Strategy.

6. Other Matters

Concerns were raised that the new access would link up to the road to the west on the industrial estate: 'Cornish Way'. Any new road would require a separate planning application.

Concerns have been raised about the use of the existing site for waste depositing. Any such use of the site would be unlawful and as such should be registered with the Combined Enforcement Team. Any change of use of the site for this purpose would require a separate planning application.

Conclusion and Recommendation

The proposed access is not considered to give rise to any detrimental impacts on highways safety, amenity, biodiversity or the landscape character. The development is considered to be in accordance with the requirements of the Development Plan and there are no material considerations that indicate the application should be refused.

RECOMMENDATION: Approval, subject to the conditions listed below, and any others as deemed necessary by the Head of Planning:

1. Time limit
2. In accordance with the drawings approved
3. Vehicular access paid out
4. Closing up of existing access
5. Landscaping plan for new replacement hedgerow
6. No hedgerow removal during bird nesting and breeding seasons.

(7) DONG ENERGY - HORNSEA PROJECT THREE CONSULTATION

Hornsea Project Three is an off-shore wind farm developed by DONG energy and which would be located approximately 160km due east of the Humber estuary and approximately 121 km north east of the North Norfolk coast, this being the closest landfall point to the turbine field. The wind farm would have a total capacity of up to 2,400 MW (2.4GW) with up to 342 turbines proposed and would be one of the largest off-shore wind farms in the world with the potential to supply up to 2 million homes.

As a Nationally Significant Infrastructure Project (NSIP), there is a requirement for DONG Energy to submit an application for Development Consent to the Planning Inspectorate (PINS) to be decided by the Secretary of State for Business, Energy and Industrial Strategy.

At this current stage, DONG Energy have produced a Preliminary Environmental Information Report (PEIR) and are currently carrying out consultation with key stakeholders. North Norfolk District Council, as a statutory consultee, has until **20 September 2017** to provide a response to the Preliminary Environmental Information Report findings.

The Environmental Statement, which will outline the full EIA for Hornsea Three, will be informed by stakeholder responses to the PEIR. The Environmental Statement, which will accompany the application for Development Consent, will be submitted to PINS in Quarter 2 of 2018.

Elements of the Project Affecting North Norfolk

Whilst the precise landfall location has not yet been fixed, this is identified as being in the Weybourne area. Three possible routes for the onshore cable leading from Weybourne are being investigated. These are passing the east and west side of Weybourne village and with a further alternative option further to the west passing close to the eastern boundary of Kelling village and then to the south east of Kelling Heath. All three routes would have to pass under the A149 Coast Road, under the North Norfolk Railway track bed and then continue on past High Kelling where the cable would pass under the A148 to the east of the village. The cable then follows a route south between the villages of Hempstead and Baconsthorpe, between the villages of Edgefield and Plumstead (where a High Voltage Alternating Current (HVAC) substation is proposed) and then running west of Corpusty and Saxthorpe under the B1149 Holt Road and B1354 Briston Road before heading into Broadland District Council's area.

A report has been prepared for Cabinet on 04 September which will inform a Corporate response to DONG Energy on behalf of North Norfolk District Council.

Recommendation: That Committee are asked to note the contents of this report.

(8) **APPLICATIONS RECOMMENDED FOR A SITE INSPECTION**

A site inspection by the Committee is recommended by Officers prior to the consideration of a full report at a future meeting in respect of the following application. The application will not be debated at this meeting.

Please note that additional site inspections may be recommended by Officers at the meeting or agreed during consideration of report items on this agenda.

SHERINGHAM – PF/17/0468 - Demolition of existing hotel and erection of mixed use building comprising 10 dwellings (Use Class C3) and 4 commercial units (Use Class A1/A2/A3/ A4/A5) with associated parking and highways works; formerly The Shannocks, 1 High Street for North Norfolk District Council

REASON FOR REFERRAL TO COMMITTEE

To facilitate the processing of the planning application.

WELLS NEXT THE SEA - PF/17/1065 - Demolition of existing boundary walls and erection of two-storey dwelling; Land adjacent to Hampden House, East Quay for Mr Chick

REASON FOR REFERRAL TO COMMITTEE

To expedite the processing of the application and because of the particular characteristics of the site.

RECOMMENDATION:

The Committee is recommended to undertake the above site visits.

APPEALS SECTION

(9) **NEW APPEALS**

FAKENHAM - PF/16/0855 - Creation of first floor to veterinary surgery to create ancillary office space, storage, staff room, and 1no. staff flat/crash pad; 14 Queens Road for Summer Hill Veterinary Centre

WRITTEN REPRESENTATIONS

HOLT - LA/16/1675 - Internal & external alterations to facilitate loft conversion; 2 White Lion Coach House, White Lion Street for Mrs Bradbury

WRITTEN REPRESENTATIONS

HOLT - PF/16/1654 - Insertion of dormer window to rear, to facilitate loft conversion; 2 White Lion Coach House, White Lion Street for Mrs Bradbury

FAST TRACK - HOUSEHOLDER

HOLT - PF/16/1740 - Removal of planters, relocation of benches and provision of new trading barrows in front of the existing bank shopfront; 16 High Street for Dentons

WRITTEN REPRESENTATIONS

(10) **INQUIRIES AND HEARINGS - PROGRESS**

None

(11) **WRITTEN REPRESENTATIONS APPEALS - IN HAND**

BLAKENEY - PF/17/0143 - Erection of detached chalet bungalow; 8 Langham Road, Blakeney, Holt, NR25 7PG for Mr & Mrs Ingham

EAST RUSTON - PU/16/1634 - Prior notification for a proposed change of use of agricultural building to no.2 dwellings houses; Barn at Poplar Farmhouse, Chequers Street, East Ruston, Norfolk, NR12 9JT for Mr & Mrs Stares

LANGHAM - PF/16/1157 - Use of land to site 3 shepherds huts for holiday use and parking spaces, erection of utility shed, installation of package treatment plant, 3000 litres water bowser and creation of new access and track; Grove Farm, Field Dalling Road, Holt, NR25 7BU for Grove Farm Partnership

SUTTON - PF/16/1178 - The change of use of land to operate a scaffolding business with associated buildings and the external storage of equipment (retrospective) (Description proposed by Planning Inspectorate)See original description below:-

Retrospective Change of use - Agricultural storage to Scaffolding business storage and associated outbuildings; depot 3, Sutton Road, Catfield, Great Yarmouth, NR29 5BG for MR Scaffolding (Anglia) LTD

TRUNCH - PF/16/1528 - Erection of two storey dwelling; Land to the front of, Park Barn, Knapton Road, Trunch for Mr & Mrs Bennett

(12) **APPEAL DECISIONS - RESULTS AND SUMMARIES**

**BLAKENEY - PF/16/0876 - Erection of 2 no. two-storey 3 bed detached houses and detached garage block. Change of use of part of the site to garden land for 5 Westgate Street; Stratton Long Marine, Westgate Street, Blakeney, Holt, NR25 7NQ for Stratton Long Marine Ltd
APPEAL DECISION:- APPEAL ALLOWED**

A summary of this decision is attached at **Appendix 2**.

**GRESHAM - PF/16/0725 - Demolition of building and erection of single-storey dwelling, detached garage and continued use of outbuilding for light industrial and office use; Brick Kiln Farm, Sustead Road, Lower Gresham for Mr D Knowles
APPEAL DECISION:- APPEAL DISMISSED**

**WEYBOURNE - PF/16/0785 - Single storey garage extension (part retrospective); 25A Pine Walk for Mr Boon
APPEAL DECISION:- APPEAL ALLOWED**

(13) **COURT CASES - PROGRESS AND RESULTS**

No change since previous report.

**OFFICERS' REPORTS TO
DEVELOPMENT COMMITTEE - 3 AUGUST 2017**

Each report for decision on this Agenda shows the Officer responsible, the recommendation of the Head of Planning and in the case of private business the paragraph(s) of Schedule 12A to the Local Government Act 1972 under which it is considered exempt. None of the reports have financial, legal or policy implications save where indicated.

PUBLIC BUSINESS - ITEM FOR DECISION

PLANNING APPLICATIONS

Note :- Recommendations for approval include a standard time limit condition as Condition No.1, unless otherwise stated.

- (1) **HOVETON – PF/17/0696 - Erection of 25 dwellings with associated roads and landscaping, extension to church graveyard and off-site highways works Church Field for F W Properties**

Major Development

- Target Date: 24 August 2017

Case Officer: Mr R Parkinson

Full Planning Permission

RELEVANT CONSTRAINTS

Within Countryside

Adjacent to existing Settlement Boundary and Residential Area

Within Broads Authority Consultation Area

Adjoins A-road and Unclassified Road

Within Listed Building Grade II* and Grade II Consultation Areas

Contaminated Land

Adjoining Strategic Flood Risk Assessment Zone 2, 3a and 3b with Climate Change

Includes Controlled Water Risk zone - Medium (Ground Water Pollution)

RELEVANT PLANNING HISTORY for Church Field, Hoveton, NR12 8NY

PLA/19841598

Church farmhouse, Hoveton

Proposed conversion of Church Farm to 2 dwellings

Approved 15/02/1985

PF/16/0731

Land off Horning Road, Hoveton, NR12 8NY

Erection of 31 dwellings plus associated roads, landscaping, public open space and extension to church graveyard

Withdrawn by Applicant 12/04/2017

PF/16/0732

St Johns School, Horning Road, Hoveton, NR12 8NX

Construction of 60-space car park, new accesses and entrance barrier, for use by school and ancillary community uses, with associated landscaping

Withdrawn by Applicant 22/12/2016

PF/16/0733

Unit 29, Stalham Road Industrial Estate, Littlewood Lane, Hoveton, Norwich, NR12 8DZ

Full details of two-storey commercial building for office/light industrial and ancillary storage use (B1/B8 use classes) with access, parking and landscaping (Building A), with demolition of single-storey industrial building. Outline proposal for 3 no. additional units for office / light

industrial / storage / distribution uses (B1/B8 use classes) (Buildings B, C, D), with all matters reserved.

Approved 10.03.2017

Associated applications

When originally submitted, a 31-dwelling proposal (ref PF/16/0731 – the precursor to this application) was accompanied by two other applications: an employment unit development and industrial estate extension at Littlewoods Lane, off Stalham Road, Hoveton (ref PF/16/0733) and a new car park proposal adjacent to Horning Road at the Hoveton Primary School (ref PF/16/0732).

The applicant proposed the car park as a ‘community benefit’ for the school and users of the church of St John, but it encountered difficulties and was withdrawn.

The employment building and industrial estate (ref PF/17/0733) were considered by the Development Committee on 16 February 2017, the report and minutes for which are available at <[http://www2.north-norfolk.gov.uk/apps/committees/default-copy.asp?path=Development Committee/16 Feb 2017](http://www2.north-norfolk.gov.uk/apps/committees/default-copy.asp?path=Development%20Committee/16%20Feb%202017)>. Development Committee considered the fact that the application was contrary to policy through being development on Countryside land and in making its weighted assessment felt the potential benefits of the proposal generally weighed in favour of approval. Committee acknowledged that although the scheme might have been acceptable on its own merits, its delivery was not guaranteed as the intended occupant could not finance the complete project at that time; nevertheless it was considered suitable as a stand-alone proposal and permission was granted.

The applicant states that a housing development scheme at the Church Fields site is required as “enabling development” necessary for the delivery of the otherwise-unviable employment proposal.

Officers assessed the original residential proposal (PF/16/0731) but felt it raised too many irresolvable concerns to be supported, and recommended the proposal be reconsidered, which resulted in the initial scheme being withdrawn in December 2016. The revised proposal within current application PF/17/0696 includes the following amendments to the original scheme:

- A reduction in overall housing numbers, from 31 to 25;
- The northern site boundary has been moved south by approximately 50m;
- The access to Horning Road has been moved to the eastern edge of the field;
- Retention of agricultural land north of the site, rather than proposed meadow;
- The eastern site boundary has been moved west into the site;
- New woodland planting on the eastern boundary;
- Revised housing types, generally including more bungalows and smaller units;
- Increased proportion of affordable housing;
- Extended network of footpaths around the site.

Notwithstanding the revisions, the applicant, developer and principle landowners behind this proposal remain the same, and the housing development is still proposed as “enabling development” to facilitate delivery of the extant employment permission, the mechanism for which would be an associated legal agreement. By virtue of using obligations on the housing land to deliver the employment land, the two proposals should be considered inextricably linked.

THE APPLICATION

The proposed development site is south of the A1062 Horning Road, east of the Church of St

John, north (to the rear of) properties on Meadow Drive, and north-west of the small arrangement of houses and barns at Church Farmhouse, accessed via private drive off Horning Road. The application proposes an access road, woodland planting, 25 dwellings, graveyard extension and landscaping for the Church, small open space and play area, and access to adjoining woodland for residents.

REASONS FOR REFERRAL TO COMMITTEE

- 1) Objections from statutory consultees;
- 2) At the request of local Ward councillor, Cllr. N. Dixon in recognition of the proposal being a departure from policy and raising significant local concern but also representing an important economic growth opportunity that deserves full consideration.

The Development Committee will undertake a public site visit on 27th July.

PARISH/TOWN COUNCILS

Hoveton Parish Council (PC meeting of 03.07.17) - **Objects.**

The Parish Council believes this application should be refused for the following reasons:

1. **Outside of Development Area** – the site is outside the adopted settlement boundary within both the existing Core Strategy and the proposed future allocation land and is contrary to North Norfolk District Council's Local Plan.

2. **Use of Agricultural Land** - objects to the proposed use of agricultural land (class 2 arable land) in this application and to the loss of such land from the parish.

3. **Site Access Safety** - objects to the proposed access from Horning Road, as the access is located at an extremely dangerous point of the road. The Parish Council considers that the current and proposed calming/safety measures are wholly inadequate for this busy road and the proximity of the pedestrian crossing outside St. John's Primary School.

4. **Sewage System** - objects to the proposed use of the existing foul sewer in Meadow Drive; this sewer will have little chance of coping with the effluent from an extra 25 dwellings, is already known to be struggling to cope, and Anglian Water regularly attends this location to deal with foul water sewage problems.

5. **Drainage** - objects to the proposed drainage management system. It is the Parish Council's opinion that the proposed system is wholly inadequate and that it will most likely lead to surface water flooding. SUDS drainage technology is not ideal, and the proposal requires water to be piped across land that has, as yet, had no definitive survey carried out.

6. **Other matters** - Hoveton Parish Council also raises concerns relating to the proposed site's close proximity to two **listed buildings** (the church and the farmhouse); to the likely problem of **light pollution from vehicles** entering the development; and to the likely problem of **noise pollution** and other possible disturbances to existing residents of this area, whether or not measures are put in place to ease these problems.

Ashmanhaugh Parish Council – No objection – provides comments.

- Traffic congestion will increase, particularly on Norwich Road and at the Wroxham bridge pinch-point, which already prevent emergency vehicle access.
- The sloping site could give rise to surface water drainage problems.

Wroxham Parish Council – Objects.

- The site is not in the Local Plan / is outside the development boundary; and,
- Traffic problems will be exacerbated, particularly through increases on Norwich Road and at the Wroxham bridge pinch-point, which already prevent emergency vehicle access.

Local Ward Member – Cllr Dixon.

Based on a site visit in June, Cllr Dixon outlined his principle concerns below, which the applicant and officers have sought to address. These are discussed in further detail in the report. Full comments will be provided in advance of the Committee meeting.

- Surface water – the proposed discharge to the Bure could cause overland flooding or increased groundwater flooding, and the scheme should use soakaways etc for roofs.
- Foul drainage – the scheme could overload the existing sewer which is already prone to becoming blocked, and also receives ingress from surface water, causing floods.
- Play equipment – the proposed location has poor visibility and may cause disturbance to neighbours, and may not be best suited for the needs of the scheme, as opposed to using the costs of provision towards youth activities instead.

REPRESENTATIONS

39 letters/emails have been submitted from 31 local residents, in addition to a combined submission on behalf of 'the residents of Meadow Drive'. There are no letters of support for the proposal. The Church of St John has also provided comments.

The objections raise the following concerns:

Principle of residential development:

- This is outside the development boundary.
- Enough infill development has been provided consistently and recently to show that greenfield does not need to be used.
- Countryside should be protected unless not feasible to do so, which this is not proven.
- This is pre-emptive of proper planning through the next Local Plan process.
- Approving this scheme would be contrary to the Planning Inspector's *Sculthorpe* decision that was refused due to the conflict with countryside and heritage protection.
- More housing is to be expected in the next Local Plan, exacerbating local pressures on highways, services and the environment.
- Lack of need for housing in the village.
- There are other sites available for new housing which should be used first.
- Overdevelopment of the village.
- Increased carbon footprint by developing on green fields outside the village boundary.
- There is not enough Affordable Housing provided within the scheme (28% proposed, compared to the 45% required).
- Housing density is too low in comparison to the 30dph required by policy HO7.
- There is no clear demand for more 3, 4, 5-bed housing in Hoveton, when other large schemes are available in Wroxham, Salhouse and Rackheath.

Delivery and link to the employment site:

- There is no justification for this to be considered as an enabling development.
- Concerns that the Council has re-established a link between this residential scheme and the commercial development on Littlewood Lane, despite the Planning Committee previously deciding the two applications should be looked at on their own merits.
- It is inappropriate to allow the interests of one commercial company (Benthic Solutions Ltd) to overcome the objections of so many local people and consultees, for just 11 jobs, and employees living outside Hoveton.
- The employment site is only proposed because it is heavily discounted and needs funding through this unsuitable residential scheme.
- The cross-funding for one employer's needs is unfair on other employers who might like to expand / relocate but would have to pay market-rates for such sites.
- The employment land is not the most suitable of many sites that were considered.
- There is questionable benefit from the employment growth proposed.

Highways safety:

- Traffic increases will cause congestion and blockages for emergency vehicle access.
- There may be a future vehicular access from Meadow Drive, causing traffic increases.
- Traffic on Horning Road is increasing noise experienced on Waveney Drive.
- Danger to safety of school children walking alongside and across Horning Road.
- Horning Road vehicle speeds are too quick for this scheme and junction, positioned between blind bend and blind summit (with school on the other side of the brow).
- Parking problems for the school on the Horning Road verges will be exacerbated.
- Church Road is already busy for school children, is a 'rat run' and has accidents.
- The church entrance gate access is dangerous enough before the additional traffic.
- The footpath along the length of Horning Road will increase danger from school drop-offs and collections and encourage stopping much further along Horning Road, which then endangers cars travelling around the bend on Horning Road.

Residential amenity:

- The effects on existing residents will be excessive.
- Direct overlooking and loss of privacy to existing residents in Meadow Drive.
- The trees proposed to offer screening will take a long time to mature and then will be ineffective when trees are out of leaf, or cause too much shading in summer months. As they are in rear gardens they will cause shade then be removed, then overlook.
- A 5-bedroom house on the southern side of the scheme is completely inappropriate, especially given the sloping site.
- The massing is squeezed too close to the boundaries of the existing houses.
- There is no tree belt between the properties to prevent overlooking, so the trees in gardens will probably be removed and exacerbate overlooking.
- Play equipment next to dwellings will cause excessive noise.
- The footpath / cycle route onto Meadow Drive is a security risk / escape route, and is unnecessary.
- The footpath / cycle link junction with Meadow Drive has poor visibility and exits into the area also used as a turning circle so will cause safety issues for new residents.
- Air source heat pumps can create noise for neighbours and should be replaced with ground source heat pumps, which are also more efficient.
- Lights from cars using the development will disrupt residents of Meadow Drive, due to the levels difference.
- The proximity of homes to the church graveyard is inadvisable.
- Noise and disturbance from the works will affect neighbours who are mostly elderly.
- The play area should be relocated to the north of the site in the retained field / meadow.

Heritage:

- Significant impact on the setting of the listed Church of St John.
- Loss of the view of the Church from Horning Road.

Drainage and flood risk:

- Infrastructure will be overloaded.
- River flooding from the River Bure and Brimbelow Dyke will increase as flows from this development are added to it instead of returning to the groundwater.
- Surface water from the site will flood into Meadow Drive.
- There are no proposals for collecting any overflow of surface water.
- The impermeable soils on the Church Fields site will render infiltration ineffective.
- Sewage will be overloaded – properties at the east end of Meadow Drive are not adopted and are pumped into the Anglian Water system and will be blocked / back-up, and groundwater already seeps into the sewer system causing it to overload.
- There is no allowances or contingency to account for future hard landscaping by residents / homeowners which could increase impermeable surfaces.

Ecology:

- Loss of habitat.
- Loss of wildlife species from the site, including birds, reptiles, harriers, owls and bats.
- Loss of wildlife corridor connection to the Broads (contrary to the NERC Act).
- Light pollution will drive out other wildlife from the area.

Other concerns:

- The doctor's surgery will be overloaded and increase waiting lists; the catchment area apparently includes Wroxham and Rackheath and the significant growth there.
- The local schools will be overloaded – and Hoveton is not due to receive additional national government funding for expanding populations.
- The "community benefits" proposed are not in accordance with policy and don't outweigh the harm caused by the development, and many only serve new residents.
- The 'benefit' of the church graveyard is a false assumption as the church going population is small and will likely not need the additional churchyard space.
- Loss of good quality agricultural soils.
- The energy efficiency of the scheme is minimal and should be improved – the scheme should be designed to make better use of solar orientation and passivehaus standards.
- Urbanising effects will increase, but communities need open spaces and natural areas.
- The graveyard extension could affect the groundwater.
- Landscaping will be ineffective and poorly managed. The requirement to maintain trees and areas in the control of the Hoveton Estate might be easily forgotten.

Non-planning issues:

- The two developments will decrease house prices.
- The application has not been advertised to the residents of holiday lets on the private road on Meadow Drive.

The Church of St John has also confirmed that they will shortly need to increase the capacity of their graveyard, so would welcome the proposed extension and contributions offered if it met the planning policy requirements. However, the Church wished to make clear it did not endorse or support the proposal and it had specific concerns that works should protect the trees along the Horning Road embankment, provide public walking routes alongside and to the rear of the church and graveyard, and at least retain, if not extend, the car parking layby.

Pre-application community consultation

Officers did not consider it necessary for public consultation immediately prior to submission of the revised scheme, however the applicant had already undertaken a public exhibition in Hoveton village hall (September 2015, c.79 attendees) and advertised the suite of 3 proposals in household 'leaflet drops' and in the parish magazine. The results are described in the

Statement of Community Involvement. Feedback on the housing scheme was generally not favourable but the comments included some recognition of the potential benefit from jobs creation through the employment site. This exercise meets the expectation of the North Norfolk Statement of Community Involvement requirements.

CONSULTATIONS

Environmental Protection Officer – No objection subject to conditions.

The desk study contamination report recommends further investigation which should be secured by conditions.

Norfolk County Council Highways Authority – No objection subject to amendments.

No objection in principle, but improvements to the proposal are required.

The applicant has provided a traffic survey including vehicle speeds assessment and junction visibility analysis. Before proposing any conditions, the amendments considered necessary are:

- A full-length off-site footpath is needed to the school.
- A part-time 20mph zone should be provided adjacent to the primary school.
- A splitter island is needed on Horning Road to replace the existing red surfacing.
- Carriageway width either side of the splitter island should be 3.5m.
- Trees should be planted on both the north and south sides of Horning Road, to act as speed control measures by reducing the peripheral vision of drivers and aid compliance with the 30mph speed limit.
- The informal lay-by (by the Church of St John) should be formally constructed.
- Access to the retained field should be provided, and shown on the plans.
- Clarification is needed on the areas proposed for adoption as highway verges.

Environment Agency – No Objection.

Objection – concerns over pollution prevention.

The cemetery extension assessment report wasn't originally provided and needed to include information about the number of burials per year and the impact that may have.

Objection removed – Further to the receipt of the Tier 1 Cemetery Assessment, there is not considered to be a risk from the forecasted 5 burials a year.

The direct discharge to the River Bure may require a separate Flood Risk Activity Permit if it is creating a new outfall; this is a risk-based framework that enables the EA to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt, and only higher risk activities will require a permit.

A Discharge Consent may also be required and the applicant should consult the EA's National Permitting Service for advice.

Natural England – Objection.

The scheme does not quantify its effects on designated sites in the area, nor confirm the range of mitigation proposed within the scheme, and as such cannot be determined to avoid a significant effect on designated sites, and thus cannot pass the Habitats Regulations

Assessment. Further information is needed in respect of habitat protection from recreational pressures, sewage treatment and discharge and water supply.

A supplementary response is expected prior to the Committee meeting and will be provided as a verbal update.

Historic England – No comment.

Did not wish to offer comments, and instead deferred to the NNDC specialist advice.

Broads Authority – Objection unless the scheme can be amended.

As with previously-withdrawn application PF/16/0731, the Broads Authority considers the scheme to create an adverse effect on the setting of the Broads National Park by creating a significant extension of the urban area into the rural transition zone, and eroding the gentle transition from urban to rural. It is disappointing that the scheme has still not considered the presence of the adjoining National Park within its Landscape and Visual Impact Assessment. It is noted that the impacts are reduced since the last proposal, but certain issues remain unresolved:

- Hedgerows should be used as boundary treatments throughout the scheme, to improve ecological links and create a more rural character of development than the proposed suburban form of close board fencing impermeable to wildlife.
- Improved tree planting along the south boundary could provide an ecological link to the east and western woods.
- The site entrance visibility splays create an urban effect which should be softened by using native hedging along the north of the field to enclose the retained field, provide screening from the road, and help retain rural character.
- All landscape planting should be of native species.
- The retained field to the north should be considered for use as public open space and management as grassland, for both recreation and ecological benefits.
- A Landscape and Conservation Management Plan should be required, to secure the ecological enhancements discussed, including the northern field, biodiversity links, green infrastructure and public access.
- Lighting should be restricted and agreed by condition.

Summary – although an improvement over the previous proposal, the Authority's objection can only be removed if the recommended conditions are used and the amendments are provided in respect of: the use of the northern field; the provision of hedging including the northern hedge / southern boundary to Horning Road; and, provision of more trees to the south.

NCC Flood & Water Management (LLFA) – Objection.

Objection due to inappropriate modelling of drainage scheme and inadequate detailing of infiltration capacity. The objection could be removed if the supporting information is provided appropriately, but cannot be resolved only by relying on use of conditions.

- There has not been adequate infiltration testing to prove that the proposed permeable paving will work.
- There is no justification for the scheme not using infiltration 'at depth' as the primary means of drainage, so it does not comply with the sustainable drainage hierarchy.
- Further calculations are needed for the full extent of 40% climate change allowance.

- The site has calculated its drainage across the whole development, rather than just the impermeable areas, which distorts the calculation of the required discharge rate.
- Adoption, management and maintenance proposals are required.
- The exceedance flow calculations require assessment of an event of more than a 1 in 100 year rainfall event, with the depth and velocity of any flood water quantified, and the finished floor levels of the development needing to be confirmed.
- The proposed bund and swale features for exceedance planning should be detailed.
- There is an absence of details for a post-development 1 in 100 year 6 hour storm.
- There needs to be better link between drainage calculation and pipe flow sizes on the plans, and clarity over the use of different discharge rates within the same system.

In addition, the Norfolk Rivers IDB should be consulted as the proposal is to drain into Snape Water to the south, which in turn connects to the River Bure.

The additional information submitted in response to the initial objection has not resolved the issues and there remains insufficient information provided to demonstrate the site will be able to drain without increasing flood risk. The objection remains in place because the initial concerns have not been addressed.

The Norfolk Rivers Internal Drainage Board – No comments received at time of writing.

Norfolk County Council - Planning Obligations Co-Ordinator

- **Education:** - There is no spare capacity within the Early Education sector (2-4yrs) nor at St. John's Community Primary School & Nursery (3-11yrs), although there is some spare capacity at Broadland High School even taking into account the permitted major schemes in the same catchment. As a result, an Education contribution of £81,508 is required, for improving local provision through expanding existing providers of early education and extending the primary and nursey school capacity.
- **Fire hydrants:** - 1 hydrant is needed for the development, costing £815.
- **Libraries:** - The development should provide a contribution of £1,875 (i.e. £75 per dwelling), to mitigate the increased pressure on library resources. This would be spent at Wroxham library on IT equipment.
- **Green Infrastructure & Public Rights of Way:** - Green infrastructure should be included within the site and the scheme should include connections into the local Green Infrastructure (GI) network, including Public Rights of Way and ecological features to address the potential impacts of development. A maintenance / mitigation contribution should be provided to ensure the development can integrate into the GI network and be accommodated without negative impact. A contribution of £1,500 is required for the County Council to provide links to the existing network, eg. signage or extending rights of way, or producing a 'welcome pack' for all the new dwellings which would include information on local sustainable recreation opportunities (e.g. the Three Rivers Way, Bure Valley Way), and which raises awareness of why the Broads landscape and SAC is important (such a pack will also encourage sustainable lifestyle habits, enhance quality of life and provide wider health benefits to the community).

Anglian Water – No objection

There is capacity available within the Belaugh Water Recycling Centre and the intervening foul sewage network to accept wastewater and the sewage discharge. Proposed surface water

disposal is not proposed to affect existing Anglian Water assets, but if the proposal is to discharge into a watercourse it should be verified by the Environment Agency. Existing problems in the network are operational issues that are to be addressed by Anglian Water.

Historic Environment Service – No Objection, subject to conditions.

The archaeological survey undertaken has shown evidence of a large former quarry; this and the proximity to the St John's Church means there is a distinct possibility for mediaeval and Anglo-Saxon archaeological heritage remains to exist at the site. Any permission should include conditions for trial trenching and a Written Scheme of Investigation, evaluation and publication of results, all prior to commencement of development.

Conservation and Design Officer – Objection.

Impact on heritage assets –

The original and previously-withdrawn proposal for 31 dwellings (PF/16/0731) gave significant cause for concern from the impact of the scheme on the setting of the Grade II* Listed Church of St John and the Grade II Listed Church Farmhouse, and it was concluded that the resultant suburbanisation and visual competition would lead to significant harm being caused. It is acknowledged that the revised / resubmitted scheme has been scaled back to try and address the original concerns by withdrawing the northern extent of the development and moving the eastern development away from the Church Farmhouse access drive. Both revisions are an attempt to reduce the immediacy and impact of the new dwellings such that the primacy of the heritage assets remains unchallenged.

Whilst the amended scheme will still cause some degree of harm to the setting of both listed buildings, the amendments have reduced the degree of harm to a level that can be described as "less than substantial", which accordingly means that a lower level of public benefit is required to 'outweigh' the harm caused.

The proposal sets the new build back some 50m further into the site, and uses only single-storey dwellings on the three main frontage plots, so is less apparent from public vantage points and reduces any sense of 'outflanking' the Church. As the fall of the land to the south will reduce the impact of the taller buildings, the development as a whole would be a good deal more recessive in the landscape.

The northern and eastern edges of the development have been retracted such that they no longer feel overly-assertive when approaching along Horning Road. The new planting helps the site feel more deferential in its relationship to the Church. The churchyard and its extension would also not feel enclosed or overlooked now.

The approach to Church Farmhouse has been improved by moving the eastern boundary back into the site and reducing the numbers of houses in that area, so reducing the sense of the rural road being encroached upon, though that will only succeed if the new tree belt planting is successful. The development would, however, erode the relationship between Church Farmhouse and the Church of St John, both in terms of removing the outlook between the two and any historical connection in their setting.

However, notwithstanding the amendments made, it should be noted that a new housing estate will greatly affect the existing relatively unspoilt setting of both listed buildings. Hence, rather than these being characterised by isolation and rurality, extending out the built form in the manner proposed would undoubtedly still have something of a suburbanising affect.

Across the site frontage, having a footpath running in front of the Church does not appeal; it would have a suburbanising impact on the approach to the settlement, and fail to enhance the

setting of the Church. Regrettably, however, it would appear that the alternatives have all been ruled out (i.e. through/behind the Churchyard or simply using the existing 3 Rivers Way footpath opposite). As such, it adds to the heritage harm previously identified.

Design –

The layout is much closer-knit than existing homes to the south. However, in the absence of a properly defined form and character locally, and because the scheme would be relatively self-contained once it's associated planting matures, this is not considered to be a particular design concern. Therefore, as the private roads have been reduced in their formality and regimentation, the scheme raises no substantive objections.

In terms of materials, styles and appearance, the house types have suburban forms and detailing rather than anything that might be regarded as fresh and innovative, so there is no sense of being distinct to the locality or making a positive contribution to the District's built environment. Instead, it would simply be inoffensive and neutral, architecturally, although they will now be more appropriately proportioned.

Landscaping and the boundary treatments will be as important if the scheme is to integrate into its surroundings. Hence, it should avoid solid wood-panelled fences around the perimeter of the site and instead should feature native hedge and tree planting which is supplemented with open and recessive mesh or post and rail fencing if required.

Summary –

This scheme remains an unappealing one in Conservation & Design terms for the reasons outlined above, but it is acknowledged that the quantum of heritage harm has been significantly reduced in this latest scheme. Should, ultimately, it be considered that the public benefits accruing from the scheme outweigh this harm, conditions covering the prior agreement of materials and landscaping are requested.

Landscape Officer – Objection.

The application does not demonstrate that it will be able to meet the recreational needs of residents within the site. The design does not provide sufficiently permeable boundaries suited to wildlife and ecological connectivity, nor to the rural setting of the development and surrounding landscape character.

At the time of writing, the application has not demonstrated that it will avoid a likely significant effect on the internationally-important designated wildlife sites in the vicinity (namely the Broads Special Area of Conservation and Special Protection Area and Ramsar sites), nor the internationally protected species within them (e.g. within the Broads and Bure Marshes Sites of Special Scientific Interest). Until further information is provided, the application cannot be said to pass the necessary tests of a Habitats Regulations Assessment, and should not be considered for approval until it does so, or until it proposes suitable mitigation. Particular issues are the impacts from visitor pressure on designated sites, and the possible effects of water abstraction from - and sewage treatment discharge into – catchments containing the sensitive habitats and protected species.

Countryside and Parks Officer – No objection.

The development of this scale should provide on-site public open space, informal green infrastructure, allotments and children's play facilities in accordance with the pro-rata space requirements of the draft Open Space Study (2006) and Core Strategy Appendix A. If this can't be provided, a pro-rata financial contribution should be provided to the existing public open space facilities in Hoveton and nearby allotments [Horning].

Strategic Housing Officer – No objection, subject to planning obligations.

The proposed 7 affordable dwellings comprise 4no, rented and 3no, shared ownership properties; these will help meet the identified housing need for the Hoveton area. The affordable housing provision amounts to 28% of the total, which falls short of the core strategy requirement for 45% affordable housing. However, the Council's independent view of the proposal's viability appraisal is that the scheme represents a fair and reasonable financial outcome for the developer and landowner, and confirms that the number and tenure of affordable housing proposed is the only viable proportion possible; it would not be viable to provide 45% if the employment-enabling development continues to feature in the appraisal.

There is an appropriate range of sizes and types of dwelling within the scheme, including 2-bed houses, 2, 3, 4-bed bungalows, and 3-5 bed houses. This includes the necessary 2-bed accessible bungalows. The mix therefore complies with the requirements of policy HO1 to provide 40% of the dwellings as 2-or less –bedrooms and 20% as accessible and adaptable bungalows.

External independent financial appraisal advisor – No issues raised.

The applicant's financial appraisal is consistent with market conditions and local development activity and provides a fair reflection of the values, costs, fees and profit allowances expected of a scheme of this nature and scale. The full costs and detailed appraisal provided have been examined and the overall methodology is considered sound, with reasonable inputs.

The appraisal shows clear links between the residential proposal and the commercial development, and demonstrates how the commercial site will not be able to proceed without access constraints being removed and the site services being installed by the developer, and the site subsequently being purchased by Benthic Solutions Ltd.

NHS England – No objection.

Due to the size of this proposed development, there is not an intention to seek Primary Healthcare mitigation through Section 106 process.

Planning Policy Manager – No comments provided on this application.

Broadland District Council – No comments received.

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.

POLICIES

North Norfolk Core Strategy Policies (September 2008):

SS1 – Spatial strategy for North Norfolk

SS2 – Development in the Countryside
SS3 – Housing
SS4 – Environment
SS6 - Access and infrastructure
SS11 – Hoveton
HO1 – Dwelling mix and type
HO2 – Provision of affordable housing
EN1 – Norfolk Coast Area of Outstanding Natural Beauty and The Broads
EN2 – Protection and enhancement of landscape and settlement character
EN4 – Design
EN6 – Sustainable construction and energy efficiency
EN8 – Protecting and enhancing the historic environment
EN9 – Biodiversity and geology
EN10 – Development and flood risk
EN13 – Pollution and hazard prevention and minimisation
CT2 – Developer contributions
CT5 – The transport impacts of new development
CT6 – Parking provision

Other material considerations:

North Norfolk Design Guide Supplementary Planning Document (December 2008)
Landscape Character Assessment Supplementary Planning Document (June 2009)

National Planning Policy Framework (NPPF):

Section 4: Promoting sustainable transport
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design
Section 10: Meeting the challenge of climate change, flooding and coastal change
Section 11: Conserving and enhancing the natural environment
Section 12: Conserving and enhancing the historic environment

MAIN ISSUES FOR CONSIDERATION

1. Principle of development
2. Delivery and link to the employment site
3. Housing
4. Highways safety
5. Impact on Heritage Assets
6. Drainage
7. Residential amenity
8. Trees and landscaping
9. Ecology
10. Impact on Designated Sites
11. Planning obligations

APPRAISAL

Principle of development

Section 38 of the Planning and Compulsory Purchase Act 2004 sets out a statutory requirement that, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for North Norfolk comprises:

- The North Norfolk Core Strategy (adopted 2008), and

- The North Norfolk Site Allocations Development Plan Document (adopted 2011)

The application site is located in the Countryside Policy area where there is a general presumption against the grant of planning permission for housing under Core Strategy Policy SS 2, unless the proposal falls within the exceptions set out in that policy. The Council is in a position where it can satisfactorily demonstrate a five-year land supply (supported by very recent appeal decisions) and therefore there would have to be other material planning considerations in favour of the proposal for housing to outweigh the identified policy conflicts.

In this case the applicant has advanced a financial enabling justification linked to the provision of employment land approved under application ref: PF/16/0733 on land adjacent to Stalham Road Industrial Estate, Littlewood Lane, Hoveton, which comprises, amongst other things, the provision of an approved site for the construction of a two-storey commercial building for office/light industrial and ancillary storage uses for Benthic Solutions Limited (BSL), and serviced sites with outline permission for at least another three buildings of a certain floorspace and scale (required within planning conditions of permission PF/16/0733).

The link between this housing site and the employment land provision is explained in more detail below. In essence, the provision of housing can only be considered acceptable if the financial enabling link between the two sites is clear and compelling. It is a matter of judgment for the planning committee to weigh up the benefits associated with the proposal against the dis-benefits including affording appropriate weight to the statutory duties placed on the Local Planning Authority in relation to the desirability of preserving listed building(s) and their setting(s) or any features of special architectural or historic interest which they possess.

Delivery and the enabling argument

This development is proposed to 'enable' the commercial development at Littlewood Lane by ensuring that permissions are in place and the land is made available and accessible for commercial development. This proposition has been examined by the Council's independent advisor and is found to be robust in its viability assessment and enabling argument. Essentially, the value of the residential land, generated by the sales of the homes, is found to be necessary to both address the costs of facilitating the Littlewood Lane site, and incentivise the release of the Littlewood Lane land from the current landowner. The costs of the project do not include the actual construction of any of the commercial buildings, but they do include the costs of overcoming the obstacles needed to allow the subsequent construction. The planning permission at Littlewood Lane has been proposed and approved to meet the needs of a specific occupant, Benthic Solutions Ltd, who will also have a binding land interest in the Littlewood Lane site sufficient to enable the planning obligations from the residential scheme to require Benthic Solutions Ltd to complete and occupy the Littlewood Lane site.

The commercial development has a financial dependency on the residential development because the landowner expects to receive a receipt for the land close to the value expected for a commercial development on the open market (which is not unusual nor unreasonable and is consistent with NPPG and RICS guidance on viability). However the purchase price arranged with Benthic Solutions for the serviced land does not cover the costs of acquiring land to gain access to the site nor planning and design costs, hence the requirement for other development to make up that difference.

Once the costs of 'enabling' the employment site are covered, the scheme must make itself viable. In essence, the proposal offers more housing than is strictly necessary to 'enable' only the commercial development, but it must also offer the developer and landowner enough incentive to bring the development forward. It has been shown that, within reasonable tolerances, the residential scheme does provide a competitive level of developer profit and land sales price whilst also providing as much affordable housing as is viable to do so, and also providing the range of planning obligations required to address the impacts of the dwellings proposed. Had more affordable housing been provided, the enabling development

would not be possible, and had only the enabling works been provided, the incentive to release the land and develop either site would not be included.

Officers and their external advisor are satisfied that the associated development at Littlewood Lane can both be delivered through this development, but also will not proceed unless this quantum of residential development is provided, because that ensures the access constraints are removed, site services and infrastructure are installed, and the site can be purchased by Benthic Solutions. The access provision and site infrastructure will be provided at the cost of the developer of this residential scheme, so it is accepted that this development is necessary to enable the Littlewood Lane permission to be delivered for the occupancy of Benthic Solutions. The means to do so will be secured through appropriate planning obligations being imposed on the residential site.

Housing

The housing mix proposed includes 2-bed houses, 2, 3, 4-bed bungalows, and 3-5 bed houses. This includes the necessary 2-bed, accessible bungalows. The mix therefore complies with the requirements of policy HO1 to provide 40% of the dwellings as 2-or less – bedrooms and 20% as accessible and adaptable bungalows.

The 7 affordable dwellings amount to 28% of the 25 dwellings, and comprise 4 no affordable rent (consisting of 3x 1-bed houses and 1x 2-bed house), and 3 no. shared-ownership tenure (consisting of 3x 2-bed houses). This is 57% affordable rent and 43% intermediate tenure, whereas Policy HO 2 expects a mix of 80%/20%. As such the tenure mix does not quite reflect the overall need, but the viability assessment has confirmed that it is the optimal reasonable and deliverable mix possible, and any alterations to this would require compromising other significant planning obligation contributions such as education.

Highway safety

The scheme is served by a single access from Horning Road, the A1062, and within the scheme there are two private drives off the main access. A footpath and cycle link connects to Meadow Drive in the south-east corner.

The Highway Authority does not support development served directly off the Horning Road in this general location, because the two main physical constraints (the bend to the east of the site, and the brow of hill to the west) in combination with the faster speeds of vehicles all compromise drivers' awareness. If providing a new access is necessary, the Highway Authority would prefer it to be sited as close to the Church as possible, where there is more visibility on either side of the brow of the hill, and greatest distance from the bend, and, further, would prefer built development to be sited against the Horning Road. However, this would also create a significant incursion into the setting of the listed building and, given the absence of other accesses on this route out of the village, Officers consider this would increase the sense of the urban expansion of the village into the countryside.

The proposed highway solution has been influenced by a preference for the new access to be separated from the Church, and is positioned on the eastern side of the site. In doing so, the applicant assessed vehicle speeds and frequency on Horning Road, and undertook a Road Safety Audit. The proposed access strategy now:

- Shares the same site access as the existing Church Farmhouse and barns complex;
- Positions the north / south access road and footpath outside the root protection area of the existing mature oak trees, removing a single small stand-alone tree;
- Provides a continuous footpath along the south side of Horning Road, within land that will be adopted by the Highways Authority;
- Removes existing hedging to provide the necessary visibility splays;
- Relocates the existing 30mph speed limit to the east of the new access;
- Includes a splitter-island within the carriageway and a 'gateway' feature either side, to mark the entrance to Hoveton on the east of the new access;
- Proposes a continuous footpath link in front of the Church and Primary School to link the site;
- Proposes using trees on both sides of Horning Road to reduce peripheral vision for drivers and encourage slower and more considerate driver behaviour.

However, the proposed works are not without complications and the following concerns remain pertinent:

- By locating the access to the east, vehicle speeds could increase once drivers heading west into the village round the bend and drive uphill, whilst the brow of the hill means drivers heading east have less time to be aware of vehicles turning right into the site. It is hoped the proposed tree avenue can minimise the temptation to increase speeds; although this is by no means an ideal mitigation for an undesirable siting, it is a technique that has been seen to have some success in other parts of the district.
- The wide visibility splay required either side of the access means the existing hedging / brambles at the edge of the field would be removed, so erodes the countryside / rural appearance of the site.
- Removing the hedge makes the roofs and gables of the development more visible from Horning Road so causes a degree of harm to the setting of both listed buildings.
- The continuous new footpath will be visible in the approach to, and exit from, the village; it will erode the historic and isolated setting of the church and appear incongruous in front of the raised embankment with its gravestones and scots pine trees, but it would not have been acceptable from a highways safety perspective to not provide a path and instead rely on people crossing the A road to the 3 Rivers Way.
- The connecting path in front of the school would 'tidy' the existing worn area of verge used by school visitors but it would also formalise this area and encourage more parking on or alongside the verge/path, possibly forcing pedestrians up the bank or around cars and into the road; unfortunately, the constraints of the adjoining land meant it did not prove feasible to provide a publically-adoptable path that avoided these impacts.

- Measures to avoid parking in Horning Road would either require in-road signage or such hard infrastructure that would have an over-engineered appearance.

The Highways Authority have accepted that the scheme's package of measures provides adequate mitigation of the impacts and sufficiently reduces the risk of accidents – but only if the scheme includes the following additional amendments:

- Details of the full-length off-site footpath outside the school, with large enough kerbs / bollards to avoid vehicle overrun; this could be secured by the imposition of planning conditions.
- A part-time 20mph zone should be provided adjacent to the primary school, which could be secured by the imposition of planning conditions; and,
- The informal lay-by (by the Church of St John) should be formally constructed; this is not yet proposed or agreed in principle.

The existing layby outside the Church is located on highway verge land and is currently rough gravel. Church users currently park perpendicular to the Horning Road, with room for approximately 11 cars parked informally. The Church of St John would like to see this area extended, to accommodate 20 cars for use at peak times (e.g. services, funerals, coffee mornings), but it is unclear how there is a demonstrable link between this development and the need to increase the parking capacity for the church. However, the Highways Authority is concerned that the layby should be resurfaced because more vehicles will be using this part of Horning Road and resurfacing would improve ease of access/egress and thus reduce risk during manoeuvring. Further, the character of the road is changing, more pedestrians will be introduced to the area and there will be an increased temptation for cars to park in this area, so there is a need to provide facilities that will help avoid the footpath itself becoming a parking area.

To date, the applicant has not agreed with the suggestion that the layby should be resurfaced, but this was a very recent request at the time of writing; a verbal update will be provided to the Committee. The Highway Authority have made it clear that without a commitment to upgrade the layby their objection would remain in place due to the scheme not fully addressing the safety concerns that have been raised in respect of the local highway network.

Impact on Heritage Assets

Whilst there are no known heritage assets on the application site, there are heritage assets in the surrounding area whose setting could be affected by the proposal including:

- Church of St John (Grade II* Listed); and
- Church Farmhouse (Grade II Listed)

The National Planning Policy Framework (NPPF) paragraph 132 states:

'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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

The NPPF defines setting of a heritage asset as the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, and may affect the ability to appreciate the significance or may be neutral. Significance is defined as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.

When a proposal affects a listed building, the Committee is required by section 66(1) of the

Planning (Listed Buildings and Conservation Areas) Act 1990 to pay “special attention” to the “desirability of preserving” the setting of listed buildings. When a local authority finds that a proposed development would harm the setting of a listed building it must give that harm considerable importance and weight. There is effectively a statutory presumption against planning permission being granted. That presumption can, however, be outweighed by material considerations powerful enough to do so, including the public benefits of a proposal.

In considering development proposals affecting heritage assets, Core Strategy Policy EN 8 sets out that *‘Development that would have an adverse impact on...special historic or architectural interest will not be permitted’*. However, this element of Core Strategy Policy EN 8 is now out of step with the guidance set out in the National Planning Policy Framework which is more permissive towards allowing development affecting heritage assets but only where there are clear and convincing public benefits in favour, in accordance with the statutory requirements set out above.

In terms of the heritage assets likely to be affected, it is important to assess whether, how and to what degree setting makes a contribution to their significance.

Church of St John (Grade II* Listed)

The Church occupies a relatively prominent position on the approach to Hoveton from Horning along the A1062. The church sits at the top of a small rise in land and the church site features a number of mature trees which have now partially screen the church from wider views. The character of the surrounding area is predominantly rural and agricultural in nature. The church has a range of heritage values including aesthetic (both designed and fortuitous) as an attractive feature on the entrance to the village, historical (illustrative) in terms of the evolution of the church from 11th century through to more recent 18th and 19th century alterations and communal value (social) as an important local building with special meaning and the evidential value of the building which has developed over time.

The generally unspoilt character of the surrounding area contributes positively to the setting of the church, albeit that it has to be recognised that 20th century development along Meadow Drive, amongst others, and more modern street signage and furniture have already begun to erode the rural character and therefore the setting of the church.

The development of the adjacent field will undoubtedly impact upon the rural setting of the church. The Conservation Officer is of the opinion that, by setting the new build elements back into the site, and by having only single-storey dwellings on the three main frontage plots, the new build elements would be apparent but would occupy a more respectful position in relation to the church. The fall of the land to the south would also reduce the impact of the taller buildings and the development as a whole would be generally recessive in the landscape. The proposed landscape elements would also help reduce the impact of the development on the setting of the church.

Other aspects of the proposal include the provision of a new 1.8m wide tarmac footpath along Horning Road which would run past the church. The existence of the footpath would likely be experienced as an engineered and urban feature which would detract from the rural setting of the church.

Overall, the proposed development would impact noticeably upon the setting of the church and this impact would neither preserve nor enhance the setting and therefore harm must be concluded resulting from the suburbanising effect of development. The Conservation Officer considers the harm to fall within the ‘less than substantial’ category and therefore sufficient public benefits would be required to outweigh the statutory presumption against the grant of planning permission.

Church Farmhouse (Grade II Listed)

Church Farmhouse occupies a relatively withdrawn location and is approached down a

tree-lined track. From the A1062 Horning Road the farmhouse is barely perceptible. The rural setting of the farmhouse contributes positively to the setting of the building and the name of the farm implies historical connections with the church of St John with the likelihood of past visual connections between the two buildings across the field.

Church farmhouse has a range of heritage values including aesthetic (designed) with the straight and dramatic way the farm is approached down the tree lined avenue flanked either side by agricultural fields and with the change in topography revealing the aesthetic quality of the farm house building beyond, and historical (illustrative) as an example of agrarian architecture and agriculture in operation since the original c16 farm house was constructed with also contributes to the evidential value of the building.

The development of the adjoining field would adversely impact upon the setting of church farmhouse, most notably the designed approach to the farm house and the relatively unspoilt character the surrounding land either side. Development would result in a significant change to the character of the approach road which would be shared with both the farmhouse and the new development. With more than half of the approach route flanked by housing on the northern side which will distract from the approach to the farmhouse. The presence of the housing development would also sever the connection between the church and the farmhouse.

Whilst efforts have been made by the applicant to introduce additional planting to help soften the development, overall, the proposed development would impact noticeably upon the setting of the church farmhouse and this impact would neither preserve nor enhance the setting and therefore harm must be concluded resulting from the suburbanising effect of development. The Conservation Officer considers the harm to fall within the 'less than substantial' category and therefore sufficient public benefits would be required to outweigh the statutory presumption against the grant of planning permission.

Paragraph 134 of the NPPF states:

'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 securing its optimum viable use'.

Other non-designated heritage assets would include the wider landscape which also encompasses The Broads National Park. Core Strategy Policy EN2 requires that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance among other things the special qualities and local distinctiveness of the area. The proposal would result in a loss of rural character along the edge of the settlement of Hoveton and this would amount to harm to the wider landscape setting of the Broads National Park

Officers consider that there would need to be significant public benefits in favour of the proposal to outweigh the identified harm to designated and non-designated heritage assets. This assessment will be made in the planning balance below

Drainage

The proposal has been based on infiltration test results that suggest individual properties would not be most appropriately served by soakaways. Instead the proposed system for surface water collects runoff into attenuation pipes, where it is stored and released via flow control chambers at greenfield run-off rates, directly into a tributary arm of the River Bure adjacent to Meadow Drive.

The Local Lead Flood Authority maintain their objection because the scheme has not fully demonstrated that infiltration is not appropriate, and has equally not demonstrated that the shallow-depth infiltration would be effective, so the proposed permeable paving of drives and private roads cannot be confirmed to be appropriate. Further, the development has not accounted for the full extent of climate change effects required in the NPPF, and has not calculated the impermeable site area's greenfield run-off rate requirements.

Officers consider that the site has the potential to accommodate appropriate sustainable drainage systems, but accept that some elements need further technical clarity, such as increasing attenuation system capacity and exceedance management to account for climate change and storm events. A verbal update on the issue will be provided to the Development Committee in relation to ongoing discussion between applicant and LLFA.

Notwithstanding the technical exercise of preparing the proposed system, the applicant would still need to justify their position that the system is the best available solution because infiltration via deep-bore soakaways would be ineffective. This would require further infiltration tests, for which there is a notable lead-in time, so it is proposed that any resolution to approve the application is subject to the drainage strategy first being confirmed.

Foul waters are proposed to connect into the existing sewer in Meadow Drive. There are reported issues with blockages and flooding of the existing system but Anglian Water has confirmed there is capacity in both the treatment centre and the pipe network, having accounted for other permissions and the input of existing users east of Meadow Drive. It is assumed that any issues with the sewage connection is an operational matter for Anglian Water to resolve, rather than a capacity issue, but further details are expected from Anglian Water and will be reported to Committee as part of any verbal update.

Residential amenity

The scheme layout has recognised the sloping topography of the site with bungalows proposed within the upper reaches of the slope and which also helps to reduce the visibility of the scheme in relation to the setting of adjacent listed buildings. The consequence is that some of the tallest buildings are positioned closest to the existing dwellings on Meadow Drive, and only one bungalow is proposed in the southern range, but these still have 35-45m separation distance between dwelling windows, compared to the Residential Design Guide's SPD's recommended minimum of 24m. Officers consider the relationship with existing dwellings to be acceptable and any impact would be reduced further by the screening between properties (existing and proposed trees).

The path onto Meadow Drive is considered an important route to introduce permeability into the site and provides connection with existing communities, as well as a convenient alternative route towards the village centre. The adjoining play area and public open space is an acceptable proposal, albeit is acknowledged to be in an awkward location and not be in accordance with the best possible urban design principles. However, the activity and the sense of openness that it creates does give a degree of purpose to the southern access link. The site would be managed by the Residents Management Group to provide a degree of self-policing. It is acknowledged that the Norfolk Police Architectural Liaison Officer would prefer to avoid such cut-through routes, for the purposes of controlling crime, but the consequence of doing so would be a very much more isolated community.

It is considered that noise from using the play area would be unlikely to give rise to

unacceptable impacts for adjacent residents. The play area is small in size and would be limited to small features such as wooden balance beams and 'transition' play, rather than a form of destination for meeting the demands of the sites play requirements; the majority of play function would be expected at the Hoveton parish play area, with a financial contribution provided to enhance that facility.

Lighting and boundary treatments could both be controlled by way of imposition of planning conditions to minimise any adverse impacts. The proposed location and design of air source heat pumps could also be agreed by conditions, to include the noise emissions and control measures.

As such, subject to the imposition of conditions, the proposal would comply with Development Plan policies relating to residential amenity.

Trees and landscaping

Trees are proposed as a thin screening line along the northern boundary of the development site, in line with the southern-most edge of the graveyard extension, which has the benefit of 'softening' the appearance of the scheme.

Trees are proposed in the rear gardens of the southern-most properties as a screening measure. Planning conditions would be used to determine size, scale, species and density of trees in these gardens, to ensure appropriate ecological connection and outlook / visual amenity.

There are concerns that in time the trees could be removed from private gardens, but it is intended to make sure the trees are protected by conditions – to be retained for 10 years whilst they establish themselves, and any such removal during that time would be in breach of condition. In 10 years if the trees do provide an important screening function or are a visual asset the Council could impose a Tree Protection Order on them.

The existing tree belts to the west and the new tree belts to the north and east would all remain in the control of the landowner, and management would remain the landowner's responsibility, particularly the retention of the permissive path and preparatory woodland clearance. It is recommended that the proposed planning obligations should include a specific management plan for the retention and management and maintenance of these trees and the landscaping of the field to the north and the open space, play and footpath area to the south.

The site is adjacent to the Broads Authority National Park, the boundary of which lies along the east boundary of this site (and takes in the Church Farmhouse and properties on the south side of Meadow Drive). The Landscape and Visual Impact Assessment has not undertaken an extensive investigation of the impact on the Broads landscape, but does note where there are greater or lesser degrees of sensitivity. The main impacts from the development are experienced from the Horning Road and at the mid-point of the Church Fields site, at the fall of the sloping topography. This is a relatively small 'window' to the Broads which is framed by the screening on east and west boundaries, with the eastern boundary being reinforced by the new planting. The view of the Broads landscape is long-distance and wooded, but is either screened by the hedging alongside the road, or is interrupted by the gables of existing properties. It is noted that the Broads Authority consider this proposal to be likely to create a detrimental impact and harm to the setting of the national park; however, officers consider in practice that the scheme does not have a noticeable significant visual connection to the wider Broads area, and the visual intrusion caused would be of a minor extent, and such impacts could be appropriately softened by the tree belts within and around the scheme.

To date, the applicant has not proposed a hedge along the northern field boundary, as requested by the Broads Authority, but the proposed 'traffic control trees' to the south of Horning Road does soften the appearance a little. There is however room within the site to provide a hedge behind the new trees alongside Horning Road and remain outside adopted

highways land / visibility splays. Officers feel this would retain the sense of rural character to this northern field and mitigate some of the harm to the setting of the Broads landscape and both listed buildings. Officers consider this should be shown on amended plans and subsequently the details should be secured by condition, meaning that the impact on the landscape setting of the Broads area is only experienced from within the site's northern field or on the access road to the site.

Ecology

There are a number of identified wildlife considerations in the area. Bats and badgers are present in the woodland belts, and their presence should be confirmed and accounted for pre-construction, with hedgehogs and other wildlife encouraged to move within and through gardens with the use of considerate fencing and hedging, rather than concrete and close-board fencing. The applicant's ecology report found there was no evidence of reptile or barn owl habitation on site, though a northern field meadow would provide suitable foraging ground for barn owls and kestrels, and encourage wildlife in general. Conditions / obligations would require a conservation management plan for the meadow and further surveys as necessary.

Impact of the development on Designated Sites

Whilst the application site is not located within a designated site, the application could have the potential to have significant effects on nearby designated sites including:

- Broadland Ramsar
- The Broads Special Area of Conservation
- Broadland Special Protection Area
- Bure Broads and Marshes SSSI
- The Broads National Park

Natural England have advised that a Habitats Regulations Assessment be undertaken to ascertain the number of potential impact pathways to the designated sites listed above, including from:

- Increased recreational disturbance to species, in particular birds, by new residents.
- Trampling and erosion of sensitive vegetation by increased footfall.
- Increased fouling of sensitive sites by dogs leading to nitrification and an adverse change in plant communities.
- Increase in 'urban' effects, such as littering, bonfires etc. leading to adverse change in plant communities.
- Water requirements of the development considering the catchment which may affect wetland habitats and species.
- Water discharges and associated water quality impacts on wetland habitats and species.

Recreational pressures should be reduced by the scheme including a pedestrian circular footpath route for dog-walking and informal recreation, meandering through the two belts of woodland and northern tree belt and northern field edges. This should provide approximately 800m of footpaths and convenient benches, which should assist with meeting the average 2.7km dog-walking distance recommended by Natural England and reduce the need to visit more sensitive designated sites.

A key linkage between the site and designated sites is through foul water and subsequent treatment and discharge into the water environment. Anglian Water has confirmed that the development is in the catchment of Belaugh Water Recycling Centre and that there is capacity for these flows. However Anglian Water have not confirmed in detail whether treated effluent from this development could be discharged to the water environment within the terms of any environmental permit, nor whether such discharges can be accommodated alongside the

other major developments with planning permission in the same water treatment catchment, notably developments in Wroxham and Salhouse. Further clarification has been sought from Anglian Water to ensure the upper limits of any environmental permits are not exceeded by this development or a combination of this and other developments.

The applicant has appointed The Ecology Consultancy who have produced a Habitats Regulations Screening Assessment (received 24 July 2017). Whilst this report concludes that there are no likely significant effects associated with the proposed development, these findings are yet to be verified by the Council's Landscape Officer and Natural England and this will likely be dependent upon the further response from Anglian Water. As such, a verbal update will need to be given to the Development Committee once the position of these consultees is known.

Other matters

Whilst this site is Grade 2 Agricultural Land, the NPPF does not preclude development in favour of its protection. Paragraph 112 requires a decision to "take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in preference to that of higher quality."

In this case, the site is relatively small and it is considered that the loss of Grade 2 value land is proportionate in this instance in recognition of the potential jobs creation associated with the enabling development, and that the site layout is the most rational possible for the quantum of development required.

Site contamination, archaeology investigations, energy efficiency, wildlife enhancement, lighting, and boundary treatment landscaping should all be secured by planning conditions.

Planning obligations

The mix of affordable housing tenures proposed does not achieve the required 80% affordable rent and 20% intermediate tenure (shared equity) within policy HO 2. It has been considered whether the scheme could provide a more policy compliant balance of affordable housing tenures, but the costs of doing so would substantially reduce the vast majority of section 106 financial contributions including removal of payments towards education, for example, which would fail to address that need. Whilst this is a development that has few other "abnormal" costs, the reduced affordable housing provision in terms of number of both the units and their tenure split is in main due to the scheme facilitating the approved commercial development on Littlewood Lane.

The enabling development will be secured by planning obligations, preventing development of the Church Fields development land until the Littlewood Lane commercial site is prepared and serviced, and the foundations are provided, for the first and largest approved commercial building. Given that the remaining three buildings have outline permission only, the requirements of the enabling development have been extended to ensure that a reserved matters application is submitted in a timely fashion to keep the permission extant as long as is reasonably possible. If Benthic Solutions are unable to occupy the site immediately the obligations will include requirements to actively market the site to other investors.

The full range of planning obligations proposed are listed below.

- No road, access or housing construction works can commence on the Church Field site until
 - Building A on the Commercial Site has been constructed up to and including foundations and the access road and services within the Littlewood Lane site have been installed, and,
 - A contract has been let for the construction and completion of Building A to 'practical completion' in readiness for occupation.
- None of the private homes can be progressed beyond foundation level until Building A has been completed.
- Other than the 7 affordable units, none of the houses can be occupied on Church Field prior to the Occupation of Building A on the Commercial Site. Occupation to be by Benthic Solutions Ltd.
- Before commencement of Church Fields, a marketing strategy to be agreed in the event that if Benthic Solutions Ltd occupy then move out of Building A within 12 months.
- A valid full planning or reserved matters application(s) to be submitted for all matters on all 3 parts of outline site approved under PF/16/0733 whilst the current planning permission remains 'live' (the outline pp remains extant to 10 March 2020). In the event of the RM applications being withdrawn or refused, the outline site to be marketed.
- Affordable housing delivery prior to completion of market dwellings - 50% (4 dwellings) of the Affordable Houses to be ready for use prior to completion of 50% (9 dwellings) of the market houses, and remaining 3 affordable dwellings to be ready prior to 80% (14th) non-AH house.
- Provide 900sq.m. graveyard and £15,000 maintenance sum to the Church of St John, prior to completion of the last house.
- Provide £81,505 education contribution and £1,875 library contribution and £1,500 green infrastructure contribution to Norfolk County Council.
- Provide £4,050 play and public open space contribution, and £13,142 allotment contribution, and £1,250 visitor impact mitigation contribution to North Norfolk District Council.
- Provide on-site public open space and play and management and maintenance proposals.
- Provide circular walks within and around the woodland and northern field, to be accessible to the public in perpetuity, and plant the northern field in an appropriate manner, with appropriate management and maintenance proposals and a conservation management plan for all these.
- Agree management and maintenance proposals for drainage system and incidental landscaping and play equipment and play area facilities.

CONCLUSION

In making its decision the planning committee will have to exercise planning judgment in weighing the public benefits of the proposal against the identified harm. The application for 25 dwellings and associated infrastructure is contrary to the development plan by proposing housing within the Countryside. The proposal is acknowledged to include difficult access arrangements and a design that has a degree of detrimental impact on the setting heritage assets (the Church of St John and Church Farmhouse, Hoveton) as well as adverse impacts on wider landscape character.

As the Council is able to demonstrate a 5-year housing land supply there is little or no justification to provide market housing in locations that do not accord with current adopted policy. As such, the proposal must offer notable public benefits sufficient to outweigh the level of harm caused to heritage assets and to justify the degree of conflict with the local planning policy.

The primary public benefits proposed are the jobs created through the enabling development and, to a much lesser extent, the provision of the church graveyard extension. The application has proposed various means to address the impacts of its development that cannot be said to be additional community or public benefits, such as the woodland planting or circular walks, or any of the associated planning obligation financial contributions. These are expected of any similarly-sized development regardless of location. The quota of affordable housing proposed is compromised, but has been found to be the most viable solution possible in the circumstances.

It has been confirmed that the scheme has an acceptable level of viability to be considered an enabling development and there are reasonable grounds to believe the employment site will be provided by virtue of this development being approved, although if the commercial site should not proceed the planning obligations should ensure that the residential development also does not proceed, particularly as the residential development can only be reasonably accepted if it is enabling the commercial development.

This residential development will enable the re-location of an existing employer from their substandard facilities and constrained site into a new and larger facility within Hoveton, and offer much greater potential to expand beyond that in the future. It is worth noting the benefits of the potential employment growth as considered within the determination of permission PF/16/0733: the relocation of Benthic Solutions will transfer at least 11 employees (with this likely to grow once the company has the additional floorspace), as well as an estimate of a minimum of 15 further jobs or a maximum of 42 jobs (depending on the eventual use of the overall approved quantum of B1, B2/B8 floorspace within Littlewood Lane), assuming the other 3 approved buildings are delivered. Whilst this may appear dependent on a single company, it should be noted that the enabling development will provide a fully serviced site with the benefit of various degrees of planning permission, onto which other commercial businesses could move, and provide marketing of the site in the event that Benthic Solutions do not build or occupy Buildings B, C and D within the medium-term.

The benefits of jobs growth, through construction of both sites and extension of the Stalham Road Industrial Estate, and marketing, are considered significant to Hoveton where there are few available and deliverable alternative employment areas, whilst the relocation from existing premises offers a site for other smaller companies.

Opportunities for new business growth would also increase business rate growth which can be used by the Council to fund other projects for the wider public benefit.

In terms of other public benefits, the extended graveyard offered to the Church of St John can attract some, albeit limited, wider public benefit in favour of the proposal.

Whilst the planning decision is finely balanced and the adverse impacts of the proposal cannot be ignored, the opportunity to positively support and enable business growth through linkages with additional housing development offers an opportunity that might not otherwise be delivered through the commercial/employment development alone. Approval of this application could act as a catalyst for further job and wealth creation to support the local economy.

As such, it is considered appropriate to approve this application, as a means to financially enable the delivery of the commercial land in the wider public interest.

The public benefits of the proposal are considered to attract sufficient weight such that they would outweigh the statutory presumption against the grant of planning permission under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 resultant from the identified less than substantial harm to the setting of two heritage assets, namely the Church of St John (Grade II* Listed) and Church Farmhouse (Grade II Listed).

RECOMMENDATION:

Delegate approval to the Head of Planning subject to satisfactory resolution of the following issues:

- 1) Confirmation that the drainage strategy can be resolved to the satisfaction of the Lead Local Flood Authority;
- 2) Confirmation that the development can provide appropriate recreational measures and ecological mitigation on site and that there is no significant likelihood of the scheme affecting designated sites, through verification of the Habitats Regulations Assessment in discussion with Natural England;
- 3) Resolution of the outstanding design concerns raised by the Highway Authority and Broads Authority; and,

subject to the imposition of appropriate conditions and subject to the prior completion of a Section 106 Agreement to contain the above listed planning obligations.

Application Number: PF/16/0876	Appeal Reference: APP/Y2620/W/17/3171572
Location: Stratton Long Marine, Westgate Street, Blakeney, NR25 7NQ	
Proposal: Erection of 2 no. two-storey 3 bed detached houses and detached garage block. Change of use of part of the site to garden land for 5 Westgate Street.	
Officer Recommendation: Approve	Member decision (if applicable) Refuse
Appeal Decision: ALLOWED	Costs: N/a
<p>Summary:</p> <p>The main issues the Inspector considered in the appeal were:</p> <ul style="list-style-type: none"> • The effect of the development on the provision of employment land, and • Whether the development would preserve or enhance the character and appearance of the Blakeney Conservation Area and the landscape and scenic beauty of the AONB <p>Employment designation:</p> <p>The Inspector considered that the site, being surrounded by residential uses, and the restricted access, meant that it is unlikely a commercial use of the site would be appropriate. Indeed, the inspector felt that the introduction of some employment uses, particularly B2 uses which would be allowed, may well give rise to harmful effects on the living conditions of adjoining properties. It was noted that the applicant had marketed the site for workshops since 2012 when the site was vacated.</p> <p>The Inspector quoted the NPPF which seeks to avoid the long term allocation of employment sites where there is no reasonable prospect of the site being used for that purpose. It was considered that it lent itself well to residential development.</p> <p>The material consideration of the Framework (NPPF) and the benefits of the proposed scheme, outweighed the policy conflict with policy SS5 of the Core Strategy.</p> <p>The Conservation area and AONB</p> <p>The Inspector found that the introduction of 2 dwellings in this part of the CA and AONB would not be at odds with, or harmful to the character or appearance, of the surrounding area and settlement pattern. It was considered that the design and proposed materials would respect the character of the surrounding area, and views of the proposed dwellings would not be harmful to the visual character of the area either.</p> <p>Other matters</p> <p>The Inspector also considered the impact on highways and the access, issues of overlooking and loss of light and found the scheme acceptable on all counts.</p>	
<p>Relevant Core Strategy Policies:</p> <p>SS5 - Economy</p> <p>EN2 – Protection and Enhancement of Landscape and Settlement Character</p>	
<p>Relevant NPPF Sections/Paragraphs:</p> <p>Section 1 – Building a strong, competitive economy – paragraph 22</p>	
<p>Learning Points/Actions:</p> <p>None</p>	

Sources:

Sarah Ashurst – Development Management Manager