

**CATFIELD – PF/21/3414 - Conversion of the former Milestones Hospital to a residential development consisting of 21 dwelling houses and internal renovation works throughout – at Milestones Hospital, The Street, Catfield, Great Yarmouth NR29 5BE for Lion Properties Ltd**

**Major Development**

**Target Date: 22<sup>nd</sup> March 2022**

**Extension of time: 19<sup>th</sup> January 2024**

**Case Officer: Mr Joseph Barrow**

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS**

In the Countryside but directly adjacent to Catfield's Settlement Boundary

Settled Farmland Landscape Character Area

Strategic Flood Risk Assessment Dry Island

Approximately 165m North of the Catfield Conservation Area

Within Zone of Influence of multiple habitats sites for the purposes of the Norfolk GIRAMS

In The Broads Special Area of Conservation and Ramsar Nutrient Neutrality Catchment Area

**RELEVANT PLANNING HISTORY**

PF/03/0124: Erection of eight flat units. Refused 14/04/2003; Appeal allowed 08/04/2004

**THE APPLICATION**

The application proposes the conversion of the former Milestones Hospital to a residential development consisting of 21 dwelling houses. Associated works would also include landscaping, minor internal and external alterations, provision of car parking and turning area, and amenity space.

**REASONS FOR REFERRAL TO COMMITTEE**

At the request of Cllrs. Matthew Taylor and Kevin Bayes due to the level of public interest and parish comments requiring further clarification.

**REPRESENTATIONS**

*Application as first submitted*

**7** received raising **objections** on the following summarised grounds:

- Amenity impacts including overshadowing and loss of privacy
- Proposal would create noise and light pollution
- Existing sewerage and electricity supplies are already overused
- There is an overprovision of on-site car parking
- Insufficient capacity on the highway network and insufficient footpath provision
- The site's visibility onto the highway is restricted
- Houses should be for local elderly people (perhaps sheltered housing)
- Loss of on-site green space which is not in-keeping with the village

- Impacts on local services including schools and GPs
- Loss of psychiatric facility would add to a shortage of provision where a clear need exists

*Application as amended*

**2** received raising **objections** on the following summarised grounds:

- Negative Impacts upon local wildlife and residents
- Light and noise pollution impacts upon neighbours
- Local infrastructure and service unable to cope with additional demand
- Impractical parking layout
- Perceived insufficient visibility unless trees are to be removed
- Too many units proposed on site
- Loss of the psychiatric care facility

CLlr Richard Price (Norfolk County Council; South Smallburgh Division): Objection on grounds of overdevelopment of the site in the context of limited highway capacity, drainage, and transport sustainability.

## **CONSULTATIONS**

### **Catfield Parish Council**

*Initial comment (04/02/2022)* – **Objection** on the following grounds

- Overdevelopment of the site
- Proposed dwellings are too small
- Minimal leisure and entertainment offerings in the village
- No provision of affordable housing
- Dwellings aren't of an appropriate mix and type
- Overprovision of on-site car parking
- No provision of Electric Vehicle Charging Points
- Highways safety concerns already exist in the village
- Proposed first floor extension would result in a major loss of privacy for neighbours
- Proposed first floor extension would lead to significant overshadowing concerns
- No information has been submitted for feasibility of new Broadband connections
- Concerns over capacity of Anglian Water network at Water Recycling Centre
- Further information required in relation to surface water drainage and SuDS

*Additional comment (06/03/2022)* – **Objection** maintained with additional concerns raised relating to the loss of the facility.

*Additional comment (18/04/2023)* – **Objection** maintained with previous comments re-issued (based upon the most recent version of the application).

### **North Norfolk District Council Conservation and Design Officer - No objection**

**North Norfolk District Council Landscape Officer** - **No objection subject to conditions** relating to both ecology and trees. Comments also made regarding Biodiversity Net Gain and nutrient neutrality.

**North Norfolk District Council Environmental Protection Officer** - **Objection** based upon potential noise impacts due to the proximity of the site to the industrial area across the road,

no objection on other grounds subject to conditions.

**North Norfolk District Council Housing Strategy and Delivery - No objection** in terms of compliance with space standards. Advice should be sought from the Council's independent viability assessor due to no affordable housing units being proposed.

**North Norfolk District Council Building Control Officer - No adverse comments** for the overall scheme in relation to the planning application but notes that the internal layout of some flats will require some modification to provide protected lobbies to the communal stairwell.

**Norfolk County Council Highway Authority - No objection subject to conditions.**

**Norfolk County Council Lead Local Flood Authority (LLFA) – Comments Only** - Note that the flood risk at the site and likely impact from the development proposals was assessed at the time as part of the LLFA case screening process and was found to have low risk at the site and the surface water drainage from the site is believed to flow in a direction that is away from the areas referred to as having "known" drainage issues

The LLFA have no records of reported and confirmed internally, flooded properties in Catfield.

The LLFA have no further comments beyond the advice provided via their Standing Advice.

**Norfolk County Council Planning Obligations - No objection** subject to the relevant contributions being secured via appropriate Section 106 legal agreement.

**Anglian Water - No objection** and advise that the foul drainage from the development is in the catchment of Ludham-Walton Hall Water Recycling Centre that will have available capacity for these flows.

**Natural England**: consider that the application lacks information in terms of compliance with Natural England's overarching advice to local planning authorities on nutrient impacts on designated sites dated 16<sup>th</sup> March 2022. Comments also made in reference to compliance with Norfolk-wide GIRAMS.

## **HUMAN RIGHTS IMPLICATIONS**

APPROVAL:

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

## **CRIME AND DISORDER**

The application raises no significant crime and disorder issues.

## **EQUALITY AND DIVERSITY ISSUES**

The application raises no significant equality and diversity issues.

## **LOCAL FINANCE CONSIDERATIONS**

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when

determining planning applications to have regard to any local finance considerations, so far as material to the application.

Local finance considerations are not considered to be material to this case.

## **RELEVANT POLICIES**

### **North Norfolk Core Strategy**

SS 1 – Spatial Strategy for North Norfolk

SS 2 – Development in the Countryside

SS 4 – Environment

SS 6 – Access and Infrastructure

HO 1 – Dwelling Mix and Type

HO 2 – Provision of Affordable Housing

HO 7 – Making the Most Efficient Use of Land (Housing Density)

HO 9 – Conversion & Re-Use of Rural Buildings as Dwellings

EN 2 – Protection and Enhancement of Landscape and Settlement Character

EN 4 – Design

EN 6 – Sustainable Construction and Energy Efficiency

EN 8 – Protecting and Enhancing the Historic Environment

EN 9 – Biodiversity & Geology

EN 10 – Development and Flood Risk

EN 13 – Pollution and Hazard Prevention and Minimisation

CT 2 – Developer Contributions

CT 3 – Provision and Retention of Local Facilities and Services

CT 5 – The Transport Impact of New Development

CT 6 – Parking Provision

### Material Considerations

#### **Supplementary Planning Documents:**

North Norfolk Landscape Character Assessment (January 2021)

North Norfolk Design Guide (December 2008)

#### **National Planning Policy Framework (NPPF):**

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed and beautiful places

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

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

#### **Other Material Considerations:**

North Norfolk Open Space Assessment (February 2020)

Department for Communities and Local Government Technical Housing Standards –  
Nationally Described Space Standard (2015)

## **OFFICER ASSESSMENT**

### **Main issues for consideration:**

- 1. Principle of development**
- 2. Loss of a local facility (psychiatric hospital)**
- 3. Suitability for conversion to dwellings**
- 4. Affordable housing**
- 5. Design**
- 6. Amenity**
- 7. Flooding risk and drainage**
- 8. Highways safety**
- 9. Ecology and biodiversity**
- 10. Heritage**
- 11. Sustainable development**
- 12. Planning obligations**

### **1. Principle of Development**

Core Strategy (CS) Policy SS 1 sets out that most of the new development in North Norfolk will take place in the towns and larger villages as defined as Principal and Secondary Settlements and a small amount of new development will be focused on several designated Service and Coastal Service Villages. The rest of North Norfolk, including all settlements that do not fall under the above criteria, will be designated as Countryside. CS Policy SS 2 limits development in areas designated as Countryside to that which requires a rural location and complies with its list of uses. Policy SS 2 permits the re-use and adaptation of buildings for appropriate purposes.

Policy HO 9 allows for the conversion and reuse of suitably constructed buildings in the Countryside for permanent residential purposes subject to a number of criteria being met including that:

- the building is worthy of retention due to its appearance, historic, architectural or landscape value, and
- the building is structurally sound and suitable for conversion to a residential use without substantial rebuilding or extension and the alterations protect or enhance the character of the building and its setting, and
- the scheme is of an appropriate scale in terms of the number of dwellings proposed for the location, and
- where it is viable to do so, on all schemes resulting in two or more units, not less than 50% of the total number of dwellings proposed are affordable, or an equivalent contribution is made in accordance with the requirements of Policy HO2.

Officers consider that the principle of converting an existing building to form 21 dwellings is acceptable in the designated countryside subject to compliance with Policy HO 8 and other relevant Development Plan policies or, where there is a departure from the Development Plan, that adequate material considerations exist to justify any departure.

### **2. Loss of a local facility (psychiatric hospital)**

Policy CT 3 sets out that proposals resulting in the loss of sites or premises currently, or last used for, important local facilities and services will not be permitted unless:

- alternative provision of equivalent or better quality is available in the area or will be provided and made available prior to commencement of redevelopment; or
- it can be demonstrated that there is no reasonable prospect of retention at its current site; and if it is a commercial operation, that a viability test has demonstrated that the use is no longer viable and that all reasonable efforts have been made to sell or let the property at a realistic price for a period of at least 12 months.

In this case, alternative provision is not immediately available in the area. Southern Hill Hospital at Mundesley is the closest alternative within North Norfolk, with other options being even further afield. Milestones Hospital was closed in February 2021 following intervention from the Care Quality Commission. The company running the hospital fell into liquidation, leading to the sale of the building.

Evidence of marketing of the premises has been submitted in support of the application. This marketing started in March of 2021, with offers invited by the end of May 2021. Therefore 12 months required by Policy CT 3 was not achieved. It is also stated that 11 hospital operators were provided with the sale details, with no offers tabled.

Taking account of the above, in the absence of alternative provision in the area and in the absence of 12 months of marketing evidence the proposed loss of the facility would be considered contrary to the aims of Policy CT 3.

It is a matter of planning judgment for the Committee in weighing up the identified departure from Policy against any material considerations that might weigh in favour of the proposal.

### **3. Suitability for conversion to dwellings**

Core Strategy Policy HO 9 sets out that:

The conversion and re-use of suitably constructed buildings in the countryside for permanent residential purposes will be permitted provided that:

- the building is worthy of retention due to its appearance, historic, architectural or landscape value, and
- the building is structurally sound and suitable for conversion to a residential use without substantial rebuilding or extension and the alterations protect or enhance the character of the building and its setting, and
- the scheme is of an appropriate scale in terms of the number of dwellings proposed for the location, and
- where it is viable to do so, on all schemes resulting in two or more units, not less than 50% of the total number of dwellings proposed are affordable, or an equivalent contribution is made in accordance with the requirements of Policy HO2.

Officers consider that, the building is worthy of retention and appears to be suitable for conversion without substantial rebuilding and involves minimal amounts of new build. As set out in the report below, the scale of development does not give rise to other unacceptable impacts such that, save for the provision of affordable housing (considered below), the proposal broadly complies with Policy HO 9.

### **4. Affordable Housing**

Policy HO 2 requires that, where it is viable to do so, schemes of 10 or more dwellings or sites of more than 0.33 hectares in Principal and Secondary Settlements not less than 45% of the total number of dwellings proposed are affordable, or 50% on schemes of 2 or more dwellings in Service Villages.

Policy HO 9 further requires conversions of buildings in the Countryside to dwellings to provide 50% affordable housing where it is viable to do so.

The application is supported by a financial viability report stating that the development is only viable without the provision of any affordable units. This has been verified by the Council's independent viability assessor. On the basis of this independent advice, Officers consider that sufficient evidence has been provided to demonstrate that it is not viable to provide affordable housing as part of the development. The proposal would therefore accord with the requirements of Policy HO 2.

## **5. Design**

### Housing density

Policy HO 7 requires new residential developments to optimise the density of the site in a manner that protects or enhances the character. Paragraph 128 of the NPPF sets out that developments should make efficient use of land.

The site area is approximately 0.4ha, with 21 dwellings proposed on that area equating to circa 50 dwellings per hectare. This exceeds the target of 30 per hectare for service villages by some margin. Subject to this density not resulting in other adverse impacts, achieving a higher density is considered acceptable and in accordance with the aims of Policy HO 7 of the Core Strategy to secure efficient use of land.

### Dwelling mix and type

Policy HO 1 requires that all new housing developments, including the conversion of existing buildings to dwellings shall, on schemes of five or more dwellings, provide at least 40% of the total number of dwellings at not more than 70 sq.m internal floor space and incorporate two bedrooms or fewer, and demonstrate that at least 20% of dwellings would be suitable or easily adaptable for occupation by the elderly, infirm or disabled.

The entirety of this development takes the form of 1 or 2 bed units, with at least 40% of them not exceeding 70sqm internal floor space. At least 20% would be accessible units, particularly at ground floor level. The proposal is therefore considered acceptable in terms of its dwelling mix and type, having regard to Policy HO 1 of the Core Strategy

### Minimum space standards

The Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standard (2015) sets out the minimum acceptable square metreage for new dwellings, based on a person to bed space ratio.

Whilst these standards are not adopted by the Council as part of the development plan, they do represent a guideline for space standards which should be regarded as a material consideration capable of attracting weight in decision making.

The scheme as currently proposed is compliant with these standards.

### External works

Policy EN 4 requires that all development will be designed to a high quality, reinforcing local distinctiveness. Furthermore, the policy states that design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. The North Norfolk Design Guide SPD is also a consideration in matters of design of new developments.

Paragraph 96 of the NPPF states that proposals should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles. Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 further advises that proposals should function well and add to the overall quality of an area for the lifetime of the development, be visually attractive as a result of good architectural practice and urban design principles, be sympathetic to local character and landscape settings, establish a strong sense of place, optimise a site's potential, and create places that are safe, inclusive, and accessible.

As the proposal does not involve any particularly extensive works to the exterior of the buildings, the character and appearance of the building would largely be retained, which is welcomed. The works that are proposed include various fenestration changes to preserve privacy/allow access across the northernmost complex of buildings, with the Hamilton Mews building to the west proposed to have two single storey extensions to the rear, benefitting two of the units.

These extensions retain symmetry across the converted building, and are considered to be of an appropriate style, form, and materials palette. Overall, the external works proposed across this development are considered acceptable in accordance with Policy EN 4 of the Core strategy, Chapter 12 of the NPPF and the North Norfolk Design Guide SPD.

### Landscaping

Aside from the buildings to be converted, the site will consist of a parking and turning area for the new dwellings, green space to the frontage of the Hamilton Mews building, as well as lawn and footpath provision. The landscaping measures proposed would provide a recreation/open space area with good natural surveillance, as well as calming and softening the appearance of the parking area. To the site frontage, along the boundary with the adjacent roads to the south and east, the existing planting is to be retained where possible. This further helps to protect the character and appearance of the area.

It is considered that the landscaping proposed is appropriate for the nature and style of the development, and would contribute to a scheme that is acceptable in terms of its impact upon the character and appearance of the area. Final details of the proposed landscaping scheme would need to be secured via condition in the event that the application is approved.

## **6. Amenity**

### Separation distances

Section 3.3.10 of the North Norfolk Design Guides sets out the required separation distances between existing and proposed dwellings based on *Primary*, *Secondary*, and *Tertiary* window alignments.



Given the layout and nature of the development the distances between each of the units proposed is considered acceptable, with windows mostly facing either the open space, car parking area, or to the rear of the development. A few of the windows do have relationships with the adjacent residential dwellings to the north in particular, however the mutual effects are largely mitigated by fences to be installed to the rear of the units, which can be secured via condition.

Regard must also be had to the separation distances over the road to the east, with the potential for disturbance caused by the industrial units in this direction. The comments of the Environmental Protection Team, have been considered.

Officers consider that the majority of units would not be impacted by these industrial uses, either because of their siting to the west of the application site, because of their relationship with other dwellings or because of the significantly larger separation distances in between them and the industrial area.

On balance, it is considered that the small number of proposed flats that would be affected, along with the road as a buffer, and other alternative outlooks for those flats, combine to mitigate the harm that these industrial premises would create. It is therefore considered that the separation distances across the development are acceptable in line with the North Norfolk Design Guide and Policy EN 4 of the Core Strategy.

#### Residential amenity

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

Officers consider there are no overbearing impacts caused by the conversion of the units as proposed. Adjacent buildings are also not considered to be overbearing on the proposed flats.

The proposal would not result in significant detrimental impacts on adjacent properties in terms of overshadowing. Existing neighbouring buildings are also considered to be acceptable in terms of any overshadowing effects on the proposed flats.

It is considered that the scheme is of an appropriate layout to ensure mutual privacy for both future occupiers, and existing neighbours.

#### Noise and odour

Policy EN 13 requires that all development proposals should minimise, and where possible reduce, all emissions and other forms of pollution, including light and noise pollution, and ensure no deterioration in water quality.

The proposed conversion itself is not considered to create any adverse impacts on the surrounding area in terms of noise or odour, and the relationship with the industrial area to the east is considered acceptable given the separation distances involved, and the alternative outlooks of the potentially affected units. It is also considered that the noise from the road itself would not have an unacceptably detrimental impact upon amenity of the future occupiers.

#### External Lighting

Details of external lighting are not confirmed at this time, but can be secured by condition in order to minimise impacts including upon protected species and the wider landscape quality.

### Refuse Storage and Collection

The design submitted shows bin stores in each of the buildings, and the Highway Authority have confirmed that the position and size of these facilities is appropriate, with adequate access for refuse lorries.

Subject to the imposition of conditions, the proposal would accord with the aims of Core Strategy Policies EN 4 and EN 13.

## **7. Flooding Risk and Drainage**

Policy EN 10 requires that the sequential test will be applied rigorously across North Norfolk and most new development should be located in Flood Zone (FZ) 1. Appropriate surface water drainage arrangements for dealing with surface water run-off from new development will be required. The use of Sustainable Drainage Systems will be the preference unless, following an adequate assessment, soil conditions and / or engineering feasibility dictate otherwise.

Paragraph 173 of the NPPF requires that flood risk is not increased elsewhere as a result of development proposals. Furthermore, paragraph 175 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

The application site, whilst located within FZ 1, is surrounded by an area within Flood Zone 2, and is therefore considered to be a 'Dry Island'. This means that, in policy terms, the site must be treated as though it is nominally in FZ 2.

### Flooding Risk

It is acknowledged that the risk of flooding of the site itself is low, given its location within FZ 1, however being within in a dry island, consideration must be given to issues such as access/egress during events where FZ 2 areas may flood.

The submitted flood risk assessment details a suitable potential evacuation route in the event of flooding to the north along the A149 towards Stalham. Regard is also had to the current lawful use of the building as a hospital. At full capacity this facility would likely accommodate patients, staff, and maybe visitors. With this in mind, it is considered that the current and proposed uses of the site are comparable, with any difference in flood risk between the uses deemed to be minimal.

It is therefore considered that the proposed development is application is acceptable in terms of flood risk.

### Surface water drainage

The application is submitted with a surface water drainage strategy incorporating Sustainable Drainage Systems (SUDS) where appropriate, aiming to accommodate the 1 in 100 year event with a 45% climate change buffer.

This strategy concludes that with proper maintenance of the installations (to be secured via condition) surface water drainage risk remains very low. The Lead Local Flood Authority (LLFA) raises no objection, and it is considered that the proposal is acceptable in terms of surface water drainage impacts.

### Foul water drainage

The foul water drainage from the site would discharge to Ludham Walton Hall Waste Water Treatment Works (WWTW). Anglian Water have confirmed that there will be sufficient capacity for this development.

## **8. Highway Safety**

Policy CT 5 requires that developments will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. NPPF paragraph 116 sets out the prioritisation of traffic hierarchy, facilitation of access to public transport, the need to create safe, secure and attractive places for all road users, and provision of infrastructure such as E V charging points. Paragraph 115 further states that developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### Impacts on highway safety

The former use of the site as a hospital would have an amount of traffic generation associated with it. The proposed residential use would alter this traffic generation and patterns of movement.

The Highway Authority have considered the impacts of the scheme on highway safety and do not raise objection subject to conditions.. The access onto the highway network is considered to be sufficiently safe in terms of type and visibility, and the traffic generation is not considered to be an amount that would be unacceptable or unsafe for the highway network in the area.

### Sustainable and active travel

While not served by footpaths connecting the full distance to Catfield's village centre, it is an often-used walking route, supported by 'no footway' signage and slow traffic speeds. This means that many of Catfield's amenities are accessible on foot. In addition, the site entrance is in very close proximity to bus stops near New Road, providing routes to Great Yarmouth, Stalham, North Walsham and beyond, on Sanders and Konect Bus services.

### Car Parking

Policy CT 6 requires that adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development. Appendix C of the Core Strategy sets out the required car and cycle parking provision for residential developments based on the number of bedrooms and occupancy rates.

As supported by the comments of the Highway Authority, the proposed development provides sufficient car parking for the development (including 4no. accessible spaces), in a layout which ensure safe access and egress, as well as turning facilities for bin lorries/emergency vehicles. Six electric vehicle charging points are proposed. The application is therefore considered to be acceptable in terms of car parking provision and is in accordance with Policy CT 6 of the Core Strategy.

## **9. Ecology and Biodiversity**

### Habitats Regulations Assessment

### *Recreational impacts on designated sites*

North Norfolk District Council, in conjunction with Natural England and other Norfolk Councils, produced the Norfolk Recreation disturbance Avoidance and Mitigation Strategy (RAMS) and Green Infrastructure Strategy (GI) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are satisfactorily mitigated and compliant with the Habitats Regulations.

The proposal lies within the defined Zones of Influence of a number of designated sites, including;

- Broadland Special Protection Area
- Broadland Ramsar
- Broadland Special Area of Conservation
- Winterton-Horsey Dunes Special Area of Conservation
- Great Yarmouth North Denes Special Protection Area
- Breydon Water Special Protection Area
- North Norfolk Coast Special Protection Area
- North Norfolk Coast Ramsar
- North Norfolk Coast Special Area of Conservation
- The Wash & North Norfolk Coast Special Area of Conservation

It is considered that the proposed mitigation contribution (£4,427.64) which accords with the current requirements of the GIRAMS is sufficient to conclude that the project will not have an adverse effect on the integrity of the above identified European sites from recreational disturbance, when considered alone or 'in combination' with other development. This contribution will be secured as part of an agreement under section 106 of the Town and Country Planning Act.

### *Nutrient pollution effects on designated sites*

Long-term nutrient pollution has led to adverse impacts upon designated Habitats Sites to the extent that the condition of some sites, including The Broads Special Area of Conservation (SAC) and Ramsar site, is no longer considered to be in favourable condition. Nutrient neutrality guidance was issued by Natural England on 16<sup>th</sup> March 2022 requiring competent authorities to ensure that any planning applications proposing a net gain in overnight accommodation (e.g. new dwellings) must evidence that there will be no net increase in nutrient loads (nitrates and phosphates) within an affected catchment area as a result of the proposal; i.e. that the development would be nutrient neutral. As the competent authority, North Norfolk District Council is required to have regards to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended).

Since the application was first received it has subsequently been confirmed that the Walton Hall WWTW discharges outside of the relevant catchment area. As such the proposed development would not result in any increase in nutrient loads affecting designated sites.

Summary of Habitat Regulations conclusions – on the basis that the applicant has agreed to pay the relevant GIRAMS mitigation payment and on the basis that the development does not discharge nutrients from the proposed development into catchments affected by natural England's nutrient advice, it is reasonable for North Norfolk District Councils, as competent authority, to conclude it is satisfied that there is no reasonable doubt as to the absence of adverse effects on the integrity of European sites.

## Protected Species

This application is supported by an Extended Phase 1 Habitat Survey. This found that a single bat roost is present in Hamilton House, with no evidence of bats in Magnolia House or Hamilton Mews. This survey has been subsequently updated following its expiry, with the findings remaining consistent.

So as to avoid impacts upon breeding birds it is recommended that tree removal only be carried out outside of the bird nesting season. Aside from these two considerations, there are not considered to be any adverse impacts upon protected species.

The Habitat Survey recommends various mitigation and enhancement measures, which can be secured via condition. Consequently, this proposal is considered to comply with Policy EN 9 of the Core Strategy and Chapter 15 of the NPPF.

## **10. Heritage**

Under the provisions of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention must be given to the desirability of preserving or enhancing the character or appearance and settings of Listed Buildings or any features of special architectural or historic interest, and the character of the Conservation Area.

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 not fully consistent 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.

### Effect on Catfield Conservation Area

The site lies c. 170m north west of the Catfield Conservation Area. There are no other listed heritage assets in the vicinity of the site. The main Hamilton House building on the site is historic in nature, but is not Locally Listed.

It is noted that the Council's Conservation and Design Officer raises no objection to the proposal, and it is considered that the proposal would preserve the character and appearance of the conservation area. It is therefore, in accordance with Policy EN 8 of the Adopted North Norfolk Core Strategy.

## **11. Sustainable Development**

North Norfolk District Council declared a Climate Emergency in 2019 and published its Net Zero 2030 Strategy & Climate Action Plan in February 2022. The publication of the Intergovernmental Panel on Climate Change (IPCC) report (2021) demonstrated that human influence has unequivocally impacted on our changing climate. NNDC's commitment to tackling climate change is considered to be an important consideration in determining this application.

Policy EN 6 outlines the LPA's approach to sustainable construction and energy efficiency, including the provision of on-site renewable energy technologies to provide at least 10% of predicted total on-site energy usage for developments over 1,000sqm or 10 dwellings (new

build or conversions).

Given that the works involve the conversion of existing buildings with minimal additional construction, the key area for potential sustainability enhancements lies in the fabric choices to be used as part of conversion, many of which will be impacted by Building Regulations requirements. The EN 6 policy requirements can be secured through the imposition of conditions. The applicant has indicated that the development includes the provision of 6 no. EV charging points, which can again be secured through planning conditions

Subject to the imposition of conditions, the proposal would accord with Policy EN 6.

## **12. Planning Obligations:**

Policy CT 2 requires that on schemes of 10 or more dwellings and substantial commercial development where there is not sufficient capacity in infrastructure, services, community facilities or open space, improvements which are necessary to make that development acceptable will be secured by planning conditions or obligations, and these must be phased so as to be in place in accordance with an agreed time frame or prior to the occupation of an agreed number of units.

Contributions are required in order to address the impacts of the proposed development on local services and infrastructure. These are as follows:

### Open Space

The North Norfolk Open Space Assessment sets out the quantum of open space typologies required from proposed development based on the number of dwellings and equivalent people ratios. Depending on the scale of development, some require delivery of on-site open space whilst others may require a financial contribution to deliver off-site improvements. For this proposal, based on 12no. 1-bed and 9no. 2-bed dwellings, the required open space contributions are as follows:

- Allotments – £4,262
- Amenity green space – On-site provision of 1036 sqm (£0)
- Parks and Recreation Grounds – £32,510
- Play Space (Children) – On-site provision of 44 sqm (£0)
- Play Space (Youth) – £2,182
- Natural Green Space – £9,654

### Local Infrastructure

In terms of other contributions, the following is required based on the scale of development:

- Education – £0
- Libraries – £2,100
- Fire Hydrants – 1no. per 50 dwellings (to be secured by conditions)
- Monitoring Fee – £500 per obligation

### GIRAMS

,A financial contribution totalling £4,427.64 – based on 21 dwellings – to provide mitigation in accordance with the Norfolk GIRAMS

These contributions would be secured through an agreement under Section 106 of the Town and Country Planning Act 1990 with appropriate index linking.

## **PLANNING BALANCE AND CONCLUSION**

Planning law requires that decision makers must have regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise.

As set out in the report, the proposed development, subject to conditions would broadly comply with the requirements of Development Plan policies including those relating to affordable housing, design, amenity, flood risk and drainage, highway safety, ecology and biodiversity, heritage and sustainable development. The proposal also provides for sufficient planning obligations. However, on the basis that the former hospital on site is regarded as an important local facility, the proposal has not adequately demonstrated compliance with the requirements of Core Strategy Policy CT3 in relation to the provision and retention of local facilities and services. The non-compliance with this policy would weigh against the grant of permission to convert the building to dwellings and appropriate material considerations would need to be identified to outweigh the identified conflict with Development Plan policy.

A significant material consideration weighing in favour of the grant of planning permission is the requirement for the Local Planning Authority to demonstrate a five year housing land supply.

The National Planning Policy Framework requires Local Planning Authorities to identify a five-year supply of specific deliverable sites to meet housing needs. At the current time the council is unable to demonstrate that it has 5 years' worth of deliverable sites. Planning applications will therefore be considered in line with paragraph 11(d) of the NPPF which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In relation to the assessment against paragraph 11 (d) of the National Planning Policy Framework, in the light of the Council's lack of a 5-year housing land supply, the application has been assessed against the overarching social, economic and environmental objectives of achieving sustainable development. The social and economic benefits of 21 dwellings would provide a modest but welcome contribution to housing supply and would help support existing local services and facilities in the area. The proposal will also make a modest contribution associated with construction activities. Furthermore, as set out in the report, other than the technical non-compliance with Policy CT 3, key elements of the proposal would generally accord with Development Plan policies such that Officers conclude that the adverse impacts of approving this development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole.

This development secures the future of a vacant building worthy of retention in the countryside, and delivers an appropriate mix of housing, with reasonable transport links to nearby towns and access to facilities within Catfield.

## **RECOMMENDATION**

### **DELEGATED APPROVAL subject to:**

**1. The satisfactory completion of an agreement under section 106 of the Town and Country Planning Act 1990 to provide the following financial and non-financial contributions:**

- Allotments – £4,262)
- Parks and Recreation Grounds – £32,510
- Play Space (Youth) – £2,182
- Natural Green Space – £9,654
- Libraries – £2,100
- Fire Hydrants – 1no. per 50 dwellings (to be secured by conditions)
- GIRAMS - £4,427.64
- Monitoring Fee – £500 per obligation

**2. The imposition of Conditions to cover the matters listed below and any others considered necessary by the Assistant Director – Planning).**

#### **Conditions:**

1. Time limit
2. Approved plans
3. Materials
4. Fire hydrant provision
5. Vehicular access improvements
6. Visibility splay provision
7. Provision and retention of car parking areas
8. Cycle parking scheme to be approved
9. Details of any plant/machinery/ventilation/air-con/heating equipment to be approved in writing
10. External lighting scheme to be approved in writing
11. Compliance with the measures outlined in the Ecology report
12. Biodiversity method statement
13. Arboricultural Method Statement and Tree Protection Plan
14. 10% of total predicted energy from on-site renewable energy technologies
15. Secure at least 6 no. EV charge points.

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

**3. In the event that Committee resolve in line with the above, if the Section 106 Obligation isn't completed and the permission isn't issued within 4 months of the date of this Committee meeting then the Director for Planning and Climate Change will consider whether the application resolution remains appropriate and in doing so will take account of the likelihood of the Section 106 being completed and permission issued in the near future (i.e. within another month) and will consider whether there are any potential / defensible reasons for refusal at that time. If he reaches that view – i.e. that the application should potentially be refused - then the application would be reported back to Committee. It is also possible that he may resolve to report the matter back in the event of changes of circumstances (e.g. changes in the national or local policy position).**



