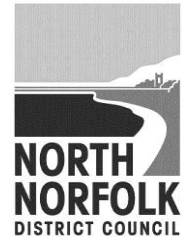


# Development Committee



**Please contact:** Linda Yarham

**Please email:** [linda.yarham@north-norfolk.gov.uk](mailto:linda.yarham@north-norfolk.gov.uk) Direct Dial: 01263 516019

**TO REGISTER TO SPEAK PLEASE CALL 01263 516150**

9 May 2018

A meeting of the **Development Committee** will be held in the **Council Chamber** at the Council Offices, Holt Road, Cromer on **Thursday 17 May 2018 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 7 June 2018.**

## **PUBLIC SPEAKING – TELEPHONE REGISTRATION REQUIRED**

Members of the public who wish to speak on applications are required to register by **9 am on Tuesday 15 May 2018** 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, Mrs A Claussen-Reynolds, Mrs A Fitch-Tillett, Mrs A Green, Mrs P Grove-Jones, Mr B Hannah, Mr N Lloyd, Mr N Pearce, Ms M Prior, Mr R Reynolds, Mr S Shaw, Mr R Shepherd, Mr B Smith, Mrs V Uprichard

**Substitutes:** Mr D Baker, Dr P Bütikofer, Mrs S Bütikofer, Mr N Coppack, Mrs J English, Mr T FitzPatrick, Mr V FitzPatrick, Mr S Hester, Mr M Knowles, Mrs B McGoun, Mrs J Oliver, Miss B Palmer, Mrs G Perry-Warnes, Mr J Punchard, Mr J Rest, Mr P Rice, Mr E Seward, Mr D Smith, Mr N Smith, Mrs L Walker, Ms K Ward, 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  
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## 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. CHAIRMAN'S ANNOUNCEMENTS
4. MINUTES

To approve as a correct record the Minutes of a meeting of the Committee held on 19 April 2018.

5. ITEMS OF URGENT BUSINESS (to be taken under items 9 or 11 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.
6. 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.

7. 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.

8. OFFICERS' REPORT

### ITEMS FOR DECISION

#### PLANNING APPLICATIONS

- (1) KNAPTON - PF/17/1675 - **Erection of 14 dwellings, associated works and access; Land off School Close, Knapton, North Walsham, NR28 0SA for Victory Housing Trust**

- (2) **SOUTHREPPS - PF/17/2082** - Erection of 20 no. dwellings with associated access, onsite parking provision, gardens and open space, & the demolition of existing garages to create additional residents/visitor parking; Land off Long Lane, Southrepps, Norfolk for Victory Housing Trust Page 24
- (3) **STALHAM - PF/17/1524** - Demolition of existing buildings and the erection of retirement living housing for the elderly (category II type accommodation), including 30 retirement living apartments, 12 retirement bungalows, communal facilities, access, car parking, landscaping and ancillary development at Slaughter House, Upper Staithe Road; Slaughter House, Upper Staithe Road, Stalham, Norwich, NR12 9AX for McCarthy & Stone Retirement Lifestyles Ltd Page 44  
(Appendix 1 – page 87)
- (4) **CROMER - PF/17/2124** - Use of land for caravan & camping for 40 days consecutively/60 days cumulatively per year; Beef Meadow, Hall Road, Cromer, NR27 9JG for Mr Cabbell-Manners Page 61
- (5) **NEATISHEAD - PF/17/1628** - Conversion of barns into 2 no. dwellings, erection of garages and alterations to and creation of new vehicular access; Allens Farm Barns, School Road, Neatishead, Norwich, NR12 8BU for Mrs M & Mr E Constance & Merrywest  
**NEATISHEAD - LA/17/1629** - Conversion of barns into 2 no. dwellings and erection of garages; Allens Farm Barns, School Road, Neatishead, Norwich, NR12 8BU for Mrs M & Mr E Constance & Merrywest Page 68
- (6) **NEATISHEAD - PF/18/0025** - Change of use of land from sewage treatment works to private recreational use, including erection of polytunnel, storage shed and siting of Shepherd's Hut; Anglian Water Authority Sewage Div Bt 4 and 5, King Street, Neatishead for Mr & Mrs Plater Page 77
- (7) **TRUNCH - PF/18/0432** - Single storey extensions to rear and new roof with roof lanterns to covered walkway between dwelling and garage (part retrospective); 7 Pyghtle Close, Trunch, North Walsham, NR28 0QF for Mrs Bailey Page 81
- (8) **NEW APPEALS** Page 84
- (9) **INQUIRIES AND HEARINGS - PROGRESS** Page 84
- (10) **WRITTEN REPRESENTATIONS APPEALS - IN HAND** Page 84
- (11) **APPEAL DECISIONS – RESULTS AND SUMMARIES** Page 85  
(Appendix 2 – page 89)
- (12) **COURT CASES – PROGRESS AND RESULTS** Page 86
9. **ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 5 ABOVE**

10. 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

11. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 5 ABOVE

12. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

**OFFICERS' REPORTS TO  
DEVELOPMENT COMMITTEE - 17 MAY 2018**

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) **KNAPTON - PF/17/1675 - Erection of 14 dwellings, associated works and access; Land off School Close, Knapton, North Walsham, NR28 0SA for Victory Housing Trust**

**Major Development**

**- Target Date: 3 March 2018 (Extension of time agreed until 18 May 2018).**

Case Officer: John Dougan

Full Planning Permission

**CONSTRAINTS**

- LDF - Countryside
- Mineral Safeguarding Area
- Unclassified Road
- C Road
- B Road
- Controlled Water Risk - Medium (Ground Water Pollution)

**RELEVANT PLANNING HISTORY**

- PLA/1999/0036 Change of use of land for informal recreation area and formation of car parking area. Approved 03/03/1999
- PO/13/1310 Erection of eight dwellings. Approved 04/02/2014

**THE APPLICATION**

The original submission comprised a full planning application for a development of 16 dwellings, associated works and access.

An amended scheme was submitted comprising 14 dwellings and associated works, including the provision of a new access off School Close and soft landscaping. The existing car park on the site will be retained for use by the village hall.

All 14 dwellings are affordable dwellings and comprise the following mix:

Affordable rent:

- 2 no. 1 bedroom, 2 person house
- 1 no. 1 bedroom, 2 person bungalow
- 3 no. 2 bedroom, 4 person house
- 1 no. 3 bedroom, 6 person house

Shared ownership:

- 4 no. 2 bedroom, 4 person house
- 2 no. 3 bedroom, 5 person house
- 1 no. 3 bedroom, 6 person house

### **THE SITE AND SURROUNDINGS**

Knapton is a small village with limited services and facilities, including a church, small village hall, sports / recreation facility called the 'The MADRA' (Mundesley and District Recreation Association) including a social club, playing fields and children's play area, allotments and bus stop with a relatively infrequent service to North Walsham and Stalham.

The site is located on a prominent corner when entering the village along the main B1145 from Mundesley. It is bounded by a mature hedge and is currently used as an informal recreation area and parking area for the adjacent village hall. This land is owned by North Norfolk District Council and is not designated as Open Space or a village green.

There is a village beacon on the site and a wildflower area and pond which currently appear somewhat neglected. The parking area is used by users of the village hall and is accessed off School Close. Otherwise the site is accessed from largely informal pedestrian access points on School Close and from the north-west corner (pond) and bus shelter. There is a more formal pedestrian access point leading from the car park through the boundary hedge to the village hall.

The architectural styles evident in the area are mixed, the area to the east of the site comprises older properties (including the village hall) which are predominantly of brick and flint construction, while the dwellings (single and two-storey) immediately to the south and west are of more conventional brick construction.

The application site is not located in a Conservation Area. However, the following heritage assets (Listed Buildings) are within 1km of the application site:

- St Peter and St Paul's Church (Grade I), 220 metres to the east
- Knapton House (Grade II), 670 metres to the south-west
- Knapton Old Hall and Barn (Grade II), 500 metres to the south
- The White House (Grade II), 15 metres to the west
- Former Knapton Hall Hotel (Grade II), 80 metres to the east
- Barn at Church Farm (Grade II), 415 metres to the east
- The Green Farmhouse (Green House, Grade II), 830 metres to the east

The application site is not located within the Norfolk Coast Area of Outstanding Natural Beauty (AONB). Although, the boundary of the AONB is directly adjacent to the northern side of Mundesley Road and the north eastern side of Hall Lane.

Outline planning permission (all matters reserved) for 8 affordable dwellings (PO/13/1310) was approved in February 2014. However, this permission expired on 4 February 2017 and was not implemented.

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

- At the request of the Local Ward Member Councillor Coppack
- The application is located on council owned land

## REPRESENTATIONS

108 representations (comprising 100 objections, 7 comments and 1 in favour) were received in response to the original submission for 16 dwellings and the additional period of public consultation which expired on 26 April 2018.

The issues (material planning considerations) raised during both periods of consultation are summarised as follows:

- The outline planning permission stated that the lower part of the site to Hall Lane would remain as open space or gifted to the parish Council
- The applicant has provided no information on site alternatives
- The applicant has not demonstrated that the housing is in a sustainable location
- It has not been demonstrated that it meets a local housing need
- There is no evidence that the development contributes to employment
- The agreement was 8 dwellings, not the amount proposed
- The revised development does not address all of the concerns of the Conservation and Design Officer
- The development does not meet the requirements of Core Strategy Policy HO3
- If there is such an urgent need, why has Victory sold some housing?
- Concern that the houses will be sold as second homes in the future
- Adverse visual impact on the rural character of the area including the adjacent AONB
- The recent refusal (PF/16/0377) for the 2 metre high brick wall at 'Hawthorn House' was refused because it would be a harsh, overbearing, visually intrusive form of boundary treatment that by its design and use of materials fails to respect the rural setting of the village and is detrimental to the character and appearance of the Area of Outstanding Natural Beauty.
- The development would make the village less attractive to tourists
- The submitted visualisations are inaccurate
- The development will compromise the setting of nearby Listed Buildings
- Loss of an established area of open space
- No replacement amenity space is being provided
- Adverse impact on the visual amenities of the street
- Poor design which does not reflect its surroundings
- The dwellings are overbearing particularly as the field is higher than the road
- The area suffers from sewerage problems
- The development is not of sustainable construction
- The village already has inadequate services and facilities
- Burden on existing infrastructure / utilities
- Lack of footpaths, everyone will have to use the car
- The existing bus service is infrequent
- The MADRA cannot fulfil the requirements of the village
- Knapton cannot support a development of this scale
- Overdevelopment of the site including cramped plots and lack of open space
- We dispute that there is a local need for such a housing development
- The site does not have a designated play area
- On-site parking is not workable
- Little consideration has been given to the ecological implications
- The houses are not eco-friendly and do not provide 10% renewable energy
- School Close experiences parking pressures, the development will make things worse
- The plans have removed parking for the village hall
- The development and network cannot accommodate emergency vehicles
- Hall Lane and the junction with Hall Lane / Mundesley Road is already dangerous
- Vehicles enter Hall Road at high speeds

- The additional dwellings will result in serious highway safety implications on Hall Lane
- Why has a traffic impact study not been undertaken?
- Adverse impact on protected species
- Do local schools have sufficient space for the additional children?
- The area suffers from poor access to medical facilities
- Access to the existing bus stop is very poor
- Nuisance and highway safety problems as a result of construction traffic
- Loss of existing soft landscaping which has sentimental value for residents
- The proposed houses are too small
- The pre-submission consultation undertaken by Victory Housing was inadequate
- The submitted Ecology Survey has not been updated since the previous version
- The drainage strategy still does not mention the water table when choosing the location of soakaways
- The development does not provide enough parking
- The revised proposal fails to address the concerns of the Highway Authority
- The Highway Authority need to undertake a survey of traffic movements
- The road network already suffers from movements from agriculture and other businesses
- Extending the footpath to Mundesley Road would cut into the embankment affecting drainage and stability
- The recent public consultation events demonstrate the opposition to this development
- The village suffers from low water pressure, slow internet service and no mains sewerage
- Why has an environmental impact assessment study not been undertaken?
- What studies has the developer undertaken as a responsible development to fully assess the impact of the development?

## **CONSULTATIONS**

Responses summarised as follows:

### **Norfolk County Council (Highways) – Objection**

The County Council recommends that the application is refused for the following reasons:

- The proposed development does not adequately provide off-site facilities for pedestrians / cyclists / people with disabilities to link with local services
- The proposal is remote from local service centre provision conflicting with the aims of sustainable development, the need to minimise travel and the ability to encourage walking, cycling, use of public transport and reduce the reliance on the private car.
- Whilst recommending refusal should the authority be minded to support the application the following should be addressed:
  - The stretch of road between Mundesley Road and School Close needs to be widened to 6 metres
  - The proposed footway should be extended further along the western side of Hall Road to the Mundesley Road junction
  - Footway provision is required to the existing bus stop
  - The bus stop should be upgraded to DDA compliance
  - Private drives should serve a maximum of 8 dwellings
  - The footway to the west of the site leads to nowhere
  - Visibility splays should be provided to each junction onto School Close
  - On-site parking provision needs to be adjusted to the improve access / manoeuvrability
  - Provision of a stronger frontage by serving plots 11 and 13 direct from School Close



- Parking spaces next to walls / fences need to be 3 metres wide
- A highway soakaway should be located at least 3 metres from trees and landscaping
- The Highway Authority do not accept no-dig construction techniques in carriageway construction
- Rather than a filter trench on the proposed highway, consideration should be given to down-stream defenders

In response to the revised plans:

- It is reasonable to assume that the majority of the traffic will head north to Mundesley Road. The stretch of Road between School Close and Mundesley Road needs to be widened from 4.4 metres to 6.0 metres due to the increase in vehicular traffic;
- Hall Road also needs to include a 2 metre wide footway;
- The 2 metre footway around the northern end of the estate road needs to be extended to link the housing development to the new footway along Hall Road;
- The access to the residential estate and car park should be served by dropped kerb crossings;
- The length of the parking area serving plot 5 needs to be increased to 11 metres to deter encroachment onto the private drive;
- Highway soakaways should be located at least 3 metres clear of landscaping and the RPA of existing trees. This means the location of the highway soakaway is not acceptable;
- Rather than provide a filter trench within the proposed highway drainage system consideration should be given to other measures such as downstream defenders; and
- The car park would benefit from a disabled parking space and cycling parking.

**Norfolk County Council (Lead Local Flood Authority)** – No comments to make.

**Norfolk County Council – (Historic Environment Service)** – If planning permission is granted, recommend a condition securing a programme of archaeological investigation.

**Norfolk County Council (Public Rights of Way)** – Whilst there are no public rights of way in the area, we may require a contribution towards the improvement of the local Rights of Way network to facilitate the increase in use.

**Norfolk Fire Service** – No objection providing the proposal meets the necessary requirements of current Building Regulations. A further response required the imposition of a condition to secure the position of the appropriate fire hydrant.

**Natural England** – No comments to make on this application.

#### **Norfolk Coast Partnership**

- Impact on the landscape character of the adjacent AONB needs to be considered
- The village lacks, services, access and infrastructure
- The site looks overcrowded for 16 dwellings with little green space
- Design is very basic and does not lend much to the locality, although there is a mix of houses adjacent to the site and it is an undesignated area.
- Suggest improvements to the materials

#### **Knapton Parish Council** – Objection

- The village already has inadequate services and facilities
- Burden on existing infrastructure / utilities
- Knapton cannot support a development of this scale / increase in population

- Overdevelopment of the site including cramped plots and lack of open space
- We dispute that there is a local need for such a housing development
- The applicant's argument for the number of dwellings is not acceptable
- The site does not have a designated play area
- On-site parking is not workable
- School Close already experiences parking pressures. The development will make it worse
- Hall Lane and the junction with Hall Lane / Mundesley Road is dangerous with numerous traffic accidents
- The additional dwellings will result in serious highway safety implications
- Adverse impact on protected species
- The area already suffers from high levels of vehicular traffic
- Nuisance and highway safety problems as a result of construction traffic
- The pre-submission consultation undertaken by Victory Housing was inadequate
- Loss of existing soft landscaping which has sentimental value for residents
- The buildings will be imposing in the street scene
- The loss of the hedge to facilitate the requirements of the highway authority will have an adverse visual impact
- The highway authority objected to the previously approved scheme for 8 dwellings
- The development does not provide for 10% renewable energy

Internal consultees:

**NNDC Landscape Officer** – No Objection subject to conditions/S106 Obligation

In response to the revised plans / supporting documentation:

#### *Ecology*

If permission is granted a condition will be required which secures a Biodiversity Method Statement for the development (to mitigate and enhance the development for biodiversity as per the details in the Ecological Appraisal).

#### *Habitats Regulations Assessment*

If permission is granted a developer contribution of £50 per dwelling will be required to monitor and mitigate the impacts of the development on *Natura* 2000 sites. This should be secured through a S106 agreement.

#### *Arboriculture*

An amended Arboricultural Implications Assessment (AIA) has been submitted which clarifies the impact of the development on trees and hedges.

The relationship between tree group G19 and plots 3 and 4 remains a concern, the Landscape Section maintain that these plots will be significantly shaded by the trees to the detriment of the occupiers of the dwellings.

If permission is granted a condition will be required to ensure the development is carried out in accordance with the Method Statement.

#### *Open space/landscape plan/impact on landscape*

The removal of the previously numbered plot 16 (the eastern most plot) has reduced the visual impact of the development when viewed from the north (from the AONB). As such it is not considered that the development will have a significant impact on the setting of the AONB (Policy EN 1). The amended plans now indicate that 1,602 sqm of open space is provided for on site, this is contained within an 'L' shaped parcel of land around and in front of plot 14. This acts as a visual landscape buffer, easement and provides land for the drainage soakaways.

The Landscape Section remain disappointed that two thirds of the Millennium Garden will be removed and that this cannot be retained and incorporated into the open space provision. Previous concerns regarding the choice of species proposed for the landscape scheme have been addressed to a degree. However, it is recommended that the proposed trees to be planted adjacent to the flint wall (rear gardens of plots 10 to 12) are moved further away from the wall and closer to the car park (as these are large species of tree and moving the trees will allow them space to grow without affecting the wall).

If permission is granted a condition will be required to secure the landscape scheme and the maintenance and management plan.

### **NNDC Conservation and Design**

In response to the revised plans received by the Local Planning Authority on the 20 March 2018:

Beginning on a positive note, the loss of two dwellings from the original mix has certainly reduced the density of the scheme where it most matters; i.e. on the prominent north eastern corner. Hence, rather than a tightly packed crescent of six dwellings which previously fanned out all the way to the eastern boundary, the new layout would see the built form stopping some way short of Hall Lane. With the area of open space increasing accordingly (and thus potentially becoming more usable), and with the buildings themselves having been reduced to 1½ storeys, the cumulative visual impact of these properties has been lessened.

Balanced against this, however, the earlier design and hard landscaping criticisms appear to have gone largely unaddressed. Hence, other than some associated improvements to the proportions of the reduced buildings, the house types still feature a relatively homogeneous mix of detailing and materials which appears lacking in both genuine visual interest and local distinctiveness. The net result is therefore likely to be a series of anonymous buildings architecturally which for the most part would be more suited to a suburban housing estate than a prominent rural location.

As regards the wider site, there also appears to have been no substantive changes made to the floorscape of the development. Hence, it still essentially features a mix of blacktop and red herringbone paving which, in tandem with the concrete kerbing, would create an unduly engineered and formal floorscape. The recommendations originally put forward therefore equally apply now.

Away from the surfacing, the use of close boarded fencing around the western/south western boundaries of the site remains more than unfortunate. Particularly where it runs parallel to Mundesley Road (behind Plot 1) and where it terminates the view from the access drive (behind Plot 9), the fence panels would merely reinforce the suburban rather than the rural – walls and/or hedging would be more appropriate options. The new flint wall, meanwhile is an interesting addition. On the one hand it introduces a welcome contrasting material which reflects the cottages opposite. With the right materials and detailing, it could also be a relatively elegant structure curving as it would around the car park. At the same time, however, one cannot help but wonder whether the flint could be more effectively used elsewhere; e.g. on the prominent gables of Plots 1 & 7 (the former of which would be particularly heavy in pure brick) and on the northern and eastern elevations of Plot 14.

On the basis of the above, the overall Conservation & Design conclusion is not dissimilar to that originally reached; i.e. that the scheme, whilst having little design-wise that actually jars on the eye, would be architecturally disappointing and thus would be unlikely to make a positive contribution to what is an important gateway into Knapton.

## **NNDC Strategic Housing**

This amended application by Victory Housing Trust is to provide an Exceptions Housing Scheme of 14 homes of which seven will be rented affordable homes and seven will be shared ownership homes. The original application was for 16 homes, but two dwellings have been removed to provide for an amended layout which increases the amount of open space on the scheme and which responds to concerns relating to the height of some of the homes in the original layout.

Analysis of the Council's Housing List shows that there is a local housing need for the proposed affordable homes, with 168 households who have a local connection to Knapton and the adjoining parishes on the Housing List. This need has increased from the 153 households with a local connection to Knapton and the adjoining parishes in December 2017. The proposed mix of affordable housing reflects the identified housing need.

It is noted that the revised layout for this scheme continues to retain the car park for the village hall in its current position, the car park will be accessed via two new footpaths to Hall Lane.

As an Exception Housing Scheme, all the proposed affordable homes will be prioritised for applicants who have a local connection through residence, employment or family residence to Knapton and the adjoining parishes. This priority should be secured by a Section 106 Agreement which will also protect the affordable housing as such in perpetuity.

To conclude, the Housing Strategy and Community Development Team supports this application for the development of an Exception Housing Scheme of 14 homes to meet the identified local housing need of Knapton and the adjoining parishes.

**Environmental Health** - The applicant needs to engage with Anglian Water and the Lead Local Flood Authority to ensure that they deliver an appropriate foul and surface water drainage scheme.

## **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):

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 3: Housing (*strategic approach to housing issues*).

Policy SS 4: Environment (*strategic approach to environmental issues*).

Policy SS 6: Access and Infrastructure (*strategic approach to access and infrastructure issues*).

Policy HO 1: Dwelling mix and type (*specifies type and mix of dwellings for new housing*

*developments).*

Policy HO 3: Affordable housing in the Countryside (*specifies the exceptional circumstances under which affordable housing developments will be allowed in the Countryside policy area*).

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

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

Policy EN 10: Flood risk (*prevents inappropriate development in flood risk areas*).

Policy EN 13: 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*).

National Planning Policy Framework (NPPF):

Section 1 – Building a Strong and Competitive Economy

Section 4 – Promoting Sustainable Transport

Section 6 – Delivering a Wide Choice and Quality of Homes

Section 7 – Requiring Good Design

Section 8 – Promoting Healthy Communities

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. Highway and Parking Impacts
3. Design and Layout
4. Open Space
5. Landscape, Arboriculture and Ecology
6. Foul / surface water drainage and utilities
7. Other Material Planning Considerations

### **1. Principle**

The site is located within the 'Countryside' policy area where Core Strategy Policy SS 2 states that development will be limited to development types which require a rural location. The potentially acceptable types of development include the provision of affordable housing in accordance with the Council's 'rural exception site policy' (Policy HO3).

Core Strategy Policy HO3 states that affordable housing development within the Countryside will be permitted only where:

1. the proposal would meet a proven local housing need (within the Parish and adjacent Parishes); and
  - For schemes of 10 or more dwellings, the site is located within 100 metres of the boundary of a principle of secondary settlement or service / coastal village; or
  - For schemes of 10 dwellings or fewer the site adjoins an existing group of ten or more dwellings; and
  - The affordable housing provided is made available to people in local housing need at an affordable cost for the life of the property

The Strategic Housing Manager has confirmed that the proposal meets a local housing need and has also confirmed that, as an exception housing scheme, the shared ownership homes would have a restriction on stair-casing which would prevent the properties from being purchased outright.

In terms of location, Policy HO 3 would direct a scheme of this size to within 100m of the boundary of higher order (more sustainable) settlements. It is recognised that Knapton is not a designated service village and therefore lacks many of the services and facilities that are generally needed to support larger scale developments. A proposal of 14 affordable dwellings in this location would represent a departure from Core Strategy Policy HO 3. With this in mind and given the concerns raised locally relating to the scale of the proposed development, the applicant (Victory Housing Trust) was asked to provide a clear explanation as to the material circumstances that would support a departure from this key policy. This includes consideration of whether it would be possible to deliver a reduced number of dwellings on this site and explore whether introducing an element of market housing to cross subsidise the delivery of affordable units could deliver a reduced total number of dwellings enabling compliance with Policy HO 3.

The applicant responded by stating that their business model does not allow delivery of open market housing as this does not directly serve their charitable purpose, introducing an unacceptable level of risk to their financial forecasting / funding through their lender, the Homes and Communities Agency (HCA). Instead they seek to raise the necessary amount of grant /income alongside a higher proportion of shared ownership properties. They also clarified that the previously approved scheme for 8 affordable units was proposed at a time when grant funding was higher than the grant rates that are currently available and therefore the previous scheme of 8 dwellings remains financially unviable to deliver.

The applicant also maintains that given that the site is currently 'publicly owned land', they believe that this all-affordable development benefits the community of Knapton by ensuring that all homes built on this scheme remain as affordable housing in perpetuity, which would be welcomed in preference to a scheme with open market dwellings which may subsequently become second or holiday homes.

Notwithstanding the above, the applicant acknowledges the concerns of officers and local residents about the scale of development and agreed to investigate whether a reduction in the number of dwellings proposed on this site would be viable. As a result, an amended set of proposals were submitted with the number of proposed dwellings reduced to 14, together with a corresponding increase in the amount of on-site open space servicing the development.

Ultimately it is a matter of planning judgment for the Committee in weighing the benefits of the proposal against any identified harm to determine whether there are sufficient material considerations to outweigh the conflict with Policy HO 3.

In coming to its decision, Committee are advised to consider the contents of Paragraph 54 of the National Planning Policy Framework (NPPF), which is a material planning consideration that should be taken into account. This states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing including through rural exception sites.

Officers recognise the applicants are constrained by their particular business model which precludes the development of market housing. Notwithstanding these specific constraints of the applicant, there is no evidence to suggest that a different affordable housing provider could not deliver a smaller number of dwellings by using market housing to offset costs. However, the Committee must determine the scheme before them and whilst fully recognising the scale of development is above those specified in Policy HO 3, Officers consider that the evidence of housing need for Knapton, which is being partly met by this proposal, is a material consideration for which appropriate weight can be afforded when the Committee make their decision.

Also, whilst recognising that the site and scale of development is not in accordance with Policy HO 3, the Committee may also consider affording appropriate weight to the fact that the village of Knapton is not without certain facilities, including a village hall and recreational facilities and development of this site would help to support these existing facilities and enhance the vitality of the village, as Paragraph 55 of the NPPF promotes.

## **2. Highways and Parking Impacts**

### Highway Safety

Core Strategy Policy CT5 states that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location and that development proposals will be considered against the relevant criteria of that policy which states that:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability;
- the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;
- the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.

Paragraph 32 of the NPPF, states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The development is of a scale which does not require a Transport Assessment or a Transport Statement. Therefore, the information submitted in conjunction with the response of the Highway Authority is sufficient to assess the highway impacts of the development.

The Highway Authority objected to the original submission, the primary reasons being cited in the consultations section of this report. The applicant responded to this objection with the following changes:

- Lengthening the section of footway to Hall Road, north of School Close

- Providing a footway link through the development to the existing bus stop, including tactile paving in accordance with DDA Compliance
- Formal footway removed from the west of the site which previously exited onto Mundesley Road. An informal footpath will now only serve the remainder of the Millennium Garden
- The private drive to the north-west only serves plots 1-8
- Visibility splays of 2.4 x 33 metres have been provided to both junctions with School Close (the new vehicular access and the car parking area)
- Parallel parking removed at entrance to the development, opposite plots 11-12
- Parking spaces next to walls / fences increased to 3 metre in width
- 6 metre manoeuvring provided perpendicular parking spaces – plots 1 to 4.

The Highway Authority has confirmed that they maintain their objection and recommend refusal of the application for the following reasons:

- The proposed development does not adequately provide off-site facilities for pedestrians / cyclists / people with disabilities to link with local services
- The proposal is remote from local service centre provision conflicting with the aims of sustainable development, the need to minimise travel and the ability to encourage walking, cycling, use of public transport and reduce the reliance on the private car.

Officers acknowledge that the application does fall short in addressing of the key concerns of the Highway Authority such as widening a section of Hall Road to maintain a minimum 6 metres width. However, Officers also consider the Highway Authority's view as to what constitutes a sustainable location differs from the intent of some of the more permissive provisions of Core Strategy Policy in a largely rural district. The principle that most development should be directed to the primary and secondary settlements and service villages, where there is better access to sustainable modes of transport and scope for providing pedestrian footpaths to existing services is accepted. However, Core Strategy Policy SS 2 does allow some exceptions, including the provision of affordable housing to meet local needs, in order to help to sustain and contribute to the vitality of existing rural communities.

It goes without saying that consideration be given to the highway safety implications of the proposed development, including the intensification of what is a narrow stretch of road (minimum of 4.4 metres wide) from the junction of Mundesley Road to School Close. It is also noted that many members of the public consider this section dangerous due to vehicles exiting Mundesley Road at speed.

It is acknowledged that this section of road is of restricted width and if possible improvements would be secured to widen this stretch of road to the required adoptable standard i.e. a 6 metre carriageway with a 2 metre footpath. However, it is the opinion of Officers that this would result in a hard engineered solution in a rural environment, which would result in a significant incursion into the area of open space / embankment along the eastern boundary, having a detrimental impact on the quality of the open space proposed within the site and necessitating the removal of the mature boundary hedge.

It is therefore the conclusion of Officers that due to the section of road in question being relatively short and subject to a 30 mph speed limit, the potential highway impact could be considered adverse, but in a rural setting not severe. Indeed, it could be argued that keeping the width of the road at its present dimensions (as opposed to widening to 6 metres) will have the effect of deterring vehicles from entering Hall Road at high speeds more so than a widened section of highway in this location.



### Parking

In respect of provision of car parking, the development comprises the following:

- 3 no. 1 bedroom units
- 11 no. 2 and 3 bedroom units

According to Core Strategy Policy CT 6, the development should deliver an average of 1.5 spaces per 1 bedroom unit and 2 spaces per 2 or 3 bedroom unit, amounting to a total on-site requirement of 26.5 car park spaces.

In addition to the retention of the 10 car parking spaces within the car park area which serves the village hall, the proposal provides 28 spaces, slightly exceeding the amount of parking required under the Councils parking standards. It is recommended that a condition be imposed requiring details of disabled parking and cycle parking provision within the car park area.

Local representations have cited that the development will result in a worsening of existing parking pressures along School Close. In view of the development exceeding the required parking standards and delivering the required access visibility splays, Officers consider that a refusal of the application on these grounds could not be justified.

It is also recommended that conditions be imposed requiring that the village hall car park to be made available for use by users of the village hall during the construction period and details of parking for construction workers to be agreed.

### Highway Summary

Notwithstanding the fact that the Highway Authority maintains their objection to the application on sustainability grounds and in terms of the development lacking linkages to existing services, Officers conclude that the transport impact / highway safety implications are not 'severe' and the proposed development strikes a balance between achievable improvements to the local highway network while recognising the rural character of the area. Therefore the application would not be contrary to paragraph 32 of the NPPF and is broadly in accordance with Policies CT 5 and CT 6 of the Core Strategy. Outstanding technical alterations (with the exception of the widening of Hall Road) are feasible through the imposition of conditions.

## **3. Design and Layout**

Consideration has been given to the requirements of Core Strategy Policies EN 1, EN 2, EN 4 and EN 8.

### Design

In evaluating the acceptability of the development proposed consideration has been given to the North Norfolk Design Guide, consideration of the close proximity of the development to the boundary of the AONB and on any designated heritage assets.

The original submission proposed dwellings constructed of red brick walls, red and anthracite pantiles and flint panelling, with the majority of the units being two-storey. Whilst the density was reflective of its surroundings, it was the conclusion of Officers that the designs of the dwellings were rather conventional and that further consideration should be given to the development responding more positively to its surroundings, especially as the site occupies a prominent corner plot location.

The revised submission (reduction in 2 dwellings) has reduced the density and delivered a larger area of open space which will help to reduce the impacts of the new built form when viewed from key vantage points such as Mundesley Road to the north. A reduction in height of the 3 dwellings (plots 12-14) on the NE corner of the site further reduces their presence in the street scene.

It is also noted that the applicant has attempted to reference the nearby character properties on the east side of Hall Lane by introducing a flint wall to the rear of plots 10-14 and an indication in the Design and Access Statement that they would commit to flint panelling and porches. Although, this information has not been detailed in any elevations.

The Council's Conservation and Design Officer comments on the revised plans and has still expressed reservations about the design of the buildings i.e. it would not result in a positive contribution to the gateway to Knapton.

However, in the context of the existing built environment (particularly the 20<sup>th</sup> Century dwellings to the south of the site), existing curtilage planting and proposed replacement planting, and the scale and design of the proposed new dwellings officers consider that, on balance, the design of the dwellings would not cause unacceptable visual harm to the character of the village / AONB. Nevertheless, the comments of Conservation and Design Officer were conveyed to the applicant and they have responded indicating that they would be happy to address the outstanding points of the Conservation and Design Officer including:

- Provision of existing and proposed ground / finished floor levels to ensure that existing variances in site levels does not make the finished development more apparent in its immediate surroundings.
- Detailed elevations to indicate the extent of any brick and flint panelling
- Specification and sample of bricks, flint panelling and joinery

Such amendments can be secured ahead of the permission being granted and through use of appropriate planning conditions.

#### Layout

An amended site layout has reduced the number of dwellings proposed from 16 to 14 providing a slightly larger 'L-Shaped' area of on-site open space. Whilst it would have been preferable to have secured a further reduction in the number of dwellings proposed and in particular the removal of the dwelling labelled Plot 14 to further increase the amount of open space provided as part of the development, the layout is now considered generally acceptable.

It is noted that the rear garden for plot 8 is smaller than others but is compliant with the North Norfolk Design Guide Amenity Standards in that the rear garden is no less than the footprint of the dwelling on that site. Careful consideration will still need to be given to the provision of boundary fencing and soft landscaping to ensure that the visual amenities and privacy of properties are not compromised.

The shade pattern of tree group G19 on the rear gardens of plots 3 and 4 is noted. Whilst this is not ideal for the occupants, they still have the benefit of adequate private amenity space and open space within the wider site. Furthermore, this deficiency is not replicated throughout the wider site.

The layout and positioning of the dwellings will also not result in any significant loss of amenity of existing properties in terms of outlook and overlooking. A landscaping condition will be required to deliver appropriate soft planting to the rear boundary of plots 5 and 6.

The removal of the parking area to the south of plot 9 will leave a small but isolated area of open space, but nevertheless the space can still be laid to soft landscaping for use by residents and to provide a softer, pleasant entrance to the site.

Whilst the frontage of dwellings 1 to 4 delivers a rather car dominated streetscape it is punctuated by some soft landscaping. However, further details would need to be secured by condition to establish a workable pedestrian walk way to each of the dwellings, particularly those with disabilities.

It is noted that the Highway Authority wish to extend the pedestrian walkway within the development to the enable easy pedestrian access to the village hall. This is an important consideration, but the provision of a conventional hard surfaced footpath would not necessarily enhance the area of open space, so careful consideration would need to be given to routing and choice of materials. It is also the view of Officers that utilising the existing pedestrian access point is sufficient for the purposes of pedestrian movements between the existing car park and the village hall.

It is noted that original response from the Council's Conservation and Design Officer stated that it is important that the choice of material (surface and boundary treatment) within the site is appropriate and that the revised scheme did not fully address their concern. Whilst the submitted hard landscaping scheme provides an indication of the materials, Officers are also mindful of the requirements of the highway authority in respect of adopted / unadopted highways and the need to deliver softer curtilage treatment to the site. It is therefore recommended that a more comprehensive hard landscaping scheme to address the above concerns be secured by way of planning condition.

On balance subject to the imposition of appropriate conditions the proposed development would generally accord with Core Strategy Policies EN 2, EN 4 and EN 8.

#### **4. Open Space**

Taking account of Core Strategy Policy CT 2 and the Council's Interim Practice Guide (Open Space Standards) a development of this scale and housing mix would require the following as on site contributions:

- Public Parks – 350 sqm
  - Children's Play – 88 sqm
  - Green space – 269 sqm
  - Allotments – 172 sqm
- Total – 879sqm

The guidance states that in some cases that local circumstances may mean that a different balance is justified. Before evaluating what is necessary to meet the requirements of this policy consideration needs to be given to existing provision.

The existing site is owned by the District Council and planning permission was granted in March 1999 for its use as an 'informal' recreation area and car parking area. A Millennium Garden appears to have been created to celebrate the Millennium, including a beacon, trees, wildflowers, pond to the west of the site and an interpretation board.

The area of informal recreation space is not designated under the current Core Strategy as a formal area of open space for the village. It is understood that an application was submitted by the village for this land to be designated as a village green but this was unsuccessful.

It was apparent from a site visit that the recreation area is currently lacking regular maintenance. However, due to the sites central / accessible location within the village and the extent of the concern about the loss of this area by local residents, it is reasonable to conclude that the space has value for the existing residents as follows:

- Informal and un-surfaced access to the bus stop and north-west corner of the site
- Amenity value including walking and play for children
- Occasional use for village events
- An historical link to mark the celebration of the Millennium

The village does however have other existing outdoor facilities including:

- the MADRA which includes a clubhouse, children's play area and playing fields. It is understood that this facility is used for various events / uses, including a campsite and public events. This facility is in an edge of village location some 95 metres from the site.
- Allotment gardens, with an access directly opposite the junction to School Close. Although there is no up to date evidence of the level of uptake or demand for their use.

The applicant states that the revised layout delivers a total of 1,605 square metres of open space which is in excess of the total required amount of 879 sqm. Although, it is considered that a sizable portion of this area is more incidental than meaningful i.e. smaller and less effective areas. Nevertheless, it is considered that the reduction of 2 dwellings within the site has resulted in an improvement in terms of the amount of open space within the site.

The Council's Landscape Officer highlights that it is disappointing that the development proposes to remove two thirds of the existing Millennium Garden. In order to ensure that residents continue to benefit from good quality open/recreation space in this part of the village, the commitment from the applicant to maintain the remainder of the Millennium Garden as part of the general maintenance schedule for the new development for the benefit of all residents and provide meaningful open space (for both recreation and biodiversity value), is welcomed and should be secured as part of an associated S106 agreement.

The applicant states that play equipment cannot be included within the scope of the development proposed. In accordance with the Open Space Guidance and the relatively small scale development, it is considered that there is insufficient justification to require that children's play equipment be provided on site.

## **5. Landscape / Arboriculture / Ecology**

Consideration has been given to the requirements of Core Strategy Policies EN 1, EN 2, EN 4 and EN 9.

### Landscape impact.

Representations from local residents have made reference to a recent refusal at Hawthorn House (north-east of the application site) for a boundary wall 2m high boundary wall. Whilst consideration of the impact on the proposal on the Norfolk Coast AONB is a material planning consideration, the cited decision should not be viewed as a precedent and every application should be assessed on its individual merits.

Whilst the application site is relatively flat it occupies a prominent location particularly when approaching the village from the north. The site does benefit from existing mature boundary screening which will help to mitigate the introduction of development to this site.

However, on the basis of the visualisations, it was apparent that the red pan-tile roofscape of the 16 dwellings initially proposed would be extremely visible, particularly plots 14-16 which were two-storey. The applicant submitted revised plans which reduced the number of

proposed dwellings to 14, increased the size of the open space to the NE corner, reduced the size of the rear gardens of plots 10 - 14 and reduced the height of the dwellings to plots 12-14 to one and a half storey.

A Landscape Management Plan has been submitted outlining the areas to be managed including:

- The larger area of open space to the north-east corner of the site
- The area around the village hall car park
- The area of open space to the south of plot 9
- The pathway from the bus shelter to the Millennium Pond to the west of the site

However, as the proposed development will result in the loss of two thirds of the informal recreation area that this site currently provides, resulting in a reduction of the benefit that this space currently provides to the local community, it is essential that the remainder of the Millennium Garden becomes incorporated into the open space provision on the site and is covered under the same management arrangements. To be secured by an updated Landscape Management Plan and legal agreement as necessary.

The concerns of the landscape officer in respect of use of close boarded fencing are noted. The revised layout includes a flint wall and new trees to the rear gardens of plots 10-14, providing a more sympathetic relationship with the historic core of the village to the east. Whilst such an approach is considered acceptable, further detail will be needed as to the height and materials of each of these features, to be secured by way of planning condition.

In conclusion, it is acknowledged that the site occupies a prominent corner plot location and that the choice of external materials and use of close boarded fencing to the north-west corner of the site is not ideal. However, the reduction in number of dwellings, adjustment to the scale of some of the dwellings / increased area of open space, retention of existing mature soft landscaping to Mundesley Road / Hall Road and supplementary landscaping within the site will mean that the impact on the character of the area and on the adjacent AONB will, on balance, be broadly acceptable.

#### Arboriculture

The revised Arboricultural Implications Assessment (AIA) and Arboricultural Method Statement (AMS) has been confirmed as acceptable by the Council's Landscape Officer and is recommended to be secured by way of planning condition.

#### Ecology

The Council's Landscape Officer concluded that on the basis of the assessment and mitigation contained in Ecological Appraisal, the impact of the development on biodiversity could be neutral. However, in view of a discrepancy in the Ecological Appraisal and the Landscape Scheme, the impact of the development on biodiversity has to be viewed as minor adverse. It is therefore recommended that a condition be imposed requiring that the mitigation be fully transferred to the landscaping scheme and associated Biodiversity Method Statement. Such a mechanism will ensure that the biodiversity impact should be neutral.

Subject to these requirements the development is considered to be compliant with Core Strategy Policy EN 9.

### **6. Foul / surface water drainage and utilities**

Consideration has been given to Core Strategy Policies EN 9, EN 10 and EN 13.

The development is of a scale which is unlikely to place a significant burden on existing foul water infrastructure or other utilities. Nevertheless, the applicant's foul water drainage strategy was informed by their pre-submission consultation with Anglian Water.

The submitted Surface Water Drainage Strategy (SUDs) demonstrates that a viable scheme is feasible. A detailed scheme is required to ensure that the development has appropriate measures in place to control any additional surface water, ensure that surrounding ecological habitats are not compromised by excess flow and that further consideration is given to the Highway Authority's reservations about the specification highway drainage.

Therefore, subject to the imposition of appropriate conditions to secure a detailed drainage strategy the proposals are in accordance with Core Strategy Policies EN 9, EN 10 and EN 13.

## **7. Other Material Planning Considerations**

The previous outline approval (P0/13/1310) for 8 dwellings has reserved all matters for subsequent determination with no firm indication of layout or management or ownership of any areas of open space. This permission has expired and cannot be implemented and therefore carries no material weight in the decision making process.

### Other issues

8. The proposal was screened on 4 December 2017, falling below schedule 10 (b) thresholds and not in a sensitive area.
  - The information submitted with the application is sufficient for validation and assessment purposes.
  - The Public Rights of Way Officer has not specifically requested a contribution towards the Rights of Way network in the immediate area. Therefore, it is unlikely that such a contribution could be justified. Nevertheless, clarification is being sought from the County Council's PROW Officer and any comments received will be conveyed to the Development Committee.
  - It is recommended that an informative note be added relating to considerate construction to reduce nuisance to surrounding properties during the construction period.
  - Following the response of the Council's Landscape Officer in respect of the Habitat Regulations Assessment, it is necessary to secure developer contributions to mitigate the cumulative impact of development on European Protected Sites. This can be incorporated with the Section 106 agreement.
  - The comments of the Council's Conservation and Design Officer does not indicate that the development would adversely affect nearby heritage assets. Therefore, the development is considered to be in accordance with the requirements of Core Strategy Policy EN 8. Although, based on the comments of Norfolk County Council's Historic Environment Service, it is recommended that conditions be imposed in respect of archaeological heritage.
  - Contributions towards renewable energy are likely to affect the viability of the scheme. Therefore, the requirements of EN6 are not deemed to be necessary in this instance. The development satisfying Building Regulations is considered to be a proportionate measure to ensure that the development is of a sustainable form of construction.
  - The mix and type of dwellings proposed have been confirmed as acceptable by the Council's Strategic Housing Manager. The development satisfies the requirements of Core Strategy Policy HO1

## **Summary**

Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal represents a departure from the Development Plan in that it proposes 14 affordable dwellings in the countryside policy area contrary to the limitations set out in Core Strategy Policy HO 3.

Knapton is not a designated service village and therefore lacks the services and facilities to support larger scale housing development. The development meets all of the requirements of Core Strategy Policy HO 3, with the exception that it is a development in excess of 10 dwellings and is not located in a higher order settlement such as a Principal or Secondary Settlement or Service Village. It is therefore not in full compliance with the rural exception site Policy HO 3 and Core Strategy Policy SS 2.

The revised submission does not fully satisfy the requirements of Core Strategy Policies CT 5. However, on the basis of the plans submitted, officers cannot conclude that the residual cumulative highway safety impacts of the development are severe.

A suitable scheme in respect of the design, landscaping, provision of open space, surface water management, access and parking can be secured by condition/further negotiation. The development is considered to be in accordance with other Core Strategy Policies in respect of layout, design, landscaping, tree protection, SUDs and the provision of car parking.

Subject to all of the ecological mitigation being transposed onto a revised landscaping scheme and associated Biodiversity Method Statement, the impact on biodiversity is considered to be neutral.

Whilst the proposal is contrary to Core Strategy Policies SS 2, HO 3 and elements of CT 5, on balance it is the opinion of Officers that the provision of affordable housing to meet identified local housing need is a material consideration for which considerable weight can be afforded and which would outweigh the identified harm associated with non-compliance with Development Plan policy.

**RECOMMENDATION: APPROVAL of the application is delegated to the Head of Planning subject to:**

**(i) Prior completion of a suitable section 106 agreement to secure:**

- **The provision of affordable housing**
- **The provision of a commuted sum of monies for mitigation and monitoring of European designated sites**
- **To secure satisfactory management arrangements for the on-site open space (if not possible to secure by planning condition).**

**(ii) To include the specific conditions (summarised) set out below:**

1. Time limit
2. In accordance with the approved plans
3. Details of external facing materials including detailed elevations
4. Details of all boundary treatment
5. In accordance with the AIA and AMS
6. Details of additional mitigatory tree planting
7. Details of an appropriate path between the footpath on the estate road to the SE corner of the site

8. Details of existing and proposed ground levels including finished floor levels
9. Submission of a revised Landscape Plan and Landscape Management Plan to include the Millennium Garden to the west of the site
10. Programme of archaeological investigation
11. Submission of a detailed Surface Water Drainage Scheme
12. Submission of details of parking for Construction workers
13. The village hall car park to continue to be made available for use by users of the village hall during construction
14. In accordance with the recommendations of Ecological Appraisal
15. Submission of a revised Biodiversity Method Statement
16. Details of disabled and cycle parking for the village hall car park

**(iii) Any other conditions considered to be appropriate by the Head of Planning.**

**That the application be refused if a suitable section 106 agreement is not completed within 3 months of the date of resolution to approve and, and in the opinion of the Head of Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale.**

- (2) **SOUTHREPPS - PF/17/2082 - Erection of 20 no. dwellings with associated access, onsite parking provision, gardens and open space, & the demolition of existing garages to create additional residents/visitor parking; Land off Long Lane, Southrepps, Norfolk for Victory Housing Trust**

#### **Major Development**

**- Target Date: 19 March 2018 (Extension until 18 May 2018)**

Case Officer: John Dougan

Full Planning Permission

#### **CONSTRAINTS**

Area of Outstanding Natural Beauty

Proposed Residential Use Allocation

LDF - Settlement Boundary

LDF - Residential Area

Right to buy

Controlled Water Risk - Medium (Ground Water Pollution)

Unclassified Road

MOD Safeguarding

Mineral Safeguard Area

#### **RELEVANT PLANNING HISTORY**

PF/17/1173 - Erection of 24 No. dwellings with associated access, on site parking provision, gardens and open space. Withdrawn 24/11/2017

#### **THE SITE AND SURROUNDINGS**

The application site is located on agricultural land on the south-west corner of the village being adjacent to existing single and two storey dwellings but highly visible when approaching Southrepps from either Thorpe Road or Long Lane.

Southrepps is designated as a 'Service Village' having a range of facilities including shops, pub, village hall, social club, post office and a recreation area which includes a children's play area, playing field and allotments.



The site is included within the Council's Site Allocations Development Plan Document adopted Feb 2011 and is referred to as SOU 02 – Land West of Long Lane. Whilst the site allocation states that the site is 0.6 hectares it is actually approximately 0.9 hectares in size.

The site is located within the Norfolk Coast Area of Outstanding Natural Beauty (AONB). The south-western corner of Southrepps Conservation Area is approximately 100 metres from the main part of the site where the dwellings would be located.

The following heritage assets (Listed Buildings) are within 500 metres of the application site:

- Church of St James (Grade I), 500 metres to the NW
- Beechlands Farmhouse and barn (Grade II and II\*), 400 metres to the NW
- Church Farmhouse and barns (Grade II), 400 metres to the NW
- The Grange (Grade II), 250 metres to the NW
- Ham House (Grade II), 260 metres to the NW
- Vernon Arms (Grade II), 260 metres to the NW

The architectural style in the village is quite mixed, with the area surrounding the application site consisting of older and more modern 20<sup>th</sup> Century single and two storey dwellings of conventional brick construction including the more recent Drurys Yard development north of the site.

At the time of the officer site visit it was evident that High Street and Long Lane were quite narrow, experiencing high levels of traffic at certain times of the day. The section of road from the existing junction to the site to the junction with High Street is quite narrow and does not contain a formal footpath on the entirety of this section to High Street. Although there is an existing Public Right of Way directly opposite the site which leads leading to the recreation area (290 metres) and on to Village Hall / High Street (520 metres).

Long Lane is designated as a Quiet Lane leading to Antingham and Southrepps primary School (1.9km). Whilst Long Lane does not have a dedicated footpath, there is an established alternative in the form of the Paston Way, providing a slightly shorter off-road alternative to the School (1.8km).

The existing site is accessed from Long Lane via an adopted link Road (known as Long Lane Estate), containing a footpath to each side of the carriageway. A survey of this section of adopted highway found that the carriageway was approximately 4.3 metres wide and the footways to each side of the carriageway ranging from 1.67 to 1.84 metres wide.

### **THE APPLICATION**

Seeks full permission for erection of 20 no. dwellings with associated access, onsite parking provision, gardens and open space & the demolition of existing garages to create additional residents/visitor parking.

All 20 dwellings are affordable comprising the following mix:

For rent:

- 4 x 1 Bedroom 2 person Bungalows
- 3 x 2 Bedroom 4 person Houses
- 3 x 3 Bedroom 6 person Houses
- 2 x 3 Bedroom 6 person Bungalows
- 2 x 4 Bedroom 7 person Houses

For shared ownership:

- 3 x 2 Bedroom 4 person Houses
- 3 x 3 Bedroom 6 person Houses

The applicant proposes payment of a financial contribution in lieu of upgrading existing play equipment in Southrepps.

The application was amended and includes the following key changes:

- Moving the dwellings further from the western boundary including increased levels of soft landscaping
- Submission of a Landscape and Visual Impact Assessment
- Including the existing garages (under the applicant's ownership) within the application boundary. This space would be converted into formal parking for existing residents and visitors
- Proposed off-site highway works to include the provision of off-street parking to existing dwellings 29/30, construction of a pedestrian footway linking the development and the existing adopted highway and the provision of doubled yellow lines to deter on street parking on the existing adopted highway

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

- Contrary to Site Allocation Policy SOU 02
- Technical objection from the Highway Authority

#### **REPRESENTATIONS**

43 representations (38 objections and 5 comments) were received in response to the original submission and the additional period of public consultation which expired on 26 April 2018.

The issues (material planning considerations) raised during the consultation(s) are summarised as follows:

- Southrepps has had 50 planning permissions for new dwellings since being designate a service village in 2006 – smaller scale infill development is more appropriate
- We do not accept the applicants viability argument for so many dwellings
- A development of this scale is more appropriate in brownfield sites in North Walsham
- Southrepps is an unsustainable location
- The site was allocated for 10 dwellings only, 20 is unacceptable
- The site is served by any inadequate road network and pedestrian links
- It is worrying that the letter from the school encourages children to walk along Long Lane
- Parents will have to take their children to school by car increasing traffic on Long Lane
- Speeding is already a problem in the village
- The existing access road (Long Lane Estate) is too narrow for passing vehicles with parked cars
- The access to the site is unsuitable as it is on a blind bend and pinch point in the road
- Long Lane is already very busy being used by agricultural machinery
- Poor access to services and facilities i.e. travel would be largely by car
- The additional vehicle movements would have an adverse impact on highway safety
- The development would result significant highway safety problems
- There is an excess of affordable housing to this side of the village
- There is no proven local need for the affordable housing
- Adverse impact on the landscape character of the area and the AONB
- Adverse visual impact when viewed from Thorpe Road and Long Lane

- Inappropriate density having an adverse impact on the setting of the village
- Adverse impact on the views of adjoining properties
- The design is not appropriate for a conservation village in the AONB
- The rear gardens to the north of the site are of an insufficient length
- The properties to the north will have a detrimental impact amenity of existing properties
- Works to the canopies of existing trees to the northern boundary will ruin their shape
- Overlooking of existing properties
- Vehicle speed compliance in the village is at a low rate
- The choice of tree species to the northern boundary is inappropriate
- The character assessment and LVIA is not accurate
- Insufficient landscaping to the west boundary
- The proposed landscaping is inappropriate
- Dwellings 5-8 are too close to the boundary
- The proposal does not properly address existing localised flooding to the north of the site
- The submitted Ecological Appraisal is not accurate
- The AIA does not properly address the protection of existing trees e.g. the mature oak
- Simply nothing can be done to mitigate the conflict of traffic flow at this location.
- The double yellow lines will not be enforced
- Demolishing the existing garages will not deliver additional parking

## **CONSULTATIONS**

Responses summarised as follows, unless stated otherwise:

### **County Council (Highway) (Full response) – OBJECTION**

Southrepps is a relatively small village with limited services. The Primary school is also remote from the proposed development site via narrow roads with no provision for pedestrians or cyclists, to the detriment of highway safety.

Furthermore, Long Lane from High Street is severely sub-standard in terms of width and footway provision. The existing access road is less than 4.8m wide and therefore also not wide enough for an HGV such as a refuse vehicle or other delivery vehicle to pass a car without mounting the adjacent footway. As a consequence, it would not be appropriate to serve a further 20 dwellings via Long Lane.

Therefore, the County Council would not support estate scale development at this location, in the interests of highway safety. Notwithstanding the above, I note this site is allocated for approximately 10 dwellings and therefore would not seek to resist development that is in accordance with the allocation. However, the application is for 20 dwellings, which will generate significantly more traffic and pedestrians on the surrounding severely sub-standard highway network.

As a consequence, in relation to highway related matters, the County Council would recommend this planning application be refused for the following reasons:

- The proposed development does not adequately provide off-site facilities for pedestrians to link with existing provision and local services
- The unclassified roads serving the site are considered to be inadequate to serve the development proposed, by reason of their restricted width and lack of passing provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety.

In addition to the above I would also make the following additional comments regarding the proposed layout shown on drawing 9750-250 P3:

- The proposed rear parking serving plots 10 & 11 would result in on-street parking in the turning head. Additionally the private drive adjacent to plots 12-14 is likely to suffer on-street parking due to the reliance on rear parking
- Development in excess of 8 dwellings should either be served by a road with a 4.8m wide carriageway and 2 x 1.5m wide footways or a 5.8m wide shared surface (subject to a maximum of 25 dwellings).
- Pedestrian access to all dwellings should be clear of associated parking spaces.
- A continuous footway needs to be provided from the development on the north side of Long Lane.
- No public access to the open space has been provided, meaning access is reliant on use of the private drive.

In response to the revised plans:

The Highway Authority have made clear that the extent of sub-standard highway on which the recommendation of refusal is based includes the entire length of Long Lane from High Street to the primary school, which is narrow and not provided with continuous footways linking the site to the limited local services that are on offer in Southrepps.

Notwithstanding the above, in response to proposed amendments the Highway Authority have commented as follows:

- No objection to removal of garages and replacement with unallocated parking spaces.
- You cannot designate a lay-by located within the highway as a passing bay and restrict its use for that purpose.
- No objection to the creation of off-road parking for 29 & 30 Long Lane, subject to there being sufficient space.

However, even if implemented the above suggestions do not in any way mitigate the substandard nature of this section of Long Lane or address the wider concerns with the surrounding highway network. Furthermore, reducing the width of the footway to provide a wider carriageway would not be acceptable, in the interests of pedestrian safety.

With regards to the imposition of waiting restrictions, it is unlikely that neither the County Council or the local residents would support such a proposal.

Improvement of the public rights of way (PROW) would of course be supported in principle, although it would have no bearing on my recommendation of refusal.

As a consequence I would wish to maintain my previous recommendation of refusal to this planning application.

#### **County Council (Lead Local Flood Authority)**

No objection subject to a condition requiring a detailed surface water drainage scheme incorporating:

- Detailed infiltration testing in accordance with BRE Digest 365 in the depth and location of the proposed soakaways.
- Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
  - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.

- 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding.
- Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

#### **County Council (Historic Environment Service)**

The proposed development will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work

#### **County Council (Minerals & Waste)**

As a result of the site area, the development is exempt from the requirements of Policy CS16 of the Norfolk Minerals and Waste Strategy.

#### **County Council (Public Rights of Way)**

Awaiting response

#### **County Cllr Adams (Full response)**

I am concerned that the surrounding highways network is not adequate to service the proposed development and associated increase in vehicle and pedestrian traffic. The existing access road is narrow and is often used for on-street parking by residents. Concerns have already been raised that larger vehicles such as refuse lorries could have access impeded and may have to mount footways to access the development. Access for the Fire & Rescue Service could be similarly impeded. C292 Long Lane is narrow with few passing places and a significant increase in vehicle and pedestrian traffic could be detrimental to safety. Pedestrian access to the North on C292 Long Lane and nearby services including the village shop is poor. Pedestrian access to Antingham and Southrepps Primary School to the South is similarly poor, albeit Public Rights of Way are present to the East and South-East. Footpath 18 to the East of Long Lane, which connects to existing Open Space provisions and other Public Rights of Way will not be suitable in all weathers. There is also the known problem of low levels of vehicle driver speed compliance along the C289 Thorpe Road / Chapel Street access to Southrepps, an obvious access route to the proposal.

Infrared monitoring data suggests speed compliance from the Thorpe Market direction on Thorpe Road is below 50%. With no proposed means of mitigating the above issues, I would be concerned at the impact of this proposal. In relation to other County Council services and infrastructure, I have no concerns as long as any appropriate contributions are made as necessary. An increase in young families in the village could contribute to the viability of Antingham & Southrepps Primary School which has the capacity accommodate additional students.

Existing open space and recreational provisions to the East of the proposal, which are provided by Southrepps Parish Council, would of course benefit from an appropriate contribution and I'm sure any increased use of these facilities would only be welcomed

## **Anglian Water**

No response received.

## **Norfolk Coast Partnership**

The Norfolk Coast Partnership supports the scheme to enable families with lower incomes to be able to live in their local area.

The site is located in the Tributary Farmland area of the Integrated Landscape Character Guidance for the Norfolk Coast AONB. This is an exceptionally open landscape with fewer than average woodlands and a low presence of hedgerows. Two key forces for change which are applicable to this application include:

- Development pressures on the edges of settlements and as infill within them, often eroding the small pastures which are characteristic of the landscape and which help to integrate the villages within the wider countryside;
- Extensions to existing properties, subdivision of landholdings within settlements, external lighting and inappropriate boundary fencing which result from increasing affluence and which cumulatively contribute to the suburbanisation of the area.

Therefore reinstatement of native hedging and trees to the boundary of the site through condition would be more sympathetic to the landscape than boundary fencing. The Landscape Team at NNDC will be able to advise on planting and screening.

External lighting should also be considered.

National Planning Policy Framework paragraph 125 and Norfolk County Council's Environmental Lighting Zones Policy both recognise the importance of preserving dark landscapes and dark skies. In order to minimise light pollution, we recommend that any outdoor lights associated with this proposed development should be:

- fully shielded (enclosed in full cut-off flat glass fitments)
- directed downwards (mounted horizontally to the ground and not tilted upwards)
- switched on only when needed (no dusk to dawn lamps)
- white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources

Whilst the development will not have a detrimental visual impact on the AONB, there seems to be some debate as to the areas capacity to accommodate the numbers.

## **Southrepps Parish Council - OBJECTION**

- Southrepps is an unsustainable location
- The site was allocated for 10 dwellings only, 20 is unacceptable
- The site is served by any inadequate road network and pedestrian links
- It is worrying that the letter from the school encourages children to walk along Long Lane
- Parents will have to take their children to school by car increasing traffic on Long Lane
- Speeding is already a problem in the village
- The access to the site is unsuitable as it is on a blind bend
- Long Lane is already very busy being used by agricultural machinery
- Poor access to services and facilities i.e. travel would be largely by car
- The additional vehicle movements would have an adverse impact on highway safety
- The development would result significant highway safety problems
- There is an excess of affordable housing to this side of the village
- There is no proven local need for the affordable housing

- Adverse impact on the landscape character of the area and the AONB
- Inappropriate density having an adverse impact on the setting of the village
- Adverse impact on the views of adjoining properties
- The design is not appropriate for a conservation village in the AONB
- The rear gardens to the north of the site are of an insufficient length
- The properties to the north will have a detrimental impact amenity of existing properties
- Works to the canopies of existing trees to the northern boundary will ruin their shape
- Overlooking of existing properties
- Insufficient landscaping to the west boundary
- The proposal does not properly address existing localised flooding to the north of the site
- The submitted Ecological Appraisal is not accurate
- The AIA does not properly address the protection of existing trees e.g. the mature oak
- Request that £30,000 be payable towards additional play equipment / adult gym
- Consideration should be given to the development's impact on Human Rights
- Simply nothing can be done to mitigate the conflict of traffic flow at this location.
- Knocking down garages to allow additional parking where cars are already housed does not create additional parking.
- The double yellow lines are a dismal effort to address an issue which cannot be resolved.

#### **Environment Agency**

No comments received.

#### **Conservation and Design Officer**

Since initial comments (dated 26 October 2017) were provided to the earlier application, the scheme has been reduced from 24 dwellings to 20 dwellings. Whilst this remains double the original allocation of 10, the amendments made since this pre-app submission have resulted in improvements to the overall quality of development on offer and the place shaping potential of the site.

Consider that the proposal would result in less than substantial harm to the setting of the designated heritage asset (namely the Southrepps Conservation Area), however this harm is low and likely to be outweighed by the public benefits of the housing and open space on offer. The design of the development has improved since pre-app stage and has largely addressed previous concerns. To this end, the recommendation is one of approval in line with Local Plan Policies EN 4 and EN 8 and paragraphs 131 and 134 of the NPPF.

Recommend conditions to secure appropriate external materials and details of window and door designs.

#### **Landscape Officer**

##### *L VIA*

The residual effect on landscape character is determined to be Minor Adverse or negligible. The LVIA fails to accept that the development results in a fundamental change in land use that effectively extends the built form of Southrepps southwards into open countryside that is within the Norfolk Coast AONB. Statements such as 'Although the site will permanently change from a field to a residential development, the design, scale, layout and landscape of the proposed development respects the character of the surrounding landscape (5.6.16)', are fundamentally wrong. The LVIA fails to acknowledge this and to focus on devising proportionate landscape mitigation to alleviate the effects of the development. In this regard it is not a useful document that informs the design of the development.

In accordance with the Norfolk Coast AONB Integrated Landscape Character Guidance, the site lies within the Tributary Farmland Landscape Type (TF 3 Roughton, Southrepps, Trunch and Knapton). Strongly nucleated settlements within an exceptionally open landscape with fewer than average woodlands and hedgerows are typical elements of this Landscape Character Area. The LVIA concludes a Minor Adverse effect on the AONB due to its high sensitivity. I would argue that the residual effect on the AONB will be greater than this, on the basis that it directly affects the identified character trait of a 'strongly nucleated settlement' by extending the built form southwards.

#### *Soft Landscape*

Accepting that the LVIA has been less than helpful in informing tailored mitigation to reduce the landscape and visual effects of the development, the revised layout and soft landscape proposals do demonstrate some strengthening of boundary planting. However, there is still some way to go before the planting will be effective in bedding this scheme into its open rural landscape setting:

- The mixed native hedge should be continued all the way along the northern boundary, given the visual prominence of this boundary from the western approach into Southrepps along Upper Street;
- Some of the tree species are inappropriate for this rural setting on the edge of settlement and does beg the question as to whether the appointed landscape architect has actually visited the site? The selection of appropriate species is a crucial element in bedding this scheme into its rural setting;
- Inappropriate species are 2no. Dawn Redwood ( *Metasequoia glyptostroboides*), 3no. Purple Beech (*Fagus sylvatica* 'Purpurea'), 1x River Birch (*Betula nigra*), 1x Chinese Red Bark Birch (*Betula albosinensis septentrionalis*). These should be replaced with more Oak (*Quercus robur*), Bird Cherry (*Prunus padus*), Hawthorn (*Crataegus monogyna*), Wild Service Tree (*Sorbus torminalis*), Native Birch (*Betula pendula*);
- The multiple lengths of *Prunus lusitanica* hedging (196m!) within the site are somewhat unimaginative. Variation should be incorporated such as Privet to reflect the existing housing layout to the east, Hornbeam and Escallonia;
- The native hedge mix should include some hawthorn which is prevalent in local hedgerows, say 25% *Crataegus monogyna*, 25% *Prunus spinosa* and the rest as set out; and
- There are no trees proposed within the scheme to break up the hard built form. Small ornamental trees should be included such as *Malus sylvestris*, *Crataegus x Prunifolia Splendens*, *Amelanchier lamarckii*.

#### *Hard Landscape*

Black top wearing surface is proposed for most surfaces; pedestrian, shared and vehicular and this is too monotonous a finish and too urban for the rural setting. Alternative solutions should be sought to break this up, e.g. alternative coloured tarmac, resin bound gravel, use of aggregates.

The proposed timber post and rail fence around all of the site boundaries is appropriate.

The close board fencing proposed within the site will impede any ecological permeability of the site. Given the highly rural setting, this should be amended to provide small mammal gaps (13cm x 13cm) at ground level along all lengths of fencing at intervals of no less than 6m to facilitate commuting corridors for small mammals, in accordance with good practice guidelines. This was also recommended in the applicant's Preliminary Ecological Appraisal dated Feb 2018.



### *Habitat Regulations*

In respect of the Habitat Regulations Assessment, it is necessary to secure developer contributions towards the cumulative impact on European Protected sites i.e. £50 per dwelling required to monitor the impacts of the development on Natura 2000 sites.

### **Strategic Housing**

There is a proven housing need for the provision of more affordable housing in Southrepps, with 55 applicants on the Housing Register, 66 applicants on the Transfer Register and 531 on the Housing Options Register who have a housing need and require housing in Southrepps. It should be noted that there are currently no shared ownership properties in Southrepps and therefore this scheme will provide the first shared ownership properties in the village.

The six bungalows will be constructed to the requirements of category 2 of Part M of the Building Regulations, providing much needed accommodation suitable for the needs of those who require an accessible property.

The scheme is compliant with Policy H0 1 as 50% of the proposed dwellings will have two or less bedrooms and 30% of the dwellings are suitable for or easily adaptable for the elderly, infirm or disabled.

Although the scheme will be a 100% affordable housing scheme, Policy H0 2 requires the provision of at least 50% of the proposed dwellings as affordable housing and so only 50% of the dwellings, in policy terms must be secured as affordable housing through a Section 106 Agreement. However, Victory Housing Trust has advised that they will include all twenty dwellings in the Section 106 Agreement which will protect all twenty dwellings as affordable housing. In addition, it is noted that as Southrepps is a village, the shared ownership dwellings will have a restriction on the maximum share which can be sold to the occupier, as no more than 80% of the value of the property will be able to be sold, with Victory Housing Trust.

To conclude, the Housing Strategy and Community Development Team supports this application for the provision of twenty affordable dwellings in Southrepps of which six will be sold on a shared ownership basis and the remainder will be let at affordable rents.

### **Environmental Health**

There are no adverse environmental health concerns in relation to the proposal.

### **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 Allocations (Adopted February 2011):  
Policy SOU02: Land West of Long Lane

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

Policy SS 4: Environment (*strategic approach to environmental issues*).

Policy SS 6: Access and Infrastructure (*strategic approach to access and infrastructure issues*).

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

Policy HO 2: Provision of Affordable Housing

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

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

Policy EN 10: Flood risk (*prevents inappropriate development in flood risk areas*).

Policy EN 13: 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*).

National Planning Policy Framework (NPPF):

Section 1 – Building a Strong and Competitive Economy

Section 4 – Promoting Sustainable Transport

Section 6 – Delivering a Wide Choice and Quality of Homes

Section 7 – Requiring Good Design

Section 8 – Promoting Healthy Communities

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
1. Affordable Housing
2. Housing Mix and Type
3. Density, Layout, Design and Heritage
4. Trees and Landscape
5. Highway and Parking Impacts
6. Foul / Surface Water Drainage and Utilities
7. Other Material Planning Considerations

## **1. Principle**

The site is allocated within the Service Village of Southrepps on land allocated for approximately 10 dwellings under Site Allocations Policy SOU 02. The principle of housing on this site is therefore accepted albeit that the scale of development proposed by this application does not accord with the allocation requirements.

Site Allocations Policy SOU 02 sets out a number of requirements for a scheme of approximately 10 dwellings including:

- On site provision of the required proportion of affordable housing (50%);
- Contributions towards infrastructure, services and other community needs as required;
- Provision of a safe vehicle access to Long Lane;
- Provision of appropriate landscaping including boundary treatment to the agricultural land to the rear;
- Submission of a satisfactory scheme of improvements to local surface water drainage to address localised flooding concerns;
- Measures to prevent the input of hazardous substances to ground water;
- Archaeological investigation if required; and
- Be sympathetic to the landscaping character including the AONB

A proposal of 20 dwellings would represent a departure from the adopted Site Allocations Policy and would be a departure from the Development Plan. If Committee are minded to approve the proposal, it would be important to identify sufficient material planning considerations to outweigh the conflicts with the Development Plan.

When the site was allocated it was expected that the proposal would include both market and affordable dwellings to meet a range of housing requirements in the village. However, to date, no formal application for market/affordable housing has come forward and this raises questions as to whether a scheme of 10 dwellings would or could be viable to develop. This has, in effect, provided an opportunity for a Housing Association to take forward a 100% affordable housing scheme for the site, akin to an exceptions housing proposal.

## **2. Affordable Housing**

The proposal is for a 100% affordable housing scheme submitted by a Registered Provider and therefore the number of affordable dwellings to be provided (twenty) far exceeds the five affordable dwellings expected under Site Allocations Policy SOU 02.

The applicant (Victory Housing Trust) has advised that they will include all twenty dwellings in the Section 106 Agreement which will protect all twenty dwellings as affordable housing.

Subject to securing the affordable housing by way of S106 Obligation, officers consider that the proposal would far exceed the requirements of Core Strategy Policy HO 2 and the affordable housing requirements of Site Allocation Policy SOU 02.

## **3. Housing Mix and Type**

Although not a specific requirement of development on this site, all of the housing proposed is either Affordable Rent or Shared Ownership dwellings. There is a varied mix of smaller 1-bed bungalows and houses through to the inclusion of a 4-bed dwelling, offering dwelling sizes across a wide spectrum range. The proposals would comply with policy HO 1 (Dwelling mix and type) which requires at least 40% of the total number of dwellings to comprise not more than 70sqm internal floorspace and incorporate two bedrooms or fewer; and at least 20% of dwellings to be suitable or easily adaptable for occupation by the elderly, infirm or disabled.

It is acknowledged that this section of the village does have a high number of housing which could be described as affordable. It would therefore be preferable if, the development contained some open market units to help meet wider housing needs. However, the affordable housing offered on the site is not restricted to a particular tenure type, providing a tenure mix which provides choice to a broad section of society. Indeed, the Council's Strategic Housing Manager states that there are currently no shared ownership properties in Southrepps and therefore this scheme will provide the first shared ownership properties in the village.

In view of this, the development is considered to be in general accordance with Core Strategy HO 1 and paragraph 50 of the NPPF.

#### **4. Density, Layout, design and heritage**

##### Density

Core Strategy Policy HO 7 sets out that housing developments in service villages should have an indicative density of not less than 30 dwellings per hectare. Whilst central government have subsequently removed the need to meet minimum density requirements, making efficient use of land is still a relevant material planning consideration, particularly in relation to development viability.

The site allocation Policy SOU 02 stated that the site had the capacity to accommodate approximately 10 dwellings on a stated site area of 0.6 hectares giving an approximate density of 17 dwellings per hectare. In fact, the site is actually understood to be 0.9 hectares and therefore 10 dwellings on a site of this size would give a density of just over 11 per hectare. A scheme of 10 would therefore have a considerably lower density than the intent of Policy HO 7 but it is recognised this lower density took account for the sites edge of village location and location within the AONB.

On the basis of the site being 0.9 hectares, the proposal scheme of twenty dwellings has a density of 24 dwellings per hectare which is still less than the densities evident in the immediate existing built environment. Such a level of density is considered to be acceptable subject to the development demonstrating compliance with other relevant Core Strategy Policies.

##### Layout

Although the proposal exceeds the estimated numbers in the Site Allocation, the development is not considered to be a cramped form of development as it incorporates two areas of open space. The non-linear layout and spacing between the dwellings coupled with the informal areas of open space to the frontage of many of the plots / western boundary, helps create a welcoming sense of approach to the site with scope for meaningful levels of soft landscaping. Further detailing revisions are necessary in terms the extent and specification in respect of that hard and soft landscaping and these can be secured either by way of planning condition and/or negotiation post any resolution to approve.

The rear gardens of plots 9-11 are slightly smaller than required (i.e. their rear gardens are slightly smaller than the footprint of the property), but the majority of the dwellings on the site are well served in terms provision of adequate levels of private amenity space.

It is noted that the adjoining plots to the north are approximately 0.75 to 1 metre lower than existing ground levels on the site. Therefore, consideration needs to be given to whether or not the two storey dwellings (plots 1-6) could appear overbearing or result in loss of privacy in the rear gardens of the adjoining properties to the north.

Taking account of the existing / proposed soft landscaping along the northern boundary and the proximity / distance of the dwellings to the gardens in the adjacent properties, no significant loss of outlook or loss of privacy would result. The dwellings in plots 7 and 8 are quite close to the north boundary and as these are single storey, it is unlikely that any significant loss of outlook or overlooking would result. This conclusion is conditional to the imposition of suitable landscape conditions and a condition confirming existing / proposed site levels and finished floor levels to ensure houses are built as expected.

As the dwelling in plot 20 is a bungalow it is unlikely to be of a scale which would result in any significant loss of outlook for existing properties.

The layout satisfies the upper floor window to window distances as set out in the North Norfolk Design Guide. Although, further detail on appropriate hard and soft landscaping/boundary treatments will also ensure adequate levels of privacy within the development site itself, particularly the building group containing units 9 to 14.

#### Design / Heritage

The development would be constructed largely of red brick with red / anthracite pan-tiles. The two storey dwellings having either gabled or lean-to canopy above the front doors and some ground floor bay windows.

Whilst the village does contain Listed Buildings including the Church of St James (Grade 1) and the nearby Southrepps Conservation Area, the separation distance and intervening modern housing will result in a negligible impact on the significance of those heritage assets and the character of the area. Nonetheless, given that some, albeit limited, harm has been identified to the character and appearance of Southrepps Conservation Area resulting in 'less than substantial harm' under NPPF paragraph 134, Committee will need to satisfy itself that there are sufficient public benefits to outweigh any identified harm to heritage assets.

Officers consider that only a limited amount of public benefit would be needed to outweigh the identified harm.

To help minimise any visual impacts it is recommended that conditions be imposed in respect of samples of the brick, tile and exterior finishing materials.

On consideration of the proximity proposal against the existing built environment, the development is in general accordance with Core Strategy Policies EN 4 and EN 8 and paragraphs 131 and 134 of the NPPF.

## **5. Trees and Landscape**

#### Landscape impact

A key consideration is the impact of the development on the special qualities of the Norfolk Coast AONB. Officers advised the applicant that the number of dwellings and layout should be informed by a robust Landscape and Visual Impact Assessment (LVIA).

Whilst the Council's Landscape Officer has reservations about the content of the LVIA submitted by the applicant and the detail within the hard and soft landscaping scheme, the applicant has confirmed that they are willing to address the deficiencies via condition. Indeed, in comparison with conventional close boarded fence (which is evident on part of the settlement boundary), the provision of a post rail fence coupled with the higher levels of soft landscaping along the western and southern boundaries will provide a more sensitive transition with the surrounding landscaping

In view of this, officers have concluded that an effective soft / hard landscaping scheme is feasible without resulting in any significant adverse impact on the special qualities of the Norfolk Coast AONB.

Exact details relating to landscaping and boundary specification and site lighting will have to be secured by a robust pre-commencement condition.

#### Open space

The Interim Open Space Standards require a development of 20 dwellings to provide the following levels of open space:

- Parks = 562 sqm
- Play = 144 sqm
- Greenspace = 432 sqm
- Allotments = 276 sqm
- Total = 1,414 sqm

The development is within 800 metres of an existing recreation field and children's play area, therefore satisfying the accessibility standard of Core Strategy Policy CT 2.

The development provides two areas of open space. The area to the south (1,335 sqm) and west (663 sqm), a total of 1,998 sqm.

Whilst the proposal does not address each component of the Open Space standard, it exceeds the overall amount required for a development of this scale. Furthermore, the applicant is willing to pay a contribution in lieu of upgrading existing play equipment in the Village Hall.

Subject the management of the proposed open space being secured by condition and a yet to be agreed contribution towards existing play provision via section 106 agreement, the proposal is considered to be in general accordance with the requirements of Core Strategy CT 2.

#### Arboriculture

There are a number of mature trees and hedges along the northern boundary of the site which have amenity / biodiversity value. The submission demonstrates that the development area is largely outside the route protection area of the large Oak (T3). The submitted Arboricultural Implications Assessment (AIA) and method Statement (AMS) dated February 2018, demonstrates that the protection of this soft landscaping is feasible. Although, it is recommended that any permission have a condition requiring that the development be in accordance with the approved AIA / AMS.

#### Ecology

The site is of low ecological value. Nevertheless, the Council's Ecology Officer has noted that consideration will need to be given to lighting and providing a pathway for any wildlife underneath/through any close boarded fencing within the site.

It is recommended that a condition be imposed requiring further detail of the above and that the development be carried out in accordance with the recommendations of the submitted Preliminary Ecology Survey.

Subject to these requirements the proposal would accord with Core Strategy Policy EN 9.

## 6. Highways and Parking Impacts

### Transport / highway impact

Core Strategy Policy CT 5 states that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location and that development proposals will be considered against the relevant criteria of that policy which states that:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability;
- the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;
- the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.

However, paragraph 32 of the NPPF, also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The principle of 'approximately' 10 dwellings on this site has already been established as part of the 'Site Allocation' i.e. the site is in a relatively sustainable location and in a rural context has reasonable access to services and facilities.

Officers acknowledge the concerns of High Authority in respect of their primary reasons for recommending the application is refused on the basis that:

- The proposed development does not adequately provide off-site facilities for pedestrians to link with existing provision and local services; and
- The unclassified roads serving the site are considered to be inadequate to serve the development proposed, by reason of their restricted width and lack of passing provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety.

The Highway Authority also state that the width of the road from the road from High Street to the primary school is severely sub-standard and that the existing adopted highway serving Long Lane Estate (and the application site) does not fulfil the minimum requirement of a 4.8 carriageway.

It is acknowledged that there are also places in which two cars cannot pass one another. However, improving the stretch of Long Lane (High Street to the Primary School) is not a viable prospect for the applicant and has therefore been discounted as an option in this assessment.

Whilst the Highway Authority stated that they would not remove their objection, the applicant agreed to commit to the following measures to improve access / vehicular movement along the existing adopted highway (Long Lane Estate):

- Demolition the existing garages to create an unallocated car parking
- Double yellow lines either side of the existing adopted highway
- Provision of 2 no. access to existing Victory Housing to create off-street parking

The above measures could have a positive benefit by improving safe access to the site from Long Lane. For example, the new unallocated parking areas will create more usable parking spaces compared with the garages. However, the Highway Authority confirmed that the Parish Council and County Council were unlikely to accept the parking restrictions along Long Lane Estate. Officers consider that there is merit in a condition being imposed, investigating the feasibility of Traffic Regulation Order (TRO) to place double yellow lines on Long Lane Estate.

In light of the above, a survey was undertaken by officers and it was established that the width of this stretch of carriageway was 4.3 metres but each of the footways were in fact wider than the required standard of 1.5 metres. Whilst officers conclude that bringing this stretch of highway to the required standard is feasible, the Highway Authority stated that it is unlikely to be acceptable once subjected to Safety Audit. Nonetheless, the imposition of a condition requiring improvements to the existing adopted highway through Long Lane Estate is potentially feasible and necessary.

The site application site would ideally have a pedestrian footway to High Street and the School. However, due to land ownership constraints it is not realistic to provide a footway to these locations. It is also the view of officers that not having a formal footpath is not uncommon in a village environment and that the stretch of road in question to High Street is relatively short and within the 30mph speed limit. Furthermore, pedestrians can also choose to use an existing Public Right of Way (PROW) directly opposite the site entrance, to access the village hall, recreation ground and upper end of High Street.

In regards to the Highway Authority view that there is a lack of footway to the Primary School (1.9km), this is not considered to be a realistic prospect due to land ownership constraints; such provision would be quite excessive in a rural context and would likely render the development unviable. Nonetheless, as is the case in many rural locations parents are likely to drive their car to the school. Although, they also have the option to walk on the existing and largely off-road PROW which goes past the School (1.8km).

In regards to the existing PROW to the village hall / recreation area and the primary school, it is understood that in the absence of a response from the County Council's PROW Officer, they have decided not to contribute to its improvement.

The principle of the acceptability of the existing junction to Long Lane Estate has already been deemed acceptable at the Site Allocation stage. Whilst the proposal is in excess of the numbers estimated as being acceptable at the Site Allocation, the established visibility splays at that junction within a 30mph speed limit are considered acceptable.

The revised layout of the development does not address all of the points raised by the Highway Authority. Whilst officers are of the view that not addressing all of these issues would not render the layout to be unacceptable in planning terms, in view of further details being required in respect of hard landscaping, these matters could be investigated further by the imposition of a planning condition.

#### Parking

In respect of provision of car parking within the site, the development comprises the following:

- 4 no. 1 bedroom units
- 14 no. 2 and 3 bedroom units
- 2 no. 4 bedroom units



According to Core Strategy Policy CT 6, the development should deliver an average of 1.5 spaces per 1-bedroom unit, 2 spaces per 2/3 bedroom unit and a minimum of 3 spaces per 4 bedroom unit, amounting to a total on-site requirement of 46 car park spaces.

It is acknowledged the parking within the main part of site only contains 44 car park spaces. However, when considered in the context of the proposed 18 unallocated spaces, the development is considered to be broadly compliant with Core Strategy Policy CT 6.

#### Summary of highway issues

In considering the rural location of the development, the above considerations and paragraph 32 of the NPPF, it is the opinion of officers that the transport /highway impacts of the development are potentially adverse but not severe. Committee should be aware that the Highway Authority objected to the original SOU 02 allocation in Southrepps.

The development provides a level of parking which exceeds the parking requirements of Core Strategy Policy CT6.

Whilst technically the proposal represents a departure from Core Strategy Policy CT 5, it will be a matter for the Development Committee when exercising planning judgment to weigh the concerns about the adequacy of the surrounding network raised by the Highway Authority against the public benefits of the proposal.

### **7. Foul / Surface Water Drainage and Utilities**

The application has been accompanied by an Anglian Water Pre-Assessment Report which demonstrates that a development of this scale is unlikely to result in any significant burden on foul drainage infrastructure.

It is noted that the area to the north of the site has experienced incidences of surface water flooding and that the existing properties along the northern boundary are approximately 0.75 metres below the site. The Lead Local Flood Authority (LLFA) does not normally comment on housing developments of this scale. However, after being informed of the historical incidences of localised flooding, they submitted a formal consultation response which confirms that the drainage strategy is acceptable and that an appropriate surface water drainage scheme is feasible subject to condition. On the basis of the submitted drainage strategy and response from the LLFA, the development can deliver an effective surface water drainage solution.

The development is of a scale which is unlikely to place any significant burden on other infrastructure and utilities.

### **8. Material Planning Considerations**

The County Council did not request a financial contribution towards the Antingham and Southrepps Primary, an indicator that a development of this scale would not place any burden on the operation of the school. Indeed, a response from the School itself indicates that the School has for a number of years suffered from a lack of children. In view of these factors, the provision of an affordable housing development (which is likely to have younger families) might contribute to the continued viability of a key rural service / facility.

#### Other issues

- The ground investigation report and surface water drainage strategy confirms that the development is unlikely to result in contamination of ground water.
- The submission provides very little information in how the development minimises

resource consumption. It is therefore recommended that a condition be imposed so that the Local Planning Authority can determine if the development is in accordance with the requirements of Core Strategy Policy EN 6

- In view of the comments of the Council's Historic Environment Service, the development will not have significant implications on archaeology
- In an attempt to reduce any nuisance associated with the construction works on existing properties, it is recommended that a condition be imposed requiring that the demolition of the garages and laying out of the parking spaces in that be implemented prior to the commencement of work on site. It is also recommended that additional temporary parking be provided on site for construction workers.
- Following the response of the Council's Landscape Officer in respect of the Habitat Regulations Assessment, it is necessary to secure developer contributions to mitigate the cumulative impact of development on European Protected Sites. These can be incorporated with the section 106 agreement.
- In accordance with Core Strategy CT2 and SOU 02, the development must make financial contributions towards Library and Fire Hydrant provision. The need to contribute towards existing public rights of way is yet to be confirmed.

### **Summary**

Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal represents a departure from the Development Plan in that it proposes 20 affordable dwellings on a site allocated for approximately 10 dwellings and will likely give rise to some adverse highway impacts contrary to the requirements of Site Allocations Policy SOU 02 and Core Strategy Policy CT 5.

Southrepps is a designated Service Village having access to a reasonable range of services and facilities, the allocated site being a logical location for the planned expansion of the village.

However, it is increasingly evident that a scheme for approximately 10 dwellings as required under Policy SOU 02 is not viable, evidenced by the lack of interest from house builders or developers to take the site forward. This lack of commercial viability for a market scheme has presented an opportunity for Victory Housing as a Registered Provider to put forward a proposal for 20 affordable dwellings akin to a rural exceptions housing scheme.

Whilst an affordable housing scheme cross-subsidised by market housing would have been the preferable model of delivery and which would have enabled a reduction in the number of units required on the site, the applicant has indicated that their business model does not allow delivery of open market housing as this does not directly serve their charitable purpose, introducing an unacceptable level of risk to their financial forecasting / funding through their lender, the Homes and Communities Agency (HCA).

The development is considered to be in accordance with other Core Strategy Policies in respect of layout, design, landscaping, tree protection, SUDs and the provision of car parking. and a suitable scheme in respect of the design, landscaping, provision of open space, surface water management, access and parking can be secured by condition.

However, it is the scale of development and resultant impact on the surrounding highway network that raises the most significant planning considerations.

Officers recognise that the surrounding highway network and pedestrian footways are sub-standard. However, in the context of a rural village, the development being within a 30mph speed limit, other off-road pedestrian provision in the area, together with the proposed mitigation, officers have concluded that the residual cumulative transport / highway safety impacts associated with the development are adverse but not severe.

Officers also recognise that resolving the off-site highway issues raised by the Highway Authority is not readily achievable or viable through the proposed development.

Whilst the Committee would perfectly and reasonably be entitled to exercise planning judgment and resolve to refuse the proposal on highway grounds, in the absence of reasonable and viable market alternatives, the site will continue to be unviable to develop for a scheme of approximately 10 dwellings.

The opportunity presented to the Committee through this proposal will unlock delivery of the site and bring forward much needed affordable homes and these are public benefits which the Committee could, should they so wish, afford considerable weight.

On balance it is the opinion of Officers that the cited material planning considerations including public benefits of affordable housing outweigh the identified adverse effects associated with non-compliance with the Development Plan.

**RECOMMENDATION: APPROVAL of the application is delegated to the Head of Planning subject to:**

**(i) Prior completion of a suitable section 106 agreement to secure:**

- The provision of affordable housing
- The provision of a commuted sum of monies for mitigation and monitoring of European designated sites
- Contributions toward infrastructure including Library and Fire Hydrant provision
- The provision of contributions toward existing children's play / recreation facilities in the village
- To secure satisfactory management arrangements for the on-site open space (if not possible to secure by planning condition).
- Contribution towards existing Public Rights of Way (PROW)

**(ii) To include the specific conditions (summarised) set out below:**

2. Time Limit
  1. In accordance with the approved plans
  2. The unallocated parking area to implemented prior to commencement on main site
  3. Submission of details of construction workers parking within the main site
  4. Off street parking to
  5. Submission of details of off-site highway works to widen Long Lane Estate
  6. The approved off-site highway works to be completed prior to commencement
  7. The provision of off street parking to existing dwellings 29 and 30
  8. Details of facing materials including detailed elevations
  9. Details of all boundary treatment
  10. Submission of a revised soft landscape plan
  11. Submission of a revised hard landscape plan

12. Details of existing and proposed ground levels including finished floor levels
13. In accordance with the AIA
14. In accordance with the recommendations of the Preliminary Ecological Appraisal
15. Submission of a detailed Surface Water Drainage Plan
16. Details of 10% energy reduction measures

**(iii) Any other conditions considered to be appropriate by the Head of Planning**

**That the application be refused if a suitable section 106 agreement is not completed within 3 months of the date of resolution to approve and, and in the opinion of the Head of Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale.**

- (3) **STALHAM - PF/17/1524 - Demolition of existing buildings and the erection of retirement living housing for the elderly (category II type accommodation), including 30 retirement living apartments, 12 retirement bungalows, communal facilities, access, car parking, landscaping and ancillary development at Slaughter House, Upper Staithe Road; Slaughter House, Upper Staithe Road, Stalham, Norwich, NR12 9AX for McCarthy & Stone Retirement Lifestyles Ltd**

**Major Development**

**- Target Date: 12 January 2018**

Case Officer: Mr G Linder

Full Planning Permission

**CONSTRAINTS**

Within defined Settlement Boundary

Within defined Employment Area

Unclassified Road

Development within 60m of Class A road

Principal Routes

Surface Water Flooding

**RELEVANT PLANNING HISTORY**

No relevant history

**THE APPLICATION**

The site is approximately 0.81 ha in area and broadly triangular in shape and is currently vacant having last been used as an abattoir, closing in 2008. It consists of a range of single and one and a half storey modern industrial buildings adjacent the northern boundary and Old Market Road which have brick plinths and upper walls and roofs of corrugated cement sheeting. In addition there is a further two storey building of green corrugated steel sheeting adjacent to the junction of Old Market Road and Upper Staithe Road. Immediately to the south of the buildings is a large concrete apron which was used for car parking and as circulation space. Beyond this is an overgrown area of grass with mature and semi-mature trees forming the south western and western boundaries of the site, with the A149 and junction with Old Market Road.

The eastern boundary of the site abuts Upper Staithe Road, which is currently framed by a close boarded fence and overgrown planting, beyond which to the eastern side of the road are a mix of detached and semi-detached vernacular style two storey dwellings. To the northern side of Old Market Road is a Tesco supermarket, petrol station and car park.

The proposed development will demolish all buildings on the site and provide a sheltered housing development (homes for people aged mostly 60 and over) providing 30 one and two bedroom retirement living apartments together with communal facilities, including residents lounge, refuse store, electric buggy charging area and garden. There is no specific dwelling proposed for staff, but there would be a staff office and a single room for overnight visitors. The development will be served via a new access off Old Market Road with the provision of 28 car parking spaces for the retirement living apartments, including 2 spaces for visitors, 1 for doctor / visiting medical staff and 1 disabled space.

In addition, 12 detached retirement living bungalows for sale to older people are proposed within the eastern half of the site. Each dwelling will have its own private amenity space and off road car parking for two vehicles, plus two visitor parking bays.

The application was amended on 20 February 2018 and was subject to an additional period of consultation for 21 days. The amendments have revised the overall scale and massing of the retirement living apartments, with the western most element having been reduced in height from three to two storey, which in turn has resulted in four of the two bedroom apartments, becoming one bedroom units. In addition, the roof scape has been amended to give the building a more additive appearance whilst there have been significant elevational changes. The amendments have also resulted in changes to the retirement living bungalows, with the roof pitches of some of the dwellings being increased, together with other more minor changes. In addition, as part of changes to the access arrangements a Zebra crossing is proposed to the east of the access on Old Market Road.

The application is supported by the following plans/documents:

- Plans and elevations
- Design and access statement
- Planning statement
- Transport statement
- Statement of Community involvement
- Employment Survey
- Noise impact assessment and mitigation measures
- Archaeology desk-based assessment
- Contamination site investigation report
- Preliminary Ecology appraisal
- Bat survey report
- Tree Survey and Tree constraints plan
- Landscape layout
- Viability appraisal
- Financial Viability Assessment
- Drainage strategy

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

(i) At the request of the local ward Member Councillor Grove–Jones having regard to the complexity of the application plus local residents' reservations and objections.

The Development Committee undertook a public site visit on 12 April 2018.

#### **PARISH/TOWN COUNCIL**

##### **Stalham Town Council:**

Original comments: Support the application if the car parking provision is increased and the height of the 3 storey building reduced.

Comments in respect of amended plans: If approved the vehicular access should be off Upper Staithe Road and consideration should be given to a roundabout for the junction with the A149 Old Market Road junction.

## **REPRESENTATIONS**

27 letters of representation have been received across both periods of public consultation.

13 representations from 6 local residents have been submitted who **object** to the proposals. The objections raise the following concerns (summarised):-

### Principle of development:

- Loss of employment land.
- Does not accord with Development plan.
- Given its location the site is more suited to commercial purposes (as a business park).
- There is a serious lack of availability of commercial premises in Stalham resulting in a loss to the local economy and provision of jobs.

### Design:

- Height/scale/massing of building inappropriate.
- Building will dominate the town's skyline.
- Will obscure views of St. Mary's Church tower.
- The development would be out of character with Stalham's quaint Victorian country town appeal.

### Traffic:

- Will significantly increase the volume of traffic on to old Market road.
- Insufficient parking.
- Does not accord with parking standards.
- Danger from increase in traffic.
- The development will be located on an island surrounded by dangerous roads.
- Will increase traffic congestion at the entrance to Market Street.
- The concrete pad at the southern end of Upper Staithe Road should be retained due to its proximity to the public footpath and to facilitate larger service vehicle passing.

### Amenity:

- The development will have a negative impact on the facilities and services available in the town.
- there are no plans to expand the medical facilities available to accommodate the additional residents, resulting in an increased strain on local doctors, surgeries and pharmacies.
- Concerns regarding potential surface water flooding in Upper Staithe Road.

13 representations have been submitted in **support** of the proposals, for the following reasons:

- The development will provide much needed appropriate housing or older people.
- Conveniently located close to town facilities.
- Good use of a derelict site.
- The residents will provide income for the town.
- Put vacant site back into use.
- Would like to live in the development.
- A great boost for the town of Stalham.

For the purposes of clarity, it should be noted that some of the responses in support are from people expressing a desire to move in to the development.

A letter has also been received from Stalham Area Business Forum who represent the local business community and object to the application on the following grounds, (summarised):-

- The development will significantly increase the volume of traffic onto Old Market Road, which is already dangerous and congested.
- Consider that a roundabout at the junction with the A149 should be constructed before the development proceeds.
- A number of members consider that the land should be put to commercial use.
- Concerns expressed regarding the excessive height of the flats.

## **CONSULTATIONS**

**Norfolk County Council (Highway)** Have indicated that there is no objection in principle to the whole site being accessed from Old Market Road or to the level of parking provision. However they require further modifications to the scheme in order to make it acceptable:-

- Upper Staithe Road being improved to provide a continuous footway and 4.8m wide carriageway across the frontage of plots 10 – 12.
- Improved visibility splays from Upper Staithe Road.
- The provision of a type 3 turning area to the spine road for larger refuse vehicles.
- The provision of type 5 turning heads for the private drives in order to accommodate delivery vehicles.
- Provision of a pedestrian crossing facility on Old Market Road linking the site to the supermarket, town centre and other services. This it is suggested could be achieved by replacing the adjacent round topped speed hump with a flat topped table / zebra crossing.

An amended layout plan has been received showing the zebra crossing, whilst discussions are ongoing in respect of the other outstanding issues.

**Norfolk County Council (Lead Local Flood Authority)** – The application falls below the current threshold for providing detailed comment. However the LLFA have indicated that the Local Planning Authority should be satisfied that the applicant has demonstrated compliance with;

- The National Planning Policy Framework (“NPPF”) paragraph 103 by ensuring that the proposal would not increase flood risk elsewhere.
- Written Ministerial Statement HCWS 161 by ensuring that Sustainable Drainage Systems for the management of run-off are put in place.

**Conservation and Design Officer** - No objection

Initial concerns that the scheme needed amendments and clarification, but subsequently the amendments are accepted and the outstanding elements can be addressed by conditions.

**Landscape Officer** - Following initial concerns about the proposed landscaping scheme, the applicant is preparing revised landscape proposals.

**Environmental Health Officer** – No objection subject to the imposition of appropriate conditions relating to possible contaminants affecting the site and means of household waste disposal.

**Planning Policy Manager** – Makes the following comments

The site is currently an employment area and any development of the site will need to take account of the policy requirements of this allocation. In line with the requirements of the NPPF Planning policies should avoid the long term protection of such sites where it can be demonstrated that the site will not come forward. The applicant will need to demonstrate that the site has been appropriately marketed for its designated use and that the proposed use has regard to the appropriate market signals and relative need in the community.

**Strategic Housing Manager** – No objection

There is a need for dwellings which are designed to meet the needs of an occupier with restricted mobility and which can be adapted to meet the needs of a wheelchair user to address the housing needs of older people and allow them to live well and independently for longer. The Council sought an independent view of the submitted viability assessment and the assessor having carefully considered all the information submitted has concluded that there is no viability in the proposed development to provide any Section 106 Agreement contributions for affordable housing. However in order to meet the needs of older people, planning conditions should be used to ensure that the 30 dwellings remain available in perpetuity to meet the needs of older people.

**Norfolk County Council (Planning Obligations Co-Ordinator)** – No objection.

As the development will place pressure on the existing library service, a contribution of £75 per dwelling is sought which will be spent at Stalham library on IT equipment and infrastructure. In addition, a minimum of one fire hydrants will be required at a cost of £815.00. However due to the age restricted nature of the development no education contributions are sought. Green Infrastructure is required.

**Anglian Water** - No objection subject to use of conditions.

There is sufficient capacity in foul sewerage and waste water to accommodate the development. Conditions should require the submission of a surface water management strategy, linked to construction of hard-standing areas.

**Environment Agency** – No objection subject to the imposition of appropriate conditions relating to contaminated land.

**Economic and Tourism Development Manager** - No objection - The site appears to have been marketed since 2008 with no viable employment uses and within the context of the district having allocated a significant supply of employment land, we consider the loss of this designated site to have negligible impact on the supply of employment land coming forward for development. We have no recorded evidence of a significant level of demand for commercial space within the allocated area during the past 12 months.

**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, particularly with regard to appraisal on neighbouring amenity, and the general interest of the public, approval of the revised scheme with reduced massing 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 of the Development Plan:**

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

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

Policy SS 6: Access and Infrastructure (*strategic approach to access and infrastructure issues*).

Policy SS 13: Stalham (*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 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 EN 10: Flood risk (*prevents inappropriate development in flood risk areas*).

Policy EN 13: 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*).

Appendix C – Parking standards

### **Relevant sections of the National Planning Policy Framework (NPPF) (2012):**

Section 1: Building a strong, competitive economy

Section 2: Ensuring the vitality of town centres

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

#### **Other material considerations:**

North Norfolk Design Guide Supplementary Planning Document (December 2008)

Written Ministerial Statement 18 Dec 2014 – Sustainable Drainage Systems

## **MAIN ISSUES FOR CONSIDERATION**

1. Principle of development
2. Dwelling Mix, Type and Affordable Dwellings
3. Design and impacts on the surrounding area
4. Residential amenity

5. Landscaping, trees and ecology
6. Access, parking and highway safety
7. Viability/Developer Contributions
8. Other issues – renewable energy, drainage, noise protection

## 1. Principle of development

### Loss of employment land

The site is situated within the development boundary of Stalham, a Secondary Settlement, as defined by Policy SS 1 of the North Norfolk Core Strategy and in an area designated for employment use, under Policy SS 5. In addition, the site adjoins the Town Centre Policy area to the north. Policy SS 2 sets out the range and types of uses that might be considered acceptable in an employment area and use for residential purposes would not be in accordance with the aims of this policy. It would therefore be a matter for the applicant to demonstrate why residential development is an acceptable use in this location in order to justify a departure from Development Plan policy.

In considering alternative proposals, Paragraph 22 of NPPF requires that *“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”*.

The site was operational as an abattoir until the 1990's before it was sold around the year 2000, and has been vacant since 2008. In April 2015 a joint planning guidance statement was prepared and issued by the Council and the vendors of the site with the intention of assisting interested parties in understanding the future development potential of the site given the prevailing planning policy framework. The statement indicated that, as the previous business activities on the site ceased over 10 years ago, the Council recognises that the development of conventional employment space (B1, B2 or B8 use class) might be uneconomic in this location bearing in mind the likely achievable rents, levels of demand/take up rates, and the level of investment required in site preparation / redevelopment. Although now three years old, this guidance statement raises issues that are still considered relevant today regarding future use of the site. A copy of the document is attached at **Appendix 1**.

In support of their proposal the applicant has submitted an Employment Survey which suggests that Stalham is relatively isolated as a commercial centre and that commercial uses within the immediate locality are predominantly made up of small industrial businesses. Furthermore, local agents have indicated that the demand for units in Stalham is low with the majority of commercial units being occupied by local businesses who have been in situ for a number of years. The report points to one example where up to 3,150sqm of employment buildings have been made available as a whole or as serviced plots at Church Farm since 2014 with very limited interest and no offers. In addition they point to the fact that a planning application PF/16/0240) for the *‘Erection of 34 residential dwellings and up to 12 commercial units across two blocks (total 890sq.m. floorspace), for a range of uses including class B1 (office, research & development, light industry), A1, A2, A3 (retail, professional services, cafe), D1 (non-residential institutions) and D2 (assembly & leisure), with new access road and associated landscaping.’* at Yarmouth Road, Stalham is currently under consideration by the Local Planning Authority.

The report goes on to suggest that in terms of available employment land as at the 2015 land survey, available employment land was estimated to be 49.4 ha of gross employment land in North Norfolk, with 34.4 ha considered available and deliverable. Based on commercial

indicators detailed within the Business Growth and Investment Opportunities Study, past take up trends are estimated to be 1.44 ha / year. This suggests North Norfolk District Council has a 24 year supply of employment land across the district. However, not all of the land allocated is noted to be financially viable in the near term.

One such site is situated at the junction of the A149 Wayford Road and Stepping Stone Lane, to the west of Stalham where some 3.5 ha of land has been allocated under the Core Strategy as an employment area. Although it is accepted that in the short term this site is not financially viable as it lacks sufficient infrastructure it is nevertheless well related to the A149 which is a principal route and could be viable in the future if there is a proven meet the demand for employment growth within Stalham.

In addition, as part of the government's long term economic plan; supporting businesses to sustainably grow, North Norfolk has two designated Enterprise Zones, one of which is at Scottow Enterprise Park, which is approximately 9 miles from the site. This site currently has 6,243 sqm (67,200 sq. ft) of available office and industrial space available, with incentives such as discounts on business rates and broadband.

Given this apparent limited demand for commercial land and buildings within this area and the fact that no viable commercial uses have been identified for the site in the past 10 years it is considered that the loss of this designated site for employment purposes will have a negligible impact on the overall supply of viable and deliverable employment land coming forward.

Furthermore, in line with the guidance contained in Paragraph 22 of the NPPF, as there appears to be no reasonable prospect of the site being used for the allocated employment use, alternative uses for the site including residential (sheltered/assisted living and care homes) should be considered which support sustainable local communities..

Whilst the proposal represents a departure from Core Strategy Policy SS 5, the applicant has provided sufficient evidence to justify why alternative employment uses would unlikely to be delivered on this site. It is therefore considered unreasonable to restrict consideration of alternative land uses (including C3 residential and 'retirement living' units) subject to general compliance with other relevant Core Strategy policies.

## **2. Dwelling mix, type and affordable housing**

The scheme proposes all dwellings as market sector sheltered/supported 'retirement living' accommodation, comprising 15 no. 1-bedroom flats and 15 no. 2-bedroom apartments (plus overnight visitor accommodation). In addition 12 detached retirement living bungalows are proposed, eight of which would be 2-bedroom and the remaining four, 3-bedroom.

All housing developments should generally provide a mix of sizes and types of housing. However, under Policy HO 1 if the proposal can demonstrate it meets a proven local need for the elderly, there is no requirement to provide specific internal space standards or a more varied mix of housing types. The applicant has suggested that a single-person dwelling should be occupied only by people at least 60 years old, and two-person occupancy should be for couples with at least one person at least 60 years old and one at least 55 years old (although in practice apparently between 60-70% of occupants are aged 78 yrs old or more); these are considered reasonable expectations of a condition. In terms of the retirement bungalows these are normally restricted to those 55 years and over.

In Stalham there is a need for affordable housing with 74 households on the Housing Register and in addition there are a further 87 households on the Transfer Register and 556 households on the Housing Options Register who have stated that they require housing in Stalham, of which 130 are households without children over the age of 65.

The development will not provide contributions to the affordable housing supply within the District, contrary to the Policy HO 2 expectation for 45% provision on site where viability allows. The applicant has stated that it is not viable to provide an affordable housing or other Section 106 Agreement contributions as part of the development. If there were any financial scope to provide affordable housing it would not be operationally feasible within the design due to Registered Providers' requirements. This is discussed further under section 6: "Viability / developer contributions".

### **3. Design and impacts on the surrounding area**

#### **(a) Design, scale and massing of sheltered housing development**

The retirement living apartments would be located on the western half of the site, served from the proposed new entrance and spine road into the site off Old Market Road opposite the Tesco supermarket building. It is proposed that the building would be "L" shaped in form with the longest element running north-west to south-east, at an angle of 45 degrees to Old Market Road, with a shorter wing extending in a south-westerly direction toward the A149, with resident parking to the front, north east of the building.

The scheme provides predominantly 3 storey accommodation, with a two storey element at the extreme north western end. However in order to reduce its overall scale and massing the building has been split into two long double pile blocks, with flat roofs hidden within the centre of the building. In addition, it has been broken down into a number of separate elements with variations in the ridge height, which range in overall height from the two storey elements at 7 metres through the mid two and half storey elements at 10.3 metres to a maximum height for the main three storey section of 11.7 metres. Notwithstanding these variations in height it is nevertheless inevitable that the building will provide a continuous built form to the street scene of some 38 metres, when viewed from the Tesco car park to the north, where the Tesco supermarket itself has an overall height of some 8 metres and total length of 66 metres.

That said, due to variations in ground level, particular with Old Market Road being some 2 metres higher than the site and the fact that the north east elevation would be set back an average some 30 metres from the carriageway it is not considered that the building would be unduly dominant in the street scene. Furthermore, when viewing the site from the north-west along the A149 it would be the end of the building with its single storey element which would be in the foreground with the large three storey wing set back further into the site. In addition, there is a significant amount of screening to the south western boundary including a number of mature trees, which are to be retained and which will soften any impacts.

As far as the detailing of the building is concerned in order to provide visual interest, in addition to the building being broken down in to more additive elements it is proposed that there will be a mix of red brick and render to the walls, together with projecting gables, square two storey bay windows finished in dark grey timber cladding, horizontal platt bands between floors and rusticated quoins to the corners of the building. Similarly there will be a mix of roof tiles. As such whilst it is accepted that the sheltered housing part of the development will inevitably having more of a impact than the existing buildings on the site it is considered that due to its additive form, detailing and mix of materials the building will sit comfortably in the street scene and will make a positive visual contribution to this part of Stalham.

#### **(b) Design, scale and massing of 12 detached retirement living bungalows**

Although described as retirement bungalows seven of the dwellings would be chalet bungalows within accommodation in the roof space. Eight would have two bedrooms with floor areas ranging from approximately 77 sqm to 105 sqm, with the remaining four properties

having 3 bedrooms and floor areas of some 117 sqm. It is proposed that the bungalows will be situated within the eastern half of the site with 10 of the dwellings served off the same entrance and spine road as the sheltered housing, with shared surface access drives serving eight of dwellings. The remaining two dwellings will have vehicular access off Upper Staithe Road. Each dwelling will have its own private rear garden area and parking for up to two vehicles with five of the properties also having single garages. Four of the chalet bungalows will be located in the north eastern corner of the site adjacent to boundary with Old Market Road and Upper Staithe Road. The remaining three chalet bungalows would be dispersed throughout the development with one set at an angle adjacent to Upper Staithe Road.

As far as the chalet bungalows are concerned these will have fairly steep pitched roofs with an overall ridge height of 7 metres with the roof space of five being dwellings being lit by dormer windows. The remaining chalet bungalows will have small projecting front gables and rooflights. The five bungalows, will have ridge heights of 5.6 metre with two being simple rectangular in form with the others "L" shape. In terms of materials these will be a mix of facing brick, render and cladding with the roofs of pantile.

In terms of the acceptability of the design of this part of development it is considered that the overall layout would be in keeping with form and character of the area which consists primarily of mix of individual dwellings dating from different architectural periods set on reasonably sized plots. In terms of the dwellings scale and massing it is considered that the introduction of slightly larger dwellings in the north eastern corner of the site is to be welcomed and will provided visual interest at the junction of Old Market Road and Upper Staithe Road, as will with the mix of dwelling type and materials throughout the rest of the development.

In summing up, it is accepted that the scale, massing and design, particularly of the sheltered housing development will inevitably have a visual impact on the character and appearance of the surrounding area. However given the mixed nature of development in relatively close proximity to the site, particularly the Tesco supermarket immediately to the north, it is considered that the additive form of the proposed building and mix of materials would not be significantly out of scale in the street scene. Furthermore, it could be argued that the sheltered housing development, combined with the retirement bungalows, would themselves add to the visual interest of the area, making a positive visual contribution to this part of Stalham, and will regenerate what has been a derelict site for a number of years. It is therefore considered that, in accordance with the requirements of Policy EN 4 the development is suitably designed for the context within which it is set, and that the scale and massing of the buildings relate sympathetically to the surrounding area.

#### **4. Residential amenity**

##### **(a) Impacts on the occupiers of neighbouring properties**

The only dwellings potentially affected by the proposed development are seven properties to the eastern side of Upper Staithe Road. Four of the affected properties are semi-detached pairs of houses which, whilst having blank gables to the road, have their private amenity space running parallel to the carriageway. The remaining dwellings are set back from Upper Staithe Road with Stone House a vernacular brick and flint cottage screened by a mature roadside hedge.

Given the fact that the proposed dwellings to Plots 1 and 7 would have blank gables facing Upper Staithe Road there would be no direct overlooking of the garden areas to the semi-detached dwellings. Similarly due to the frontage hedge to Stone House and the property immediately to the north it is considered that there would be no privacy issues in terms of overlooking from the upper east facing windows of the chalet bungalows to Plots 11 and 12,

and oblique view from the upper storey of the dwelling to Plot 7 in a north easterly direction. Furthermore, given the separation distances involved and the orientation and scale of the proposed dwellings there would be no overshadowing or overbearing issues for the occupiers of the existing properties.

However there will be some level of temporary disturbance to amenity during demolition and construction, but a Construction Environmental Management Plan condition will limit these impacts as much as reasonably possible.

It is therefore considered that the proposed development would have no significantly detrimental impact on the residential amenity of nearby occupiers.

#### (b) Impacts on the occupiers of the new development

As far the proposed retirement bungalows are concerned each would have an adequate private amenity area and there would be no direct overlooking issues. Similarly the occupiers of the sheltered apartments would have access to a communal garden area to the south west of the main building, which would be landscaped and have sitting area.

However given the proximity of the development to the A149, which is principal route, it is considered that there is some potential for noise and disturbance from passing traffic particularly for the occupiers of apartments to the south western elevation some of which have Juliet balconies. Similarly there is the potential for noise from Tesco delivery yard to the north east of the site.

A noise report submitted as part of the application concludes that in addition to acoustically rated glazing and ventilation to habitable rooms that an acoustic barrier a minimum of 2.1m in height be erected to the northern boundary of Plots 9 and 10 of the retirement bungalows opposite the entrance the Tesco delivery yard. In addition, it is recommended that a barrier having a minimum height of 1.8 metres be erected along the southern boundary of the site for some 60 metres from the junction of the A149 and Old Market Street. Subject to these requirements the report concludes that acceptable internal noise levels would be achieved within the proposed dwellings.

With the introduction of these measures it is considered that the scheme would accord with the requirements of Policy EN 4 in terms of residential amenity and Policy EN 13 in respect of potential noise pollution.

### **5. Landscaping, trees and ecology**

As part of the application a landscaping plan has been submitted, which indicates that the majority of the mature and semi mature trees to the south western boundary of the site with the A149, which are primarily Sycamore would be retained. In addition an English Oak directly opposite the entrance to the Tesco car park to the northern boundary would be retained. The plan also indicates existing vegetation to the south western and northern boundary being retained together with new planting within the site, including a significant number of new trees, hedging and planting within beds.

Notwithstanding this information the Council's Landscape Officer has indicated that there is a lack of clarity in respect of the actual trees to be removed and an Arboricultural Impact Assessment and Method Statement is required. In addition, there is a requirement for clarity in respect of proposed boundary fences together with more planting to the eastern boundary.

As a result, the applicant is preparing revised landscape plans and the Committee will be updated orally in respect of whether satisfactory proposals have been received.

An ecological appraisal submitted as part of the application indicates that due to the distance from waterbodies and the proximity of surrounding roads and site boundaries, the likely presence of reptiles and Great Crested Newt is extremely low. However the report recommends that if either is found works must be stopped and a strategy to proceed advised by the site ecologist.

An addendum to the ecological appraisal in respect of a nocturnal Bat survey also indicates that no bat was identified and as such roosting bats do not present a major constraint to the development including the required demolition of the existing buildings. However the presence of solitary bats cannot be ruled out and as such it is suggested a precautionary approach is adopted during any initial works to the buildings. The report also recommends that the landscaping should include enhancement opportunities including the possible provision of bat boxes and the planting of native species.

Subject to the receipt of satisfactory amended landscape proposals and subject to the imposition of conditions the proposal would accord with relevant Development Plan policies.

## **6. Access, Parking and Highway Safety**

Following concerns raised by local residents and Members in respect of the proposed access off Old Market Road the applicants have submitted a Stage 1 Road Safety Audit (RSA), prepared by GM Traffic Consultants Ltd. The audit complies with the design standards contained in Design Manual for Roads and Bridges, as detailed by the Highways Agency and the desk top study and site visit considered the proposed site layout, refuse vehicle tracking, site layout vehicle tracking and site access visibility splays. The audit concludes that there are no matters arising from the Stage 1 RSA.

In addition, in response to the suggestion that the main access to the site should be from the Upper Staithe Road junction, the applicant's highways consultant has responded that crossroads generally have a poor safety record and have therefore sought to avoid increasing trips through the Upper Staithe Road/Old Market Road junction. Increasing the number of trips through it would represent an unnecessary risk when the alternative option we have proposed meets all relevant safety criteria (visibility, tracking etc.). Indeed the highways officer has no technical objection to the proposed access.

As far as the "parking bay" to the other side of Old Market Road this is subject to single yellow line restrictions for most of the week, and if vehicles are indeed using it for parking (as opposed to loading/unloading) then that is an enforcement matter.

The highway consultant also points out that it also needs to be recognised that the actual amount of traffic generated from the site will be extremely low. The extensive data used in the Transport Assessment demonstrates that the development would generate in the order of 65 daily vehicle trips. Across the day, this equates to an average of 5 trips per hour, or one trip every 12 minutes. Any additional impact on the road network would therefore be minimal.

Also as required by the Highway Authority the site layout has been amended to include:-

- A Zebra crossing on Old Market Road to the east of the access, which will link the site to the supermarket side of the road.
- Size 3 turning area at the southern end of the main access road in order to accommodate larger refuse vehicles and size 5 turning areas to each of the private drives, which would accommodate smaller delivery vehicles.
- Visibility splays to the Upper Staithe Road junction.
- Increase in the carriageway width of Upper Staithe Road to 4.8 m up to proposed plot 12, and the provision of a 2m wide footpath.

In terms of car parking, the proposal provides a total of 28 car parking spaces which includes 2 spaces for visitors, a specific space for doctors / visiting medical staff and 1 disable space. Given the type of accommodation proposed and the typical car ownership and usage of residents, coupled with the location close to the town centre and facilities, services and public transport, it is considered that a lower level of parking in comparison to 'usual' residential developments can be justified and would result in no significant harm to highway safety. The Justice Court scheme in Cromer, for example, has 19 car parking spaces for 35 dwellings and is not known to create particular highways problems from overspill, and this application has more spaces per dwelling than that scheme.

A car park management plan will be conditioned in the event of an approval, to show how the spaces are allocated and marked for occupants, visitors, and disabled spaces, and the visiting doctor/nurse.

In addition internal secure Buggy parking and cycle store has been are provided close to the entrance.

As far as the 12 retirement living bungalows, each dwelling will have off road car parking for two vehicles, with five having a single garage. In addition there will be 2 visitor parking bays.

Following receipt of the amended layout plan the Highway Authority is satisfied that the changes have addressed their previous concerns in respect of highway safety and that parking requirements have been met. Subject to conditions to secure offsite highway works, the proposal is therefore considered acceptable in terms of highway impact and parking provision in accordance with policies CT 5 and CT 6 of the Core Strategy.

## **7. Viability/Developer Contributions**

Policy CT 2 requires planning obligations to address the impact of a development 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 to make the development acceptable in planning terms;
- directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

In relation to this scheme, Norfolk County Council has indicated that due to the age restricted nature of the development, no financial contributions towards education will be sought. However there is an expectation that the developer will provide a contribution of £2,250 towards library provision and the cost of £815.00 for an additional a fire hydrant. In addition it is suggested that Green infrastructure should be included within the proposals for the site in line with local policy. The scheme is lower than the threshold for requiring consultation with NHS England in respect of contributions for health care or Norfolk County Council in respect of adult social care.

As part of the application a viability appraisal has been submitted to the Local Planning Authority as the applicant contends that the scheme does not have suitable viability to provide section 106 obligations. This has been assessed by the Council's appointed viability consultant who agrees that the appraisal has shown reasonable values and competitive returns. Their overall conclusion is that the particular circumstances of the site and the type of designs required have led to the proposed development having insufficient viability to provide any affordable housing or Section 106 Agreement contributions. In particular there are some notable abnormal costs involved in developing this site, including the demolition of the



existing structures, excavation and removal of hazardous substances, which combine to ensure the redevelopment of the site will not be straightforward. In addition following construction there are further higher costs associated with marketing and sales and fewer earlier sales 'off-plan', all of which exceed those found with more conventional forms of housing. A further consideration is that in December 2017, following consultation, the Government confirmed that measures will be put into place to set ground rents on new development at zero. As with many other similar types of development ground rent is an important established income stream for housing developers in helping to fund communal areas and facilities so critical in a retirement development and in doing so striving to ensure that the pricing of apartments remain attractive. Although this effective ban on ground rents has not been through Parliament, it is likely to become law within its next session (i.e. by August 2019). Given the timescale of the proposed scheme development (18 months to practical completion with first occupation immediately thereafter), it is most likely that ground rents will not be chargeable to it.

As discussed in Section 1 above there is an identified need in Stalham for affordable housing with 74 households on the Housing Register, a further 87 households on the Transfer Register and 556 households on the Housing Options Register. Of these 130 are households without children over the age of 65. Given that the applicant has suggested that a single-person dwelling should be occupied only by people at least 60 years old, and two-person occupancy should be for couples with at least one person at least 60 years old and one at least 55 years old (although in practice apparently between 60-70% of occupants are aged 78 yrs old or more), it is considered that the proposed development although not strictly affordable could help address some of this need. Furthermore the Councils Strategic Housing Manager has indicated that there is a need for dwellings which address the needs of older people and allow them to live well and independently for longer and that planning conditions should be used to ensure that the dwellings remain available in perpetuity to meet the needs of older people.

In terms of there being insufficient viability in the scheme to provide Section 106 Agreement contributions having discussed this further with the agent they have indicated that their client are prepared in this instance, without prejudice and on the basis of commercial expediency, to offer the following contributions towards:-

Library provision (£2,250)

Improving community facilities at Stalham Town Hall (£20,000)

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 in 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 completion within 24 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."*

There remains a concern however that a 'standard' 3-year implementation period might allow the sales values of the development to increase over time whilst costs remain largely the same as the appraisal. It is therefore considered prudent to require a shorter period of commencement with demolition within 18 month of the granting of permission which is consistent with timescales required of certain residential developments qualifying for the Housing Incentives Scheme. There are considered to be no particular issues with the development that would make this timescale unreasonable, nor are there particularly complicated pre-commencement conditions proposed which the Local Planning Authority could not deal with expeditiously.

## 8. Other considerations

**Renewable energy** – It is McCarthy & Stones intention to employ a ‘fabric first’ approach to the development with all of the main building elements being designed to provide a thermally efficient building envelope which achieves an improvement on the minimum requirements set out within Part L of the Building Regulations. In addition, on the basis of the calculated energy consumption figures for the whole development which is 201,082.43 kWh/yr, in order to meet the requirement for providing 10% of the building’s energy demands on-site it is proposed to utilise Photovoltaic (PV). The final locations of the installed PV panels is yet to be determined, however the applicant has confirmed that the preferred locations are on the roof of the main apartment block, and to the garages of the bungalows.

It is considered that these combination factors will provide a suitable response to Policy EN 6.

**Drainage** – The Flood Risk Assessment and Drainage Strategy submitted as part of the application indicates that the total, positively drained impermeable area will be approximately 4,365 sqm which is slightly less than the existing impermeable area.

Based upon historical soakaway testing on the site and a review of historical ground water monitoring, it is considered feasible to use infiltration drainage techniques in the north-western third of the site (i.e. to the west of the proposed access road). On this basis, it is proposed to discharge the roof drainage from the Retirement Living apartments (910sqm) to a dedicated soakaway in the north western corner and it is proposed to construct the car park that serves the apartments (545sqm) from permeable paving.

As far as the discharge of the remainder of the proposed impermeable areas, (approximately 2,910 sqm i.e. 85% of the existing area that currently discharges to underground, off-site), it is proposed that that this will be disposed via an a new connection to the public surface water sewer that crosses Upper Staithe Road to the south-east of the site.

The report concludes that due to the proposed mitigation measures, the proposed development will reduce flood risk in the following ways:

- Flood risk to the site from surface water flooding on Upper Staithe Road will be managed by ensuring finished floor levels above the 1 in 100 year anticipated flood level and adjacent road levels.
- Surface water run-off from the site will be reduced by utilising infiltration techniques for areas of the site where this is feasible.
- Surface water flooding in Upper Staithe Road will be reduced by preventing uncontrolled run-off from the site and attenuating high flows from the development to an equivalent green field rate.
- Surface water run-off into the foul public sewer will be eliminated by severing connections from existing roofs and external areas that currently discharge into the foul sewer.

It is therefore considered that the development will reduce the flood risk to the surrounding area and will accord with the requirements of Core Strategy Policy EN 10 and the NPPF.

### **CONCLUSION – The planning balance:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal represents a departure from Development Plan Policy in that it proposes the erection of residential dwellings on land designated as an employment area, contrary to the aims of Core Strategy SS 5.

In considering whether there are material considerations sufficient to justify a departure from Development Plan policy, Officers recognise that the site is a difficult and complex site to redevelop given existing buildings and contamination risks. and this, amongst other things, has resulted in limited interest from potential commercial users or speculative developers proposing employment space.

In terms of location, the proposal is considered to be in an accessible and sustainable brownfield location which lends itself to the delivery of new housing to meet a growing need for sheltered housing for people aged over 55-60.

Although there are compromises arising from the design, such as the scale of the sheltered housing development, it is considered that appropriate techniques have been used to minimise its impact on the area and any visual harm will be very localised. In terms of residential amenity, it is considered that the development will not have any significantly detrimental impact on the occupiers of neighbouring properties to the east.

Furthermore, the scheme provides some public benefits including:

- providing housing to meet a growing demand for retirement apartments;
- creating jobs during construction;
- creating jobs in the management and servicing of the development;
- once opened, helping contribute to the vitality and viability of the town centre through additional retail and leisure spend.

On balance, whilst the proposal would result in the regrettable loss of designated employment land, having regard to the above material considerations it is considered that appropriate weight can be afforded in favour of the proposal to justify the departure from Development Plan policy.

**RECOMMENDATION: APPROVAL of the application is delegated to the Head of Planning subject to:**

**(i) Prior completion of a suitable section 106 agreement to secure:**

- **Library provision (£2,250)**
- **Improving community facilities at Stalham Town Hall (£20,000)**

**(ii) To include the specific conditions set out below:**

- (1) to commence demolition within 18 months of the date of the permission.
- (2) the development shall be carried out in accordance with the approved plans.
- (3) no persons under the age of 60 years or a partner under 55 years of age shall occupy the sheltered apartments hereby permitted with the exception of guest room.
- (4) no demolition or construction works, machinery operation, materials delivery / disposal from the site at any time on any Sunday, Public or Bank Holiday, nor at any time except between the hours of 0700 and 1800 on Mondays to Fridays

and between the hours of 0800 and 1300 on Saturdays.

- (5) development to be in accordance with Arboricultural Implications Assessment, tree protection plan and Arboricultural Method Statement.
- (6) Contamination precautions.

Prior to commencement of demolition

- (7) Tree protection measures to be installed and retained during construction period.

Prior to commencement of construction works

- (8) Noise protection scheme to be agreed, identifying levels of glazing and ventilation protection to each room trickle ventilation without opening windows. All habitable rooms in the south façade to be fitted with acoustic trickle vents.

Prior to their first use on site

- (9) Materials - samples to be agreed for: bricks, roofing, render colour and finish; details to be agreed for eaves, verges, soffits, doors, hard landscape surfaces. Windows specifications – materials, colour, design, reveals, cills & headers.
- (10) Balcony specifications - materials, colour, design.
- (11) Prior to installing the acoustic fence agree an Arboricultural method statement.
- (12) Agree a hard and soft landscaping scheme, with bat enhancement plan (to feature bat boxes and bat-friendly trees), and 4x bird nesting boxes, and overall enhancements to tree planting & stature, and provide before occupation.
- (13) Agree details of boundary treatments, including details of railings, piers, capping and materials.
- (14) Agree a lighting plan, with lighting to be bat friendly.
- (15) No hard surfacing to be laid until the SUDs scheme has been installed and made operational.
- (16) All potable water to be laid with hydrocarbon-resistant barriers. Any imported topsoil to be certified and agreed.

Prior to first occupation or use of the development

- (17) Car park management plan to be agreed. Car parking spaces, servicing, loading to be provided and made operational.
- (18) Access into the site to be at least 4.5m wide and with sufficient drainage.
- (19) Gates, access control and other obstructions to be safely designed.
- (20) Existing accesses into the site to be removed and access only via proposed.
- (21) Provide the renewable energy solar panels and make that operational.

- (22) Drainage scheme to be provided.
- (23) Refuse stores to be provided and refuse & recycling to be made available.
- (24) Any new or existing trees on site that fails within 10 years of first occupation shall be replaced;
- (25) Any ventilation, air conditioning, refrigeration, mechanical extractor systems air pumps etc and their acoustic attenuation shall be agreed.
- (26) Any additional external lighting to be agreed.

**(iii) Any other conditions considered to be appropriate by the Head of Planning**

**That the application be refused if a suitable section 106 agreement is not completed within 3 months of the date of resolution to approve and, and in the opinion of the Head of Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale.**

- (4) **CROMER - PF/17/2124 - Use of land for caravan & camping for 40 days consecutively/60 days cumulatively per year; Beef Meadow, Hall Road, CROMER, NR27 9JG for Mr Cabbell-Manners**

**- Target Date: 09 February 2018**

Case Officer: Mr C Reuben

Full Planning Permission

**CONSTRAINTS**

Mineral Safeguard Area

Unclassified Road

Enforcement Enquiry

Undeveloped Coast

LDF - Countryside

Advertising Control

Controlled Water Risk - Medium (Ground Water Pollution)

Surface Water Flooding More

**RELEVANT PLANNING HISTORY**

None.

**THE APPLICATION**

The application proposes the use of the land for camping for not more than 40 days consecutively and not more than 60 days cumulatively in any one calendar year as a camping site. The site would consist of 75 pitches in total with basic facilities including temporary WCs/showers/wash area, office and small fenced waste compound. The site was used for this purpose in 2017 (incorporating 100 pitches in total) under the 28 day allowance contained within Part 4 of The Town and Country (General Permitted Development) (England) Order 2015.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr A Yiasimi and Cllr H Cox due to the potential economic impact of the development on the local and surrounding economy.

## PARISH/TOWN COUNCIL

Cromer Town Council - Support.

Felbrigg Parish Council - Objection. Will lead to additional traffic on Hall Road which is used as a rat-run to and from Cromer. The existing site has toilet/washroom accommodation which has remained in situ even though the site has been used on a limited permission. If granted, a condition should be imposed requiring the toilet/washroom to be removed when the site is not in use for camping.

## REPRESENTATIONS

Two representations have been received, one commenting and one supporting.

The comments submitted raise the following points:

- site access has no proper crossover/signage and not wide enough;
- parking along road affects visibility;
- not safe for vehicles to be directed to access from Felbrigg Road, traffic should go via Cromer;
- verge and footpath have been compromised, the footpath is not adequately protected;
- no attendant warden on site last year, possible noise beyond site boundaries;
- signage on site indicating a nature reserve is not mentioned;
- number of pitches should be restricted;
- potential impact upon local 'non-endangered' wildlife;
- pond opposite Cromer Hall is of high value to wildlife.

The supporting representation was made by the Historic Houses Association, raising the following points:

- the proposed use will support the long term sustainability of Cromer Hall, noting that the cost of maintaining such buildings is substantial.
- the application is not for new development but an extension of time the field can be used for.
- the field is not within the setting of Cromer Hall, nor can be seen from either perspective.
- not considered that there is any substantial harm to the listed building.

## CONSULTATIONS

Norfolk County Council (Highway - Cromer) - initial objection due to the unsuitable surrounding highway network to cater for touring caravans. However, following confirmation from the agent that use of the site would be limited to camping (tents) only, the Highway objection has been removed subject to conditions.

Landscape Officer - Objection. The site is located within the area designated as 'Undeveloped Coast' (Policy EN 3) which aims to minimise the wider impact of general development, additional transport and light pollution on the distinctive coastal area. The NPPF states that Local Planning Authorities should seek to maintain the character of the Undeveloped Coast (para. 114)

The AONB is located adjacent to the application site. Furthermore, the Historic Park and Garden of Cromer Hall wraps around the site, mirroring the Wooded with Parkland setting of the local Landscape Character type. The submitted Landscape and Visual Impact Assessment (LVIA) notes that the site is experienced within the context and setting of the AONB. It is considered that this is a sensitive landscape which reduces the ability of the landscape to absorb the type of development proposed.

A submitted Preliminary Ecological Survey (PEA) concludes that the impact of the development on ecological receptors would be negligible. It is considered that the importance of the site for bats has been under-evaluated.

The development fails to comply with the requirements of policies EN 3 and EC 10 of the Core Strategy and may conflict with policies EN 1 and EN 9.

Conservation and Design Officer - it is not considered that the proposed use is commensurate or complementary with the wider parkland setting of the 19th century Hall. However, noting the separation distances between the heritage assets and the site, with restricted views from the heritage assets to the site and the absence of any substantial harm to the setting of the adjacent listed buildings, no objection is raised.

Historic England - no comments.

Environmental Health - 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, 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.

#### POLICIES

##### North Norfolk Core Strategy (Adopted September 2008):

Policy SS2: Development in the Countryside

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

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

Policy EN 3: Undeveloped Coast

Policy EN 8: Protecting and enhancing the historic environment

Policy EN 9: Biodiversity and geology

Policy EC 10: Static and touring caravans and camping sites

Policy CT 5: The transport impact on new development

Policy CT 6: Parking provision

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

Section 3 – Supporting a prosperous rural 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

Principle, landscape impact  
Biodiversity  
Heritage impact  
Economic benefits  
Amenity  
Highway impact  
Environmental impact

## APPRAISAL

### Principle, landscape and economic considerations (Policies SS 2, EN 1, EN 3 and EC 10):

The site in question lies within the designated Countryside Policy area of North Norfolk as defined under Policy SS 2 of the adopted North Norfolk Core Strategy. Within this area, proposals for new tourist accommodation can be considered acceptable subject to compliance with relevant Core Strategy policies controlling the location of such accommodation.

The site consists of a strip of land running through a larger triangular parcel of land and is bordered by mature woodland to the north and east, Cromer Zoo to the south and Cromer Hall and grounds to the west on the other side of Hall Road.

The sites lies within an area classified as 'Undeveloped Coast' - Policy EN 3 of the adopted Core Strategy states that within the Undeveloped Coast, only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted. The purpose of the designated Undeveloped Coast is to maintain the special undeveloped character and appeal of the coastal region where non-essential development in such locations can have a resultant cumulative effect on the landscape and on biodiversity, resulting in the gradual 'creep' of development into protected areas and erosion of landscape character. This can become further pronounced as a result of additional transport and light pollution associated with such development.

It is not considered that the proposed use 'requires' a coastal location. Further, it is considered that the use would have a detrimental impact upon the open coastal landscape character of the area as a result of the proposed 75 camping pitches with tented accommodation being visible and intrusive within the landscape and transgressing across the centre portion of the field, the increased visitor pressure on the site and surrounding sensitive landscapes including the immediately adjacent Norfolk Coast Area of Outstanding Natural Beauty (AONB), and associated vehicular traffic. As such, it is considered that the proposed use is contrary to Policy EN 3.

The Council's approach towards development within the Undeveloped Coast accords with Paragraph 114 of the NPPF which states that Local Planning Authorities should maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes.

Paragraph 114 of the NPPF also states that Local Planning Authorities should improve public access to and enjoyment of the coast. Whilst 'access to' and 'enjoyment of' are not defined, officers are of the opinion that this does not mean allowing uses which would be harmful to the special character of the undeveloped coast and which would introduce increased numbers of visitors on a permanent rather than a transient nature.

Allied with Policy EN 3 is Core Strategy policy EC 10 which controls the location of new caravan and camping development. The policy is clear in stating that new touring caravan or camping sites will not be permitted within the Undeveloped Coast. This recognises the view



that such sites can have an intrusive impact in the landscape and can add to visitor pressure within the Undeveloped Coast and AONB. The proposal is clearly contrary to the aims of policy EC 10.

In further considering landscape impact, Policy EN 2 of the Core Strategy requires development proposals to be informed by, and sympathetic to, the distinctive landscape character type. In this case the landscape is defined as Wooded with Parkland (WP2) and is characterised by woodland and trees, mostly in blocks, interspersed with areas of arable and pasture. It is not considered that the proposed use would be in-keeping with this landscape character nor the adjacent Historic Park and Garden setting of Cromer Hall. This is a visually sensitive location where the development proposed, and in particular associated night-time activity, is considered likely to erode the landscape character rather than be sympathetic to it. It is therefore considered that the proposed development does not comply with Policy EN 2.

The site lies adjacent to (due east of) the designated Norfolk Coast Area of Outstanding Natural Beauty. Policy EN 1 of the Core Strategy states that development proposals that have an adverse effect on the special qualities of the AONB will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm and the benefits of the development clearly outweigh any adverse impacts. This approach accords with Paragraph 115 of the NPPF which requires great weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

In addition to the localised landscape impact as identified under Policy EN 2 above, it is considered that the proposed development would have an adverse impact upon the rural setting of the AONB and the special qualities; by eroding the location's remoteness, sense of tranquillity and undeveloped character, further noting the potential for additional visitor pressure created by the proposed development upon the AONB. It is not considered that other sites, including others within the applicant's ownership, have been sufficiently considered, nor is it considered that the benefits of the development (discussed further below) outweigh the identified impact upon the AONB, in particular when combined with the impact upon local landscape character and the Undeveloped Coast. As such, the proposed development is considered contrary to the aims of Policy EN 1.

#### Biodiversity (Policy EN 9 and NPPF para. 118):

The application was accompanied by a Protected Species Survey, the conclusion of which suggests that there would be limited impact upon Protected Species, including bats. The submitted report concludes that although the site itself has limited potential for foraging, the surrounding woodland edge has the potential for bat roosts and flyways and that it is highly likely that bats fly over the site and use the southern boundary area for foraging. The Protected Species Survey further concludes that the site is not part of a significant connective route to foraging areas although the habitats immediately surrounding the site are also likely foraging and flyway routes.

Officers are of the opinion that the Protected Species Survey's conclusions are unsubstantiated by activity surveys. There is insufficient quantifiable evidence to sufficiently conclude that the proposed development will not have a detrimental impact upon bats, in particular in relation to foraging and commuting routes. The night-time activity associated with people/vehicles/lighting etc on the site has the potential to adversely impact on bats and their habitats and foraging routes. As such, in the absence of evidence to establish the significance of the impact, the proposed development fails to satisfy the requirements of Policy EN 9.

### Heritage Impact (Policy EN 8):

The site lies within the wider landscape setting of the Grade II\* Listed Cromer Hall to the west, with the Historic Park and Garden bordering the site to the west and north. Although there is a significant degree of separation between the hall and proposed site, it is not considered that the type of development proposed is in-keeping with its immediate surroundings and as such, will result in less than substantial harm to the setting of the Listed Building, though this harm is considered to be of the very lowest level. Where less than substantial harm is identified, development can only be accepted where public benefits are identified and are considered to outweigh the level of harm. In this particular case, when making a decision on the application, Members should consider whether the potential economic benefits as discussed below, will outweigh the harm to the designated heritage asset.

### Economic Benefits:

Consideration of the application must take into account the benefits that may arise from the development proposed. The applicant states that proceeds from the proposed camping site would be channelled towards the upkeep of Cromer Hall although it has not been demonstrated how this would actually be secured, or what specific works are required and how funds would be spent. Officers therefore do not consider that this benefit should carry substantive weight in decision making.

The proposal may also offer economic benefits to the wider area through the attraction of tourists to Cromer and associated spending within the Town Centre and nearby resorts and attractions. It is further recognised that there are public benefits in bringing tourists to the area to enjoy the special qualities of the coastal region.

However, whilst there are potential economic benefits to the wider area, balanced against this is the recognition that tourists also bring pressure upon sensitive areas such as the AONB as referred to in previous sections of this report and further noting the landscape impact of the proposed tented accommodation and potential impact on protected species. Whilst the weight to be afforded to the public benefits is a matter for the Committee as decision maker, Officers do not consider, in this instance, that the economic benefits of the proposed development and the identified works to the listed building outweigh the harm to the surrounding protected landscape.

### Amenity (Policy EN 4):

The site lies approx. 150-200m from the nearest residential dwellings to the north and east, with significant woodland in-between. Given this, and the limited use of the site for not more than 60 days in any 12 month period, it is not considered that the proposed development would have a significantly adverse impact upon residential amenity in terms of noise and disturbance.

### Highway Impact (Policies CT 5 and CT 6):

An initial objection was raised by the Highway Authority in relation to the potential impact of the proposed development on the surrounding highway network, particular in association with caravans/motorhomes. As such, the applicant has agreed to remove reference to the use of the site for caravans and to limit the use to camping only. Parking is easily achieved within the site. The Highway Authority have no objection to camping only, subject to conditions.

### Environmental Impact (Policy EN 13):

The proposed drainage arrangements for the site, making use of soakaways and connection of the proposed on-site facilities to the mains sewer are acceptable.

## Conclusion:

When making a decision, the Development Committee will need to weigh the potential public benefits of the proposed use: the potential positive economic impact upon the town of Cromer and surrounding areas and the upkeep of the Grade II\* listed Cromer Hall, against the fact that the principle of the development proposal is contrary to the North Norfolk Core Strategy and the harm arising from the proposed development: the harm to the character of the undeveloped coast as protected by Policy EN 3, the associated localised landscape impact of tented accommodation on a highly visible site, the wider landscape impact and potential visitor pressure upon the adjacent AONB, and the impact upon the foraging routes of bats, the potential harm to which has not been satisfactorily ruled out.

Officers consider that the harm identified outweighs the benefits of the proposal and as such the recommendation is to refuse the application in accordance with adopted planning policies and the National Planning Policy Framework.

**RECOMMENDATION:** REFUSAL for the following reasons:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO 9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

- EN 1 - Norfolk Coast Area of Outstanding Natural Beauty and The Broads
- EN 2 - Protection and enhancement of landscape and settlement character
- EN 3 - Undeveloped Coast
- EN 9 - Biodiversity and geology
- EC 10 - Static and touring caravan and camping sites

The National Planning Policy Framework (NPPF) (published 27 March 2012) is also material to the determination of the application. The following sections are considered relevant:

### Section 11 – Conserving and enhancing the natural environment

The site lies within an area designated as Undeveloped Coast where new touring caravan and camping sites are not permitted under Core Strategy Policy EC 10. It is considered that the proposed development does not require a coastal location and would be detrimental to the distinctive open coastal character of the designated Undeveloped Coast, contrary to Policy EN 3 of the Core Strategy and Paragraph 114 of the NPPF.

Furthermore, the proposed development would erode the sense of remoteness and tranquillity of the location and, as a result, would have an adverse impact upon the setting of the adjacent Area of Outstanding Natural Beauty (AONB) contrary to Policy EN 1. It has not been adequately demonstrated that the proposed development could not be located on alternative sites, nor is it considered that the benefits of the development outweigh the harm. In addition, the proposed development would be detrimental to the identified 'Wooded with Parkland' local landscape character and setting of the adjacent Historic Park and Garden, contrary to Policy EN 2.

Finally, it has not been sufficiently demonstrated that the proposed development would not have an adverse impact upon Protected Species, specifically in relation to the foraging routes of bats, contrary to Policy EN 9 of the Core Strategy and paragraph 118 of the NPPF.

- (5) **NEATISHEAD - PF/17/1628 - Conversion of barns into 2 no. dwellings, erection of garages and alterations to and creation of new vehicular access; Allens Farm Barns, School Road, Neatishead, Norwich, NR12 8BU for Mrs M & Mr E Constance & Merrywest**

**NEATISHEAD - LA/17/1629 - Conversion of barns into 2 no. dwellings and erection of garages; Allens Farm Barns, School Road, Neatishead, Norwich, NR12 8BU for Mrs M & Mr E Constance & Merrywest**

#### **Minor Development**

**- Target Date: 24 November 2017**

Case Officer: Mr D Watson

Full Planning Permission

- Target Date: 24 November 2017

Case Officer: Mr D Watson

Listed Building Alterations

This report considers both the planning application and the related application for listed building consent LA/17/1629 which is for internal and external works to facilitate the conversion of the buildings to two dwellings.

#### RELEVANT CONSTRAINTS

- Mineral Safeguard Area
- HO 9 - Rural Residential Conversion Area
- Unclassified Road
- Advertising Control
- Height Restriction (MOD)
- LDF - Countryside
- Listed Building Grade II - Consultation Area
- Controlled Water Risk - Medium (Ground Water Pollution)

#### RELEVANT PLANNING HISTORY

None relevant to the consideration of the current applications.

#### THE APPLICATION

It is proposed to convert a range of barns to two dwellings (1 x 3 bed and 1 x 4 bed) along with internal and external alterations to facilitate this, and necessary repairs to the fabric. The works include new windows and doors in existing openings and the formation of new openings. Existing corrugated roof coverings to part of the range would be replaced with tiles with some rooflights inserted and thatch to part. The small thatched roof barn that is adjacent to the road would need to be largely re-built including a new thatched roof. Open sided sections of the buildings would be infilled with vertical timber cladding between timber columns.

There would be a separate vehicle access to School Road for each dwelling, one of which is existing. Each would have a new double garage and store with timber clad walls and a tiled roof. Each dwelling would also have 3 parking spaces. The existing range of former pig stys/stores which adjoin the west boundary of the site would be demolished.

The site incorporates a strip of uncultivated agricultural land adjoining the rear of the site which would form part of the garden to one of the dwellings.

The site is on the southwest side of School Road, Threehammer Common. It is occupied by a range of linked redundant barns that extend from the roadside boundary into the site. The barn at the front of the site is off a smaller scale and also runs along part of the rear of the boundary wall. This section has a thatched roof which has collapsed and in is a poor state. The larger barns have brick walls, with a corrugated metal roof on the middle section and tiles on the roof of the larger barn at the south end of the range. To the southeast side of the barns there is a concrete surfaced yard with the land on their west side overgrown with a range of pig stys/low level storage buildings within it that adjoin the west boundary.

To the west is a disused two storey building that is owned by the applicants. This was built as a standby generator building for the RAF Neatishead radar station and was listed (grade II) in 2008. It is subject of current applications for planning permission and listed building consent to convert it to a dwelling (refs PF/18/0435 and LA/18/0436). The rear of the site adjoins agricultural land.

To the southeast of the site is a two storey dwelling - Allens Farm House, which the barns were previously associated with. This is a grade II listed building along with the attached garden wall which encloses the northeast corner of the site. The gable wall of the dwelling is set back from the common boundary and between there is large lean-to/car port structure. To the rear and sitting on part of the side boundary is a brick store/workshop. To its rear but within the site is a dilapidated outbuilding with only the walls remaining which are about 1.9m high. There is a wall with a gate within it along the south boundary of the yard.

The surrounding area is predominately residential in character although there is a light industrial unit nearby to the north

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Barbara McGoun who wishes committee to consider that the farmhouse adjacent to the site is a listed building and that the barns, although now in different ownership, should reflect that connection. She feels that if the barns were considered to be a heritage asset worthy of listing, then they should make a positive contribution to the whole farm setting, but the plans do not reflect that. Cllr McGoun considers the barns are in a very poor state and would require a great deal of rebuilding, which in that case, constitutes an unacceptable form of development in the Countryside policy area. The proposal doesn't appear to demonstrate any justification as an exceptional dwelling in the Countryside or exceptional quality and as such is contrary to policy SS 2.

## PARISH/TOWN COUNCIL

Neatishead Parish Council: comment that they have spoken to many parishioners regarding the application and the consensus has been that many are happy something is going to happen to the site as it is regarded as an eyesore. The PC are aware that there is an objection from the neighbour with regards to privacy and ask if that could be addressed. There is also some concern as to the length of time that the development may take and work commencing so close to a listed building and ask if this could also be addressed.

## REPRESENTATIONS

One objection received from the occupiers of Allens Farm House which is immediately to the southeast of the site. They objected to the application as first submitted, and although amended plans have been received, the objections raised previously, apart from those

relating to three dormer windows which have been removed from the facing elevation, remain. In summary these relate to:

- the structural condition of the buildings - they are in a very poor structural state and not capable of conversion without substantial demolition and rebuilding which would be contrary to policy HO 9. It is further felt that the buildings would not protect and enhance the setting of the listed building.
- the impact on private amenity - 19 new doors/windows be inserted in the elevation facing their property. Whilst this would substantially alter the appearance of the building, making it appear domestic, which in itself is contrary to development plan policies and would be detrimental to the setting of the listed building, it is inevitable given the separation distance that the development would result in overlooking. The proposed gardens to the dwelling would directly adjoin the neighbour's boundary and cause the amenity and quiet enjoyment of their dwelling to be seriously affected. As the proposed dwellings would be family-sized, there would be noise and disturbance from the occupiers, potentially of all ages.
- overlooking of windows and private amenity space of the two proposed dwellings - the garden areas of the proposed dwellings and windows in their facing elevation would be overlooked by windows in the gable and rear elevation of Allens Farm House. Because of this relationship it is considered that the conversion of the barns to residential is not feasible.
- overlooking of the private amenity space of Allens Farm House - the only private amenity space to Allens Farm House is to the rear and side of the property which would be seriously overlooked from the windows in the proposed dwellings, particularly those at first floor, which will reduce the amenity of its occupiers.
- creation of new garden space in a current agricultural field - this would result in overlooking of the rear amenity area of Allens Farm House and the dwelling itself.

The objectors ask for consideration to be given to some amendments they have suggested which it is felt would to some small degree mitigate the harm identified should the proposals be considered acceptable by the Council. They also request a condition restricting hours of work on the site, notice to be given of any asbestos removal and of a commencement date for any works on site.

Finally, it is considered that there are shortcomings in the application, in particular there is no Heritage Statement submitted which complies with either the council's or national list of requirements against which proposals such as this should be considered. It is therefore considered that the applications are invalid and in the absence of a such a statement it is asked how the Council is able to judge the merits of the proposal and its effect on the designated heritage asset.

## CONSULTATIONS

County Council (Highway): no objections. Conditions relating to the access, provision of a parallel visibility splay and car parking requested.

Conservation and Design Officer: have concerns relates to the rebuilding of the northern single-storey wing which is in a complete state of dilapidation. To integrate this element into the conversion will require a significant amount of rebuilding if not entire rebuilding from floor plate. The rebuilt wing will house the kitchen to the dwelling which is an essential element of

the conversion, however there is no supporting justification to prove that the kitchen could not be incorporated elsewhere within the principal barn.

Notwithstanding this, it is considered that there are significant enhancements on offer through the scheme. These include the removal of the tin sheeting and re-thatching of the roofs of the barns which will result in significant visual improvement to the wider street-scene as well as reinstating the original detailing of the heritage asset. Given the wider benefits on offer in securing the future viability of the site and the long term conservation of the listed buildings it is considered that the concerns about the rebuilding would be outweighed by the heritage gains through the conversion.

Environmental Health: no objection and no further site investigation is considered necessary. Informative notes requested relating to demolition, asbestos and contamination.

Landscape Officer: no objection subject to the inclusion of conditions relating to hard and soft landscaping, a biodiversity method statement, the provision of a licence issued by Natural England in relation to protected species and, external lighting.

#### 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 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

HO 9 - Rural Residential Conversion Area

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

EN 9 - Biodiversity and geology

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

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 11 – Conserving and enhancing the natural environment

Section 12 - Conserving and enhancing the historic environment

There is a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses in considering whether to grant planning permission .

## MAIN ISSUES FOR CONSIDERATION

- Principle
- Effect on the character and appearance of the building and the surrounding area and whether the proposed works and development would preserve listed buildings or any features of the special interest that they possess
- The effect on the living conditions of the occupiers of neighbouring properties and whether suitable living conditions would be provided for the future occupants: policy EN 4 -
- The effect on protected species that may be present
- Traffic generation, road safety and parking

## APPRAISAL

### Principle

The site is within the area designated as Countryside under policy SS 1 of the Core Strategy adopted in 2008. Policy SS 2 lists the types of development that can be acceptable in principle within the Countryside. These include the re-use and adaptation of buildings for appropriate purposes, but these do not include for open market dwellings.

Policy HO 9 was subsequently adopted in February 2011 and this has a presumption in favour of the conversion and re-use of suitably constructed buildings in the Countryside for permanent residential purposes provided that:

1. *The building is within an area identified on the Proposals Map for that purpose*

Whilst the site is within such an area, this criteria is no longer applied following the change in approach to the reuse of buildings in the Countryside agreed by Cabinet in 2012 in response to the publication of the National Planning Policy Framework.

2. *The building is worthy of retention due to its appearance, historic, architectural or landscape value*

The barns are listed. Although no longer within the same ownership, the barns are within the curtilage of Allens Farm House which, along with the boundary wall, is listed (grade II). They are situated immediately to the west of the Farmhouse and, as a group, the barns represent a good example of the local vernacular and make a significant contribution to the traditional agricultural setting of the principal listed building and the wider rural landscape. There is a close interrelationship between the barns, the farmhouse and the key views along School Road. The proposal is therefore considered to meet this criterion.

3. *The building is structurally sound and suitable for conversion to a residential use without substantial rebuilding or extension and the alterations protected or enhance the character of the building and its setting*

The barns have been unused for a significant period of time and are in varying states of dereliction which has resulted in the deterioration of their fabric and their external envelope. A number of rather unsympathetic alterations have also been carried out in the past, including the introduction of a corrugated tin roof which now covers the central barn and large sections of fletton brickwork which has been used to rebuild areas of the barn's inner courtyard elevation. The small thatched barn at the north end of the group adjacent to the site frontage is clearly in a particularly poor state and would need to be re-built.



In summary, from the Structural Inspection report accompanying the application whilst the majority of the buildings can be converted, extensive repairs to the roof structures/timber particularly would be needed to enable this. It refers to the masonry shells appearing to be in reasonable condition but have suffered considerable agricultural misuse, modification and ad-hoc repairs, requiring considerable attention if they are to become load bearing elements. It is suggested that load bearing lining walls could be a solution to which the existing walls could be tied and repaired to retain the historic character of the buildings as to attempt to repair the walls to make them suitably load bearing may be uneconomical and ineffective. Amongst other things the report recommends the introduction of lateral restraints, investigation of the floor slabs and foundation depths. In all, the report makes 11 recommendations and acknowledges that it is not an exhaustive list.

In this case, whilst quite extensive repairs and a degree of rebuilding, is necessary, no extensions to the building are proposed and it is considered weight should be given to the buildings being listed and the fact that they make a significant contribution to the traditional agricultural setting of the principal listed building and the wider rural landscape. As such regard must be had to the desirability of preserving them and in this respect it is considered that the condition of the barns has reached a critical juncture - if no intervention is carried out within the near future, the group will decline further and be beyond meaningful repair, facing the threat of dilapidation. To this end, the proposal for conversion represents a opportunity to secure the group's long term reuse and consequently their longer term conservation.

The northern single-storey wing is in a complete state of dilapidation. To integrate this element into the conversion would require a significant amount of rebuilding if not entire rebuilding from the floor plate. Although the quantum of rebuilding potentially conflicts with this criterion, the amended plans have omitted the section that adjoins the front boundary wall which was clearly beyond repair, thereby reducing the total amount of rebuilding. The rebuilt wing would house the kitchen to the dwelling which is an essential element of the conversion, however there is no supporting justification to prove that the kitchen could not be incorporated elsewhere within the principal barn. Notwithstanding this, the scheme would deliver significant enhancements of the buildings. These include the removal of the tin sheeting and re-thatching of barns which will result in significant visual improvement to the wider street-scene as well as reinstating the original detailing of the heritage asset. Given the wider benefits on offer in securing the future viability of the site and the long term conservation of the listed buildings, it is considered this outweighs any conflicts with this criterion.

4. *The scheme is of an appropriate scale in terms of the number of dwellings proposed for the location.*

The proposal is considered to be acceptable in this respect. It would make good use of the buildings without the need for extensions etc and is not overly intensive with each dwelling having a good area of garden.

5. *Where it is viable to do so, on all schemes resulting in two or more units, not less than 50% of the total number dwellings proposed are affordable, or an equivalent contribution is made in accordance with the requirements of Policy HO 2.*

This criterion is no longer applied

#### Effect on character, appearance and the preservation of the buildings

The footprint and plan form of the barns would remain unaltered through the conversion. Existing openings are utilised to their full extent and sympathetic new joinery would be inserted to complement the traditional detailing of the host barns. The inverted dormer on the south-west elevation and the three thatched dormers on the west elevation originally proposed

have now been omitted with the inverted dormer replaced by a rooflight. The only alterations to the otherwise uninterrupted roofscape of the barns are four small rooflights in the north-west elevation. The proportions and detailing of the larger cart shed openings raise no overriding concerns and further details of these and the other new joinery can be secured by conditions. Whilst some alterations are necessary in order to provide an acceptable living environment, the number of new openings in the southeast elevation of the middle section of the barns is rather unfortunate and does puncture the elevation rather too frequently. On balance, however, this is considered preferable to the insertion of rooflights and this elevation is well screened from the public domain.

As previously referred to above, the proposals would deliver significant enhancements to the buildings, reinstate original detailing and secure their preservation. In turn it would enhance what is currently a run-down eyesore site which it is considered would enhance this part of the village and the setting of Allens Farm House. The proposal is therefore acceptable in terms of policies EN 4 and EN 8

### Living conditions

The relationship with the former generator house to the north would be acceptable in all respects if permission is granted for it to be converted to a dwelling.

The concerns raised by the occupiers of Allens Farm House have been considered, but any impacts on their living conditions would not be significant. There would be a number of windows and mainly glazed doors in the facing elevation of the barns, some within existing openings but more than half would be within new openings or infilled, previously open, sections. Other than two small first floor windows to a bedroom, the new windows/doors would be to the ground floor. The separation distance from the common boundary with Allens Farm House varies between about 14m -17m with a small projecting section to the rear barn about 10m from it. Existing features along or adjacent to the common boundary including the neighbour's garage/workshop, car port/covered area to the side elevation and sections of walls of the old outbuildings would largely restrict any overlooking. Where there are small gaps, this can be dealt with through a condition requiring a scheme of boundary treatments to be approved and implemented prior to occupation.

The two windows in the facing elevation would have glazed areas of about 0.4 sq.m and 0.6 sq.m respectively. The separation distance from them to the area of the neighbour's garden immediately adjacent to the rear of the house is about 24 metres. This alone is considered sufficient to secure reasonable levels of privacy and is in excess of the Design Guide SPD amenity criteria in this respect. Furthermore, the neighbour's garage which has a pitched roof with a ridge height of about 4m would further restrict views across.

The neighbours have also raised concerns about the effect of the development proposals on the enjoyment of their property as gardens to the dwellings would directly adjoin their boundary and cause the amenity and quiet enjoyment of their dwelling to be seriously affected. Gardens adjoining or adjacent to a neighbour's boundary are a typical and accepted arrangement. There is nothing to control how any neighbour uses or reasonably enjoys their own garden and there is nothing to suggest that the future occupiers of the dwellings would use their gardens any differently. This is likely to have far less impact than if the buildings were to be used for agricultural purposes again. Boundary fencing of the usual height (1.8m) would restrict any overlooking into the side and rear of the neighbour's garden from the gardens serving the proposed dwellings which would extend further back.

With regard to the future occupants of the dwellings, it is considered the development would provide acceptable living conditions. Each would have an outdoor amenity area well in excess of that required as a minimum by the SPD.

The proposal is therefore considered to be in accordance with policy EN 4.

### Protected species

The application is supported by a European Protected Species Survey. This identified the presence of roosting bats within the barns, including the roost of small numbers (between 1 to 5) of common pipistrelle, soprano pipistrelle and brown long-eared bat (individuals or non-breeding females). Nesting birds were also identified within the buildings as well as use of the cattle shelter by a barn owl (although this was not nesting).

The Landscape Officer considers that with respect to the impact on bats, an offence under Article 12 of the European Directive and Regulation 43 of The Conservation of Habitats and Species Regulations 2017 will occur, with or without mitigation. As part of the decision making process, the Local Planning Authority must consider whether an EPS Licence is likely to be granted by Natural England in order to derogate from the protection afforded by the Habitats Regulations.

The ecological consultant who produced the survey concludes that with appropriate mitigation and compensation the favourable conservation status of the local bat populations affected, would be maintained. With reference to the 'over riding public interest' and 'no satisfactory alternative' elements of Regulation 55, they consider that a Natural England EPS Licence is likely to be granted due to the relatively low ecological cost of the development against the social benefits to the owner, the benefits for the environment and economic reasons. Based on the evidence provided, the Landscape Officer can see no reason why such a Licence would not be forthcoming subject to the provision of appropriate mitigation and compensation measures.

To ensure that the development results in no net loss of biodiversity (paragraph 109 of the NPPF) and to contribute towards the Council's statutory duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006 (NERC Act) conditions are recommended to secure detailed mitigation and enhancement measures for bats and nesting birds on the development site.

On that basis, it is considered the proposal would not result in a net loss of biodiversity and therefore complies with Policy EN 9 of the Core Strategy.

### Landscape impacts

There are no important landscape features on the site that would be affected by the proposals. The rear part of the site includes a strip of rough/uncultivated land beyond the buildings which is about 20m deep and adjoins an arable field. There is no fence or hedge along the boundary with it. Some of the nearby properties whose rear gardens adjoin this strip of land have open rear boundaries. It is considered that with conditions restricting the erection of outbuildings within this extended area and requiring appropriate boundary treatment such as hedge planting or planting in combination with a hedge there would be no harmful impact on the character of the countryside. There is a public footpath to the west but is about 340 away and otherwise the land is well screened from surrounding roads by existing boundary hedges and trees. The Landscape Officer has raised no concerns in this respect. The proposal is considered to be acceptable in terms of policy EN 2.

### Traffic and parking

The Highway Authority have no objection on the basis that the existing buildings would be potentially capable of generating some degree of traffic movement on the surrounding road

network in their lawful agricultural use. Although the two accesses (one of which is existing) would be close together, the Highway Authority have raised no issues in this respect. School Road is straight at this point and is subject to a 30mph speed limit. The site frontage is set back behind a highway verge and there is nothing to suggest that the parallel visibility splay required cannot be achieved. The on-site parking proposed would accord with the current adopted standards in appendix C of the Core Strategy. The proposal is therefore considered to be acceptable in terms of this issue and complies with policies CT 5 and CT 6.

### **Other considerations**

With regard to the Parish Council's comments about how long the development may take conditions requiring a development to be completed within certain timescale are normally considered to be unacceptable. Restricting the hours of working to those suggested by the neighbour could have the opposite effect in making the development take longer to complete and in any event are considered to be unreasonable and unnecessary given the scale of the proposed development such that they would not meet the statutory tests for conditions as set out in the NPPF. Whilst it is accepted that some noise and disturbance is inevitable as part of a development such as this it would only be for a limited time and if any noise at unsociable hours occurs, there are powers available under environmental protection legislation to deal with it. The handling and disposal of asbestos is dealt with legislation separate to planning.

Comments about the shortcomings of the application are not founded, although it is accepted that the Heritage Statement is very brief. Paragraph 18 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected including any contributions made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should be consulted, which in this case it hasn't been. It is however considered that the lack of information in this respect has not prevented the proper consideration of the application by the local planning authority and it is clear what the impact of the proposals on the significance of the barns which are themselves heritage assets would be, as well as that of the principal building, Allens Farm House.

### **RECOMMENDATIONS:**

Whilst the proposals do involve some fairly extensive refurbishment works and a degree of rebuilding, with some concerns about the number of window openings in the southeast elevation of the barns, this is outweighed by the benefits of the scheme which would deliver significant enhancements of the buildings and secure their long term conservation. It would significantly enhance the setting of the principal building with which they were associated and the surrounding area more generally given their current state. There would be no unacceptable impact on the living conditions of neighbours, projected species or the landscape. The proposal is considered to be acceptable in terms of potential highway impacts.

1. Approval of the planning application (PF/17/1628) is recommended, subject to conditions relating to the following matters and any others considered necessary by the Head of Planning:

- Time limit for implementation
- Samples of external materials
- Details of new joinery
- Use of cement free lime mortar for repair to historic masonry
- Flue to have a matt black or dark grey finish

- Access
  - Provision of visibility splay
  - Provision of car parking
  - Hard and soft landscaping
  - Biodiversity method statement
  - Protected species licence
  - External Lighting
  - Removal of permitted development rights
  - Boundary treatments
  - Drainage
2. Approval of the listed building consent application (LA/17/1629) subject to conditions relating to the following matters and any others considered necessary by the Head of Planning:
- Time limit for implementation
  - Samples of external materials
  - Details of new joinery
  - Use of cement free lime mortar for repair to historic masonry
  - Flue to have a matt black or dark grey finish
- (6) **NEATISHEAD - PF/18/0025 - Change of use of land from sewage treatment works to private recreational use, including erection of polytunnel, storage shed and siting of Shepherd's Hut; Anglian Water Authority Sewage Div Bt 4 and 5, King Street, Neatishead for Mr & Mrs Plater**

**Minor Development**  
**- Target Date: 21 March 2018**

Case Officer: Mr C Reuben  
 Full Planning Permission

**CONSTRAINTS**

EA Risk of Flooding from Surface Water 1 in 100  
 EA Risk of Flooding from Surface Water 1 in 1000  
 Section 52 - Planning Obligation  
 LDF - Countryside  
 Controlled Water Risk - Medium (Ground Water Pollution)

**RELEVANT PLANNING HISTORY**

PLA/19951035 PF  
 SEWAGE WORKS, KING STREET, NEATISHEAD  
 UNDERGROUND PUMPING STATION  
 Approved 28/09/1995

PF/17/0674 PO  
 Former sewage treatment works, land to rear of 4, 5 and 6, King Street, Neatishead  
 Outline application for the erection of two buildings for use as unserviced holiday accommodation and timber storage/bicycle shed with all matters reserved.  
 Refused 11/07/2017

## THE APPLICATION

The application proposes the change of use of the land, formerly an Anglian Water Sewage treatment Works (the site having now been cleared) to private recreational use, including the siting of a Shepherd's Hut and erection of a polytunnel and shed. A surfaced car parking and turning area will be provided within the site with access derived as existing from King Street to the south. The site is currently enclosed by a metal link fence with a gated entrance and is positioned directly behind properties fronting onto King Street to the south and east, with further gardens bordering the site to the north.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr B McGoun due to the proposed/intended use of the Shepherds' Hut.

## PARISH/TOWN COUNCIL

Neatishead Parish Council - Objection. Reiterate concerns raised by objectors regarding the site access.

## REPRESENTATIONS

To date, three objections have been received raising the following concerns:

- Polytunnel is more akin to a commercial structure and may eventually be used as a camping shelter or storage area;
- Bush screen fencing is wholly inadequate, closeboarded fencing would be better in terms of privacy and noise reduction, noting rear facing bedroom windows on neighbouring properties;
- Site not suitable for overnight accommodation, more suitable as an allotment;
- Potential noise from holidaymakers.
- Overuse of the site access and increase in traffic and people;
- Concern over renting out the Shepherds' Hut commercially;
- Overlooking to neighbouring property to the east;
- Proximity of neighbouring properties to the site not accurately shown;
- Existing trees have been felled and chipped.
- Concern that applicant will not be able to get a Shepherds' Hut down the narrow site access, cars have been previously damaged.

## CONSULTATIONS

Norfolk County Council (Highway - Broadland) - no objection subject to condition.

Environmental Health - no objection.

Landscape Officer - 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):

Policy SS2: Development in the Countryside

Policy EN 4: Design

Policy CT 5: The transport impact on new development

Policy CT 6: Parking provision

### National Planning Policy Framework (NPPF):

Section 7 – Requiring good design

Section 11 – Conserving and enhancing the natural environment

## MAIN ISSUES FOR CONSIDERATION

Principle

Design

Amenity

Highway impact

Biodiversity

## APPRAISAL

### Principle: (Policy SS 2)

The site in question lies within the designated Countryside policy area of North Norfolk, as defined under Policy SS 2 of the adopted North Norfolk Core Strategy. Within this area, proposals for new holiday and residential uses are not accepted, however, the application is slightly unusual in proposing private recreational use of the land which proposes neither holiday usage nor full-time residential use.

The question of whether the use is acceptable 'in principle' must be tied down to the specific use being applied for - the applicant has confirmed that the site would be for 'private recreational use of the land, which would include a polytunnel and shed for gardening/storage and a Shepherds' Hut for the applicant's personal use, as well as use for family/friends on occasion (including occasional overnight accommodation)'. The use is similar to a private allotment and as such, the use of the land for growing and the associated siting of a polytunnel and shed are, given their low key nature, considered to be acceptable with limited development proposed. Much of the conjecture surrounding the application is based upon the siting of Shepherds' Hut on the land, and the intended use of this.

Adopted Planning Policy does not allow for the erection of new dwellings in the Countryside, nor indeed, for new self-contained unserviced units of holiday accommodation. The proposed use does not fit into either of these categories, noting the applicant's intended use of the Shepherd's Hut for private recreational use. Its use can conceivably be controlled via planning condition, preventing use of the Shepherds' Hut as a separate residential unit and preventing commercial holiday use of the building. Furthermore, use of the Shepherd's Hut would be restricted to not more than 75 nights in any calendar year, and not to be used for more than 2 nights consecutively. The purpose being to further limit the potential to occupy the hut as an independent dwelling. Subject to conditions, it is considered that there are no grounds to refuse the application on principle, based upon the information submitted.

#### Design (Policy EN 4):

The design of the intended structures, including the polytunnel, shed and Shepherds' Hut, are fairly standard. Given their low heights, it is not considered that they would have a wider visual impact beyond the site boundaries, further noting the positioning of the site behind residential properties and with existing boundary planting. As such, the proposed development is compliant with Policy EN 4.

#### Amenity (Policy EN 4):

The intended use of the site is considered to be relatively low-key in being gardening related, whilst the use of the Shepherds' Hut, which itself is relatively small (3.2m in height), would be confined to the applicant and family only and would be controlled via planning condition. Further noting the site boundaries which already consist of planting and with limited overlooking from within the site outwards, it is not considered that the proposed development would have a significantly adverse impact upon privacy. Furthermore, noting that the Shepherds' Hut has been placed away from the southern boundary with properties to the south, subject to control over the use of the Shepherds' Hut, the activities proposed do not give rise to any significant concerns regarding noise, no more so than any other neighbouring property or garden.

#### Highway impact (Policies CT 5 and CT 6):

Concern has been raised by objectors in relation to the width of the site access in being unsuitable for a Shepherd's Hut and increased vehicular use. In this respect, the access measures 3m wide with the proposed Shepherd's Hut measuring just under 2.6m wide. The access width appears to be sufficient. In addition, the applicant has confirmed that if necessary, the Shepherds' Hut can arrive as a 'flat-packed' kit and constructed on site, further noting that there should be no need to transport the Shepherds' Hut once erected. Given that the Highway Authority have raised no objection to the proposed development, which is unlikely to result in significant numbers of vehicular movements into/out of the site, it is considered that the development is compliant with Policies CT 5 and CT 6.

#### Biodiversity (Policy EN 9):

Apart from the proposed storage shed, the use will not involve any significant ground excavation and as such, there are no concerns regarding the impact on existing trees. Furthermore, there are no concerns in regards to the impact of the proposed development on protected species, given the relatively low-key use intended. As such, no objections are raised under Policy EN 9.

#### Conclusion:

On balance, subject to control over the intended use of the Shepherd's Hut through the use of appropriate planning conditions, and given the relatively low-key nature of the intended use of the site and Shepherd's Hut, it is considered that the proposed use of the site and associated structures are acceptable and are unlikely to have a significantly detrimental impact upon residential amenity or the surrounding highway network.

**RECOMMENDATION:** APPROVE subject to the imposition of appropriate conditions to cover the following matters (and any other conditions deemed necessary by the Head of Planning):

1. Time limit - 3 years
2. Development to take place in accordance with plans submitted
3. Limit use to private recreational use for applicant/family only for no more than 75 nights in any calendar year and no more than 2 nights consecutively, with no permanent residential or commercial use
4. Development to be carried out in accordance with submitted Tree Survey Report
5. Prior agreement of any external lighting
6. Parking/turning area to be provided



- (7) **TRUNCH - PF/18/0432 - Single storey extensions to rear and new roof with roof lanterns to covered walkway between dwelling and garage (part retrospective); 7 Pyghtle Close, Trunch, North Walsham, NR28 0QF for Mrs Bailey**

**- Target Date: 30 April 2018 (Extension of time until 21st May 2018)**

Case Officer: Miss J Hodgkin

Full Planning Permission

#### RELEVANT CONSTRAINTS

Gas Pipe Buffer Zone

LDF - Countryside

Enforcement Enquiry

RELEVANT PLANNING HISTORY for 7 Pyghtle Close, Trunch, North Walsham, NR28 0QF:

PF/17/0720 HOU

7 Pyghtle Close, Trunch, North Walsham, NR28 0QF

Single storey extensions to rear and new roof with roof lanterns to covered walkway between dwelling and garage

Approved 28/06/2017

#### THE APPLICATION

Planning permission was granted under application reference PF/17/0720 for the erection of a single storey extension to the rear and a new roof lantern to a covered walkway between the garage and the dwelling. The garage was being converted to habitable accommodation, namely a bedroom. Condition 2 of that permission required the development to be constricted in accordance with the approved plans.

The extensions as have been built exceed the dimensions of the previously approved proposals under planning permission PF/17/0720 and as such there has been a breach of condition 2 of the original permission. Planning permission is now sought for the larger single-storey rear extensions and the increased height of the new roof (with roof lanterns) to the covered walkway between the dwelling and the garage. As the majority of the extensions have been built, but not yet completed, the application is part-retrospective.

#### REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr N Coppack having regard to the retrospective nature of the application in respect of the inaccuracies between the previously approved plans and the actual increased dimensions of the constructed extensions.

#### PARISH/TOWN COUNCIL

Trunch Parish Council - No response.

#### REPRESENTATIONS

To date, one representation has been received, objecting to the application and raising the following concerns:

- The ridge height of the rear extension (garden room) is higher than shown on the revised plan and the building is obtrusive
- The dimensions of the rear extension to the existing garage (bedroom 3) have all exceeded those which were originally approved. This room is sited 300mm from the boundary fence and is extremely intrusive and causes a lack of natural light on to the neighbour's patio, garden and conservatory.

## CONSULTATIONS

National Grid (now Cadent Gas Ltd) - Do not object to this 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):

Policy SS2: Development in the Countryside

Policy HO 8: House extensions and replacement dwellings in the Countryside

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

Policy EN 4: Design

## NATIONAL PLANNING POLICY FRAMEWORK

Section 7 – Requiring good design

## MAIN ISSUES FOR CONSIDERATION

- 1) Principle of Development
- 2) Design and Appearance
- 3) Impact on Residential Amenity

## APPRAISAL

### 1. Principle of Development

The proposed development is considered to be acceptable and in accordance with the aims of Policy SS 2 of the adopted Core Strategy which allows extensions and alterations to existing dwellings in the Countryside subject to compliance with other policies in the North Norfolk Core Strategy.

### 2. Design and Appearance

The scheme consists of a gable-end extension to the existing dwelling's rear elevation to provide a garden room and a rear extension to the existing flat roof garage to provide a third bedroom. Additionally, the covered porch area will receive a new roof with two roof lanterns.

The construction works are close to completion and it is clear that the height of the garden room extension and the width of the rear bedroom extension to the existing garage have exceeded those dimensions that were previously approved under application PF/17/0720.

The amended plan (drawing number: 224-P-001 Rev.2) shows the height of the garden room increased by 0.6m compared to the height originally approved. Although the originally approved extension was more sympathetic to the host bungalow in terms of its scale and form, the extension as built is still considered to be in accordance with the aims of policies HO 8 and EN 4 of the North Norfolk Core Strategy as it remains subordinate to the existing property and is not regarded as having a significant impact on the character and appearance of the dwelling or the wider setting.

The revised width of the bedroom extension (increased by 0.9m) is also considered compliant with the relevant Core Strategy Policies.

It has also come to light that the existing plans submitted under the application were inaccurate and the Agent has apologised for this discrepancy which was a result of a CAD software error.

The error concerns the height of the existing garage which was shown as 2.8 metres and this measurement was not shown to increase on the proposed elevation plan. Without the neighbouring garage shown on the plan as a comparison, it was not realised that the actual height of the existing garage was 2.5 metres.

The height increase of the garage extension and the covered walkway by 300mm compared to the neighbouring garage, along with the excessive height of the new fascia boarding applied to the garage/covered walkway, are far from ideal in design terms. Notwithstanding these concerns, the scheme's visual impact on the character and appearance of the wider setting and street scene is not considered harmful or significant enough to warrant refusal of the application nor to be in the public interest to take enforcement action to remedy the design concerns, especially as the site is not in a particularly sensitive location.

On balance, it is therefore considered that the scheme complies with Core Strategy policies HO 8, EN 4 and EN 2 of the North Norfolk Core Strategy.

### 3. Residential amenity

Taking into account the height increase to the rear garden room extension, the light and privacy levels of properties No.5 and No.9 are not considered to be adversely affected by the proposal due to the adequate separation distances and the proposal's side window directly facing a blank section of No.9's side elevation.

The second rear extension attached to the existing garage is likely to cause some overshadowing onto the garden and an existing small side conservatory of the adjacent property at No.5, although the level of overshadowing is not considered to be significant or particularly detrimental to the amenity of the neighbouring property due to the proposal's flat roof and the east facing orientations of the rear of the properties.

As the proposed bedroom extension's blank north-side elevation faces the side and rear of the adjacent property at No.5 and the separation distance between the two properties is regarded as adequate, there is considered to be limited impact on the privacy of the neighbouring residents and as such the proposal is considered to be acceptable.

It is therefore concluded that the scheme would not have a significant detrimental impact on the residential amenity of neighbouring occupants either through overshadowing or loss of privacy and the proposals are considered to be in accordance with the requirements of Policy EN4 of the Core Strategy.

### **Conclusion**

The application is considered to be acceptable in terms of its design and scale, and is not considered to result in a significant detrimental visual impact to the street scene or wider area, or any significant impact to the amenity of neighbouring properties. Therefore the proposal is considered to be in accordance with the relevant Development Plan Policies and is recommended for approval.

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

1. In accordance with submitted plans
2. Materials as submitted and to match the existing dwelling

## **APPEALS SECTION**

### **(8) NEW APPEALS**

**DILHAM - PF/17/1162 - Erection of agricultural workers dwelling; Land opposite Lodge House, Honing Road, Dilham, NR28 9PN for Bindwell Ltd  
INFORMAL HEARING**

**HAPPISBURGH - PF/17/1858 - Part demolition of outbuilding & erection of two-storey building for a residential annexe; Prospect House, Church Street, Happisburgh, Norwich, NR12 0PN for Mr & Mrs Dixon  
FAST TRACK - HOUSEHOLDER**

**ROUGHTON - PF/17/2083 - Conversion and single storey extension to detached garage to form residential annexe; The Cottage, Metton Road, Roughton, Norwich, NR11 8QT for Mr & Mrs Bowen  
FAST TRACK - HOUSEHOLDER**

### **(9) INQUIRIES AND HEARINGS - PROGRESS**

**NORTH WALSHAM - PO/17/0549 - Erection of up to 200 dwellings, open space, supporting infrastructure and other associated works (outline application) - revised submission; Land between Aylsham Road and Greens Road, North Walsham for MLN (Land and Properties) Ltd & Simon Rossi & Katherine Beardshaw & Nigel Rossi  
PUBLIC INQUIRY 21 August 2018**

**TUNSTEAD - ENF/15/0067 - Unauthorised commercial uses of former agricultural buildings; Beeches Farm, Crowgate Street, Tunstead, Norwich, NR12 8RF  
PUBLIC INQUIRY**

### **(10) WRITTEN REPRESENTATIONS APPEALS - IN HAND**

**CORPUSTY AND SAXTHORPE - PF/17/0470 - Demolition of dwelling, garage & outbuilding & erection of 2 semi-detached bungalows; Sunnyside, Post Office Lane, Saxthorpe, Norwich, NR11 7BL for Sparksfield Ltd**

**MORSTON - PO/17/0645 - Proposed single storey building for holiday let accommodation; Land at Morston, The Street, Morston, Holt, NR25 7AA for Mr Paterson**

**TUNSTEAD - PF/17/0428 - Change of use from Agricultural to General Industrial (Class B2) (retrospective); Unit 13, Beeches Farm, Crowgate Street, Tunstead, NORWICH, NR12 8RF for Mr Platten**

**WITTON - PO/17/1362 - Erection of 3 detached dwellings (outline with all matters reserved); Land at Mace Cottage, North Walsham Road, Ridlington, Norfolk, NR28 9NR for Mr & Mrs Fiveash**

**FAKENHAM - ENF/17/0216 - Building works not in accordance of the approved plans - ref PF/16/0858; 6 Whitelands, Fakenham, NR21 8EN**

**GREAT SNORING - ENF/16/0144 - Structure erected in garden of Dildash House; Dilldash House, The Street, Great Snoring, Fakenham, NR21 0AH**

**MELTON CONSTABLE - ENF/16/0087 - Removal of Clock Mechanism - Listed Building; Clock Tower, Melton Constable Hall, Dereham Road, Melton Constable, NR24 2NQ**

**MELTON CONSTABLE - ENF/16/0088 - Removal of Cupola - Listed Building; Fire Engine House, Melton Constable Hall, Melton Park, Dereham Road, Melton Constable, NR24 2NQ**

**NORTH WALSHAM - ENF/14/0130 - Fences Erected Enclosing Land Which had Previously been Grass Verge Maintained by the Council; 8 Debenne Road, North Walsham, NR28 0LZ**

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

**BRISTON - PO/17/0656 - Erection of 3x detached bungalows and garages and demolition of existing dwelling (Outline); Carefree, Providence Place, Briston, Melton Constable, NR24 2HZ for Mr Thompson  
APPEAL DECISION:- APPEAL DISMISSED**

**CORPUSTY AND SAXTHORPE - PF/17/1209 - Conversion of 2no. agricultural outbuildings to 2no. holiday let units; Little London Farm, Town Close Lane, Little London, Corpusty, Norwich, NR11 6QU for Mr Casburn  
APPEAL DECISION:- APPEAL PART ALLOWED**

**RUNTON - PF/17/0870 - Erection of single storey dwelling; Beacon Hill, Sandy Lane, West Runton, Cromer, NR27 9NB for Mr & Mrs Broughton  
APPEAL DECISION:- APPEAL DISMISSED**

Summaries of the above appeals are attached at **Appendix 2.**

**NORTH WALSHAM - PF/17/0002 - Variation of Condition 2 of planning permission reference: PF/16/0313 to allow for alterations to first and ground floor fenestration, second floor south elevation fenestration and insertion of rooflights; Aitken House, 28 Yarmouth Road, North Walsham, NR28 9AT for Mr & Mrs Joory  
APPEAL DECISION:- APPEAL ALLOWED**

**WELLS-NEXT-THE-SEA - PF/17/1198 - Sub - division of single dwelling to form 2no. dwellings; 2 Butts Corner, The Buttlands, Wells-next-the-Sea, NR23 1EZ for Foxberry Developments  
APPEAL DECISION:- APPEAL DISMISSED**

**WELLS-NEXT-THE-SEA - LA/17/1199 - Internal and external alterations to facilitate the refurbishment and sub - division of a single dwelling into two dwellings; 2 Butts Corner, The Buttlands, Wells-next-the-Sea, NR23 1EZ for Foxberry Developments  
APPEAL DECISION:- APPEAL DISMISSED**

Summaries of the above appeals will be reported to the next meeting.

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

**BODHAM - PF/14/0925 - Erection of wind turbine with a hub height of 40m and blade tip height of 66m with associated substation buildings, access tracks and crane hardstanding; Land at Pond Farm, New Road, Bodham, Holt, NR25 6PP**

Conjoined appeal with

**SELBRIGG – PF/14/1669 - Installation of a single wind turbine with a maximum height to tip of 78m, a new access track, a hardstanding, a small substation building, a temporary meteorological mast and associated infrastructure; Selbrigg Farm, Kelling Road, Hempstead, Holt, NR25 6NF**

Decisions were remitted back to the Planning Inspectorate to re-determine the appeals following successful challenge of Inspector Braithwaite's decision to allow the appeals. Planning Inspector concluded that the two appeals could be re-determined using the written representation process. Council have sought to challenge the Inspectorate's decision not to re-hear the appeals as a Public Inquiry and have lodged a legal challenge with the High Court. Whilst a date is to be confirmed as to when the matter will come before the High Court, the Planning Inspectorate have agreed not to determine the written reps appeal(s) until the outcome of the High Court challenge is known.

**SCULTHORPE – PF/15/0907 - Erection of 71 dwellings, new access road, side roads, water attenuation ponds, drainage works, play areas, landscaping and associated works (Phase 1- full planning) and Phase 2 of up to 129 dwellings, side roads, primary school, land for community resource centre, play areas, water attenuation ponds and drainage works (outline permission with all matters reserved); Land between Creake Road and Moor Lane, Sculthorpe, Fakenham, NR21 9QJ**

Appellant sought to challenge Inspector Ball's decision to dismiss the appeal. Statutory Challenge took place in High Court on 27 Feb 2018 at which the Council sought to defend the Inspector's decision. Lady Justice Lang issued her decision which, in effect, quashed Inspector Ball's decision because she considered he had not given appropriate weight to the public benefits of a new school and Lady Justice Lang concluded that she could not be certain that the Inspector would have made the same decision to refuse and therefore rather than exercising discretion the Inspector's decision was quashed, in effect requiring another Public Inquiry. The Council have since mounted a legal challenge in the Court of Appeal arguing that Lady Justice Lang has erred in law by not properly exercising discretion. A date for the Court of Appeal hearing is yet to be confirmed.

## **THE FORMER ABATTOIR SITE (AND BUNGALOW), OLD MARKET ROAD/A149, STALHAM**

### **Planning Guidance Statement**

The following note summarises discussions conducted between the vendor and North Norfolk District Council in its capacity as local planning authority and provides guidance on potential redevelopment options pertinent to the property.

The 2 acre triangular shaped prominent site is occupied by former abattoir buildings, an extensive yard area and a 2 bedroom bungalow, all of which are in a poor state of repair. The site is bounded by 3 roads (the main A149 Great Yarmouth to Cromer road, Old Market Road and Upper Staithe Road), and could be regarded as occupying the principal access point into the town. The site is situated within the defined built settlement boundary of Stalham, close to the established town centre, and is an acknowledged brownfield site.

The site is not in a Conservation Area and does not contain Listed buildings or trees subject of Tree Preservation Orders; further it is not considered to be in an area of heritage importance or high or unusual architectural value. To the south-east, across the A149 road, is Stalham Staithe which is home to one of the largest hire boatyards on the Broads, providing access to the extensive area of protected wetland and navigable waterways which make up The Broads.

The site is zoned within the adopted North Norfolk Core Strategy (adopted September 2008) as being in employment use, and adjoins the Town Centre Policy Area for Stalham to the north. It is therefore considered that the site is capable of accommodating a wide variety of alternative employment generating / supporting uses – including business; commercial; open A1 retail subject to satisfying the national retail policy guidance; or a variety of roadside uses including a hotel, pub, restaurants and roadside services.

The Council is mindful that, as the previous business activities on the site ceased over 10 years ago, alternative uses might be acceptable in that any proposals would not result in a loss of employment from the site. Further, the Council recognises that the development of conventional employment space (B1, B2 or B8) might be uneconomic in this location bearing in mind the likely achievable rents, levels of demand/take up rates, and the level of investment required in site preparation / redevelopment.

The Council has therefore indicated that it may be prepared to consider alternative uses on the site subject to the usual planning development control processes being followed, viability assessments being prepared etc. Such uses could include all forms of residential development conventional mixed tenure, private and affordable housing, sheltered/assisted living accommodation and care homes, either in combination or entirety across the whole site.

Although the Council's desired built density on housing sites is 40 units per hectare, flexibility will be given dependent upon layout and form. It is anticipated that scope exists for a mix of 2 and 3 storey units across the site.

Under its Housing Incentive Scheme, which seeks to promote early development, the Council has temporarily reduced its affordable housing requirement across most of the district (including Stalham) on sites of more than 10 units, from 45% to 20%, provided an application under the scheme accompanies a planning application submitted before 31<sup>st</sup> December 2015. The scheme is subject to caveats including a schedule of works and an agreement to complete an agreed proportion of the development within 18 months of grant of planning permission. Subject to a viability assessment, further concessions might be considered dependent upon the anticipated site preparation and development costs.

At the present time North Norfolk does not have an agreed Community Infrastructure Levy in place and each development application will be assessed on its own merits with appropriate planning contributions sought dependent on the nature and implications of individual schemes upon local community infrastructure.

There are presently 3 access/egress points into the site (one off the A149 and two on Upper Staithe Road). Access arrangements into the site will be subject to the requirements of Norfolk County Council, as highway authority, but it is believed that the District Council will seek to discourage any direct access from or onto the A149 main road and would seek access into the site from either Old Market Road or Upper Staithe Road, subject to appropriate widening and provision of visibility splays, to meet the technical requirements.

Although there are no trees contained in the core area of the site, there is an established tree/shrub line forming the boundary to the A149. The Council is keen to retain a landscape screen along the main road frontage to provide a buffer to the adjacent Countryside to the south, and where appropriate to replace and or supplement existing tree specimens.

This statement is been prepared by the vendor and officers of the Council and is intended to assist interested parties in understanding the future development potential of the site given the prevailing planning policy framework. The statement is not the confirmed view of the Council, and is without prejudice to the consideration of any detailed proposals which might be made in the future, which will be considered by the Council's Development Committee or under delegation in the normal way. Any further inquiries regarding planning issues relating to the site should be directed in the first instance to [REDACTED]

Issued by Mark Liell – 17<sup>th</sup> April 2015

Ref: PR/Marketing/MarketingInfo/PlanningStatement–Stalham 16.4.15



<b>Application Number: PF/17/0870</b>	<b>Appeal Reference: APP/Y2620/W/17/3190020</b>
<b>Location: Beacon Hill, Sandy Lane, West Runton, NR27 9NB</b>	
<b>Proposal: Erection of a single storey dwelling</b>	
<b>Officer Recommendation: Refuse</b>	<b>Member decision (if applicable): N/a</b>
<b>Appeal Decision: DISMISSED</b>	<b>Costs: N/a</b>
<p><b>Summary:</b> The main issues the Inspector considered was:</p> <ul style="list-style-type: none"> <li>The principle of development with specific regard to its location.</li> </ul> <p>The Inspector noted that the appeal site is in the countryside and the policy restrictions of SS2. He noted the services available in West Runton but found them to be limited. He also noted the limited availability of public transport links. On this basis he found the appeal site did not represent sustainable development.</p> <p>The appellant had noted the appeal decision in High Kelling (which overturned a recommendation for refusal). He Inspector noted this appeal decision and the weight the Inspector had attributed to policy SS2 in determining that appeal. However, whilst he did not disagree with his colleague that SS2 does not fully accord with the NPPF, he did not find its aim to be polarised from the aims of the NPPF to promote sustainable development. In his decision making he had attributed weight and harm as he, the decision maker, found fit. He did not consider the policy to be out of date and so had not attributed the 'tilted balance' advocated by para 14 of the NPPF. He did go on to say that had he found the tilted-balance to be enacted, then he found still dismiss the appeal as the social and economic benefits would be limited.</p>	
<b>Relevant Core Strategy Policies:</b> SS2 – Development in the Countryside	
<b>Relevant NPPF Sections/Paragraphs:</b> N/a	
<b>Learning Points/Actions:</b> N/a	

<b>Application Number: PF/17/0656</b>	<b>Appeal Reference: APP/Y2620/W/17/3191013</b>
<b>Location: Carefree, Providence Place, Briston, NR24 2HZ</b>	
<b>Proposal: Demolition of existing bungalow and garage and erection of 3 no three bedroom bungalows and garages with turning on site.</b>	
<b>Officer Recommendation: Refuse</b>	<b>Member decision (if applicable): N/a</b>
<b>Appeal Decision: DISMISSED</b>	<b>Costs: N/a</b>
<p><b>Summary:</b> The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> <li>The effect of the proposed development on; <ul style="list-style-type: none"> <li>a) Highway safety</li> <li>b) The character and appearance of the area</li> </ul> </li> </ul> <p><b>Highway Safety:</b> The Inspector found the access to have restricted visibility due to adjacent buildings, limited hazard warning markings, a lack of any segregated footway, and cars parked opposite on the road. He considered that the lack of marking on the junction means vehicles do not know where to stop, drivers would likely have to stop forward of the junction due to the proximity of the adjacent buildings which would then act as a hazard for other road users who have to approach on the wrong side of the road due to the parked cars. All of this would give rise to</p>	

increased risk of pedestrian and vehicular conflict.

The Inspector considered that the proposed development would increase the use of this poor junction giving rise to an exacerbation of the existing poor situation thereby representing a danger to all users of the highway. He found the proposals to be contrary to policy CT5 of the Core Strategy.

**Character & Appearance:**

The Inspector noted that the constraints of the plot would undoubtedly dictate where the 3no dwellings could be sited, but he found that the lack of structure or defined coherence as a group was ultimately reflective of the informality of the siting and structure of the surrounding built form. He did not consider the proposals to be in conflict with policy EN4.

The Inspector found the highway safety issues to outweigh the benefits of the proposed development and attributed this significant weight in dismissing the appeal.

**Relevant Core Strategy Policies:**

CT5 – Transport Impact of new development  
EN4 - Design

**Relevant NPPF Sections/Paragraphs:**

N/a

**Learning Points/Actions:**

N/a

<b>Application Number: PF/17/1209</b>	<b>Appeal Reference: APP/Y2620/W/17/3190332</b>
<b>Location: Little London Farm, Town Close Lane, Little London, Corpusty</b>	
<b>Proposal: Change of use and conversion of 2no agricultural outbuildings to 2 no holiday lets.</b>	
<b>Officer Recommendation: Refuse</b>	<b>Member decision (if applicable): N/a</b>
<b>Appeal Decision: PART DISMISSED / PART ALLOWED</b>	<b>Costs: N/a</b>
<p><b>Summary:</b> The main issues the Inspector considered was:</p> <ul style="list-style-type: none"> <li>Whether or not one of the buildings concerned could be converted to a holiday let use without the need for substantial re-building or extension and whether or not, in so requiring, it would represent the creation of un-serviced holiday accommodation in the countryside.</li> </ul> <p>The Inspector noted that both the NPPF and Policy SS2 of the Core Strategy lend support for the re use of buildings, with SS2 referring explicitly to what may be an acceptable form of development in the countryside. In order to differentiate from the erection of new un-serviced tourist accommodation in the countryside, Policy EC2 of the Core Strategy sets out that the re use of buildings will be permitted subject to, amongst other things, whether it can be demonstrated that the building is soundly built and suitable for the proposed used without substantial rebuilding or extension.</p> <p>The Inspector considered that in regard to the proposed converted workshop, the nature of its construction and type of materials means that a significant amount of work to change it to a dwelling would be required. He therefore dismissed this part of the appeal on the basis that the proposals are contrary to the aims of policy EC2 and EC7.</p> <p>In respect of the smaller of the two buildings, the outbuilding, he considered that this is a</p>	

more traditional brick and tile building with decorative stone panel detail. He observed that it appears to be of sound construction and requires mainly internal works to re-use it as a holiday let unit. He allowed this part of the appeal.

The Council's view had been that the outbuilding was suitable for conversion under the relevant policies but the applicant had been unwilling to remove the unacceptable element from the proposals. The Council considers that its position has been upheld in the part allowing of this appeal.

**Relevant Core Strategy Policies:**

EC2 – Re-use of buildings in the countryside

EC7 – Location of new tourism development

**Relevant NPPF Sections/Paragraphs:**

N/a

**Learning Points/Actions:**

N/a

**Sources:**

Sarah Ashurst – Development Management Manager