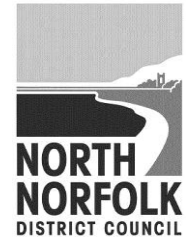


Development Committee



Please contact: Linda Yarham

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

TO REGISTER TO SPEAK PLEASE CALL 01263 516150

24 October 2018

A meeting of the **Development Committee** will be held in the **Council Chamber** at the Council Offices, Holt Road, Cromer on **Thursday 1 November 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 22 November 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 30 October 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 R Shepherd, Mr B Smith, Mr N 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, Mr J Punchard, Mr J Rest, Mr P Rice, Mr E Seward, Mr S Shaw, Mr D 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
Email districtcouncil@north-norfolk.gov.uk **Web site** www.north-norfolk.gov.uk

AGENDA

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

PUBLIC BUSINESS

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

To approve as a correct record the Minutes of a meeting of the Committee held on 4 October 2018.
4. ITEMS OF URGENT BUSINESS (to be taken under items 8 or 10 below)
 - (a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.
 - (b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.
5. ORDER OF BUSINESS
 - (a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.
 - (b) To determine the order of business for the meeting.
6. DECLARATIONS OF INTEREST

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

ITEMS FOR DECISION

PLANNING APPLICATIONS

- (1) **NORTH WALSHAM - PF/17/1951 - Erection of 43 dwellings and new access with associated landscaping, highways, external works, and amendments to substation; Land at Laundry Loke, North Walsham, NR28 0BD for Victory Housing Trust**

- (2) **SHERINGHAM - PF/18/1435** - Demolition of existing leisure and fitness centre, single storey office and existing skate park. Erection of two storey leisure centre to incorporate swimming pool, fitness suite, wet/dry changing facilities, reception, cafe, plant with car parking, erection of new skate park and associated landscaping; Splash Leisure Complex, Weybourne Road, Sheringham, NR26 8HF for North Norfolk District Council Page 36
(Appendix 1 –page 70)
- (3) **SCOTTOW - PF/18/0787** - Erection of single storey front & side extension and two storey rear extension to each dwelling; 12 & 13 Scottow Row, Scottow, Norwich, NR10 5DR for Scottow Farms Limited Page 55
- (4) **WIVETON - PF/17/1468** - Change of use of agricultural land to seasonal campsite (from May to September inclusive each year) for a maximum of 6 bell tents and erection of two buildings for use as associated shower/WC blocks (retrospective); Wiveton Hall, Marsh Lane, Wiveton, Holt, NR25 7TE for Mr MacCarthy Page 59
- (5) **APPLICATIONS RECOMMENDED FOR A SITE INSPECTION** Page 67
- (6) **NEW APPEALS** Page 67
- (7) **INQUIRIES AND HEARINGS - PROGRESS** Page 67
- (8) **WRITTEN REPRESENTATIONS APPEALS - IN HAND** Page 68
- (9) **APPEAL DECISIONS – RESULTS AND SUMMARIES** Page 68
(Appendix 2 –page 73)
- (10) **COURT CASES – PROGRESS AND RESULTS** Page 69
8. **ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE**
9. **EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution, if necessary:-

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

PRIVATE BUSINESS

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

**OFFICERS' REPORTS TO
DEVELOPMENT COMMITTEE - 1 NOVEMBER 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) **NORTH WALSHAM - PF/17/1951** - **Erection of 43 dwellings and new access with associated landscaping, highways, external works, and amendments to substation; Land at Laundry Loke, North Walsham, NR28 0BD for Victory Housing Trust**

Major Development

- **Target Date: 04 April 2018**

- **Extension of Time: 07 December 2018**

Case Officer: Mr R Parkinson

Full Planning Permission

THE SITE

Relevant Site Constraints

LDF Site Allocation – Site is a designated Mixed Use Allocation for employment & housing

Within LDF Employment Area designation

Within LDF Settlement Boundary

Within LDF Residential Area

EA Risk of Flooding from Surface Water 1 in 30

EA Risk of Flooding from Surface Water 1 in 100

EA Risk of Flooding from Surface Water 1 in 1000

Controlled Water Risk - Medium (Ground Water Pollution)

Contaminated Land

Gas Pipe Buffer Zone

Adjoining Principal Routes and within 60m of Class A road

Accessed via unclassified road

Enforcement Notice

Section 215 - Land Maintenance Notice

The application proposes to redevelop the derelict/vacant former laundry site at the southern end of Laundry Loke, and land to the west which is currently a small area of overgrown woodland. This area is currently in a mix of residential and industrial uses: The land to the north is the Laundry Loke / Folgate Lane industrial estate, the immediate neighbours are a VW car showroom and repairs workshop, the Marett's Chariots coach depot, and the Bluebell Secure Container Storage which is located within the coach depot against its southern, common boundary with this application site.

Land to the east is Laundry Loke and the elevated A149 Cromer Road, beyond which is residential development. The southern neighbours are also residential, comprising an unmade access drive and rear gardens of houses on Cromer Road and Bradfield Road. The western boundary adjoins two small informal allotments, and the rear gardens of homes within Kendall Close.

The site's condition comprises two distinct areas: the eastern half is currently the derelict laundry's basement and foundations, this then drops down into the western half which is an overgrown hollow containing trees and shrubs. The site has been enclosed with chain link fencing for some years and has attracted anti-social behaviour. Fly-tipping on this site was the subject of planning enforcement action to tidy-up the site through a Section 215 Notice.

Laundry Loke is often used for overflow residential and industrial estate parking, and in recent years the north-east corner of the application site has been used for informal off-road parking adjacent to a mobile catering burger van at the entrance to the coach depot.

APPLICATION

The application contains the following supporting information:

- Layouts, plans, elevations and site-sections.
- Design and Access Statement.
- Planning Statement.
- Site Utilities Statement.
- Flood Risk Assessment including Drainage Strategy (7 volumes).
- Additional Background Flood Strategy Calculations.
- Transport Statement.
- Sustainable Design and Construction Statement.
- Energy Statement.
- Affordable Housing and Viability Statement.
- Noise Assessment Technical Report (revised).
- Acoustic Report: Technical Memorandum.
- Additional Planning Statement: Car Parking Standards Assessment.
- Additional Planning Obligations Statement.
- Phase II Data Review and Site Investigation Report.
- Groundwater Risk Assessment.
- Groundwater Addendum Report.
- 3no. Reptile Survey Reports.
- Preliminary Ecological Appraisal and Japanese Knotweed Survey
- Arboricultural Implications and Preliminary Method Statement.
- Landscaping proposals and planting plans.

Relevant Planning History

The planning history at this site is not considered directly relevant as the site has been cleared since 2008, and so those uses and consents have effectively been extinguished. Since adoption of current local development plan / allocation policies, no applications for re-use or redevelopment have been received prior to these proposals.

CONSULTATIONS

The following comments are a summary of the most recent comments relating to the most up-to-date information available. Often more than one response has been received and these are available to view on the NNDC planning website.

North Walsham Town Council - No objections to the plans now they are revised.

(Comments received 29/03/18, 10/05/18, 11/10/18).

The Town Council would like the highways situation to be clarified in respect of access from the site. The Environmental Health Officer (EHO) noise concerns must be addressed. The turning head should be provided where possible. The parking situation must be improved. Security alongside the private access road should be considered. The route of the path down Laundry Loke should be reappraised. Visibility from the private access road should not be compromised.

In respect of the Local Planning Authority's query on allotments in the town, there are currently two sites managed by the Town Council: the site adjacent the Bacton Road Cemetery contains 12 plots, and the site adjacent to the Community Centre at the Memorial Park contains 6 plots. There are 3 vacant plots at each site, and the Town Council intend to divide each into two smaller plots, so creating at least 6 vacant lots in each site, 12 in total. There are no current plans for the Town Council to provide more allotments elsewhere because there is no available land in Town Council ownership.

Norfolk County Council (Highways) – Objection.

(Comments received 15/02/18, 17/05/18, 27/09/18, 15/10/18).

Proposed layout -

On street parking remains a concern due to the under-supply of parking within the scheme, and should not rely on on-street waiting restrictions / permits / double-yellow lines. People will park on-street and close to junctions, creating a highway safety hazard. The local plan parking standard should be seen as a minimum level of guidance. As car ownership and use has continued to increase; even if the on-site provision of parking is limited this has little impact on car ownership levels.

Other concerns include:

- A road built of permeable paving will not be adopted.
- The kink in the road design should be removed and the road might need to be upgraded.
- The side road within the estate has unacceptably poor visibility splays.
- The communal parking court is undesirable as parking will occur within the road instead.
- Access to the western drainage ditch should be more than the 1m width shown initially.

Off-site highway works -

- A type-5 sized turning head is needed at the southern end of Laundry Loke. This can be accommodated in the sketch proposals shown, but will need to account for level changes, clearances from tree roots and canopies, provide tree replacements and safe turning. The presence of a gas main and its easements should not preclude delivery of the turning head. The suggested sketch of 12/10/18 shows as suitable turning head could be provided but would be subject to surveys, removal, replacement and works to trees and regrading of the verge banks.
- There will be increased use and reliance on local bus stops on Cromer Road (100m from the site) and these should be improved to Equalities Act compliant levels.

- All off-site works need to ensure they consider surface water drainage in Laundry Loke.
- Revised plans would be required before the holding objection can be reconsidered.

Environment Agency – No objection, subject to use of extensive conditions.

(Comments received 25/01/18, 10/05/18).

Groundwater risk – the site is above both Secondary and Principal Aquifers and a Source Protection Zone, and a Water Framework Directive drinking water protection area, and is considered to be of moderately high environmental sensitivity. The historic uses combined with the proposed use could create a potential pollutant link to the water environment and risks from drainage and construction need to be considered.

The proposed remediation strategy is agreed in principle but the remediation targets still need to be agreed and a lot of additional work will be required, although this can be by planning conditions; for example there are a lot of assumptions made that have not been tested, some test results are outdated, and some expected contaminants have not been tested at all.

Lead Local Flood Authority – No objection subject to conditions.

(Comments received 11/01/18, 13/03/18, 27/04/18, 18/05/18).

Initial concerns that the drainage strategy was not appropriate for the site conditions have now been resolved. The revised Flood Risk Assessment and Drainage Strategy have provided sufficient information to alleviate previous concerns with the proposals and demonstrate that the mapped surface water flood risk can be managed, and the drainage strategy can be accepted in principle.

Conditions should be used to agree final details of the scheme. As the drainage scheme relies on ditches and a culvert it is essential these are maintained as critical assets for ensuring that flood risk is managed successfully, and if possible, restrictions should be used to ensure the development safeguards them.

Anglian Water – No objection.

Anglian Water assets may be affected and the applicant should be advised of such. The North Walsham Water Recycling Centre and foul sewage network has capacity for the waste water / foul sewage flows.

Anglian Water will not be required to manage the surface water drainage as the scheme appears to be self-contained within the site, so has no objection to the scheme as proposed.

Conservation and Design Officer – No objection subject to conditions.

(Comments received 07/02/18, 14/05/18, 09/10/18).

The initial concerns over the scale, massing and form of the development have largely been rectified through the revised designs. There is now a more comfortable relationship to the surrounding area following removal of asymmetrical gables and very deep housing plans, and the improved balance to housing types and design of flats along Laundry Loke.

Nevertheless, some of the architecture remains rather limited in terms of its interest and innovation and the parking remains overly prominent. The southern boundary against the private access road should be amended to provide variation in form and scale along this unbroken and monotonous length; this could be achieved with differences in materials, appearance and a simple technique of using support posts taller than the fence panels to break up the lines somewhat.

Notwithstanding the materials plans outlined, conditions are required for the precise form and type of materials, windows, doors and hard surfacing.

Economic and Tourism Development Manager – No objection.

Notwithstanding the site allocation policy, there are a number of alternative commercial sites and buildings available in the area of varying sizes and many are actively marketed, and it is considered that a mixed use development would not be as important to be retained at this time, and the site's loss is considered unlikely to cause a significant detrimental impact on economic growth in the area.

Environmental Health

(Comments received 22/03/18, 07/06/18, 16/10/18)

Noise – Objection due to the impacts of industrial noise on certain dwellings.

Having discussed the proposal with the Council's barrister, there are still concerns over the compatibility of some of the proposed housing adjacent to the coach company, and in particular there is a real likelihood that a statutory noise nuisance will be suffered by occupants, leading to a Noise Abatement Notice being required for the company.

World Health Organisation guidelines recommend that internal noise should not exceed 45dB more than 10-15 times per night, which is likely to be exceeded in warmer months when windows are opened.

Mitigation which requires residents to close their windows and rely on forced, mechanical ventilation would not be acceptable because residents would be denied access to natural ventilation, and would not be a suitable means to remedy a Statutory Nuisance (which would make assessments with windows open).

With coaches being 3 – 4m tall the acoustic fence will not prevent all the noise, especially not as water hits the top of the coaches. People will also be unable to use their outdoor spaces without unreasonable disturbance (even accounting for the higher level of 50dB being the relevant statutory nuisance limit).

The revised proposals have used building designs to minimise the potential noise received from the north, subject to final housing details, but the plans will need to be updated to reflect this – e.g. use of non-opening windows and details of glazing specifications and means of ventilation – at plots 2, 3, 38, 39 and 40-43. However, this does not remove the objection or concerns that a noise nuisance could still be suffered.

Landscape and Ecology Officer

(Comments received 28/03/18, 14/06/18, 12/07/18, 18/10/18)

Ecology – No objection subject to conditions and securing the Visitor Impact Contribution.

The application did not originally provide sufficiently comprehensive surveys but these have been rectified. The Sept. 2018 reptile survey was carried out in accordance with recognised guidelines and procedures and is considered satisfactory. These and previous results of surveys did not reveal the presence of any reptiles on the site so it can be concluded that the development will not result in any impacts to reptiles. Further, it is accepted there is limited potential for bats and badgers.

A Construction Environment Management Plan should be secured by condition to require mitigation and enhancement measures for reptiles and other species to prevent any offences under the Wildlife and Countryside Act and avoid any net loss of biodiversity as required of the NPPF.

There is no objection in principle on the condition that the Visitor Impacts Contribution is secured through planning obligations in order to monitor, mitigate and manage designated European sites, as per the requirements of Policy NW25.

Trees – objection.

There are concerns that the site will need such extensive soil reworking and grading that tree roots will be affected and their health compromised, and this can't be avoided because there is so little construction space available within the site. It is likely the trees will not be suitable for retention in real terms once development is underway, and their health will be compromised to an extent where they can't resist the effects of the drainage lagoon's inundation. It is considered that a more holistic approach to landscaping may be beneficial.

The scheme should have provided a longer-term tree planting strategy within the scheme but this opportunity has been missed. The proposed turning head in the highways verge will have an impact on trees and requires further details and on-site assessment before an opinion can be reached. A site-wide updated Arboricultural Method Statement should be required by conditions to follow once the details of the land remediation, drainage solution and final site layout have been finalised.

Landscaping – No objection.

The landscaping proposals for open space on site have been disappointing because it has not incorporated sustainable drainage features with planting and biodiversity enhancement. The proposals provide only a hard-engineered solution, e.g. culverts. The retaining wall along the public open space basin could create an undesirable hard edge to the landscaped area. Whilst the Landscape Section consider that superior options are available to the developer the proposals are not sufficiently poor to warrant an objection from the Landscape Section.

Planning Policy Manager – No objection.

Reiterates that the Site Allocation Policy NW25 requires on-site serviced commercial premises to be provided, and as residential uses are not employment-generating, the scheme is in conflict with the development plan and should be refused unless material considerations suggest otherwise.

Material considerations should include: the viability of the employment use being delivered; the requirement within the NPPF that employment (and other) allocations should not be

protected long-term if there are no realistic prospects of delivery for that purpose (in which case alternative uses should be considered); and, the proposal for all dwellings to be affordable housing.

Strategic Housing – Supports.

There is a proven need for the houses as proposed in the mix, with 118 applicants on the Housing Register, 198 on the Transfer Register, and 1018 on the Housing Options Register who have a housing needs and require rehousing in North Walsham.

The mix and tenures of housing will specifically address some of the known identified need, will provide enough 'small unit' dwellings and 'accessible dwellings' for policy HO 1.

Public Open Space Team – No objection subject to securing planning obligations.

The scheme should provide the following on-site public open space:

- Parkland: 980sqm
- Play area: 232sqm
- Natural greenspace: 754sqm
- Allotments: 483sqm

If any elements are not provided, the appropriately-calculated financial contributions should be secured through planning obligations.

Norfolk County Council - Planning Obligations Team

(Comments received 31/01/18, 26/02/18, 23/03/18, 09/10/18)

The original proposal required £81,500 to meet the educational needs of the development with the Primary school sector, but this requirement was only valid for 6 months and since the initial calculation in February 2018 the school capacity has much increased largely due to the pending commencement of works to extend North Walsham Infant schools. Even factoring-in the other permitted schemes in the area, the local available schools have sufficient capacity so contributions are no longer required as at October 2018.

Contributions are required for green infrastructure, public rights of way, libraries and on-site provision of fire hydrants.

Norfolk Constabulary – Architectural Liaison Officer – No objection subject to conditions.

(Comments received 16/02/18, 03/05/18, 25/09/18)

It is disappointing the scheme does not do anything to reduce the risk of crime along the private unmade access road to the south, and to some extent it increases the risk by turning the rear gardens onto the track. At the least, this boundary fence should be 1.5m high with trellis above.

The approach of using a cul-de-sac design is supported in principle, and the mix of dwellings will ensure occupation throughout the day and improved natural surveillance. The public open space has good surveillance and prevents vehicles entering it, and in general the

revised designs have ensured security and surveillance to communal areas has been improved.

Areas of remaining concern include the proposed footpath link from the rear of flats P40-43 to the communal open space, because this can create a crime route and area of poor surveillance. If the path is still required, the access should only be via lockable gate. The boundaries around P40-43 should also be improved with lockable access. The communal car parking areas are undesirable and should be avoided where possible, but there is now suitable surveillance for the parking in front of bungalow P39.

A scheme will be needed to improve the security of the drainage ditch on the western boundary. General public access to the communal flats P4 – P16 should be prevented.

Natural England – No comments.

Protected species should be assessed, and the potential impacts on designated European sites should be assessed and mitigated if not already required by policy.

Historic England – No comments; defers to local advisors.

Norfolk County Council - Historic Environment Service – No comments received.

British Pipeline Agency Ltd – No comments received.

National Grid (now Cadent Gas Ltd) – No comments received.

Health and Safety Executive - No comments received.

Norfolk Wildlife Trust - No comments received.

PUBLIC REPRESENTATIONS

There have been 3 periods of public consultation as the scheme has evolved through negotiations; the most recent ended on 16 October 2018. These have all been publicised by site notice, press notification, and via the Town Council.

13 letters of representation have been received from 8 separate persons / businesses. Representations have been generally supportive to the re-use of the site, but a number of concerns have been raised. One comment is in support and seven comments are in objection to various elements of the development.

Support:

- The need for affordable housing is desperate.
- The site should be developed according to the affordable housing need.
- The site has been a shameful eyesore for some years.
- The site attracts antisocial behaviour.
- Japanese Knotweed has become established and the scheme will remove it.
- As a brownfield site it should be prioritised over edge-of-town greenfield sites.
- Residential use would be more neighbourly than industrial uses.
- There are other spare units available on the industrial estate.
- The development does not affect the private Loke access road and should not affect

- parking for existing residents.
- The scheme will force industrial premises to use the parking they have on their own sites rather than this site and/or the public highway.
- The drainage on Laundry Loke might be improved if this site is developed.
- The groundworks necessary are a huge financial constraint which a commercial use would not be able to overcome.
- The long term benefit of improving the area will overcome short term disruption.
- The concerns which the Planning office seems to have would appear to be surmountable given the amendments the applicant have made to date.

Objections:

Traffic impacts

- This is an unsuitable development – Laundry Loke is already congested but there is insufficient parking proposed for existing businesses, existing homes which can't find space to park on Cromer Road or Bradfield Road and customers of the burger bar. All these, as well as the new houses, will all need to continue to use the Laundry Loke public road for parking and almost all the on-street parking areas will be lost as a result of this development and its own overspill parking.
- Traffic disturbance from noise and headlights as far afield as Oaklands Park, east of the B1145, in part due to recent pruning of the highways trees on the B1145.
- The junction of Laundry Loke and the B1145 is already dangerous and there has already been a fatality and numerous accidents, and the development will increase the danger of accidents.
- The mix of heavy goods vehicles, existing daily deliveries with large industrial traffic and now residential traffic all using the same small road and already-busy junction is not a good idea.
- The Laundry Loke / B1145 junction should be reviewed and a new roundabout provided to reduce accidents.
- A roundabout at the B1145 / A149 traffic light crossroads should also be provided, which could provide access to Laundry Loke directly (where currently it is blocked-off).
- Fencing should be provided to the east of the B1145 as the trees are insufficient to keep out noise, air and light pollution.
- Noise, air and traffic pollution will increase for local residents on Bradfield Road, Cromer Road and Oaklands Park.
- There is not enough parking for the 1 bed 2 person flats, so overspill parking needs to go somewhere.
- A solid boundary such as a brick wall is needed to the southern part of the site against the private access road, to prevent people creating new parking in their gardens or installing gates onto the private access road.
- The proposed path in front of the private access road is considered an accident waiting to happen and should be relocated to the other side of the road.

Drainage

- Laundry Loke already floods significantly outside Marett's Chariots / the Volkswagen car showroom, even in 'normal' rain making the road impassable, and this is likely to be increased.
- Foul waste sewage waters will need pumping uphill out of the site but the current flooding suggests this will also be flooded, causing problems for residents.
- Properties will need to be raised above the flood levels.

Amenity and ecology

- Construction disruption will be unacceptable – for both neighbouring residents and adjoining businesses.

- The area includes a rich wildlife area including hedgehogs, goldfinches and longtailed tits.
- It is irresponsible to develop a site with expanding knotweed and potentially spread it.
- The hawthorns along the western boundary should be retained or replacements provided.

Design -

- If the hollow is filled in to raise land levels the houses could be too high.
- Plots 32 and 33 (3bed 5persons) have been moved backwards slightly and will overlook properties more than originally proposed.
- More tree planting is needed to reduce overlooking and noise pollution.
- Design of houses is not in keeping with the predominantly-Victorian houses of Cromer Road and Bradfield Road and doesn't blend into its surroundings.
- Any 3m high acoustic fence alongside 14 Kendall Close is unacceptable, but 2m would be acceptable.

Principle and local infrastructure

- The departure from policy should not be supported.
- There is not enough infrastructure to serve the development's new residents. There are not enough school places available and doctors services are already overloaded.

Comments:

- The application shows there is Japanese Knotweed in both the site and the adjoining private access road. Will the works spread the Japanese Knotweed? Will the private access road be included in the development and treated accordingly?
- A recent fire at a property in Bradfield Road could not get fire engine access down the private access road. Will the development improve fire access to Bradfield Road?
- The Environment Agency concerns need to be addressed.

Local Member Cllr V. Gay – The development should only be considered favourably if it removes any suggestion there will be noise-related issues for new residents from the activities of the coach depot, because a noise nuisance investigation could threaten the business.

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 Development Plan Document Policies (February 2011):

Site Allocation NW25 – North Walsham: Land off Laundry Loke.

North Norfolk Core Strategy Policies (September 2008):

SS 1 – Spatial strategy for North Norfolk
SS 3 – Housing
SS 4 – Environment
SS 6 - Access and infrastructure
SS 10 – North Walsham
HO 1 – Dwelling mix and type
HO 2 – Provision of affordable housing
HO 7 – Making the most efficient use of land (housing density)
EN 2 – Protection and enhancement of landscape and settlement character
EN 4 – Design
EN 6 – Sustainable construction and energy efficiency
EN 9 – Biodiversity and geology
EN 10 – Development and flood risk
EN 13 – Pollution and hazard prevention and minimisation
CT 2 – Developer contributions
CT 5 – The transport impacts of new development
CT 6 – Parking provision

Previously-relevant policies, replaced through adoption of Site Allocation Policy NW25:
CT 1 – Open space designations
SS 5 - Economy

Other material considerations:

North Norfolk Design Guide Supplementary Planning Document (December 2008)

National Planning Policy Framework (NPPF) (July 2018):

Chapter 5: Delivering a sufficient supply of homes
Chapter 6: Building a strong, competitive economy
Chapter 7: Ensuring the vitality of town centres
Chapter 8: Promoting healthy and safe communities
Chapter 9: Promoting sustainable transport
Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving and enhancing the historic environment

Guidance:

North Norfolk District Council's Open Space Strategy Interim Guide (2008)

OFFICER ASSESSMENT

Main Issues:

1. Principle of development
 - a. Policy context
 - b. Loss of allocated employment land

- c. The site's employment potential
 - d. Likelihood of employment delivery
 - e. Alternative uses
2. Housing
 3. Design and Amenity
 4. Industrial Noise
 5. Highways and Parking
 6. Highways safety
 - a. Parking
 - b. Traffic impacts on residential amenity
 7. Landscape and Trees
 8. Loss of existing greenspace
 - a. Design of on-site public open space
 - b. Public Open Space
 9. Flood Risk and Drainage
 10. Environmental considerations
 11. Planning Obligations
 12. Other material considerations

1) Principle of development

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

The development plan for North Norfolk comprises:

- The North Norfolk Core Strategy (adopted 2008), and
- The North Norfolk Site Allocations Development Plan Document (adopted 2011).

Policy context – Core Strategy

The application site comprises broadly two halves: the western half is a semi-natural scrubland and the eastern half is the former site of an industrial laundry.

The western half of the site was formerly a defined "Open Land Area", and the eastern half was formerly a designated part of a defined Employment Area; both designations were adopted within the Core Strategy in 2008.

The character and past uses of the site are such that the site lends itself to development that would respect the previous designations of the 2008 Core Strategy in two ways: firstly, redevelopment of the eastern half of the site would principally make use of the derelict previously developed laundry site, formerly the 2008-designated "Employment Area"; secondly, any residential development requiring on-site public open space could position that area on the western half, so achieving the 2008 intention for the former Open Land Area to protect and enhance visual and recreational amenity.

Policy context – Site Allocations Plan

Notwithstanding the designations in the 2008 Core Strategy, the whole application site's status was changed when the site was specifically re-designated for employment-led mixed-use redevelopment within the Site Allocations Development Plan Document Policy NW25, which was adopted in 2011.

Adopted Policy NW25 states [with Planning Officer's emphasis underlined]:

"Land amounting to approximately 0.9 hectares is allocated for a mixed use development of approximately 10 dwellings and 0.2 hectares of serviced employment premises. Development will be subject to compliance with adopted Core Strategy policies including on-site provision of the required proportion of affordable housing (currently 45%) and contributions towards infrastructure, services, and other community needs as required and:

- (a) Provision of suitable and convenient pedestrian access to the A149;*
- (b) On-site provision of open space in accordance with Core Strategy policy;*
- (c) Wildlife mitigation and improvement measures;*
- (d) On-site provision of modern commercial premises;*
- (e) Measures to prevent the input of hazardous substances to groundwater;*
- (f) Investigation and remediation of any land contamination;*
- (g) Demonstration that there is adequate capacity in electricity provision, sewage treatment works and the fowls sewage network, and that proposals have regard to water quality standards; and,*
- (h) Prior approval of a scheme of mitigation to minimise potential impacts on the Broads SAC / Broadland SAC / Ramsar site arising as a result of increased visitor pressure, and ongoing monitoring of such measures."*

The residential redevelopment of the site therefore represents a departure from the adopted policy on two principle grounds:

1. The development is not proposing to provide any employment land, buildings or uses, and will not deliver "*serviced...modern commercial premises*"; as such the proposals are contrary to adopted Site Allocations Plan Policy NW25.
2. The scheme is proposing 43 dwellings, some 33 more dwellings than anticipated under policy NW25 as a mixed-use scheme. That increase brings associated issues with different levels of traffic, amenity, compatibility with the neighbouring employment land, design, and implications for the level public open space needed to serve the development.

As the proposal includes these areas of conflict with the development plan, the application submission must demonstrate other material considerations to justify a departure from development plan policy. In the event that sufficient material planning considerations are not demonstrated, the application should be refused in accordance with development plan policy.

Loss of allocated employment land -

The eastern half of the site was last used for employment purposes as an industrial laundry. The building was demolished and has been mostly removed since 2008, but the site has not been entirely cleared and many of the foundations and some contamination remains. This part of the site is considered to have been available and deliverable for employment generating uses since its employment-use designation in 2008 and even more so since the site's clearance after that. The site is considered to have been actively promoted through the development plan for employment-generating redevelopment since its 2011 policy allocation.

Notwithstanding the site's current appearance, the applicant has not demonstrated that the site is no longer suitable for employment use and has not submitted any evidence to show that the site has ever been marketed for employment purposes. Neither has there been any evidence provided of any interest expressed in the site (commercial or otherwise).

Therefore, it is not possible to conclude that there is no reasonable prospect of the land ever being used for its designated employment-led use. Similarly, the landowners' / applicant's apparent reluctance to promote or offer the land for employment use fails to demonstrate a lack of demand for employment sites in North Walsham. Whilst the site conditions might make employment use less favourable, they do not render the site *unsuitable* for employment use.

Given that the site may still be considered suitable and appropriate for employment-led redevelopment, it should then be considered whether there remains a demand and need for the site. NNDC has undertaken two relevant studies to inform the emerging replacement local plan: The Business Growth and Investment Opportunities Study (2015), and the Housing and Economic Land Availability Assessment (HELAA) Part 2, April 2018. Both have confirmed that employment land is a critical constraint to growth in North Walsham and the town's existing industrial estates are reaching capacity so smaller sites such as this are expected to be in demand for employment growth.

The 2015 study concludes there could be a shortage of employment land in the future and therefore the loss of this designation would further contribute to that shortage, and the 2018 HELAA assessment has considered the whole 0.92ha site to be suitable and deliverable for employment use.

On the basis of these two studies, it is not considered likely that the existing policy allocation would, or should, be changed in the forthcoming local plan. Any change to local policy would require an evidence-based case that should prove the existing allocation to be unviable or undeliverable, to be assessed as part of the policy-making process required by the NPPF.

The site's employment potential -

Policy NW25 has pro-actively identified a need for this development to bring forward 0.2ha of the 0.9ha site for commercial buildings ready for occupation, specifying the need for "*On-site provision of modern [serviced] commercial premises*". This is a much more positive requirement than other policies which require only land to be made available for other parties to provide employment development, as was the case on some notable mixed-use allocation sites such as the Hempstead Road site in Holt (allocation policy H09), or the Yarmouth Road site in Stalham (allocation policy ST01).

The supporting text behind Policy NW25 demonstrates this importance, making it clear that the serviced premises would be more capable of generating the value needed to overcome

the site's contamination and engineering constraints, as at paragraph 8.2.2:

“Site requirements include provision of serviced employment premises and it is anticipated that the increased value resulting from an element of residential will result in redevelopment and creation of new employment opportunities.”

The requirement to provide serviced employment premises demonstrates this was clearly considered to be an employment-focussed allocation which would deliver jobs. As the anticipated housing quota was only 10 dwellings this was only a minimal enabling element. As such, the departure from adopted policy must be considered against the context of the site's jobs creation potential.

For comparison purposes, the HELAA calculates how much useable floorspace a site could reasonably provide from the land available by using a 40% ratio, whereby 4,000sqm employment floorspace would be created from 1ha (10,000sqm) employment land.

Using the same formula, the Policy NW25 requirement to provide “0.2 hectares [2,000sqm] of serviced employment premises” [i.e. on site floorspace] would require an area of 0.5ha (5,000sqm). This would leave 0.4ha (4,000sqm) for residential-based development, which at a density of 30 dwellings per hectare would provide 12 dwellings, whilst some public open space on site might reduce this to 10 dwellings as per the policy expectation.

In terms of comparable jobs creation, RICS guidance states that useable floorspace or ‘net internal area’ (NIA) is 15-20% of gross floorspace. From this NIA the Homes and Community Agency's Employment Density Guide 2015 can be used to predict jobs creation across different employment use types.

A scheme of 2,000sqm floorspace as per the allocation policy would be able to provide in the region of 1,600sqm NIA for B1, B2 or B8 uses. The Employment Density Guide would equate this to a potential 133 FTE B1a office jobs (1 per 12sqm), 34 FTE B1c light industry jobs (1 per 47sqm), 50 FTE B2 general industrial and manufacturing jobs (1 per 32sqm) or 17 FTE B8 storage and distribution jobs (1 per 95sqm). As such, the potential implications of not requiring employment premises to be provided within any redevelopment scheme could be very significant for a town like North Walsham.

Therefore, it is considered that it would be reasonable to maintain and require an employment focus within this site because the use of the site solely for housing would permanently remove the land from any employment-generating potential, reducing the supply of employment land in the future, and being detrimental to the supply of employment land in North Walsham. Further, a mixed-use redevelopment with a B1 use would be compatible with residential uses, as well as creating the greatest potential number of jobs.

The National Planning Policy Framework 2018 (NPPF) constitutes guidance for Local Planning Authorities and is a material consideration in determining planning applications. As North Norfolk can currently demonstrate at least a 5-year land supply of housing delivery, there is therefore no current need to release designated employment sites in order to deliver sufficient housing in North Walsham or within the wider district as a whole.

As such, the development plan (both the Core Strategy and the Site Allocations Plan) should be considered up to date, as it accords with the objectives of the NPPF, and it should be afforded substantial weight in the decision making process. In general terms, therefore, an application for residential development across the whole of a mixed-use employment land allocation in North Walsham would not usually be supported by officers, and should ordinarily be refused unless material considerations justify a departure from policy.

Likelihood of employment delivery -

In considering whether there are significant and sufficient appropriate material considerations which weigh in favour of the proposed departure from policy, it should be considered whether the site will be able to make a realistic contribution to employment land delivery in North Walsham.

Officers consider there are various factors which weigh against the likelihood of the site being able to deliver the full potential for jobs creation linked to the scale of floorspace required to be provided as set out in policy, including:

There are few investors willing to provide premises on a speculative basis in the current economic climate, and these tend not to be in market towns.

- The NNDC Economic Growth Team has supported the loss of the site and potential buildings, partly on the basis that they are not aware of potential investors and partly as they understand other sites to be available which are easier to bring forward.
- A residential developer would have to identify prospective commercial tenants / developers to design and occupy premises once built, but which is a large commitment.
- The site has restricted access; although better than many employment areas in the town because HGV access can avoid the 3 railway bridge constraints, the site would have restricted accessibility for HGVs and larger vehicles along the single-lane Loke.
- There is decreasing demand for B1 / office type floorspace generally, and it is not considered likely to be a favoured location for such office-type premises (partly due to the character of neighbouring uses to the north), which dramatically reduces the likelihood of the jobs creation projected by the HCA Employment Density Guide.
- The site's contamination challenges would require the same degree of remediation for employment uses as for residential developers, in order to protect groundwaters; this would require significant investment, and it is understood that residential developments have more resources to address this, or have better access to public funding to assist in the remediation.

The above constraints suggest that, as a mixed use development adjoining residential areas, the most appropriate employment uses at this site would be B1a offices, which is unlikely, or B1c light industry, which might experience access difficulties and provide only a relatively modest number of jobs, or B8 warehouse and distribution, which also has access limitations and much reduced jobs creation potential. As such, it is considered that the site presents significant challenges for the delivery of the level of employment anticipated by the site allocation policy.

Although this represents a departure from adopted policy, the National Planning Policy Framework is clear that allocated land should be reviewed as demand for land changes. Paragraph 120 of the NPPF states that:

“Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan...prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.”

NPPF Paragraph 120 is therefore considered a significant material consideration in the determination of this particular proposal. As the Local Planning Authority considers there are notable and substantial constraints to the delivery of the employment set out in current policy, it can be concluded that there is in fact no reasonable prospect of the policy allocation being realised, so an alternative use should be supported if it contributes to an unmet need for alternative development.

Alternative uses -

The Policy NW25 expectation is for only a small proportion of 'enabling' housing development, and endorses the site for residential on the basis of its proximity to the town centre and ease of access. The applicant has suggested the site would be unfeasible to be developed for any form of market-led housing developments, let alone a scheme that would also provide employment land / buildings.

It is considered anecdotally that there would be only a very slim likelihood of the site being attractive to a market-housing developer. This is largely on the grounds that the significance of the contamination issues, engineering challenges, the site's location and its neighbouring uses would depress the scheme's value to such an extent that any scheme with market housing would not be able to provide a policy-compliant level of affordable housing. The lack of viability would be exacerbated if the scheme were to include employment land because the values would be further depressed and the net area for residential development would also decrease.

These scenarios have not been tested robustly by the applicant. The site does not appear to have been marketed for general residential use, but the applicant's viability appraisal has demonstrated adequately that this proposed development could not provide 45% of affordable housing if it were a market-led / cross-subsidised residential scheme, so it is reasonable to conclude that an employment-led mixed-use development would also not be viable.

North Norfolk is able to demonstrate delivery of its 5-year supply of *affordable* housing, but this was recently calculated on the basis that this Laundry Loke site would provide the 43 homes as affordable housing which would be delivered in the short-term. As such, it would be necessary for this site to be developed for affordable housing if the current 5-year land supply of affordable housing is to be maintained. Further, the application has been proposed with a housing mix of types, sizes and tenures to specifically address the existing need for affordable housing in North Walsham, a point confirmed by the Housing Strategy Manager. As an alternative use therefore, this proposal will meet the NPPF's requirement within paragraph 120 that *"...applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area."*

2) Housing

As the site is within North Walsham (a Principal Settlement), Policy HO 2 would require at least 45% affordable housing (20 dwellings of the 43 proposed). However, this development is proposed as a 100% affordable housing scheme and the applicant has confirmed that all the homes would be required to be affordable in the Section 106 Agreement.

The proposed additional 55% affordable housing (23 dwellings) above the policy-compliant level is submitted by the applicant (themselves a Registered Provider) as a public benefit. This benefit is to be weighed in the determination process against the public dis-benefits of

the loss of employment land, removal of jobs-creation potential, and the non-provision of actual employment use buildings expected by Policy NW25.

The development's housing mix is designed to address some of the existing housing need in North Walsham. The tenures and mix are specifically linked to the public funding behind the scheme, and will be a specified requirement within the Section 106 Agreement. The mix is proposed as below:

- 13 x 1 Bedroom 2 Person Flats
- 4 x 2 Bedroom 4 Person Flats
- 3 x 1 Bedroom 2 Person Bungalows
- 1 x 2 Bedroom 3 Person Bungalow
- 16 x 2 Bedroom 4 Person Houses
- 4 x 3 Bed 5 Person Houses
- 2 x 4 Bed 7 Person Houses

The tenures proposed are for 32 dwellings (74%) as Affordable Rent and 11 dwellings (26%) as Shared Ownership. Policy HO 2 expects 80% affordable housing to be rented, and 20% as intermediate tenure, but the discrepancy in this proposal is acceptable given there is much more affordable housing being provided and the mix has been arranged to meet an existing known housing need. Although policy expects no more than eight affordable houses to be grouped together, this is not possible within the 100% scheme as the site's viability and delivery preclude the ability to create a mix of market / affordable tenures.

Policy HO 1 requires an appropriate mix of housing styles and sizes. At least 40% dwellings should be of no more than 70sqm Gross Internal Area and contain no more than two bedrooms. There are 37 dwellings (86%) with 1 or 2 bedrooms, and of those, 19 dwellings (44%) are 70sqm GIA or less.

Further, Policy HO 1 requires at least 20% to be "suitable or easily adaptable for occupation by the elderly, infirm or disabled". In this proposal, all four bungalows, one 2-bedroom house and two ground-floor 2-bedroom flats are designed to the standards of Category 2 of Part M of the Building Regulations, which is an appropriate level of accessibility and adaptability to satisfy the policy. These 7 dwellings amount to only 16% of the total, but the shortfall is acceptable because the remaining dwellings are intended to have a certain increased level of adaptability given that they are intended to meet an identified long-term housing need.

3) Design and Amenity

The proposals include a range of varied styles and scales of buildings, all of a contemporary nature but with a design which acknowledges the existing terraced and semi-detached housing that forms the character of the surrounding residential area. The intention behind the mix of materials proposed and their dispersal around the site is also broadly appropriate (e.g. the red multi-blend bricks, buff-multi bricks and accents with timber cladding) but there are areas which are not so appropriate such as upvc windows to the blocks of flats, and the site-wide use of grey pantiles and black rainwater goods. It is considered the range of materials will need to be subject to conditions. The site's relationship with the existing housing is limited to that of the corner plots on Bradfield Road / Cromer Road, but the design reflects that by continuing a form of terraced housing behind these houses as people turn the corner from Cromer Road into Laundry Loke (new dwellings P1, P17-19).

The scheme has positioned the buildings with greatest scale and massing facing Laundry Loke, so the block of 13 three-storey flats and the elevated 4 two-storey flats will address the street to provide design presence, whilst also providing a form of sound barrier to the houses behind. Behind these, the family-sized housing is all semi-detached with a varied building line, to provide interest, and good surveillance of the public open space. In general, the articulation of dwelling elevations has been improved to provide interest and surveillance in important locations such as the corner buildings at the road junction or the tall-sided blocks of flats. Further, by retaining and screening the existing substation on the Laundry Loke frontage the development greatly improves the appearance of the Laundry Loke streetscene.

The design of the scheme at the rear of houses on Bradfield Road is successful; properties P20 – P33 are modest in scale and sufficiently far from neighbours to the south to avoid overlooking and any loss of privacy or unacceptable loss of outlook. The separation distance created by the existing gardens, private Loke road and the new gardens avoids any unacceptable sense of overbearing or over-dominant scale. The two homes next to Kendall Close are bungalows to provide an acceptable relationship.

With the exception of the block of 13 one-bedroom flats, the development provides appropriately-sized garden space for each dwelling as well as relatively convenient access to the communal public open space. The block of flats has limited useable communal amenity space, and the area available will be in shadow for most of the day, but there are pockets of space available around the building which will be of some benefit for these 1 bedroom flats.

The proposed 46 dwellings per hectare is high for urban areas and North Norfolk in particular, especially compared to the 25 dwellings per hectare density that is anticipated for the residential land expected within the allocation Policy NW25. This is largely due to the inclusion of 17 flats, and 13no. one-bedroom flats in a single block. This approach would not normally be encouraged in suburban schemes, but ultimately the proposals are designed to meet an existing housing needs demand, and the character of the site and its topography does not cause the density to be an overwhelming feature. Overall, the density of development is not considered to be inappropriate and does not cause a detriment to the character of the surrounding area.

The proposal has been arranged to position the more challenging elements of design in the most appropriate locations. However, the site is constrained and densely-arranged, and the level differences and the proximity to adjoining businesses could cause a detrimental loss of amenity to neighbouring residents or cause an increased exposure to noise nuisance for future occupiers should any extensions be undertaken. As such, it is recommended to removed permitted development rights to extend the dwellings.

In summary, the development makes very efficient use of land, enhances the character and biodiversity of the area, is appropriately designed for the context in which the site is positioned and the uses proposed, and has endeavoured to provide an acceptable relationship with the scale and massing of buildings both within the scheme and adjoining the site. As such the proposal satisfies the design criteria of Policy EN 4 and achieves well-designed, attractive and healthy places as is the objective of the NPPF.

4) Industrial Noise

The development is impacted by the local noise environment through being located adjacent to an industrial estate. The land to the north-west is used for shipping container storage, approximately 60 containers stacked two-high, so there are occasional fork lift truck movements but the noise from this activity is considered negligible.

The industrial estate land behind the containers and to the north-east of the housing site is a coach depot and repairs garage. The depot has undertaken jet washing of coaches in the south-east corner of its site for as long as they have operated there, which is where drainage facilities lie and the area adjoins the common boundary with this application site. Jet washing typically takes place for 30-minute duration. The noise from jet washing, hoovering and idling of coach engines and subsidiary engines for heating can be individually significant, more so when taken cumulatively. As such there is a risk these impacts could cause a prolonged disturbance to proposed residents, especially as the operations are likely to be occurring regularly - 24-hours per day, 7 days per week when longer trips are involved. At the moment, in the summer there are 7 coach movements to/from the site between 23:00 and 07:00, and 4 vehicles to be cleaned with a pressure washer between 23:00 and 07:00. The business has confirmed it has a coach license for up to 20 vehicles but operates only 15 at the moment. Impacts could therefore be intensified. In addition to this noise, the site is also used as an operational base for commercial refuse vehicles which use very intrusive reversing alarms at 4am.

Despite these activities the Environmental Protection service has not received complaints of noise linked to activities in this area. Nevertheless, a noise report submitted with the application has confirmed the severity of the noise incidents, both in terms of noise levels and the character of the noise, and identified a buffer zone around the noise source within which noise levels are considered unacceptable for new residential development and where habitable development would ideally be excluded. Further, the neighbouring landowner has confirmed the current hours of operation which are anticipated to continue, and the impacts of such activities are corroborated by the Environmental Protection team which has experienced problems from similar activities on other sites in the district.

Notwithstanding the absence of complaints made to date, these activities are no more than 6-10m away from the site of the closest proposed dwellings, which lay within the recommended exclusion zone. It is considered that residential use presents a significant risk of exposure to the unacceptable levels of noise, which could be of severe detriment to their future amenity. The Environmental Protection Officers have stressed that residential uses should not be placed close to these activities, because if any noise complaints were raised with the Environmental Protection service there could be grounds to undertake a Statutory Noise Nuisance investigation and require mitigation on the business, notwithstanding its long-standing presence. This would be extremely regrettable for an established business in a defined employment area and has potential to compromise its activities and potentially threaten its viability in this location.

In response, mitigation measures have been proposed to minimise these impacts as much as possible (although it should be noted this will not remove the risk of exposure to noise nuisance).

The scheme design has tried to respond to the noise concerns associated with the activities of coach preparation, jet washing and large vehicle manoeuvring to the north. Four dwellings and four flats are all affected by the noise. Although it would be preferable to include a larger stand-off distance which would exclude homes from this area around the source of the noise, the scheme has instead used bungalows for the closest homes to be shielded behind a 3m acoustic fence, and has proposed a sensitive arrangement of internal layouts to provide as much protection as possible for those closest to the noise (such as positioning bedrooms on the far side of dwellings where necessary and using non-habitable rooms as buffers).

Unfortunately, the elevations facing the noise are considered to require fixed-windows with acoustic protection and which cannot be opened; in some dwellings this means no natural

ventilation is possible to certain rooms (including bedrooms), but the applicant will have to demonstrate they can provide suitable means of ventilation and means of escape, which can be by condition.

A 3m-tall acoustic fence is proposed along the length of the application site's northern boundary alongside the whole of the southern boundary of the storage yard, coach depot and its site access, to minimise the impact of noise from vehicles reversing and to minimise the noise of washing and valeting. This will not prevent noise entirely as fencing only works in the closest vicinity, and areas such as gardens will remain affected, but the siting of gardens and accesses to them has endeavoured to use the proposed houses as a screen wherever possible. Total protection has not been possible for any proposed dwellings in the closest vicinity. In some respects, Officers have assigned slightly less importance to optimum noise protection in favour of improving the design relationship and housing mix; this is a compromise that is considered necessary after much discussion with the applicant, housing strategy team and environmental protection officers given the site's viability constraints and design challenges. It is accepted that the Development Committee may determine that noise protection should be prioritised.

The acoustic fence will not be visually attractive and will be stark as a backdrop to the public open space area. The feature will appear quite dominant in views from the closest houses. The planting of trees in front of the fence, and the use of landscaping hedging may soften the impact. The outlook from most dwellings (especially the front of Plot 38 and the side of Plot 39, both facing north), and from the rear of flats 40-43 facing west, will all be less impacted but have some degree of improvement over the activities of the industrial site.

In recent weeks, the line of two-storey storage containers has moved eastwards and appears to be in front of the area previously seen to be used for jet-washing. Notwithstanding the visual impact of these containers which exceed the height of a future fence, Officers are now concerned that the acoustic fence noise attenuation may not be effective if the noisy activity is moved away from the fence, so there is a need for further investigation in this respect (most likely once a fence has been installed and can be tested in situ).

The applicant and Environmental Protection Officers have agreed a range of measures which will minimise (but not remove) occupants' exposure to noise within the designs and siting proposed. These measures have been agreed very recently and have not been translated into revised plans, but the applicant is undertaking revisions and confirms these can be completed before any permission is issued.

As such, Officers consider that any resolution to approve the application should be firmly caveated on the basis that the applicant substantially addresses the concerns of the Environmental Protection Officer in respect to proposed designs and glazing requirements. Conditions will also be required to agree means of ventilation. If suggested further improvements are made, the design can be accepted by the Environmental Health Officer.

5) Highways and Parking

Concerns have been raised by local residents around the perceived dangerous junction of Laundry Loke and the B1145 Mundesley Road, where apparently there has already been a fatality and where accidents could increase. This is noted but the Highway Authority have not raised a concern in this regard, and so it should be assumed the visibility of the road and the speed limits remain appropriate. Having regard to the levels of employment and potential jobs creation anticipated by Policy NW25, it is reasonable to assume that the levels of rush-hour traffic attending the site within this proposal would be lower or at least

comparable to that which would be created had the Policy NW25 employment-led mixed use development been realised.

In respect of the suggested highways mitigation measures, it is not considered reasonable nor proportionate for the development to provide a roundabout at the Laundry Loke / B1145 junction.

As a residential redevelopment the proposal achieves most of the requirements for highways within the site, including appropriate parking and turning, suitable refuse collection, and shared surface estate roads, which will not be publically adopted.

The Highway Authority has considered the proposed off-site highways works in great detail and on numerous occasions, but has not expressed concerns with either the position of the footpath in front of the private access road or the possibility that cars will park on the grassed verge in Laundry Loke instead. This may have been because the applicant was not proposing a turning head until only very recently, so the Highway Authority were continuing to object to the scheme as they will do so until the final details of a scheme can be agreed. At the current time, however, it is clear that some form of path and turning area can be provided to ensure the scheme remains safe. These details remain to be agreed, but it is considered appropriate to ensure the final design of 'in principle' off-site highways works are clarified whilst the associated Section 106 Agreement is completed and before any permission is issued, which would include siting, implications and landscaping of the turning head, and the route of the new footpath. Planning conditions will then resolve the final construction details prior to commencement of development, and their installation would be required before occupation.

The development will provide appropriate and necessary off-site highways works to provide a new pedestrian footpath linking the length of the site frontage with Cromer Road and the A149 traffic light pedestrian crossings, as per the expectations of Site Allocation Policy NW25.

Highways safety –

The Highway Authority has objected to the proposal because of the accumulation of various elements of the design which do not provide an entirely satisfactory proposal in highways design terms. There are four points of concern:

1. The scheme needs to provide a turning head within the public highway at the southern end of Laundry Loke; this is because providing the raised 2-3m wide footpath link along the Loke to the A149 and Cromer Road reduces the available turning area within the carriageway, and the visibility, size and legal status of the private drive prevents that from being considered a suitable safe turning area.
2. There is an under-provision of parking for the flats.
3. The bend / kink in the estate access road creates problems for highway safety.
4. The visibility from the communal flats car park and from the side road is compromised by the bend in the main road and the hedge to the car park.

The applicant is investigating how to provide a turning area within the existing grassed highway verge in Laundry Loke, roughly opposite the private drive and garden access to the adjoining dwelling's rear garden at the rear of Cromer Road. Providing a turning area in this location is made difficult because of the presence of a high pressure gas pipeline under the verge, requiring specialist designs and supervision by the British Pipeline Agency, but it has been confirmed to be possible, and feasible within the viability of the scheme. Accordingly, the design and siting needs to minimise the impact on trees, and in the interests of project costs and viability, reduce the extent and duration of construction.

In the unlikely event that a turning head is not proposed, Officers would recommend that highway safety concerns should not be outweighed by the provision of affordable housing alone.

Parking -

The Highway Authority has concern over the below-minimum levels of parking for the 13 one-bedroom 2-person flats (plots P4-P16). There are only 15 spaces compared to the minimum of 20 required by Policy CT 6, and it is considered this could create highway safety problems from parking on-street and at junctions, or on the Laundry Loke landscaped verge. However, this is not something that can be remedied without reducing the number of dwellings on site.

The 13 x one-bedroom flats require 1.5 spaces / dwelling and appropriate visitor spaces would be useful to minimise on-street parking. The scheme provides 13 identified spaces and two 'lay-by' spaces. This could result in the road or verge being used for overspill parking, which would be regrettable, and could present a highways safety hazard, but there is limited alternative without removing all the available landscaping or public open space within the site.

In mitigation the applicant has referred to the accessibility of the site and their experience of similar "flatted" schemes in North Walsham where car ownership is reduced, and this is considered an acceptable consideration. The applicant has set out that car ownership in North Walsham West ward is only 55% for flats, maisonettes and apartments, suggesting that 1:1 parking is sufficient. However, this is disputed by the Highway Authority whose experience is that car ownership is increasing. This has been investigated at length, but to achieve policy-compliant levels of parking for the scheme it would need 7 spaces to be squeezed into the site, or removing 3 of the one-bedroom flats, which would likely compromise the scheme viability.

Conditions will be used to require secure access to gardens and therefore cycle provision and the provision of secure cycle storage as shown in the plans for the flats.

Traffic impacts on amenity –

Comments have been raised that the increased noise and light from vehicles' headlights will affect residents as far afield as Oaklands Park, whose gardens back onto the B1145, and in particular the garden and rear elevation of 10 Oaklands Park is directly opposite the junction of Laundry Loke and the B1145. Apparently the light and noise effects from traffic at the junction are already noticeable, in part due to recent pruning of the highways trees on the B1145, and neighbours are concerned the additional traffic will exacerbate this.

It is noted that the Laundry Loke industrial estate access road has an uphill rise to the B1145 junction which could cause the glare of headlights to spread further. However, the trees remain substantial and would be expected to provide more screening once the pruned areas return. Further, it is unlikely that increased traffic noise would be especially noticeable, and an acoustic fence installed along the east of the B1145 would be unlikely to make a noticeable contribution to preventing traffic noise effects because of the intervening distance.

However, the glare from headlights will increase and be more frequent and regular throughout the day. This could be reduced to some extent by some close-board fencing. However, it is not clear if the Highway Authority would allow this within the highway verge when it doesn't address a highway safety issue and would become a maintenance liability for the authority, and further, it is not clear whether there is even room between the trees

and the garden of 10 Oaklands Park, which is the only property which would be considered to justify any mitigation. As such, it is not clear if requiring screening by condition would be enforceable / deliverable, to meet the NPPF tests for conditions.

Residents have also raised concerns that increased traffic will increase air pollution. This is not considered significant; this is not an area of air pollution concern and the site and traffic network is quite open so emissions are dispersed. Further, the volume of traffic is relatively low and less concentrated during peak hours than an employment use would be.

Ultimately, it is the opinion of Officers that the benefits of the development overall are considered to outweigh such traffic impacts on perhaps 4-5 homes in Oakland Drive and Hadfield Road where residents may notice the noise and light effects of traffic a little more often. Nevertheless, Members may wish to consider this balance within their overall weighting of the proposals, or some form of fencing or additional planting could be explored.

6) Landscape and Trees

Loss of existing greenspace -

The western half of the development site comprises land within a hollow behind the former laundry building, containing semi-mature trees and scrubland. This, together with the adjoining land adjacent to properties on Bradfield Road, which is currently used as two allotments, used to comprise defined Open Land Area within the Core Strategy and such areas were protected under Policy CT 1 *“to protect their current use and the visual and amenity contribution they make.”* However, following the adoption of Site Allocation Policy NW25, only the land used as two allotments remains as defined and protected Open Land Area, and that remains outside the application site and unaffected by this proposal.

As with the eastern half, the western half of the site is fenced-off from access and, if entry was possible, access would only be possible via the eastern half or via the private unmade track adjoining the development site. The current condition of the land is overgrown and subject to fly-tipping, and it is not apparent what the site provides towards any visual and amenity contribution for the area. However, it does continue to act as a ‘breathing space’ for the relatively high density residential areas to the north, west and south. It also provides a buffer between residents and the employment area to the north, and in particular offers important screening from the visual impacts of the storage containers sited against the boundary.

The redevelopment would require removal of many various small-sized poor quality trees from the southern boundary of the site, and the removal of two sizeable but poor-quality trees from the centre of the site (one of which is an ash and is currently in decline). The scheme then leaves the area around the remaining 3 Category B healthy and established trees as an area of landscaped public open space, bordering the northern boundary with the storage containers.

The original intention of former Policy CT 1 was that the defined Open Land Area would be protected from loss and would need to be enhanced. The policy still states: *“Development will not be permitted except where it enhances the open character or recreational use of the land”*. These principles are endorsed and encouraged in the replacement policy NW25 which requires *“...on-site provision of open space in accordance with Core Strategy policy, [and] wildlife mitigation and improvement features...”*

The removal of a relatively large area of urban brownfield land would cause some loss of wildlife potential, but it is considered of greater benefit that the land is brought into beneficial

use as accessible public open space. The use will require a robust management plan. Part of the development of the site will also address the Japanese Knotweed presence at the site.

In addition to the landscaping scheme which provides more trees along the northern boundary, and which opens-up views through the site, the scheme will improve the quality of the site's retained woodland, and will enhance both the character and recreational use of the land and make an important contribution to the appearance of the area and opportunities for informal recreation, which was the intention of Policy CT1 originally and Policy NW25 latterly. In short, the loss of quantity is acceptable in favour of the much improved quality of open space.

Boundary treatments –

The hawthorn along the western boundary is proposed to be removed as part of the drainage ditch management, although this could be revised as part of the site's refreshed AMS and drainage management plan.

The southern boundary against the private access road has been amended to provide variation in form and scale along this unbroken and monotonous length; final details will agree the precise form but this could be achieved with differences in materials, appearance and a simple technique of using support posts taller than the fence panels to break up the lines.

The Architectural Liaison Officer has identified areas which could encourage crime spots; officers consider that these concerns can be avoided through careful boundary treatments. The access route from plots P40-43 is necessary as a flood risk escape route, and would not be unacceptable as a link to the communal open space but the access would need to be lockable and only available to residents. The same would apply to the communal garden and flats' amenity areas.

Design of on-site public open space –

The proposed public open space makes use of the hollow in the site and is designed around the retained existing trees. This approach has been informed by retaining the existing natural flow of surface water flooding on the rare occasions when there are flood events, as the flow path travels from west to east. The 'basin' public open space will therefore act as a form of attenuation area on some occasions. The Landscape Officer has raised concerns about both the remaining longevity of the trees and their health post-construction and if the area were used for attenuation; whilst these are understandable, if the revised AMS is detailed enough and adhered to, the drainage is not considered to be a significant risk. The drainage scheme does not propose to increase the amount of flood waters directed into the hollow, and will actually reduce the land being drained into this drainage area, and the trees appear to be in general good health so there should be no reason to doubt their continued success.

The application proposes to add a number of trees along the northern boundary, particularly in a cluster within the rear/north of the public open space, such as to provide better visual screening of the storage yard. This will help soften the tall and dominant 3m high acoustic fence to be installed along the northern boundary, and will provide a sense of separation for residents and the activities of the adjacent coach depot to the north.

Whilst the overall landscaping approach may be a little disappointing and a missed opportunity because it has been dictated by the constraints of expensive groundworks and unimaginative approaches to drainage, and fails to enhance biodiversity or provide the level of visual interest that could be possible, it should be noted that the scheme overall will

improve what is a very poor brownfield site in acute need of redevelopment.

7) Public open space

The provision of public open space is required by both Policy CT 2 and Policy NW25, to include a minimum provision of on-site public open space to address the impacts and amenity demands of future residents. In accordance with the Open Space Strategy Interim Guide and Appendix C of the Core Strategy, the development should provide 2,449sqm of various types of public open space, comprising a range of types of space.

The proposal offers only c.1,200sqm of public open space, intending to retain the core element of the previously-designated Open Land Area as intended by Policy NW25. This will be landscaped but not designed or equipped for informal sports and play, and on balance is considered a significant loss of the town's green infrastructure rather than any addition to address the impacts of the development and the needs of its residents. This lack of specific public open space is a significant deficiency in the design of a residential neighbourhood scheme of this scale, and would not ordinarily be acceptable.

However, the site's constraints and contamination are significant and the scheme's viability relies on a certain amount of developable land: The viability assessment supplied has confirmed that in the absence of being able to provide any market housing to subsidise affordable housing, the site needs 43 affordable dwellings and a significant grant of public funds to remediate the contamination. If the public open space area was increased the number of houses would have to decrease. If the housing mix was altered to increase density and provide land for more public open space, the mix would not be able to address the local affordable housing need and would likely not be able to reflect local design character. As such the public open space provided on site is considered to probably be optimal.

In the absence of appropriate public open space provision on site, the development must be able to demonstrate that it can provide safe and convenient access to appropriate forms of open space in the near vicinity, in accordance with Open Space Strategy guidance. If this proves possible, the scheme would be considered acceptable as long as it can provide the necessary financial commuted sums for improvements to off-site facilities in lieu of the missing elements of open space on site.

Two local parks and play areas have been assessed on site and are considered to be suitable and available to the new residents. The Northfield Road / Hadfield Road park to the north includes co-located facilities for both teenagers and toddlers, accessed via the underpass beneath the B1145 from Folgate Road to Northfield Road; this is a 10minute walk (400m) and whilst the underpass may be uninviting for some, there is lighting and it means there is no need for dangerous road crossings. Trackside Park to the south is further and the route is much less inviting and feels more unsafe, being a thin unlit path through woods and the backs of houses along the A149, but it provides a skate park, sports and dog walking areas and would likely be accessible and suitable for teenagers and dog walkers.

North Walsham Town Council has confirmed there are available allotment plots, but there are also aspirations to intensify these vacant plots to create 12 allotment plots across both Town Council sites. These vacancies could be available for use by occupants of this site but the commuted sum would be required to create the new plots and to manage them in the future.

The applicant has therefore proposed to provide all financial contributions as commuted sums towards off-site public open space. Notwithstanding the requirements of Policy

NW25, the accessibility to existing public open space means this is considered a suitable way to mitigate the impacts of the development although it does not provide any additional 'public benefits' in favour of the proposal.

8) Flood Risk and Drainage

The application includes a revised Flood Risk Assessment and Drainage Strategy with maintenance proposals. Both have been subject to lengthy discussions and negotiation with the Lead Local Flood Authority and siting and floor levels have been revised accordingly.

Flood risk measures -

The site is subject to surface water flooding within the site and along Laundry Loke. The site is within a flood flow path from the west, where waters accumulate in a drainage ditch along the west boundary, before flowing east along the northern area of the site into Laundry Loke. The designs have responded to this natural flow path by raising site levels in some areas (most notably the north-east corner flats which have a raised floor level and 'escape route' to the west) and building along the southern boundary outside the flow path. The scheme has utilised the public open space as a natural attenuation area required in extreme flood events (1 in 100 years with climate change), when waters could rise to 900mm but would dissipate within 48 hours. The scheme also provides suitable access to the western drainage ditch and culvert for maintenance.

In preparing the Flood Risk Assessment, surface water hydraulic modelling has been undertaken to understand the off-site surface water flow path. The modelling firstly reproduces the mapped surface water flooding and then demonstrates that, with the use of catch ditches, and a culvert under the estate road, the surface water flooding can be directed into the public open space. Modelling shows that the properties and access road can be raised above the predicted level of flooding without increasing risk off-site. Management and maintenance information has been submitted for these ditches and culvert which are critical for ensuring that flood risk is managed successfully. As per the suggestions of the LLFA, it is considered necessary to ensure these are protected by planning condition and maintained appropriately.

Within Laundry Loke, the existing flooding is thought to be caused by failed highways drains, and the proposal will not increase this risk because the development will need to avoid all drainage entering the public highway. By providing a footpath along the development frontage to Laundry Loke the safe and convenient passage should be possible even if the Highway Authority is unable to attend to the drain in the short term.

Drainage proposals -

The proposal is to drain the whole site to two soakaways west and north of plot P39, but the drainage plan will need revising in light of the most recent site layout changes in that area. The estate access road uses permeable paving to collect water under the subsurface and direct it to the single attenuation chamber. The Local Lead Flood Authority (LLFA) has requested further percolation testing under the road but that requirement is only necessary if the road would drain directly via infiltration.

The drainage tanks proposed are soakaways not attenuation chambers so are not designed to store water, and are reliant on there being suitably quick and widespread permeability on the site. That has not been fully proven as yet, so whilst the scheme may have been designed to the appropriate 1 in 100 year events including climate change, there are still

elements to be resolved/confirmed. In addition, the assumed drainage “Exceedance flows”, which are required for the greatest flood events, are directed to the northern neighbouring land which is not acceptable if it causes an increased risk of flooding off-site. Nevertheless the LLFA is satisfied that sufficient details have been made available to understand that subject to confirming infiltration rates and testing for the presence of contaminants, the final details can be confirmed by condition.

The drainage strategy is based on infiltration and uses permeable paving and two infiltration tanks to store and dispose of surface water into the ground. Groundwater is quite shallow but ground investigation tests have demonstrated that there should be suitable infiltration rates and an appropriate distance between the base of the infiltration features and groundwater. Preliminary calculations have been submitted to support the drainage strategy but the LLFA is concerned these are not quite sufficient for detailed design, and recommend that prior to commencement, further ground investigation is undertaken and that the results are used to inform robust storage and network calculations.

In addition, whilst maintenance and management information has been provided, the LLFA requires a revised, overarching plan to cover the maintenance and management of all aspects of the surface water flood management system (ditches and culverts) alongside the drainage scheme when it is produced and submitted to the LPA to resolve conditions. It is considered these are appropriate, necessary and reasonable, and will be required prior to commencement of development to inform the detailed design of the whole scheme.

Summary –

The former laundry building drained into a soakaway for rainwaters, which is thought to have caused some contamination, and mains drainage for industrial wastes. As the application proposes all new roads and most car parks to be drained into an attenuation chamber positioned toward the north of the site, where soakaway infiltration is considered to be better, this is considered to improve the drainage capability and performance of the site overall. This is acceptable in principle, but the final designs will need to confirm that the location of the drainage cells will not coincide with the presence of contamination and be susceptible to increasing the risk of pollution transferring into the groundwater.

The development drainage strategy is now considered acceptable in principle but will still need to be subject to conditions to agree final designs and construction requirements. In principle, and subject to detailed designs, the development will provide a suitable response to the flood risk within the site and a drainage strategy that improves the sustainable drainage performance of the site.

9) Environmental Considerations

Japanese Knotweed –

The application shows there is Japanese Knotweed in both the site and the adjoining private access road. The works will have to attend to this as a pre-commencement condition and under licence of the Environment Agency. It is not for Planning to require treatment of the adjoining road and the responsibility will fall to the landowner.

Green Infrastructure –

Financial contributions are necessary for Norfolk County Council to address the impacts of new residents on local recreation routes, facilities and the Public Rights of Way (PROW) network. It is suggested that planning obligations be used to address the impact,

comprising £3,053 for improvements to surfaces of the PROW network and Weavers Way trail (£50/dwelling), and £903 for four additional signs to show links to the PROW network (£21/ dwelling).

Contamination –

The site lies above a protected groundwater resource. The applicant has benefitted from various site investigations and historic data being available, but the extent of contamination and the threat posed to groundwaters is still not clear, despite further reports having been provided more recently.

It is unusual for such an extensive range of concerns to be identified and raised by the Environment Agency and for them to still be content to resolve these through planning conditions, but essentially the Environment Agency is satisfied that the applicant has a sound enough understanding of the site and its risks to groundwaters, and that there are existing technologies and methods available to provide remediation without affecting the design and / or uses on the site. Although revised testing and additional investigations are needed, the proposed investigations and a remediation strategy are agreed in principle but these cannot be undertaken prior to gaining planning permission because of the significant costs of gaining access to site groundwater. Once the testing is undertaken and the full extent of contamination is understood, a longer-term monitoring plan can also be agreed.

Biodiversity and Ecology –

The applicant has provided 3 separate reports on the site's ecology potential, dating from 2015, and more latterly in the summer of 2018 to investigate the potential for reptile presence across the entire application site. The results confirm there is little interest but enhancement is required within the scheme. A Construction Environment Management Plan should provide protection for the interest there may be, and propose enhancement in the new designed scheme. This would fulfil the NPPF expectation that the scheme should provide some biodiversity improvements through habitat and nesting schemes.

Renewable Energy –

The application has assessed renewable energy options in the Energy Statement report and demonstrated how it can provide at least 10% renewable energy through energy efficient designs which go beyond building regulation standards, and use of photovoltaic panels to provide 10.2% of the site's energy demand. As the report was submitted prior to the revised designs, it is necessary to use conditions to agree the final arrangements and panel designs. If the condition is used and the Sustainable Design and Construction Statement report recommendations are followed this will satisfy Policy EN 6.

10) Planning Obligations

The proposals include an intention to enter into a Section 106 Agreement to secure a certain level of the planning obligations considered necessary to make the development acceptable.

The applicant has offered the following 'heads of terms' for the content of the section 106 agreement:

- 100% (43 dwellings) as affordable housing, in the mix proposed, comprising 32 dwellings (74%) as Affordable Rent and 11 dwellings (26%) as Shared Ownership.
- £3,225 (£75 / dwelling) for library improvements at North Walsham library.

- £3,053 for green infrastructure improvements comprising £3,053 for improvements to surfaces of the PROW network and Weavers Way trail (£50/dwelling), and £903 for four additional signs to show links to the PROW network (£21/ dwelling).
- £2,150 (£50 / dwelling) for monitoring and mitigation of visitor impacts at designated SAC/SPA/Ramsar wildlife sites.
- £34,307 for off-site parks maintenance, improvement and enhancement.
- £11,600 for off-site play space maintenance, improvement and enhancement.
- £12,818 for off-site natural greenspace expansion, maintenance and improvement.
- £16,890 for off-site allotments improvement and expansion.
- A Local Highway Authority 'Non-Adoption Agreement' (to be confirmed by Highway Authority).

In addition, the following measures will be undertaken and required by planning conditions:

- Off-site highways works - making two Cromer Road bus stops Equalities Act-compliant.
- Off-site highways works – providing the path, turning head and landscaping to Laundry Loke, and any necessary parking prevention measures, in the general verge area and form indicated within submitted plans.
- Promote a Traffic Regulation Order for the off-site works and any amendments to waiting restrictions (to be confirmed by Highway Authority).
- Two fire hydrants to serve the development provided within the scheme (£815 each).

It should be noted that NCC Education do not require contributions from this scheme as there is available capacity in local schools currently.

11) Other material planning considerations

Fire access –

Residents along Bradfield Road question whether the development will improve fire engine access down the private access road at the rear of their properties, which proved impossible recently. This is not possible. The applicant claims not to own the rough track private access road so it is excluded from the application site. However, the development does not make the access any more difficult that it currently is. Fire access is still possible from the front of Bradfield Road, with the requisite distances possible for access from there.

Conclusion and Recommendation

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

The proposal represents a clear departure from policy in that, amongst other things, it would result in the loss of employment land potential – and specifically the construction of serviced commercial premises with associated loss of potential job creation opportunities.

It is recognised that there are many challenges in bringing forward this site for mixed employment and housing development purposes, which will have undoubtedly played a part in affecting delivery of a policy-compliant scheme. Notwithstanding the aforementioned jobs creation potential of this site, it is considered acceptable for the site to be promoted for affordable housing instead of employment uses, given the limited realistic jobs creation potential of the site. Whilst in principle this departure may be accepted, the proposal must

provide a significant level of public benefits to outweigh the potential jobs being unrealised.

The proposal for an all-affordable housing scheme brings with it significant public benefits not only in terms of helping to meet identified affordable housing need but also as a way of bringing back into use a brownfield site which is currently detracting from the character and appearance of the area and is in clear need of contamination investigation, site clearance before remediation, and visual improvement.

However, the weight to be afforded to the public benefit of affordable housing should be tempered, in the opinion of officers, having regard to fact that the scheme has a number of identified shortfalls in terms of public open space and accessibility to communal landscaping, parking provision, and the scheme brings with it possible conflict with established business uses to the north.

It is recognised that there are a number of matters still outstanding. Provided that all of the housing is secured through section 106 agreement as affordable housing (with appropriate tenure split), and the highways safety features are secured prior to commencement of development, the proposals can provide a significant contribution to addressing the local housing need and may then create a sufficiently safe environment. The amenity levels of the site are compromised; however, the careful design required within this scheme, and the investigations required concerning the adjoining site, will help inform planning conditions which can then confirm that the indicated works will provide an appropriate level of protection to residents in order to minimise the potential for this being an unneighbourly use alongside the activities of the adjoining businesses.

In summary, whilst the recommendation is finely balanced and is subject to matters being resolved by legal agreement and conditional controls, it is the opinion of officers that the material considerations as detailed will outweigh the identified departure from adopted policy.

Recommendation:

Part 1:

Approval of the application is delegated to the Head of Planning subject to:

- (i) Revision and amendments to plans in respect of housing noise protection including:
 - confirmation of noise mitigation measures through revised plans for dwellings P2-3, P38, P39 and P40-43 and associated site layout plan,
 - the in-principle agreement of glazing specifications, and
 - confirmation that suitable ventilation and means of escape can still be provided alongside non-opening windows;**
- (ii) Investigation of the planning and licensing status of the storage yards and coach depot which may affect the nature of planning conditions required;**
- (iii) Revision and amendments to plans in respect of providing off-site turning facilities and footpath links and any waiting restrictions on Laundry Loke to the satisfaction of the Highway Authority;**
- (iv) Prior completion of a suitable section 106 agreement in accordance with the terms set out in this report within 3 months of the date of resolution to approve;**
- (v) To include specific conditions listed below; and,**
- (vi) Any other conditions considered to be appropriate by the Head of Planning**

Conditions:

1. Standard time limit
2. Development to accord with approved revised plans and specified documents

Prior to commencement

3. Construction environment management plan
4. Arboricultural Method Statement
5. Boundary treatments
6. Mitigation for nesting birds, bats, clearance of Japanese knotweed.
7. Contamination – A scheme for remediation and monitoring to be agreed in detail.
8. Contamination remediation verification report to be submitted
9. Contamination long term monitoring plan to be agreed
10. Contamination precautions required
11. Drainage scheme to be agreed
12. Drainage maintenance scheme to be agreed
13. Drainage scheme to confirm it will avoid pollution to water environment
14. Piling scheme or foundations methods to be agreed
15. Site wide revised Arboricultural Method Statement to be agreed
16. Offsite highways works – surveys and designs of the turning head, footpath and landscaping details, and any parking prevention measures / waiting restrictions necessary, to be agreed, for completion prior to occupation
17. Off-site highways works – Equalities Act-compliant bus stop plans to be agreed

Prior to construction of dwellings

18. All facing materials, windows, doors, rainwater goods, roofing
19. Retaining walls and handrail materials – at Plots 40-43 and around the open space
20. Details of acoustic fencing.
21. Hard surfacing materials
22. Soft landscaping and planting plans to be agreed
23. All landscaping maintenance (to include keeping hedges low for visibility splays)
24. Landscaping scheme for softening the acoustic fence and visibility splays to car parks
25. Provide all the energy, water and construction methods in the Sustainable Construction Report
26. 10% Renewable energy scheme details

Prior to occupation

27. Fire hydrants to be agreed and provided
28. Tree protection for 10 years
29. Landscaping to be replaced if they fail
30. Details of lockable gates to P40-P43 flats at south and north, and details of security measures to western ditch and communal flat gardens and cycle stores.

Ongoing requirements

31. Those homes requiring specific noise protection measures – such as fixed windows and acoustic glazing or certain ventilation – to retain those features.
32. Obscure glazing in certain specified plots to be retained.
33. Removal of permitted development for any extensions.

Part 2:

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) **SHERINGHAM - PF/18/1435 - Demolition of existing leisure and fitness centre, single storey office and existing skate park. Erection of two storey leisure centre to incorporate swimming pool, fitness suite, wet/dry changing facilities, reception, cafe, plant with car parking, erection of new skate park and associated landscaping; Splash Leisure Complex, Weybourne Road, Sheringham, NR26 8HF for North Norfolk District Council**

Major Development

- Target Date: 23 November 2018

Case Officer: Mr G Lyon

Full Planning Permission

CONSTRAINTS

SFRA - Areas Susceptible to Groundwater Flooding
SFRA - Risk of Flooding from Surface Water + CC
EA Risk of Flooding from Surface Water 1 in 30
EA Risk of Flooding from Surface Water 1 in 100
EA Risk of Flooding from Surface Water 1 in 1000
Mineral Safeguard Area
Contaminated Land (land to east)
LDF - Settlement Boundary
LDF – Countryside (site frontage only)
LDF - Approach Routes
LDF Tourism Asset Zone
LDF - Open Land Area (land to west and south)
LDF - Employment Area
LDF - Sheringham Park (within setting of)
Undeveloped Coast (site frontage only)

RELEVANT PLANNING HISTORY

PLA/19841105 QO
LAND OFF HOLT ROAD, SHERINGHAM
LEISURE AND ASSOCIATED DEVELOPMENT AND HOUSING
Approved 12/10/1984

PLA/19860505 PF
SHERINGHAM ALLOTMENTS, WEYBOURNE ROAD, SHERINGHAM
LEISURE SWIMMING POOL BUILDING INCORPORATING A WINTER GARDENS AND
EXTERNAL CAR PARK.
Approved 05/11/1986

PLA/19882051 PF
LAND AT WEYBOURNE ROAD, SHERINGHAM
ERECTION OF NEW SPORTS PAVILION
Approved 28/11/1989

PLA/19882532 AI
The Splash, Weybourne Road, Sheringham, NR26 8HF
ILLUMINATED ADVERTISEMENT AND NON-ILLUMINATED FLAGPOLES
Approved 07/12/1988

PLA/19900281 PF
Splash Leisure Complex, Weybourne Road, Sheringham, NR26 8HF
EXTENSION TO EXISTING SWIMMING POOL TO PROVIDE OFFICE, STAFF AND
STORAGE FACILITIES
Approved 08/03/1990

PLA/19901243 AI
Splash Leisure Complex, Weybourne Road, Sheringham, NR26 8HF
ILLUMINATED ADVERTISEMENT
Approved 11/09/1990

PLA/19971226 AN
Splash Leisure Complex, Weybourne Road, Sheringham, NR26 8HF
CONTINUED DISPLAY OF 3 NON-ILLUMINATED ADVERTISEMENTS
Approved 04/11/1997

PLA/20001376 PF
Splash Leisure Complex, Weybourne Road, Sheringham, NR26 8HF
ERECTION OF SIX METRE POLE AND CCTV PHOTO-SCANNER DOME
Approved 09/04/2001

PF/11/1282 PF
Land at Weybourne Road, Sheringham
Construction of a replacement concrete skatepark
Approved 22/12/2011

ADV/17/1836 ADV
Splash Leisure Complex, Weybourne Road, Sheringham, NR26 8HF
Retention of display of temporary advertising boards
Approved 04/04/2018

ADJACENT SITE (East)

PLA/19850493 PO
SHERIDAN CLARK CIVIL ENGINEERING LTD, 22 WEYBOURNE ROAD, SHERINGHAM
ERECTION OF SEVEN INDUSTRIAL UNITS
Approved 29/04/1985

PLA/19850495 PF
UNITS 7 & 8 WEYBOURNE ROAD, SHERINGHAM
CHANGE OF USE FROM GENERAL INDUSTRIAL TO CRAB PROCESSING FACTORY
UNIT
Approved 29/04/1985

PLA/19850942 PM
LAND OFF WEYBOURNE ROAD, SHERINGHAM
ERECTION OF 7 INDUSTRIAL UNITS
Approved 28/06/1985

PLA/19851565 PF
LAND AT WEYBOURNE ROAD, SHERINGHAM
ERECTION OF 13 INDUSTRIAL UNITS
Approved 10/01/1986

PLA/19882174 PF
SHERIDAN CLARK CIVIL ENGINEERING LTD, WEYBOURNE ROAD, SHERINGHAM
EXTENSION OF EXISTING OFFICES
Approved 24/10/1988

ADJACENT SITE (West)

PLA/20090777 PF
Sheringham Town Allotments, Land South of Weybourne Road, Sheringham
Erection of A1 (retail Supermarket) and D1 (Norfolk Food Academy) with Associated Kitchen
Garden, Parking, Landscaping and Infrastructure
Refused 22/10/2010

ADJACENT SITE (South)

PLA/19931511 PF
RECREATION GROUND, WEYBOURNE ROAD, SHERINGHAM
ERECTION OF TWO STOREY SPORTS PAVILION
Approved 13/04/1994

PLA/19950249 UF
RECREATION GROUND, WEYBOURNE ROAD, SHERINGHAM
ERECTION OF FOUR FLOODLIGHTS FOR MULTI-PURPOSE AREA
Approved 18/04/1995

PLA/19950729 PF
RECREATION GROUND, WEYBOURNE ROAD, SHERINGHAM
ERECTION OF 6 NO FLOODLIGHTS TO NO 1 FOOTBALL PITCH AND 2 NO

FLOODLIGHTS TO TRAINING AREA
Approved 09/01/1996

PLA/19960175 AN
RECREATION GROUND, WEYBOURNE ROAD, SHERINGHAM
INSTALLATION OF 40 NON-ILLUMINATED SIGN BOARDS
Approved 01/05/1997

PLA/19980307 PF
RECREATION GROUND, WEYBOURNE ROAD, SHERINGHAM
ERECTION OF CRICKET SCOREBOARD BUILDING, STORAGE HUT AND FLAGPOLE
Approved 15/04/1998

PLA/20041613 PF
SHERINGHAM & DISTRICT SPORTS ASSOCIATION, WEYBOURNE ROAD,
SHERINGHAM
ERECTION OF SPECTATOR SHELTER
Approved 12/10/2004

THE APPLICATION

Proposes demolition of the existing 'Splash' leisure and fitness centre, single storey office and skate park and the erection of a new two storey leisure centre to incorporate swimming pool, fitness suite, wet/dry changing facilities, reception, cafe, associated plant and the formation of a new car park. The proposal also provides for the erection of new skate park and associated landscaping of the site.

REASONS FOR REFERRAL TO COMMITTEE

The proposal is submitted on behalf of North Norfolk District Council where the Council's Constitution requires referral of the application to Development Committee for determination where representations containing an objection have been received.

PARISH/TOWN COUNCIL

Sheringham Town Council - No objections to the application in principle, but the Town Council strongly recommend considering the following issues:

1. The Dance Studios are too small.
2. Provision of jacuzzi.
3. Provision of sauna and steam room.
4. Cycle path access along Weybourne Road.

REPRESENTATIONS

Three representations have been received, one in objection and two making comments:

Summary of Objection:

1. Whilst there is a need to replace the Splash Leisure facility, the design lacks what is needed for the town;
2. The inclusion of the wave pool and slides is a huge attraction for the town and north Norfolk area with people regularly travelling from all over Norfolk to make use of the facility;
3. The wave pool is also a huge attraction for our local youngsters to encourage them to swim. This must be also a priority for us given our location and the need for them to be able to swim well;
4. A lane pool does not appeal in the same way and will not bring the next generation to the pool;

5. The splash pad is a nice idea for toddlers but does not help with 5+;
6. The proposed replacement does not go far enough to make it commercially viable as it omits the facilities such as Jacuzzi / steam rooms that appeal and are an expectation today for leisure facilities;
7. Spa days are big business and a big attraction. Local people will not sign up to this preferring to make use of facilities in the local area and along the north Norfolk coast who already offer this;
8. There are 2 centres providing this within 5 miles and another within 10 miles. I believe this is short sighted and shows a commercial lack of foresight and will not make the venture the success NNDC are anticipating.
9. With regard to accessing the location it is disappointing that no account has been taken in improving the cycle access to the area as part of improving the health and well-being of the local population. Cycle access via a cycle path should be included in the project plan in my view. This would also help to attract youngsters to access the facility independently.

Summary of comments:

1. The Transport Assessment correctly states that “There are no dedicated cycle facilities in the immediate area”. It continues “Considering the relatively high speed of the A149 Weybourne Road which has a speed limit of 40mph, it is reasonable to assume that the attractiveness of cycling locally is not high”. The logical conclusion then is surely to provide a cycle path to the site? Yet the application fails to even mention this fairly obvious facility;
2. The centre is within reasonable cycling distance of the town’s residents;
3. The south side of the A149 from Holt Road is wide enough to provide a cycle path if the grass verge is replaced;
4. The facility is all about health and wellbeing so healthy, active travel ought to be encouraged to it. The second sentence of the Design, Access and Planning Statement reinforces this point by stating that NNDC “are keen to invest in the health and wellbeing of the district and believe that providing up-to-date health and leisure facilities is key to this strategy”;
5. National and local government policies encourage much more sustainable, low carbon travel such as cycling;
6. Cycle parking is being provided, indeed substantially increased (from 8 to 18). But parking is not enough to encourage cycling – safe routes are also needed;
7. Recommend provision of a cycle path along the south side of the A149 between the site and Holt Road;
8. Norfolk County Council should move the 40mph signs to the west of the site to improve road safety;
9. The number 5 bus has seen significant reductions in service provision since May 2018 which are not reflected in the application submission;
10. The X44 service does not serve the site;
11. Neither of the two stops serving the centre have shelters. Yet they are both in very exposed positions;
12. The two stops do not have any timetables displayed;
13. Recommend shelters at each stop to make using buses more attractive;
14. Recommend Norfolk County Council provide frames to enable the bus company to display its timetables;
15. There are questions about the location of temporary parking during construction as this does not seem to form part of the application proposal.

CONSULTATIONS

Anglian Water – Have provided the following advisory comments:

Assets affected - Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

Waste Water Treatment - The foul drainage from this development is in the catchment of Runton Middlebrook Way Water Recycling Centre that will have available capacity for these flows.

Used Water Network - Development will lead to an unacceptable risk of flooding downstream. A drainage strategy has been prepared in consultation with Anglian Water, however, the developer now proposes a pumped regime and Anglian Water will require a pump rate to conduct an impact assessment. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Surface Water Disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. We also note that the developer has confirmed in the FRA 3.2.6.1 that they may need to discharge to the surface water sewer if infiltration is not possible, we would need to be re-consulted on this to re-assess the surface water evidence submitted.

Suggested Planning Condition - No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
REASON: To prevent environmental and amenity problems arising from flooding.

Environmental Health – Recommend a number of conditions and notes to cover noise from plant and equipment, activities within the building, lighting, refuse storage, potentially contaminated land and demolition.

In respect of surface water flooding, I am aware of concerns on the potential for surface water flooding in the area where I understand water flows from the rear of the site northwards. I would recommend that the Lead Local Flood Authority are consulted on this aspect and this area's potential inclusion in the draft Surface Water Management Plan. The car park is currently of a permeable gravel type.

In respect of the skate park, further information is requested on measures to reduce the potential for anti-social behaviour and noise from the skate park, associated with its location away from the main building and nearer to housing.

In respect of contaminated land, EH provide the following comments:

- Human Health - The parameters and assessment criteria used within the report are acceptable given the proposed use. In view of the soil sampling results there does not appear to be an immediate risk to future site users. The commercial end use of the site will restrict any potential exposure to contamination, as such, no further action will be required with regard to Human Health risks.
- Ground Gas - Analysis of ground gas, suggest that carbon dioxide and methane are low, as are the associated flow rates. Only the minimum degree of gas monitoring has been undertaken, however given the low levels of ground gas identified and the absence of significant gas source the conclusions are acceptable. A character situation (CS1) has been assigned to the site, as such, no gas protection measures are deemed necessary.
- Ground water (Inc. leachate analysis) - Leachate and groundwater samples have predominately identified elevated concentrations of Boron and Zinc. Given that the Environmental Quality Standard (EQS) has been breached by several orders of magnitude by both Boron and Zinc and the site is situated within an SPZ3, there are wider implications for the site in general from a groundwater perspective. In the first instance further investigation of the site will be necessary to ascertain the source of the contamination, this is likely to include some degree of groundwater assessment to determine if the contamination represents a significant risk to receptors (groundwater abstraction etc.) If not already done so the EA must be notified of the report and findings given the potential issues identified with groundwater.

A condition is recommended to secure further investigation and assessment into the presence of possible contaminants affecting the groundwater beneath site (subject to any Environment Agency comments or suggested conditions)

Environment Agency – Consulted in light of the findings of Environmental Health – comments awaited

Norfolk County Council (Highways) – Have requested clarification as to how the parking situation will be managed during the construction phase.

Highway Authority (HA) note from the construction phasing drawings submitted, that some on-site parking will be retained during the construction phase (varying from 11 & 25 spaces). HA accept that the leisure centre may be working to a reduced capacity during the construction phase however it is reasonable to assume that additional provision will be required.

HA note that the Transport Assessment outlines that *'temporary off-site car parking will be provided off-street and within easy walking distance of the site'* however no further details have been submitted. HA have subsequently been contacted to discuss a potential site for temporary parking however at this stage no firm proposals have been received.

The exact arrangements will need to be understood, agreed and conditioned as part of the planning application so that suitable parking arrangements will be in place (during the construction phase) to ensure that parking is not displaced onto the A149 and the surrounding highway network generating highway safety and network implications.

Norfolk County Council (Lead Local Flood Authority) – Consulted – comments awaited

Norfolk Coast Partnership – No objection subject to conditions/minor alterations to the proposal - Main concerns relate to the buildings height now being two- storey and closer to the AONB boundary. Would like to see sympathetic planting around the site to minimise impact with native tree and shrubs.

As with any development of this kind there is a substantial amount of glazing, roof lights and internal and external lighting that will have an increased visual impact on the AONB. The North and East elevations in particular will emit increased visual disturbance through glare and light pollution. Screening the development is one way to counter this but also there needs to be more thought given to the lighting proposals. Can see the need for lighting in the car park and entrances but the LED wall washing lights are just an enhancement and not sure how these will affect the overall look of the building at night. The illumination may be distracting. Would want to see a condition on lighting that would limit visual disturbance to the AONB.

National Planning Policy Framework paragraph [180] 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:

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

Conservation and Design Officer – No objection to principle but provides some comments / observations about position, massing and orientation of the replacement building and identifies opportunities for enhancement, some of which could be secured by further negotiation and/or planning conditions.

In terms of the scheme submitted, the new building shares some similarities with the existing structure. Hence, it is essentially a long rectangular building with a horizontal emphasis which features a gently curving roof and non-traditional facing materials. Beyond this, however, the two schemes begin to diverge with the following principal differences identified:

- Rather than being set back and angled within the site, the new build would be brought forward and positioned immediately adjacent and parallel to the coast road.

- Rather than being broken up into several built elements (i.e. the central core and the two subservient lean-tos), the new build would, with the exception of the eastern end, be essentially viewed as a single entity under a single span roof.
- Rather than the main windows facing south as existing, the new build would instead feature large banks of glazed curtain walling on its northern side.

The commercial expediency of leaving the existing building in situ whilst the new construction goes ahead is obviously recognised. What this means in practice, however, is that the new building would be far more prominent at the western entrance into the town. Indeed, if one factors in the change of orientation and the second bullet point, the impact would be more immediate and considerable. Hence, instead of an angled, withdrawn building which 'eases' you into the town and is viewed acutely, its replacement would feature a single 32m wide gable which would be viewed square-on. Whilst this has been animated through the introduction of the contrasting vertical panels and signage, the Conservation & Design Officer remains less than convinced that this imposing elevation would represent an appropriate introduction to Sheringham.

Setting aside the desire of the applicant to retain the existing splash facility whilst a new leisure offer is constructed, addressing the above concerns would involve moving the building back into the site, aligning it so that it runs parallel to the parking spaces rather than the road, and breaking it up to ameliorate its monolithic appearance. In addition, and irrespective of whether the site next door is ever developed or not, the west-facing elevation is also crying out for a similar level of interest to its eastern equivalent. If the roadside trees were then retained to soften the end result, there would be a better chance of the new build making a positive contribution to the built environment. This option has been considered but declined by the applicant and therefore it is a matter of considering if/how opportunities to maximise the success of the scheme before Committee can be achieved.

In this regard, the following observations can be offered:

- Notwithstanding the improvements made to the western elevation, it would still benefit from being broken up visually. Even if this cannot involve its basic form, it could in theory be achieved through a central contrasting/inset panel. In so doing the eye would not only be drawn away from the overall width, but it would also reflect the existing three-bay subdivision found on the east elevation.
- The axial parapet which separates the pools from the café/foyer still appears to be a very conspicuous feature by virtue of its length and angular appearance. Whilst not necessarily a problem per se, it would still benefit from some added interest to draw the eye away from its potentially weighty outline (which incidentally has not been shown on the western elevation).
- It is considered unfortunate that the originally proposed solar shading has now been removed from the eastern elevation. This would have added additional depth and visual interest.
- Also on the east-facing elevation, the solid panels above the glazed entrance appear to have been increased in depth. Particularly in their now white rendered form, these would surely sit heavily above the lightweight glazing and would thus work with the parapet to create unwanted (and potentially inelegant) high level mass.
- The white render, through its stark and strident appearance, would also increase the visual impact of the other elevations – most particularly the west and north-facing facades. A more muted colour should therefore be sought which would provide a

more subtle contrast with the glazing. On the subject of which, the comments of the Norfolk Coast Partnership have been noted. In particular, their comment about light pollution when viewed from the coast and the AONB. Certainly this must be a real risk given the extent of north-facing glazing mentioned in the third bullet point above. Additional tree cover would therefore be of obvious benefit.

- Also on the north-facing elevation, it is unclear what sort of impact the proposed mesh would have in front of the stairwell. The hope must be that it is a relatively open gauge mesh in order to ensure that it does not have an unduly functional/defensive appearance.
- Similarly, the Conservation & Design officer is less than convinced about some of the rainscreen cladding having a 'stone effect' appearance. Particularly as North Norfolk has no natural stone, the end result could lack resonance in the area.

The Conservation & Design team have no wish to stand in the way of the new facility being realised. Nor are we particularly critical of the building as a whole which would offer a degree of contemporary freshness and a level of interest over and above the existing building. At the same time, however, we are obliged to identify specific areas of concern and areas where the scheme could be improved in design terms. In this case, those areas principally revolve around the position, orientation and massing of the building and the way these would manifest themselves most clearly through the western elevation.

Landscape Officer – Raises a number of concerns about the proposal (See full copy of response at **Appendix 1**)

Raises a concern that impacts of the proposal have been downplayed within the submitted Landscape Visual Impact Assessment.

Concerns also include loss of trees and hedging to front of site; soft landscape proposals do not go far enough to address the potential impact of the building on the wider landscape at an important entrance to the town; design improvements to the building could help reduce its impact; hard landscaping details require further clarification; lighting of the site and the building is likely to have a significant adverse effect on the special qualities of the AONB and a substantial reduction in lighting is requested; low level lighting would be far more appropriate.

Once the above issues are resolved, specific conditions can then be incorporated into a consent regarding detailed specifications for tree planting to include tree pits, tree grilles, soil mix, root barriers, irrigation systems, tree guying, tree guards and aftercare, as well as other landscape conditions.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, 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 4: Environment (strategic approach to environmental 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 12: Sheringham (identifies strategic development requirements).

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

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

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

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

Policy EN 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 EC 5: Location of retail and commercial leisure development (specifies appropriate location according to size).

Policy EC 7: The location of new tourism development (provides a sequential approach for new tourist accommodation and attractions).

Policy CT 3: Provision and retention of local facilities and services (specifies criteria for new facilities and prevents loss of existing other than in exceptional circumstances).

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 (2018)

Section 1 – Introduction

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 6 – Building a strong, competitive economy

Section 7 – Ensuring the vitality of town centres

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 12 - Achieving well-designed places

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

Section 15 - Conserving and enhancing the natural environment

Section 17 - Facilitating the sustainable use of minerals

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design
3. Highway Matters / Parking / Cycling
4. Lighting
5. Landscape Impacts/Mitigation including impact on Norfolk Coast Area of Outstanding Natural Beauty
6. Ecology
7. Heritage Assets
8. Noise and associated impacts
9. Contaminated Land
10. Flood Risk
11. Other Material Planning Considerations including Public Benefits

APPRAISAL

1. Principle

The site is located within the development boundary of Sheringham, which is defined under Core Strategy Policy SS 1 (Spatial Strategy for North Norfolk) as one of the four Secondary Settlements in the District.

Core Strategy – Policy CT 3 sets out that new or improved community facilities or services (including indoor sports facilities such as that proposed by this application) will be permitted within a defined Secondary Settlement where they meet the identified needs of the local community.

The existing ‘Splash’ facility, whilst well used by residents and visitors alike, is reaching the end of its designed life and has become expensive to operate and maintain. An opportunity to provide more modern and efficient facilities through replacement rather than refurbishment are being considered and this application sets out the replacement facility under consideration.

It should be made clear that whilst this is a ‘full’ planning application seeking permission for all matters of access, appearance, landscaping, layout and scale for a new facility (falling under Use Class D2 ‘Assembly and Leisure’), it is not the role of this Committee to seek to influence the precise detail of equipment and specifications within the building itself. A number of public representations have made reference to the replacement facility not including a wave machine. The decision regarding the precise internal specification of the building generally falls outside the scope of the planning permission being applied for and the decision whether to include a wave machine is a commercial operational matter.

There is therefore no objection to the principle of replacing the existing ‘Splash’ facility with a new leisure offer designed to meet the identified needs of the local community, subject to compliance with other relevant Core Strategy Policies.

2. Design

A key design consideration has been a desire to seek to maintain a leisure offer whilst a new facility is provided. This has heavily influenced the decision to submit a proposal for a building fronting on to Weybourne Road rather than being positioned further back into the site as is the case with the existing building. This enables the existing ‘Splash’ facility to be retained, whilst the new building is constructed, and then subsequently demolished.

The Council's Conservation & Design Officer has raised a number of design considerations regarding re-positioning the building to the front of the site. Officers recognise there are public benefits associated with keeping the old 'Splash' open whilst a new facility is provided. However, once the old 'Splash' is demolished it will be important to ensure that a new building makes a positive contribution to the town, not only in terms of the facilities within it but also as a good example of public architecture on an important route into and out of the town. With this in mind, whilst there are many positive aspects to the proposal currently submitted, there are a number of areas where some further thought and revisions may deliver a better and more positive outcome in terms of how the building sits on Weybourne Road as a piece of architecture and also how it sits within the wider landscape context, particularly the western approach along Weybourne Road, and through some design choices including render colour and wall/roof cladding type/colour.

It has to be recognised that, as a publically funded building, the funds to provide a replacement facility are not unlimited and this will undoubtedly have influenced a number of key decisions. Nonetheless it is important that key design considerations such as external materials and overall form of the building enable a positive outcome not only in terms of delivery of the project but delivery of a project that the people of North Norfolk and residents of Sheringham can be truly proud of.

At the time of writing this report, further discussions are taking place with the applicant regarding a number of the design considerations raised by the Conservation & Design Officer with a view to seeking to address as many of the issues as possible. Ultimately it is considered that these issues are or can be resolved through some minor amendments to the scheme to be secured either through submission of amended plans or by way of planning conditions (particularly those relating to external materials).

In respect of the new skate park, other than the basic location of the new facility, limited details have been provided with the application including likely levels, design and appearance and any retaining walls to be constructed. These details have been requested and Committee will be updated.

Subject to securing further details and amendments to the submission and subject to the imposition of appropriate conditions to, amongst other things, agree external materials, the proposal would generally accord with aims of Core Strategy Policy EN 4.

3. Highway Matters / Parking / Cycling

The proposal seeks to amend the current highway access arrangements off Weybourne Road with the existing access stopped up and a new access provided further west along Weybourne Road, near to the western extent of the site. This enables the new building to be sited along the Weybourne Road frontage.

The current 'Splash' facility provides for 122 vehicle parking spaces (including 4 accessible spaces) and 8 cycle spaces. The proposed larger redevelopment will provide 142 vehicle parking spaces (including 11 accessible spaces, 2 coach parking spaces and 7 motorcycle spaces) as well as 24 cycle parking spaces.

Whilst the Highway Authority have not, at this stage, raised an objection to the proposed redevelopment, a number of questions have been raised about construction phasing and the impact this may have on the availability of parking. The Transport Assessment submitted with the application sets out some indicative detailing of Construction Phasing and includes a statement that *'temporary off-site car parking will be provided off-street and within easy*

walking distance of the site'. At this stage, no specific details of where this off-site parking would occur has been provided and one neighbouring landowner has written to the Council seeking clarification of this point with concerns raised that appropriate notice may have been given within the application submission.

Whilst it has to be recognised that temporary parking arrangements during the construction/demolition phase will, by their nature, be of limited duration, the Highway Authority wishes to ensure that temporary parking does not result in unacceptable impacts on the highway network. It will be important to understand how and where temporary parking solutions are proposed to be delivered and, if they are off-site, then these should be included within the application submission if these options are known at this stage (and plans amended and correct notices served). Whilst planning conditions can be imposed to agree such details, a condition cannot be imposed on land outside of 'red' or 'blue' land and the Local Planning Authority cannot enter into a Section 106 Agreement with itself to secure such details.

At the time of writing this report, further investigation is being made into temporary parking arrangements.

However, once constructed and operational, the proposal would provide sufficient parking vehicle spaces to comply with Core Strategy Policy CT 6.

In respect of cycle provision, whilst this is sufficient in terms of numbers (24 covered cycle spaces should be secured by planning condition), a number of representations have expressed concern about how attractive it would be for users to access the site by bicycle along Weybourne Road. A number of representations have suggested that a dedicated cycle lane be provided on the southern side of Weybourne Road because there is sufficient space to do so. This would increase the attractiveness of cycling to the facility. Officers recognise the issue about the attractiveness of cycle routes being raised by representations (including Sheringham Town Council). In planning terms, unless the Highway Authority seek to object to the proposal on the grounds that without such cycling infrastructure upgrades there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe, then it would not be possible seek to compel the applicant to provide such off-site upgrades.

Outside of the planning process, it is the understanding of Officers that Norfolk County Council (as Local Highway Authority) applied for and were successful in receiving funding from the Department for Transport for technical support to plan cycling and walking networks across the County with support being provided between Dec 2017 and 2019. It may be appropriate for Sheringham Town Council to work together with Norfolk County Council to seek to develop appropriate cycling and walking networks for Sheringham (including improvements along Weybourne Road) which subsequently may enable access to future funding to deliver identified improvements. Unless the applicant is willing to make a voluntary contribution towards cycling infrastructure improvements (on the basis that such improvements have positive health and wellbeing implications for residents), or unless the Highway Authority adopt a different position, it is not currently possible to secure a financial contribution through this planning application for off-site cycle infrastructure upgrades.

In respect of access to public transport, the proposal seeks to relocate an existing bus stop on the southern side of Weybourne Road. Representations have been received requesting that these bus stops (on the northern and southern side of Weybourne Road immediately adjacent the site) are provided with bus shelters and also frames so that timetables can be placed at the bus stops to improve the attractiveness of use. Officers are in discussion with the applicant to establish whether such bus shelter / timetable provision could form part of the proposal.

Subject to clarification of temporary parking solutions and any available funding for cycling infrastructure and bus shelter/timetetable provision, and subject to appropriate conditions (including any conditions to be suggested by the Highway Authority) the proposal would accord with Core Strategy Policies CT 5 and CT 6.

4. Lighting

A Lighting Impact Assessment has been submitted with the proposal. This suggests that there are 27 lights proposed including:

- 11 no. 6m high 52w LED floodlights to the new access road, skate park and accessible parking spaces;
- 13 no. 6m high 30w LED luminaires serving the car park; and
- 3 no. 4m high 31w LED luminaires serving the pedestrian piazza.

In addition, the eastern elevation of the building would include a number of LED wall washing lights and a suggestion of illuminated signage (not currently forming part of this proposal and requiring separate advertisement consent).

It is recognised that a public building to be used throughout the year including in the winter months will require some form of lighting to ensure public and staff can access the facility in a safe and convenient manner.

However, whilst the site is located within the development boundary of Sheringham, it is also on the edge of the town and therefore the impact of lighting is likely to reach further into the open countryside to the north/west across land designated as an Area of Outstanding Natural Beauty.

The current 'Splash' site has 8 light columns in the car park as well as a range of sodium floodlights on the front elevation of the building which provide a functional solution, albeit that it is recognised the current facility already contributes in a negative way to light pollution in the town.

The proposed replacement facility offers an opportunity to revisit current lighting solutions to take account not only of the basic health and safety requirements for visitors but to also take account of any potential impact on the surrounding landscape including the Norfolk Coast Area of Outstanding Natural Beauty, one of the special qualities of which is the sense of remoteness, tranquillity and wildness of which dark night skies is a key element.

Officers consider that the current scheme provides for an unwarranted amount of lighting which will likely have a damaging impact at night on the surrounding landscape. This, coupled with large areas of glazing on the northern elevation of the building also increases the potential for light pollution. Whilst an alternative scheme for external lighting could be agreed by way of planning condition, it would be important to first understand whether an acceptable alternative lighting scheme can be delivered. Discussions are ongoing to secure an appropriate alternative solution.

Subject to receipt of a satisfactory lighting solution, either through amended plans or inclusion of a planning condition to secure an acceptable lighting solution, the proposal would be able to accord with Core Strategy Policies EN 1, EN 2, EN 4 and EN 13.

5. Landscape Impacts/Mitigation including impact on Norfolk Coast Area of Outstanding Natural Beauty

Whilst the site is not located within designated open countryside, the proposal would be visible from wider countryside to the north and west of the site, land which also forms part of the designated Norfolk Coast Area of Outstanding Natural Beauty, which has the highest status of protection. In order to enable assessment of likely impacts on the wider landscape and the special qualities of the AONB, the application submission has included a Landscape Visual Impact Assessment (LVIA) prepared by Richard Morrish Associates. This seeks to assess the proposal and suggests a range of mitigation proposals.

Whilst the landscape officer is of the opinion that the impacts of the redevelopment have been underestimated within the LVIA, the report does acknowledge that there are some impacts that could be reduced through mitigation.

In respect of trees to be lost, the submitted Arboricultural Impact Assessment suggests that three B category sycamore (T1, T2 and T5), three C category trees (T3, T4 and T7) and one C category tree group (G1) will be removed for development purposes. One sycamore (T6) will be retained. The applicant proposes mitigation planting to seek to compensate for the loss but this is within the site rather than along the road frontage.

The landscape officer has set out a list of mitigation measures which, in tandem with the issues identified above in relation to design and lighting will help to reduce the impact of the development. There is a need for an improved package of landscape mitigation to help soften the development as well as a need to agree a scheme of hardscaping. Discussions with the applicant are on-going in securing appropriate mitigation. It is likely that further changes will be secured either through submission of amended plans prior to a decision being issued or through imposition of conditions to secure, amongst other things, an improved hard and soft landscaping scheme.

Subject to receipt of satisfactory amended plans and/or imposition of conditions to secure improved landscape mitigation, the proposal would then accord with Development Plan policy.

In respect of impact on the Norfolk Coast Area of Outstanding Natural Beauty, assuming receipt of satisfactory amended plans/details in relation to design, lighting and landscaping, whilst there will be some impacts including those associated with light spill from the northern glazed elevation when the facility is open to the public, officers consider that this would not be significant on the special qualities of the AONB. As such, subject to receipt of acceptable revisions to the scheme, the proposal would accord with Core Strategy Policy EN 1.

6. Ecology

The application has been supported with a Preliminary Ecological Appraisal carried by the Ecology Consultancy. This has concluded that:

- habitat suitable for roosting bats is present at the site – further survey will be required to establish their presence/likely absence in buildings that are due to be removed;
- habitat suitable for breeding birds is present – measures must be taken to avoid killing birds or destroying their nests;
- habitat suitable for widespread reptiles is present – measures must be taken to avoid killing or injuring reptiles;
- habitat suitable for hedgehog is present – measures should be taken to continue accommodating this species on the two sites post-development; and

- a range of measures should be undertaken to satisfy the requirement for ecological enhancement included in planning policy.

At the time of writing this report some further work was being undertaken within the main 'Splash' building to identify whether the risk of bats being present in the building is either 'low' or 'negligible'. The outcome of this further assessment is awaited. Subject to this further survey concluding a 'negligible' likelihood of occurrence for bats in the main building, and the imposition of conditions to secure an appropriate package of opportunities for ecological enhancement, the proposal would accord with Core Strategy Policy EN 9.

7. Heritage Assets

There are no known heritage assets on the application site. However, the site does fall within the defined setting of Sheringham Park and therefore regard has to been given as to whether the proposal would have any impacts on the setting of this heritage asset.

Given the intervening distance and having regard to the fact that there is no current direct inter-visibility between the two sites, any impact from the 'Splash' site redevelopment on the setting of Sheringham Park would be, at worst, considered to be less than substantial under paragraph 196 of the NPPF. It is considered that only limited public benefits would be needed to outweigh any harm to the setting of heritage assets.

8. Noise and associated impacts

The closest residential properties are located approximately 100 metres away to the east and south of the site. It is recognised that existing activities on the 'Splash' site as well as those adjacent sports facilities will have some impacts on residential amenity. There will also be some disturbance from any commercial activities associated with the adjacent Weybourne Road Industrial Estate.

The proposal will see the 'Splash' facility move to the Weybourne Road frontage which means that activities such as vehicle parking and manoeuvring will now take place at the rear of the site. The new leisure offer will house a range of plant and equipment associated with the operation of the building and these activities can be controlled by way of planning conditions to agree the type of plant and equipment being installed to ensure it does not create significant adverse impacts including noise.

In respect of the existing skate park, this is currently located at the front of the site near to Weybourne Road and has operated for a number of years without significant concern. This is to be relocated to the rear of the site with a new design which does mean that this would be closer to some residential properties. At the time of submission of the application, the final design of the skate park had not been finalised and the Environmental Protection Officer (EPO) has requested some information on measures to reduce the potential for anti-social behaviour and noise from the skate park.

Subject to receipt of satisfactory information about the final skate park design including information necessary to address the concerns of the EPO, it is considered that the proposed redevelopment of the site would accord with the general aims of Development Plan policy in ensuring development does not result in significant adverse impacts.

9. Contaminated Land

The application has been supported by a Ground Investigation Report prepared by Harrison Geotechnical Engineering. This has been reviewed by the Council's Scientific Officer in the

Environmental Protection Team. Whilst there are no identified concerns in relation to human health or ground gas, some issues have been identified in relation to ground water with samples showing elevated concentrations of Boron and Zinc. This could present an issue given the site's location within a ground water source protection zone and consideration will need to be given as to whether the contamination represents an unacceptable risk for such things as groundwater abstraction. This could affect how surface water on site can be dealt with. At the request of the Scientific Officer, the Environment Agency have been consulted and their comments are awaited in order to assess, amongst other things, compliance with Core Strategy Policy EN 13. The Committee will be updated orally including any further detail on planning conditions that may be necessary to impose.

10. Flood Risk

The application has been supported by a Flood Risk Assessment, Surface Water and Foul Water Drainage Strategy prepared by Mott Macdonald. The report concludes, amongst other things, that the site is at low risk of groundwater flooding, pluvial ponding, reservoir failure, tidal and estuary flooding and sewer flooding.

The report goes on to set out that overland surface water flows pose a flooding risk to the site in the south and north-west corner of the site. This has been mitigated by raising the proposed building FFL located on the north of the site by 300mm above the access road. The provision of infiltration blankets for storage and disposal of surface water runoff into the ground shall provide an improvement and betterment to existing surface water flooding on site. Alternatively, if infiltration is found to be unviable, surface water shall be drained via use of cellular attenuation tank storage to discharge controlled flow into the existing Anglian water network on site.

The method of surface water disposal will likely be heavily influenced by the outcome of consultation with the Environment Agency in respect of groundwater contamination. Anglian Water have provided advisory comments and Norfolk County Council Lead Local Flood Authority have been consulted for comments on the proposed scheme.

Matters of surface water disposal can ultimately be dealt with as a pre-commencement planning condition along with matters relating to foul disposal to ensure compliance with Core Strategy Policies EN 10 and EN 13. The Development Committee will be updated on any further consultee comments/recommendations received.

11. Other Material Planning Considerations including Public Benefits

In exercising planning judgment, the Development Committee are entitled to give weight to a range of material planning considerations. In this case the provision of a new leisure offer with greater capacity to provide for the needs of local residents will enable and support healthy lifestyles – a key aspiration set out within the National Planning Policy Framework. The new facility would be able to cater for the needs of more people at any one time meaning that people wishing to take part in sport and health and wellbeing activities would be able to do so rather than missing out, as is currently the case, because of lack of capacity in the current 'Splash' building. The opportunity afforded by this proposal is a material planning consideration to which considerable weight can be afforded.

Summary

Whilst there are no objections to the principle of a replacement leisure facility including a relocated skate park which generates significant public benefits, the proposal in its current form does require some further modification so as to ensure, amongst other things, that the

design of the building, hard and soft landscaping and lighting impacts can be made acceptable. In addition, there are a number of other matters requiring further work including matters relating to:

- ecological evidence, i.e. bats to confirm 'negligible' impacts;
- confirmation of methods to dispose surface water dependent upon contamination findings from the Environment Agency
- further details of the design and layout of the new skate park including information on measures to reduce the potential for anti-social behaviour and noise.
- Confirmation of off-site parking proposals are also awaited and consideration needs to be given as to how these proposals could be secured.

It is considered that many of these matters can be delegated to the Head of Planning to determine and that suitable conditions may be imposed to secure much of the changes required. A key issue remains confirmation that the proposal will have no more than 'negligible' impacts on bats, this has a significant bearing on the direction of travel for this application and will be important to interrelated issues already subject to amendment. The delivery of the scheme may then be impacted.

Ultimately, as a public project, it is important that the Development Committee can have confidence that a positive outcome can be achieved so as to enable the grant of planning permission. Whilst there is a little way to go at this stage, Officers are of the opinion that a positive outcome can be achieved and that the majority of issues can be resolved. Discussions so far suggest a positive balance of probability; this may lead to further updates on outstanding matters for members at the committee meeting.

RECOMMENDATION:

Approval of the application is delegated to the Head of Planning subject to:

(i) receipt of further bat investigation work confirming the demolition of the exiting 'Splash' building would have 'negligible' impact on bats;

(ii) the receipt of amended plans/information to address the issues set out in this report including those relating to:

- **design;**
- **hard and soft landscape;**
- **lighting;**
- **skate park design (including information on measures to reduce the potential for anti-social behaviour and noise);**
- **temporary off-site parking during construction; and**
- **confirmation of methods to dispose surface water dependent upon contamination findings from the Environment Agency**

(iii) imposition of appropriate conditions as set out within the report in order to secure amendments and any new conditions to be set out by consultees including those relating to issues set out in (ii);

(iv) any periods of re-consultation that may be required in relation to matters addressed above in (ii); and

(v) any other conditions considered to be appropriate by the Head of Planning.

- (3) **SCOTTOW - PF/18/0787 - Erection of single storey front & side extension and two storey rear extension to each dwelling; 12 & 13 Scottow Row, Scottow, Norwich, NR10 5DR for Scottow Farms Limited**

Target Date: 11 July 2018

Extension of time 30 November 2018 (supply bat survey)

Case Officer: Mr P Rowson
Householder application

CONSTRAINTS

LDF Tourism Asset Zone

LDF - Countryside

County Wildlife Site

Flood Zone 2 - 1:1000 chance

Flood Zone 3 1:200 chance sea/1:100 chance river

RELEVANT PLANNING HISTORY for 12 & 13 Scottow Row, Scottow, Norwich, NR10 5DR

PLA/20001029 PF

12 AND 13 SCOTTOW ROW, SCOTTOW

ERECTION OF EXTENSIONS AND DETACHED GARAGE

Approved 12/09/2000

PF/18/0275 HOU

12 & 13 Scottow Row, Scottow, Norwich, NR10 5DR

Demolition of single storey side extension & various outbuildings & erection of two storey rear & side extensions

Withdrawn - Invalid 12/04/2018

THE APPLICATION

The application is a single application which seeks to renovate a modest pair of red brick semi-detached cottages at Scottow Row, and by extending to thereby retain the pair of cottages as an upgraded pair of Three bedroomed cottages.

The proposals consist of:

- Two new pitched gabled porches (2.2m x1.5m) to the front elevation of both semi-detached cottages.
- On either gable end of the building are proposed catslide mono pitched single storey extensions which are hipped around to meet the proposed rear elevation. The floor area of this element is 72 square meters / or 36 square meters for each extension.

A double pitched gable two story height extension is proposed across the rear elevation of the cottages, this measures 4.7m, 8.3m and is set a lower height than the main ridgeline of the existing property. The proposals create floor space of approximately 79 square metres / or 39.48 square meters per dwelling.

The existing cottages are of a simple perfunctory form, in most circumstance they are little altered since first built. As existing the provision consists of a living room, and galley kitchen with a main double bedroom and box bedroom / stair well to the rear. The floor area as originally constructed is approx. 60 square meters per property, 120 square meters over the pair of cottages. On one of the pair is a modest flat roofed porch and lean to greenhouse. The other cottage has a simple catslide lean to single storey extension of approx. 13 square meters.

REASONS FOR REFERRAL TO COMMITTEE

The applicant is an elected member of the council, due to the conflict of interest that may arise from delegated decision the decision will be decided by committee.

PARISH/TOWN COUNCIL

Scottow Parish Council – Support the application.

REPRESENTATIONS

None

CONSULTATIONS

None

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 HO8: House extensions and replacement dwellings in the Countryside

Policy EN2: Protection and enhancement of landscape and settlement character

Policy EN4: Design

Policy EN9: Biodiversity & Geodiversity

Policy EN10: Development and Flood Risk

North Norfolk Design Guide

NATIONAL PLANNING POLICY FRAMEWORK

Section 7 - Requiring Good Design

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

Section 11 - Conserving and enhancing the natural environment

MAIN ISSUES FOR CONSIDERATION

- 1) Principle of Development
- 2) Design and Appearance
- 3) Impact on Residential Amenity
- 4) Impact to Landscape
- 5) Consideration of flood risk
- 6) Ecology

APPRAISAL

- 1) Principle of Development

The proposed development is considered to be acceptable and in compliance with the aims

of Policy SS2 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. The proposed extensions are small scale and are not detrimental to the character of the wider countryside settings landscape and therefore considered compliant with policy SS2.

With regard to policy HO8, relating to house extensions in the Countryside, the policy requires that development proposals do not result in a disproportionately large increase in the original dwelling; and that the proposals do not materially increase impacts in the surrounding countryside. Officers have assessed the proposals against this policy and recent case law.

2) Design and Appearance

The scheme consists of a double pitched two story rear extension which sits between two single story lean-to side extensions which have hipped roofs towards the rear which partially wrap around the rear elevation. Additionally, two new porches to the front of both cottages are proposed. The extensions are seen to be acceptable in regards to their proposed material, scale, style and overall design in relation to the existing dwelling and wider setting.

There is a significant increase in floor area arising from the proposed extensions, increasing from an approximate 140 square meters to a proposed floor space which will give rise to a pair of cottages covering approx. 293 square meters. As such the proposals more than double the floor area of the pair of cottages and will significantly alter the appearance of this simple pair of cottages in the street scene, they are in almost all respects not subordinate to the existing cottages. Taking policy H08 on its face then the proposals may be considered to be in breach of those guidelines.

However, officers are persuaded that the existing cottages are in most respects of a scale and liveability that severely restricts their appeal as housing stock in the contemporary housing market. The larger cottage within the pair has an overgrown garden and has poorly maintained paint work, pointing and roofs. Internal this unit is in poor repair and gives the impression of a vacant and underutilised unit of housing stock. The proposals do little more in fact than replicate contemporary living standards in the form of creating two relatively modest three bedroomed cottages. The limited demand for stock such as the existing cottages and modest nature of the proposals provides a compelling circumstance to consider the approvals are in compliance with the first element of Policy H08, i.e. that on balance they do not result in a disproportionately large increase in the original dwelling

It is therefore considered that the scheme complies with core strategy policies HO8, EN4 and EN2 of the North Norfolk Core Strategy and the North Norfolk Design Guide (3.6 residential extensions).

3) Impact on Residential Amenity

The two storey rear extension introduces north east and south west facing windows at first storey level, these windows will not create any unacceptable detrimental loss of privacy to either adjacent neighbours as a result of the generous distances between properties. The two storey extension includes north facing windows on the rear first floor elevation and patio doors at ground level. There ground floor windows to the side and rear elevation of the "single storey wrap around extensions", again given separation distances and screening no significant adverse impact is created on residential amenities between either existing or proposed residents. Impacts more broadly upon neighbouring amenity by overshadowing or overbearing relationships from scale or mass are similarly effectively mitigated by separation distances. The proposals are considered to be in accordance with the requirements of Policy EN4 of the Core Strategy.

4) Impact to Landscape

The second element to Policy H08 requires consideration as to prevention of any materially adverse impacts in the surrounding countryside arising from the proposals. It is not possible to argue that the scheme will have no adverse impact. The extensions more than double the floor area of the pair of cottages. The significance of impact should be considered in the following ways:

- Wider character of the local street scene
- Existing landscape features
- Potential to mitigate any adverse impacts by screening or appropriate planning conditions

The pair of cottages in this planning application are the only cottages along the immediate section of Scottow Row which remain largely unaltered since first built, they are remarkable on this basis. Elsewhere along the immediate locality there have been a series of extensions and alteration since circa 2000 which have significantly altered the character of the street scene. Indeed, the near neighbours to the East (14/15 Scottow Row) has built out a project which almost mirrors these proposals.

The site remains screened by a significant tree planting copse which runs along Stake Bridge Beck and ameliorates any impacts from the proposals when viewed from the wider countryside.

Conditions can be effectively used to ensure appropriate boundary treatment for this rural location and additionally that any extensions to the roof or within the curtilage should be exempted from permitted development to ensure that further developments are subject to scrutiny over their impact in the street scene and wider landscape.

On this basis then officers confirm that the proposals will comply with this second element of policy H08.

5) Consideration of flood risk

The site is partially located within the Flood zone 2 & 3, the north end of the rear garden is located within the flood zone 2 & 3. The proposed extensions to the rear, side and frontage are all sited in Flood Zone 1 (the lowest risk). The proposals are household extensions and are exempted from consideration under Flood Risk Assessment as they are considered to be a minor extension within these regulations. The proposals are therefore compliant with policy EN 10 and NPPF guidance on flood risk.

6) Ecology

A preliminary ecology report was submitted by the applicants; this was considered by officers who found that further information was required in the form of a bat survey. The survey has taken the form of a physical inspection of the buildings subject to the planning application, as well as two dusk emergence surveys carried out in August 2018. Findings show that No.13 is a day roost for individual common pipistrelle bats (3no.), with roosts identified at the top of the front door lintel, underneath the tiles on the single storey extension and at the roof line (near eaves). No.12 has a day roost for an individual soprano pipistrelle bat near the ridge line of the roof.

The report concludes that mitigation and enhancement measures will be required to protect and conserve bats and that a European protected species licence will be required to develop the buildings. Officers can see no reason why a Natural England EPS Licence would not be forthcoming subject to the provision of appropriate mitigation and compensation measures.

Conditions will be proposed which will require compliance with the applicant's submitted mitigation and enhancement measures; steps taken to secure a suitable license / approval from Natural England; and that no external lighting to be added to the development site without approval of the Council.

On this basis the proposals are considered to comply with local plan policy EN9.

Conclusion

Officers consider that the perfunctory nature of the existing cottages mitigates a positive consideration on matters of design and appearance, and that the matter of landscape impact is complied with. No significant impact is created to the amenity of neighbouring or proposed properties. The application is compliant with local and national flood risk guidance. The proposal is considered to be in accordance with the relevant Development Plan Policies SS2, HO8, EN2, EN4, EN9 and EN10, along with the North Norfolk Design Guide.

RECOMMENDATION: Approve subject to imposition of appropriate conditions, including any other relevant conditions deemed appropriate by the head of Planning

- 1. Time limit for implementation**
- 2. In accordance with approved plans**
- 3. Details of boundary treatment to be approved**
- 4. Removal of householder permitted development rights for alterations to roof and curtilage buildings.**
- 5. Compliance with submitted ecological mitigation and enhancement strategy.**
- 6. Securing suitable approvals from Natural England.**
- 7. No external lighting.**

- (4) **WIVETON - PF/17/1468 - Change of use of agricultural land to seasonal campsite (from May to September inclusive each year) for a maximum of 6 bell tents and erection of two buildings for use as associated shower/WC blocks (retrospective); Wiveton Hall, Marsh Lane, Wiveton, Holt, NR25 7TE for Mr MacCarthy**

Minor Development

- Target Date: 09 November 2017

Case Officer: Mr D Watson

Full Planning Permission

RELEVANT CONSTRAINTS

- Enforcement Enquiry
- HO 9 - Rural Residential Conversion Area
- Countryside
- Conservation Area
- Area of Outstanding Natural Beauty
- Controlled Water Risk - Medium (Ground Water Pollution)
- Undeveloped Coast
- Controlled Water Risk - High (Ground Water Pollution)
- Controlled Water Risk - Medium (Ground Water Pollution)
- Tree Works
- Development within 60m of Class A road
- Listed Building Grade II* - Consultation Area
- Undeveloped Coast

RELEVANT PLANNING HISTORY

There is no planning history related to the area of Wiveton Hall farm which is subject of this application.

The planning history for the wider site is as follows:

PLA/20051249: Erection of A1 (retail - farm shop) and A3 (restaurant). Withdrawn
21/09/2005

PLA/20051841: Demolition of redundant barns and erection of farm shop/cafe. Approved
03/07/2006

PLA/20061710: Change of use of barn to farm shop/tea room. Approved 05/01/2007

PLA/20080244: Erection of single-storey extension to cafe and shop. Approved 02/04/2008

PLA/20080335: Variation of condition 6 of planning permission 20061710 to remove requirement for planting of hedge and trees. Approved 25/04/2008

PF/11/0040: Erection of extension to existing cafe. Approved 28/04/2011

CL/17/1470: Certificate of lawfulness for existing use of static caravans as temporary residential accommodation for agricultural workers. Certificate issued 08/10/2018

THE APPLICATION

The application is retrospective following an enforcement complaint and investigation in mid-2017. It is for the change of use of an area of land within Wiveton Hall estate/farm from agriculture to a camping site. The camp site is operated by Amber's Bell Tents who also operate a site at Mannington Hall within the North Norfolk District. The site operates on a seasonal basis from May to September/early October each year. During this period six 'bell' tents are pitched on the site. They are removed outside of this period. Information on the operator's website states that the tents are 3.7m high in the centre and have a five metre diameter, with a small awning to the front. They are natural cotton canvas and coloured white. The tents can accommodate a maximum of 2 adults and 3 children. Facilities within them are limited to a non-mains 'hurricane' lamp and cool box. Outside each tent there is a picnic table and fire pit. The tents are arranged in a row along the south side of the site. Campers park in the car park next to the Wiveton Hall cafe/shop and access the camping area on foot. Wheel barrows are provided to carry luggage, shopping etc. There is no fixed external lighting with site

There are two separate shower/wc and washing up blocks at the east end of the site. These are timber clad buildings with mono-pitch roofs covered in corrugated sheeting. They are about 3m high, with the larger of the buildings having a footprint of 3.8m x 2.5m

The campsite has operated since June 2016/17.

In support of the application it is stated that the revenue the applicant receives from renting out the land is used to fund the maintenance and upkeep of the Hall. The supporting information submitted with the application includes a brief viability appraisal and two sets of accounts. A draft unilateral undertaking has subsequently been submitted which would ensure any profit attributable to the development is used for capital projects for the maintenance and upkeep of Wiveton Hall.

REASONS FOR REFERRAL TO COMMITTEE

The Head of Planning considers a committee decision is needed in this case because of the sensitive location of the site and to afford discussion in relation to the potential conflicting and supporting development plan policies

PARISH/TOWN COUNCIL

Wiveton Parish Council: no comments submitted

REPRESENTATIONS

None received.

CONSULTATIONS

County Council (Highway): no objection

Natural England: no specific comments. The response is in the form of an advice note tailored to the type of development proposed. The advice relates to the discharge of foul drainage in this case from a septic tank.

Historic England: do not wish to offer any comments.

Norfolk Coast Partnership: no objection, as the area is well screened and the tents in place on a seasonal basis.

Conservation and Design Officer: notes that Wiveton Hall is one of the region's preeminent Manor Houses built in 1653, with the grade II* listing reflecting this significance. The building's position within relatively unspoilt landscape and the AONB contribute to its rural setting and sense of isolation.

The application site is over 200m west of the Hall and its associated outbuildings. In terms of characteristics, the land is enclosed by established vegetation borders to the north, south and west. To a large extent, this screening separates the site from the historic structures of the Hall. Notwithstanding this visual separation, the presence of this leisure and accommodation use is alien to the setting of the Hall and carries harm by way of intensification to the landscape and AONB characteristics.

In terms of design, the six bell tents are functional in appearance and as such offer little in terms of contribution or connection to the landscape setting of the Hall. Their presence at close proximity is visually unappealing if not intrusive.

In terms of the specific impact on the setting of the Hall, there are no key viewpoints between the listed structures and the application site, which also cannot be seen from the approach to the Hall or from any public vantage point. As such the overall harm to the setting of the heritage assets is low. Overall, the harm to the Grade II* Hall and associated outbuildings is considered to be of a low level and certainly less than substantial. Any public benefits that would be derived from the development must outweigh this low level harm.

Landscape Officer: objects and considers the application should be refused as it does not comply with Policy EC10, EN1, EN2 and EN3, and paragraph 115 of the NPPF (2012).

Reference is made to the fact that Policy EC10 states that new camping sites will not be permitted within the AONB or Undeveloped Coast as they can be intrusive in the landscape and may add to visitor pressure on particular areas if not controlled. Although it is recognised that the application is for the seasonal use of pre-erected tents (June to October inclusive), they remain erected for the duration of that period and in terms of their function would operate in a similar manner to a static or touring campsite. They should therefore be treated the same in terms of the policy requirements. In addition, the toilet and shower block facilities remain permanently in position.

The site is located within the Rolling Heath and Arable Landscape Character Type as defined by the North Norfolk Landscape Character Assessment SPD, specifically within the Blakeney (RHA1) Area, although the site lies just south of the adjacent Drained Coastal Marshes Landscape Character Type. The Rolling Heath and Arable landscape is one of the feature landscapes which people think of when considering the Norfolk Coast AONB (along with marshes and sand dunes) and is very sensitive to development due to its reliance on long coastal views and sense of semi-remoteness. The SPD notes that additional development beyond the current boundaries of the settlements could erode the character of the landscape. The application has not been able to demonstrate that the development would not lead to the erosion of the landscape character.

The key characteristics of the AONB include the sense of remoteness, tranquillity and wildness, as well as the diversity and integrity of landscape, seascape and settlement character. The AONB Management Plan seeks to retain and maintain these key characteristics, which includes maintaining a low level of development, leading to dark night skies and a general sense of remoteness and tranquillity away from busier roads and settlements and, particularly for undeveloped parts of the coast, of wildness. It is considered that the development detracts from these special qualities and introduces additional light pollution in the dark skies environment (through external lighting required for the bell tents and through the provision of log fires), reduces the sense of remoteness and tranquillity through noise pollution, additional traffic movement and generally introduces additional human presence and paraphernalia in a unique natural 'wild' place. It is considered that the general screening of the campsite from the wider Drained Coastal Marshes landscape, does not reduce these particular impacts on the special qualities of the AONB. Furthermore, the application has not been able to demonstrate that the proposal cannot be located on an alternative site outside of the AONB and in line with other Council policies for new campsites.

Due to the nature and type of development, it is considered that development causes harm to the landscape character of the area, including the Undeveloped Coastline in conflict with Policies EN2 and EN3 as well as paragraph 114 of the NPPF (2012). It is also considered that the development would materially detract from the special qualities of the AONB, and would not accord with policy EN1, or with paragraph 115 of the NPPF. This states that AONBs have the highest status of protection in respect of their landscape and scenic value, and great weight should be given to conserving this. The Landscape Officer considers that the significance of paragraph 115 outweighs the very limited economic argument in respect of the need for the income generated by the development to contribute to the upkeep of the heritage asset.

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 EC 3: Extensions to existing businesses in the Countryside (*prevents extensions of inappropriate scale and that would be detrimental to the character of the area*).

Policy EC 10: Static and touring caravans and camping sites (*specifies criteria for new sites and extensions or intensification of existing sites*).

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

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

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

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

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

Policy 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 (2018)

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 6 – Building a strong, competitive economy

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

MAIN ISSUES FOR CONSIDERATION

- Whether the development is acceptable in principle and;
- the effect on the character and appearance of the area and surrounding landscape including the AONB and undeveloped coast;
- the effect on heritage assets; and
- the effect on highways and parking

APPRAISAL

The site is within the Wiveton Hall estate which is to the north of the A149 Coast Road between Blakeney and Cley-next-the-Sea. The estate/farm is accessed via a driveway from

the A149 and the land falls down from it. The site is within the Norfolk Coast Area of Outstanding Natural Beauty, the Glaven Valley Conservation Area, the area designated as Countryside under policy SS 1 of the Core Strategy and, an Area of Undeveloped Coast. The open marshland about 53 metres to the north forms part of an area that is subject of a number statutory European nature conservation designations (NNR, RAMSAR and Special Protected Area) and also forms part of a SSSI.

The site itself comprises a rectangular area of land enclosed on three sides by trees/vegetation, with a woodland area to the north known as 'The Wilderness'. The site is flat with a mown grass surface. The toilet/wc blocks are the southeast corner. Wiveton Hall, a grade II* listed building and complex of buildings associated with it, is about 220m to the east. Wiveton Hall Cafe and shop is about 115m to the southeast with areas used for car parking adjacent to it. The land to the south of the site is used for agriculture including self-pick soft fruits. A recreational footpath runs adjacent to the south boundary, but is not a formal public right of way.

Principle

The site is within the area designated as Countryside under policy SS 1 of the Core Strategy. Policy SS 2 limits development in the Countryside to that which requires a rural location and is for one of the types listed in the policy. It allows for tourism development, and the different ways by which this may be delivered are set out in policies EC 1, EC 7 and EC 10. Paragraph 83(a) of the NPPF indicates planning decisions should enable sustainable rural tourism developments which respect the character of the Countryside. Policy EC 7 seeks to direct new tourism development towards those areas with the capacity to absorb new visitors, setting out a sequential approach for the consideration of proposals for such development. The policy states that within the countryside proposals for new tourist accommodation will be permitted in accordance with other relevant policies.

Of these, policy EC 10 'Static and Touring Caravan and Camping sites' is the most relevant. This policy is generally very restrictive and only allows for such new development in very specific circumstances. Specifically, it states that new touring caravan and camping sites will not be permitted within the Norfolk Coast AONB or Undeveloped Coast, and the site concerned is within both.

Policy EC 1 allows for development in the Countryside for the purposes of farm diversification where a number of criteria are met. Whilst the Wiveton Hall estate has a number of income streams in addition to farming, as the proposal is not being promoted as being to make an on-going contribution to sustaining the agricultural enterprise as a whole specifically, the proposal would not comply with this policy.

The proposal conflicts with policies EC 10 and EC 1, and as such conflicts with the sequential approach of policy EC 7 and its aim to direct tourist accommodation to suitable, sustainable locations. Paragraph 47 of the NPPF advises that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

The case made by the applicant in support of the application is that profits from the development from renting the land to the campsite operator would contribute to the maintenance and upkeep of Wiveton Hall, which being grade II* listed, is a heritage asset of the highest significance. The proposal is therefore in some respects akin to enabling development. Paragraph 202 of the NPPF states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

The Hall is not on the register of buildings at risk, nor has any detailed schedule of maintenance works been submitted. The applicant states that the revenue contributes the fund that pays for the upkeep of the brick and flint walls of the to the Hall and the kitchen garden. They are of a considerable age and it is stated their upkeep and repair is expensive. Reference is made to a section of the kitchen garden walls that collapsed relatively recently, the repair of which was very costly. Any surplus funds available from the revenue would go towards a sinking fund to deal with such eventualities.

The estate has a variety of income streams including farming, the café/shop, holiday and property lets and the use of the estate for film shoots. The latest accounts submitted with the application show the estate/farm makes a loss and the statement submitted in support of the application refers to the fact that 'the applicant has sought to utilise the estate fully in his quest to operate the estate as a commercial enterprise'. The accounts submitted show that after labour costs, property repairs and maintenance are the biggest expense, although this is for the estate as a whole rather than exclusively the Hall. The profits from the campsite has provided an additional source of income for the estate.

The obligations within the unilateral undertaking would require the applicant/owner to provide details annually of the maintenance project to which any profit attributable to the development would be used in the forthcoming financial year and; apply any profit to a maintenance project each year.

It is considered that the obligations would ensure that the justification for the development in assisting the future conservation of a heritage asset of high significance is secured and that this, in combination with the very limited harm resulting from the development, make the development which would otherwise be contrary to the policies referred to above, acceptable in principle.

Character and appearance of the landscape

The site is within an area designated as Undeveloped Coast. Policy EN 3 limits development in this area to that where it can be demonstrated to require a coastal location and that the proposals will not be significantly detrimental to the open coastal character. Given the purpose of the development (as already referred to), it is considered that the proposals require the coastal location. Whilst it could be located outside this area it would be unlikely to be on land under the control of the applicant. Furthermore, because of the enclosed nature of the site, the small scale of the development including the shower blocks and as car parking is within an existing area used for parking, it is considered it does not have a significant detrimental impact and as such complies with policy EN 3.

The site is also within the Norfolk Coast AONB and paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in such areas, amongst others. The scale and extent of development in such areas should also be limited. Policy EN 1 of the Core Strategy allows for development which does not detract from the special qualities of the AONB.

Because the site is well screened, the tents, when pitched, and the small buildings are not readily visible in most views either close or more distant, it is considered the development has very limited adverse impact and that any impact is very localised. There is no significant impact on the wider landscape. As the campsite is seasonal, the tents are removed during the period when there would be less foliage on the vegetation that encloses the site.

With regard to increased visitor pressure within the AONB, any impacts resulting from this

development are unlikely to be significant, given the limited number of tents and consequently limited number of visitors accommodated. During the period the campsite operates, there is already a level of tourist activity associated with the estate; from attractions such as the café/shop and self-pick areas. The "in-combination" impacts would not be significant. The main difference is activity during the evenings where there has been none previously. This includes general noise generated by campers, camp fires, traffic movement etc..., it would vary, but is again mitigated by the size of the site, seasonal nature and the fact there are existing buildings relatively close by. Consequently, it is considered the impact on the AONB will not be significant.

For the reasons stated, it is considered the proposal complies with policies EN 1, EN 2 and EN 3

Heritage Assets

The proposal affects two designated heritage assets - the Glaven Valley Conservation Area and Wiveton Hall. In both cases it is considered any harm is minimal. In terms of the Hall, impact on its setting is mitigated by the separation distance to the application site, intervening buildings (including the café), existing landscape features, the nearby modern agricultural buildings, and the screening of the site. On this basis it is considered that there is no unacceptably harmful impact on the setting of Wiveton Hall, including those longer views in which the Hall may be viewed and appreciated from the wider countryside. Impacts are further mitigated as the tents are seasonal and not permanent features, retained features such as the two shower blocks are small in scale and timber clad as such they are recessive features and of limited impact in any views.

With regard to the effect on the character and appearance of the Glaven Valley Conservation Area. The Conservation Area is an extensive area, impacts are as listed above and similarly it is considered the adverse impacts are minimal for the same reasons.

As the harm is less than substantial, then the impact needs to be weighed against the public benefits of the proposal in accordance with paragraph 196 of the NPPF. Positive public benefits most significantly arise from contributions to the fund which repairs and maintains the historic walls around the II* listed Hall along with a limited aid to local tourism / the economy. This must be balanced against the minimal harm arising to the setting of the hall and conservation area, from the seasonal impact of the tents and retained buildings. When considering this balance officers conclude that subject to suitable legal agreement and conditions that the public benefit outweigh the minimal harm to the heritage assets. The development is considered to be acceptable in terms of policies EN 4 and EN 8 of the Core Strategy.

Highways and parking

The development would be served by the existing access from the A149 Coast Road, which is the main access to the estate including the existing shop and cafe. The access has adequate visibility and the Highway Authority consider the proposal would not affect current traffic patterns or the free flow of traffic. There is adequate parking available within the grounds, which is also used by visitors to the cafe. The proposal is considered to be acceptable in terms of policies CT 5 and CT 6.

Other considerations

Because of the site's proximity to a number of statutory designated nature conservation sites, Natural England's advice relates to the foul drainage arrangements for the development. The application form states that the development is served by a septic tank,

but further details of the discharge are required to assess whether an Environmental Permit or other relevant assessments are required. As the drainage arrangements are already in place, it is considered this matter can be dealt with through a suitable condition requiring the submission of further information and details.

RECOMMENDATION:

Subject to the satisfactory completion of a unilateral undertaking under section 106 of the Town and Country Planning Act (1909) (as amended), to ensure that the profits from the development contribute to the on-going upkeep of the fabric of Wiveton Hall, grant planning permission subject to conditions relating to:

- Seasonal use only;
- Tents to be removed from the site during the off season;
- No more than 6 bell tents (of specified dimensions) to be pitched on the site;
- No fixed external lighting with the site;
- No camper's vehicles beyond the existing car park next to the café;
- Foul drainage

Final details of conditions and any additional conditions deemed to be necessary to be delegated to the Head of Planning

(5) APPLICATIONS RECOMMENDED FOR A SITE INSPECTION

There are no recommended site inspections at the time of publication of this agenda.

APPEALS SECTION

(6) NEW APPEALS

**HIGH KELLING - PF/18/1177 - Conversion and extension of existing garage to provide annexe accommodation; Tudor Lodge, Vale Road, High Kelling, Holt, NR25 6RA for Mr & Mrs Holloway
FAST TRACK - HOUSEHOLDER**

(7) INQUIRIES AND HEARINGS - PROGRESS

**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
PUBLIC INQUIRY 25 September 2018**

**ALBY WITH THWAITE - ENF/17/0201 - Static caravan used for full residential purposes.; Thwaite Hill Farm, Middle Hill, Thwaite Road, Alby, NR11 7PN
PUBLIC INQUIRY 29 January 2019**

TUNSTEAD - ENF/15/0067 - Unauthorised commercial uses of former agricultural buildings; Beeches Farm, Crowgate Street, Tunstead, Norwich, NR12 8RF PUBLIC INQUIRY 25 September 2018

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

FAKENHAM - PO/17/1554 - Outline planning permission for the erection of single storey dwelling (including matters of access, layout and scale); 209 Norwich Road, Fakenham, NR21 8LR for Mr & Mrs MacBrayne

FAKENHAM - PF/17/1599 - Erection of single storey detached dwelling; The Housekeepers Bungalow, Norwich Road, Fakenham, NR21 8LF for Raven Developemnt Co Ltd

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

MELTON CONSTABLE - ENF/16/0086 - Unauthorised works to listed building; Bath House, Melton Constable Hall, Melton Park, Dereham Road, Melton Constable, NR24 2NQ

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

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

**BRISTON - PF/17/1681 - Erection of two semi-detached houses to include a detached single garage and new vehicular access.; Land rear of 157 &159 Fakenham Road, Briston, Melton Constable, NR24 2HQ for Mr K Lawrence
APPEAL DECISION:- APPEAL DISMISSED**

**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
APPEAL DECISION: APPEAL DISMISSED**

**HAPPISBURGH - PU/17/1003 - Notification of prior approval for a proposed change of use of agricultural building to pair of semi-detached dwellings; Hill Farm, Whimpwell Green, Happisburgh, NORWICH, NR12 0AJ for Mr Pugh
APPEAL DECISION:- APPEAL ALLOWED**

**HICKLING - PF/18/0251 - Erection of first floor extension; St Catherines, The Green, Hickling, Norwich, NR12 0XR for Mr & Mrs Scarborough
APPEAL DECISION:- APPEAL DISMISSED**

**MUNDESLEY - PF/17/1735 - Erection of first floor extension to create residential flat; Mundesley Post Office, 15 High Street, Mundesley, Norwich, NR11 8AE for Mr Thiruchelvam
APPEAL DECISION:- APPEAL DISMISSED**

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

APPEAL DECISION: DISMISSED & NOTICE UPHELD

OVERSTRAND - PF/17/0222 - Formation of children's play area and erection of play equipment to rear of public house; White Horse, 34 High Street, Overstrand, CROMER, NR27 0AB for Mr Walsgrove

APPEAL DECISION:- APPEAL ALLOWED

POTTER HEIGHAM - PF/17/1217 - Erection of detached single-storey dwelling; 17 St Nicholas Way, Potter Heigham, Great Yarmouth, NR29 5LG for Mr Laxon

APPEAL DECISION:- APPEAL ALLOWED

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

NORTH WALSHAM - PF/17/0902 - Conversion of stable/barn to create dwelling; Agricultural Building, Adjacent to Bells Cottage, Holgate Road, White Horse Common, North Walsham, NR28 9N for Mr F Knights

APPEAL DECISION:- APPEAL ALLOWED

COSTS TO BE DISCUSSED Awarded: £0.00 Against:

A summary of the above decision will be reported at the next meeting.

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

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 and 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 for Amstel Group Corporation Ltd

This Appeal has been withdrawn.

Geoff Lyon

From: Cathy Batchelar
Sent: 11 October 2018 16:09
To: Geoff Lyon
Subject: PF/18/1435 New leisure centre and demolition of existing, Splash, Sheringham

Geoff,

The site lies in a prominent location on the western edge of the settlement. The existing leisure building close to the busy A149 coastal tourist route marks the edge of the built form. The Norfolk Coast AONB boundary lies immediately to the north and 600m to the west. This is a nationally designated landscape, requiring that 'great weight' is given to the conservation and enhancement of its landscape and scenic beauty (para.172 of the latest NPPF). Proposals should not have any adverse effect on this protected landscape.

To the north and west of the site, land is designated as Undeveloped Coast under Local Plan Policy EN3. This designation is designed to minimise the wider impact of general development, additional transport and light pollution on the distinctive coastal area. Given the site's location adjacent to the AONB and on the edge of settlement, the issue of light pollution as a result of the proposals is a key consideration.

The principle of demolition of the existing leisure facility and replacement requires robust justification, given that it was the first completed building (1988) by renowned architect, Will Alsop who died in May 2018. The design merit is not acknowledged in the D&A Statement, only that it was opened by Princess Diana. Because the building is set back into the site, it is partially screened by the line of roadside trees and as a result it does not dominate the approach into Sheringham.

The submitted LVIA (Sep 2018, Richard Morrish Associates) underestimates both the landscape and visual impacts that would be incurred by the development. 'Slight' or neutral' landscape impacts (10.1) fail to analyse the impact of the altered location of the new building and its raised prominence within the local landscape. The LVIA underestimates the sensitivity of key receptors, particularly users of the Norfolk Coast Path and the North Norfolk railway and drivers using the busy tourist road, all of which qualify as having High sensitivity according to Table 4. Yet, in the analysis of Viewpoint 4 and 5 the sensitivity of these receptors is diminished to *medium/low* and *medium/high* resulting in a reduced impact rating.

The new building will be of a similar footprint and height as the existing facility to be demolished. However, placed at the front of the site directly alongside the road, it will be much more prominent and intrusive in the immediate landscape setting. This is compounded by the near wholesale loss of roadside trees (apart from T7 Scots pine and T6 Sycamore). The submitted Arboricultural Impact Assessment (AIA), A.T Coombes, April 2018 clarifies that 7 existing mature trees will need to be removed to facilitate the development, along with an 18m section of hedge. If the building cannot be set further into the site to retain the roadside trees, then much more substantial landscape mitigation will be required.

Soft Landscape Proposals

The AIA concludes in 9.4 that 'the proposed development will involve substantial loss of the existing tree cover', and the Landscape section concurs with this assessment. 2 trees are to be retained: T7 Scots pine is on raised ground and the drawings do not show how this will be accommodated within the proposed scheme. This tree is 8m from the new building. Clarification is required.

Replacement planting of 7 heavy standard trees is presented within the proposal as mitigation for this loss which is appropriate and the species and size as recommended within 6.5 of the AIA have been incorporated. However, the replacement tree planting is positioned within the site and does not compensate for the substantial loss of the wider amenity value of the northern boundary trees and hedge, alongside the main road. The loss of the roadside vegetation results in the wide west elevation of the new building jutting starkly into the open landscape setting of the town which, north of the A149 is within the AONB.

Improved landscape mitigation is required to soften the hard lines of this prominent element of the building at the gateway to the town. This should include tree planting (at least 5, suggest three *Quercus ilex*, (Holm oak) and two *Pinus nigra*) within the soft landscape area west of the vehicular access. Small trees should also be incorporated into the permeable paving surround immediately west of the building to break up the mass of the render. The proposed planting bed will be completely ineffective and the species are inappropriate. Three trees could be accommodated here. *Crataegus prunifolia Splendens* are suitably hardy small trees.

More trees (at least 5) are also required along the north elevation to replace those that are to be removed and to help accommodate the large new building into its transitional setting between settlement and countryside and to limit the light spill from the large extent of the glazing. Appropriate species that would tolerate the exposed coastal setting and are suitable in mature size would be Swedish Whitebeam (*Sorbus intermedia*).

A triangular area of grass is proposed adjacent to the cycle stands on the south elevation. With a hedge to the south of its boundary, the function of this relatively large space is not clear. There is potential for increased planting and seating.

Building Design and Hard Landscape

A 4.5m overhang is proposed on the north elevation which will cast shadow and mitigate the mass of the elevation, however this is not mirrored on the west elevation, where a 1m overhang is proposed. This should be increased to assist in breaking up the mass of this 32m wide large elevation. The mass of white render on the west elevation will not assist in assimilating the building into its more prominent location and the materials on this elevation need a fundamental review. The design detail has clearly been focused on the north and east elevations at the expense of this west elevation which is actually equally important and even more prominent.

With regard to the hard landscape proposals, clarity is required as to which colour and finish of Piora paving is specified.

Is there any seating specified outside the main entrance or is it just trees in paving? Some seating would be appropriate.

The Landscaping Proposal Plan does not align with the Surface Construction Plan with regard to the external arrangements on the north elevation. The Surface Construction Plan shows a minimal linear planting bed surrounded by permeable paving which is not acceptable. The Landscape Proposals Plan indicates a soft grass verge between the footpath and the road, and a wider soft landscape border to the building which is appropriate. Clarification is required.

Lighting

There are currently 8 lighting columns on the existing Splash site. The proposals present 26 lighting columns, as well as 'feature lighting' to the building fins. Given the sensitivity of the site location, on the edge of settlement, directly adjacent to the AONB and the Undeveloped Coast, this element of the scheme could potentially have an adverse effect on the defined special qualities of the AONB, in particular the

sense of remoteness, tranquillity and wildness of which dark night skies is a key element. Low level, directional bollard lighting is much less intrusive and will suffice for much of the required lighting levels, both in parking areas and to illuminate key pedestrian routes. The feature lighting is decorative and should be omitted. These comments are endorsed by the Norfolk Coast Partnership who manage the AONB.

Summary

To summarise, clarification is required regarding the following details:

1. Accommodation of existing raised ground levels around the base of T7 Scots Pine to be retained.
2. Provision of external seating within the scheme
3. Specification of Piora paving
4. Improved design of the space near the cycle stands on the south elevation
5. External hard and soft landscape detailing along the north elevation

Amendments are required as follows:

1. more effective and increased landscape mitigation planting
2. substantially reduced external lighting
3. extended overhang to the west elevation

These comments were largely put forward in response to the pre-planning enquiry and, having not been fully incorporated into the design now presented, are offered again in order to improve the design of the building and to provide more effective and acceptable mitigation to reduce the impacts of the replacement building in its more prominent location adjacent to the AONB and at this key gateway into the town and to achieve compliance with Local Plan policies EN1, EN2 and EN4.

I would advise that these issues need to be addressed prior to the issuing of any consent.

Once resolved, specific conditions can then be incorporated into a consent regarding detailed specifications for tree planting to include tree pits, tree grilles, soil mix, root barriers, irrigation systems, tree guying, tree guards and aftercare, as well as other landscape conditions.

Regards

Cathy

Cathy Batchelar

Landscape Officer (Design)



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| Application Number: PF/18/0251 | Appeal Reference: APP/Y2620/D/18/3206669 |
| Location: St Catherine's, The Green, Hickling, NR12 0XR | |
| Proposal: First floor extension | |
| Officer Recommendation: Refuse | Member decision (if applicable): N/a |
| Appeal Decision: DISMISSED | Costs: N/a |
| <p>Summary: The main issues the Inspector considered was:</p> <ul style="list-style-type: none"> The effect of the proposal on the character and appearance of the host dwelling and the area. <p>The Inspector noted the revised drawings but concluded that the roof form and cladding would fail to reflect the character of the existing house and the depth and bulk of the extended single storey building would compete with the scale of the host dwelling. The Inspector noted the miss-matched eaves details and a disposition of windows which, in his opinion, fails to respond to the design of the host dwelling. He also considered that the confusion of roof panes, when viewed in the wider street scene, would detract further from the existing simple character of the house and the scale of the additions would create further conflict in this regard.</p> <p>The Inspector considered the proposals to fail to accord with the aims of Policy EN4.</p> <p>The appellant had cited PD fall back positions, but had submitted no detail. The Inspector gave this point very little weight in his decision.</p> | |
| Relevant Core Strategy Policies: EN4 - Design | |
| Relevant NPPF Sections/Paragraphs: Part 12 | |
| Learning Points/Actions: N/a | |

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| Application Number: PF/17/1681 | Appeal Reference: APP/Y2620/W/18/3197010 |
| Location: Land rear of 157-159 Fakenham Road, Briston, NR24 2HQ | |
| Proposal: Erection of one pair of semi-detached houses and garages | |
| Officer Recommendation: Refuse | Member decision (if applicable): Refuse |
| Appeal Decision: DISMISSED | Costs: N/a |
| <p>Summary: The main issues the Inspector considered was:</p> <ul style="list-style-type: none"> The effect of the proposed development on the living conditions of neighbouring occupiers, in particular, 155 Fakenham Road, Briston and 1 and 3 Hillside. <p>The Inspector noted the position of the proposed dwellings on the site plan and considered that overlooking and loss of privacy to 157 and 159 Fakenham Road, Briston had been addressed. However, he noted that the remaining dwellings on Fakenham Road, Briston had longer gardens and that the first floor rear windows of the proposed dwellings would therefore overlook these rear gardens. He considered that that garden of 155 Fakenham Road, Briston would be most affected and he found there to be material harm to the living conditions of the occupiers of this dwelling. In addition, he also found harm to the living conditions of occupiers of 1 and 3 Hillside, for the same reasons.</p> <p>The Inspector considered the proposals to fail to accord with the aims of Policy EN4.</p> | |

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| Relevant Core Strategy Policies: EN 4 - Design |
| Relevant NPPF Sections/Paragraphs: N/a |
| Learning Points/Actions: N/a |

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| Application Number: PF/17/0470 | Appeal Reference: APP/Y2620/W/17/3190647 |
| Location: Sunnyside, Post Office Lane, Saxthorpe | |
| Proposal: Demolition of a dwelling, garage and outbuilding, and erection of a 2 semi-detached bungalows. | |
| Officer Recommendation: Refuse | Member decision (if applicable): N/a |
| Appeal Decision: DISMISSED | Costs: N/a |
| <p>Summary: The main issues the Inspector considered was:</p> <ul style="list-style-type: none"> The effect of the proposed development on highway safety with specific regard to visibility at the junction with Post Office Lane and The Street. <p>The Inspector noted that visibility onto Post Office Lane when exiting onto The Street is severely restricted by the location of a dwelling to the drivers' left. Therefore, any views of on-coming vehicles are completely obscured. The dwelling has the same effect for drivers on The Street when travelling towards the junction.</p> <p>Whilst the Inspector noted that the net addition of dwellings was only 1 he remained of the opinion that this would still represent an increase in the use of this junction which is substandard. He found the increase to be unacceptable since it would increase risk to highway safety. As such he found the proposals to be contrary to Policy CT 5.</p> | |
| Relevant Core Strategy Policies: CT5 – Transport impact of new development | |
| Relevant NPPF Sections/Paragraphs: N/a | |
| Learning Points/Actions: N/a | |

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| Application Number: PF/17/0222 | Appeal Reference: APP/Y2620/W/18/3194835 |
| Location: The White Horse Public House, 34 High Street, Overstrand | |
| Proposal: Variation to condition 3 of permission PF/17/0222 to allow for extended hours of use of the permitted play equipment | |
| Officer Recommendation: That the condition remain as per that requested by Members. | Member decision (if applicable): N/a |
| Appeal Decision: ALLOWED AND PERMISSION CONDITION AMENDED | Costs: N/a |
| <p>Summary: The condition on the original permission was as follows: <i>The play equipment hereby permitted shall not be used before 11:00am and after 18:30pm on any day including Sundays, Bank Holidays or Public Holidays.</i> <i>Reason:</i></p> | |

To protect nearby residents from noise in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

The Appellants sought to vary this condition so that the play equipment could be used other than before 10:30am on any day throughout the year, after 20:30 on any day during British Summer Time, and after 18:30 on all remaining days, including Sundays, Bank Holidays or Public Holidays.

The Inspector noted that, due to there having been previous equipment on site, he was not minded to reverse the decision to permit the new proposed play equipment. However, he noted that the proposed equipment was substantial and evidently sited closer to the boundaries with adjacent homes than that in place previously.

He considered that the play equipment would have an impact on the living conditions of neighbouring occupiers and that a condition restricting times of use was necessary. The Inspector noted the Appellant's proposed time of closing of 20:30pm but considered this to be too late and would allow noise from play activity to extend further into the evening when neighbouring occupiers would be justified in expecting relatively quiet times. He concluded the same for the proposed earlier opening time. The Council had suggested an extension to hours of use by 1 hour from the originally proposed condition (to 19:30).

The Inspector noted the representations from neighbour regarding the failure to comply with the specified time periods which have already occurred at the site. As such, he considered a second condition was required.

The Inspector deleted condition 3 and replaced it with 2 new conditions as follows:

- 1) *The play equipment hereby permitted shall not be used before 11:00 and after 19:30 on any day, including Sundays, Bank Holidays or Public Holidays.*
- 2) *The play equipment hereby permitted shall not be used until details of measures for managing its use, and cordoning off and signing its closure, have been submitted to and approved in writing by the local planning authority. These agreed measures shall thereafter be implemented for as long as the children's play area and play equipment are in place.*

Relevant Core Strategy Policies:

EN4 – Design
EN13 – Pollution and Hazard Minimisation

Relevant NPPF Sections/Paragraphs:

N/a

Learning Points/Actions:

N/a

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| Application Number: PF/17/1735 | Appeal Reference: APP/Y2620/W/18/3197082 |
| Location: Mundesley Post Office, 15 High Street, Mundesley, NR11 8AE | |
| Proposal: First floor extension to provide one two bedroom flat (dwelling). | |
| Officer Recommendation: Refuse | Member decision (if applicable): N/a |
| Appeal Decision: DISMISSED | Costs: N/a |
| Summary: The main issues the Inspector considered was: <ul style="list-style-type: none"> • The effect of the proposed development on the character and appearance of the locally listed building, including whether this would preserve or enhance the Mundesley Conservation Area; | |

- The impact on living conditions of the occupiers of the property immediately to the south, with particular regard to privacy.

Character and appearance of the locally listed building, and the Mundesley Conservation Area:

The Inspector noted that the Post Office retained its historic charm and had a traditional form, detailing and materials adding positively to the eclectic mix of historic buildings in this location in the Conservation Area. He considered that the proposed first floor extension, whilst set back, would remain visually prominent, over-powering the currently satisfactorily scaled and proportioned original building. Such an addition would detract from the positive contribution the building currently provides. In addition, the proposals was found to appear incongruous alongside the locally listed building, with insensitively designed dormer windows.

The Inspector found there to be less than substantial harm to the heritage assets of the locally listed building and wider Conservation Area. Where such harm is found there must be public benefits to outweigh that harm, with a presumption for preserving the character and appearance. The Inspector concluded that no evidence had been provided to show that the extension was needed to support the Post Office and in the absence of any other public benefits found the proposals to fail to comply with Policy EN8 and the NPPF.

Living conditions:

The Inspector did not consider there to be any arising issues of loss of privacy.

Relevant Core Strategy Policies:

EN4 – Design

EN8 – Protecting and Enhancing the Historic Environment

Relevant NPPF Sections/Paragraphs:

Section 16 – Conserving and Enhancing the Historic Environment

Learning Points/Actions:

N/a

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| Application Number: PU/17/1003 | Appeal Reference: APP/Y2620/W/18/3195699 |
| Location: Roadside Barn at Hill Farm, Whimpwell Street, Whimpwell Green, Happisburgh, NR12 0AJ | |
| Proposal: Prior Approval for a proposed change of use of agricultural building to a pair of semi-detached dwellings. | |
| Officer Recommendation: Refuse | Member decision (if applicable): N/a |
| Appeal Decision: ALLOWED | Costs: N/a |
| <p>Summary: The main issue the Inspector considered was:</p> <ul style="list-style-type: none"> • Whether the proposal would constitute permitted development and meet the conditions for prior approval as set out in the GPDO. The effect of the proposal on the character and appearance of the host dwelling and the area. <p>The Inspector considered that, Class Q of the GPDO permits the change of use sought together with the building operations reasonably necessary in the conversion, provided none of the Section Q.1 exceptions apply. The Council refers to Q.1 part (g) in its refusal, which in the amended GPDO has become part (h). He agreed that the inclusion of dormer windows would have resulted in the external dimensions extending beyond that of the existing building, whereby the proposal as originally submitted would not be permitted by Q.1 (h).</p> | |

However, he noted the amended plan, replacing the rear dormer windows with roof lights set flush with the roof slope, concluding that the proposed development would then only not be permitted if this involved building operations other than those specified under Q.1 (i). Such works included the installation of windows to an extent reasonably necessary for the building to function as a pair of semi-detached dwellings. Therefore replacing two dormer windows with two roof-lights and deleting a flue would mean the scheme fell within the terms of Q.1 (i), which would not restrict it from comprising Class Q permitted development. The Inspector considered that the works as proposed in the structural report were internal and were not unreasonably necessary.

As such, the Inspector decided that the works were permitted development. Having determined this, he then went on to consider whether prior approval of such works was necessary, taking into account highway matters. He considered that the residential use would not result in greater vehicle movements over those from the previous use (agricultural) and therefore determined that prior approval was not required. The Inspector set out his relevant conditions.

Relevant Core Strategy Policies:

N/a

Relevant NPPF Sections/Paragraphs:

N/a

Learning Points/Actions:

N/a

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| Application Number: PF/17/1217 | Appeal Reference: APP/Y2620/W/18/3196637 |
| Location: 17 St Nicholas Way, Potter Heigham, NR29 5LG | |
| Proposal: Construction of a dwelling in the garden | |
| Officer Recommendation: Refuse | Member decision (if applicable): N/a |
| Appeal Decision: ALLOWED | Costs: N/a |
| <p>Summary: The main issue the Inspector considered was:</p> <ul style="list-style-type: none"> • Whether this would be an appropriate location for a dwelling with regard to development plan policy and material planning considerations. <p>Taken verbatim from decision notice for Member's attention:</p> <p>The proposal is for a modest, two-bedroom bungalow within the side garden of No 17. The new dwelling would be surrounded on all sides by existing housing and located quite centrally within a compactly-developed part of this small village. The Council's decision is not based on the dwelling resulting in any harm to the character and appearance of the area or to the living conditions of neighbouring occupiers. Indeed, an earlier consent had been granted for a dwelling here in 2005, although this has since expired.</p> <p>The Council has subsequently adopted the 2011 Core Strategy (CS). CS Policy SS1 provides the spatial strategy for the District which directs most development to the towns and larger villages. Potter Heigham is not identified as a settlement for growth and in policy terms is deemed countryside. Here CS Policy SS2 restricts development to that requiring a rural location, which would not apply to this dwelling. This proposal would conflict with CS Policy SS2 which resists new market housing in the countryside to avoid this becoming dispersed and leading to dependency on travel by car to reach basic services.</p> | |

The revised Framework and the accompanying Planning Practice Guidance (PPG) are material considerations. CS policies SS1 and SS2 are generally consistent with the aims in paragraph 103 of the Framework to actively manage patterns of growth to promote walking, cycling and public transport and for significant development be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, I must also give weight to the PPG advice that all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

Material considerations are that the dwelling proposed would be within a quite large residential area, and future occupiers within walking distance of a range of services including a bus stop, school, playing field, church, village hall, post office and public house. Therefore, this proposal would not comprise the development of an isolated home in the countryside that paragraph 79 of the Framework seeks planning decisions avoid.

It is acknowledged that the proposal relates to a site that is not physically isolated, given that there are dwellings in the immediate vicinity and a basic level of village services and facilities. Nevertheless, the Council considers the dwelling would be functionally isolated in respect of the longer journeys required to access higher-level services, such as schools and surgeries. However, Framework paragraph 103 goes on to recognise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and I have taken this into account.

Moreover, paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It continues by affirming that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services and that where there are groups of smaller settlements, development in one village may support services in a village nearby. The proposal would gain the support of Framework policy in this regard.

Given that the dwelling proposed would be within a residential area, with some village services nearby, greater weight is given to the Framework's less unequivocal policy over development within the countryside, compared to that of the CS. The recent appeal decision¹ submitted by the Council regarding three dwellings in Ridlington is not an entirely comparable case as this related to a site on the edge of a small settlement in less developed surroundings.

The Council's development plan is up-to-date in respect of demonstrating more than a five year supply of deliverable housing sites. However, this would not diminish the weight given to the aim of the Framework over significantly boosting the supply of homes. Notwithstanding the conflict found with development plan policy, the proposal would be within the built up part of a compact settlement where there would be reasonable access to a range of services. Giving due weight to Framework policy for rural housing and the circumstances of this proposal, I conclude the site would comprise an appropriate location for a dwelling where material circumstances would indicate approval is justified.

Relevant Core Strategy Policies:

SS1 – Spatial Strategy

SS2 – Development in the Countryside

Relevant NPPF Sections/Paragraphs:

Section 9 – Promoting Sustainable Transport

Section 5 – Delivering a sufficient supply of homes

Learning Points/Actions:

Consideration is being given over whether to challenge this decision given its implications for policies SS1 and SS2 and its conflict with a recent appeal decision at Greens Road, North Walsham.

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| Enforcement Reference: ENF/14/0130 | Appeal Reference: APP/Y2620/C/17/3182741 |
| Location: 8 Debenne Road, North Walsham | |
| Notice: Without planning permission: | |
| <ul style="list-style-type: none"> i) Change of use of land to extend the residential garden ii) The erection and retention of a fence enclosing the land | |
| Required to: | |
| <ul style="list-style-type: none"> i) Cease the use ii) Take down the fence | |
| Period for compliance: 3 months | |
| Appeal made on basis of ground (d) – That by the time the notice was served it was too late to take enforcement action. | |
| Officer Recommendation: Enforce | Member decision (if applicable): N/a |
| Appeal Decision: DISMISSED & NOTICE UPHELD | Costs: N/a |
| Summary: | |
| <p>In respect of the Ground (d) appeal the Inspector noted that the relevant time periods the appellant had to demonstrate the fence had been built and the use occurred were 4 and 10 years respectively.</p> <p>Whilst the Appellant had stated the fence was erected in March 2013 no evidence was submitted to corroborate this. The Council submitted aerial photographs to demonstrate the fence was present in 2014 and that the use of the land had no occurred at the time.</p> <p>The Inspector found that on the balance of probability, it was not too late to taken enforcement action and that the appeal should be dismissed and the notice upheld. The Appellant has 3 months from the date of the decision to comply with the requirements of the notice.</p> | |
| Relevant Core Strategy Policies: | |
| N/a. | |
| Relevant NPPF Sections/Paragraphs: | |
| N/a | |
| Learning Points/Actions: | |
| N/a | |

Sources:

Sarah Ashurst – Development Management Manager