

**CROMER – PF/24/0201 – Erection of single-storey dwelling with detached bike/bin store, The Glass House, Fulcher Avenue, Cromer, NR27 9SG**

**Minor Development**

**Target Date: 21 March 2024**

**Extension of Time: 27 September 2024**

**Case Officer: Mark Brands**

**Full Planning Permission**

**CONSTRAINTS:**

Within Cromer Settlement Boundary  
Cromer Conservation Area - (Extension)  
Contaminated Land  
Landscape Character Assessment - Coastal Shelf  
Mineral Safeguarding Area  
EA Risk Surface Water Flooding  
GIRAMS Zones of Influence (various)

**RELEVANT PLANNING HISTORY:**

Reference	PF/23/0174
Description	Erection of single-storey dwelling with detached bike/bin store
Outcome	Application Withdrawn
Reference	DE21/16/0870
Description	Erection of 2 dwellings
Outcome	Advice Given
Reference	PO/04/0590
Description	Change of use of land to garden and erection of boundary fence/wall
Outcome	Approved 04.06.2004
Reference	PF/01/0176
Description	Erection of two-storey dwelling and car port
Outcome	Approved 13.12.2001
Reference	PF/99/1512
Description	Erection of bungalow and garage
Outcome	Approved 06.04.2000

**THE APPLICATION**

Full planning permission is sought for the erection of 1 no. single storey 2 bed dwelling with detached bike/ bin store

Further details received during the course of the application

Revised Arboricultural Impact Assessments (Target Trees, dated 14 May 2024).

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

This application has been referred to the Development Committee as requested by the local member given the level of public interest, and their view that it is a windfall development in a sustainable area for development'

## **CONSULTATIONS:**

### **Cromer Town Council - Support**

*net gain of hedge planting and efficient use of land reducing pressure on housing demand.*

### **Environmental Health – No objections subject to condition (contamination)**

### **Conservation and Design (NNDC) – Comments**

Proposal raises no particular concerns from a design and built environment point of view. Equally, however, the natural constraints on the site do, on the face of it at least, appear to make it ill-suited to supporting a new dwelling. Hence, any harm caused to these natural interests are in turn likely to have negative implications for the designated heritage asset. The precise extent of this harm is probably better determined by Landscape. However, assuming actual harm is identified, the public benefits accruing from the proposals would need to outweigh the harm for the scheme to be considered compliant under para 208 of the NPPF.

### **Landscape (NNDC) – Objection**

Significant concerns about squeezing this dwelling in a very constrained site. The trees are in very close proximity to the proposals - nearest within 1-2m. The trees are an important part of the setting and character of this area of Cromer and are prominent in Fulcher Avenue. The design of the proposal is not sympathetic to these maturing trees and will lead to requests for removal or ongoing requests to manage the trees. The proposals risk diminishing the trees' amenity value, and therefore is contrary to policy EN2 and cannot be supported.

### **County Council Highways (Cromer) – No objection subject to conditions**

### **Network Rail (Eastern Region - Anglia) – Comments**

## **REPRESENTATIONS:**

31 public representations received in support of the proposals, main points summarised below (full public comments can be found on the public site).

- Innovative sustainable eco build
- Inkeeping with the local character of the area and the Glass House
- Appropriate scale, design and materials sympathetic to the surroundings
- Appropriate landscaping
- Appropriate amenity and no detriment to neighbouring amenity
- Enhancement of landscaping, biodiversity and ecology
- Retains much of the hedging and trees on the site
- Positive design and use of sedum roof
- Property would readily integrate with the surroundings

- Positive contribution towards local housing supply
- Sustainable location, close proximity to town centre
- Revised scheme enhanced design and tree survey
- Positive design when viewed from the railway
- Positive sustainability credentials
- Appropriate waste storage

### **HUMAN RIGHTS IMPLICATIONS**

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.

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

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

### **CRIME AND DISORDER ACT 1998 - SECTION 17**

The application raises no significant crime and disorder issues.

### **LOCAL FINANCE CONSIDERATIONS**

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

### **RELEVANT POLICIES:**

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

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 3: Housing

Policy SS 7: Cromer

Policy EN 2: Protection and Enhancement of Landscape and Settlement Character

Policy EN 4: Design

Policy EN 8: Protecting and Enhancing the Historic Environment

Policy EN 9: Biodiversity and Geology

Policy CT5: The Transport Impact of New Development

Policy CT6: Parking Provision

#### Material Considerations

#### **Supplementary Planning Documents and Guidance:**

Design Guide Supplementary Planning Document (December 2008)

#### **National Planning Policy Framework (December 2023):**

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 12: Achieving well-designed and beautiful places

Chapter 15: Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

## **OFFICER ASSESSMENT**

### **MAIN ISSUES FOR CONSIDERATION**

- 1. Principle of Development**
- 2. Design**
- 3. Landscape and amenity**
- 4. Conservation Area**
- 5. Highways and parking**
- 6. Environmental**
- 7. Recreational Impacts (GIRAMS)**
- 8. Planning Balance and Conclusion**

#### **1. Principle of development**

The site is located within the settlement boundary for Cromer, in a residential area, north of the railway line (Cromer to Norwich / Sheringham), which lies adjacent to the south, with the station and main town centre located to the east.

Within the settlement boundary the principle of new residential development is considered to be acceptable in relation to Development Plan Policies, SS 1, SS 3 and SS 7 of the adopted Core Strategy and Section 2 of the NPPF. Therefore, subject to compliance with other Core Strategy policies, a development comprising housing is considered acceptable in principle.

#### **2. Design**

Fulcher Avenue has a varied streetscene, with late 20<sup>th</sup> C standardised housing on the north side, 3-storey terrace opposite and 2 storey terracing and detached properties to the west going up the hill. The south side has a modern dwelling, built 20 years ago, The Glasshouse, which is a detached two storey distinct dwelling, contemporary in form with different use of materials, fenestration, profile. To the east of this is the Morrisons supermarket. The site rises along the road to the west and drops significantly towards the railway to the south, with significant mature trees present on the site making a positive contribution to the streetscene, as does the hedging from the otherwise built-up form.

A previous application for a similar designed property was withdrawn. Revisions have been made through reducing the size and increasing the garden space, through inclusion of rooflights to provide better internal lighting levels, and provided more details and supporting documentation to address concerns previously raised.

The design proposal involves an angular, contemporary property which would run parallel to the railway line, and as such is not dissimilar to the Glasshouse which has added interest to what would otherwise be an undistinguished area architecturally. The materials would comprise reclaimed Norfolk red brick, larch timber cladding on the side and rear and feature a green roof.

From the streetscene, the dwelling is designed to be relatively discrete and low scale with a simple brickwork frontage and entrance door, merging into the hedging enabling views to the

trees to be retained. The other elevations would be more contemporary in form, with the use of vertical cladding, and extent of glazing. The site is on an embankment, which would preclude use of the southern part as usable amenity space, this is recognised with the main garden being located to the west of the dwelling. There would be paving and a smaller garden area to the east, along with the bin store and parking area for 2 vehicles.

The design aspects are considered acceptable. Local Policy EN 4 supports development where these are designed to a high quality, reinforcing local distinctiveness, with innovative designs particularly encourage, having regards to their surroundings and contexts. The proposals are considered to comply with the local design policy.

The proposed development has been informed by the context of the site, and the character of the streetscene, and is considered to be appropriate in terms of scale, design, use of materials. Officers consider the proposal would comfortably sit within the streetscene, with more contemporary / innovative design to the rear, aiming to retain the natural characteristics of the site, and integrate within the site specific constraints. Fenestration and rooflights have been designed to maximise lighting to the interior. The garden area is limited, but given the location and constraints of the site, the size is considered, on balance, to be acceptable, with sufficient lighting for the internal rooms. Given the distance to neighbouring properties and intervening features, Officers consider the proposal would not adversely impact neighbouring amenity.

However, it also has to be recognised that the amenity afforded to future occupants would be compromised given the proximity of the mature trees and canopy cover as set out in the next section, and these issues weigh against the grant of planning permission.

### **3. Landscape and amenity**

Officers consider that there would be an impact from the proposed dwelling on the nocturnal character of the site. The large extent of glazing adjacent to the railway embankment would have a negative impact, through light spill from the new dwelling, upon nocturnal wildlife (bats), which may forage/commute along the existing treeline and railway corridor.

The Preliminary Ecological Assessment (PEA) submitted by the applicant notes no initial evidence of protected species being found on the site, and suggest the site being of low ecological value with no priority habitat and no significant ecological constraints. The report indicates low roosting potential to bats and low to moderate commuting and foraging potential, with sufficient mitigation and enhancement measures set out in the report.

The proposals would result in the loss of a section of hedgerow (12m) to accommodate the dwelling, it is noted compensatory planting is proposed including native hedgerows covering 57m and additionally 7 x *Quercus robur*, 3 x *Malus sylvestris*, 2 x *Prunus avium*. However, Officers consider that the likelihood of the new planting being successful would be low, given this would be close to or beneath the existing trees. The proposals seek to retain the majority of the landscape features on the site (including the 15 Category C trees).

The amended arboricultural report has overcome a number of direct concerns relating the proposed development on the trees, including reducing the pruning works for branches to be pruned if branches are closer than 2m from the main roofline and within 3m of the buildings eastern wall. Further details and clarification on the micro piling have also been provided, demonstrating the proposed dwelling could be erected on the site without direct impact to the trees and root areas.

It is noted the trees are within the Conservation Area, whereby the council would have some oversight, based on the need to apply for works to trees within this designation. However, there would remain indirect ongoing pressure on these trees. Given the extent of canopy over the site, there would be significant pressure to inappropriately manage and fell the trees. The trees are of stature towering above where the proposed dwelling would be sited, resulting in an oppressive and overbearing impact on future residents. The close proximity of the bungalow to the trees would also give rise to a heightened sense of apprehension that the trees could damage the property. Such pressures are acknowledged by BS 5837:2012. Future occupants would additionally have the added burden of having to undertake regular and essential tree management.

Shading details have been provided, to demonstrate there would be adequate lighting internally, aided with the addition of roof lights to improve lighting levels under the canopy from the previously withdrawn application. However other undesirable impacts from leaf litter, branch shedding and other deposits would fall on the house and garden areas. The local design guide sets out that private garden areas should be of adequate size and shape to serve their intended purpose and have an aspect which is substantially free from shading from trees and building during the year. As a result, Officers consider that the living conditions of future occupants would be compromised.

Consequently, this would likely place the Council under sustained pressure to permit undesirable works to the trees, which would additionally be detrimental to the character of the Conservation Area where these trees currently make a positive contribution to this designated area. While it is noted the revised Arboricultural Implication Assessment (AIA) has gone some way to addressing the direct impacts of the proposed dwelling, this would not overcome the indirect impacts associated with the proposals, and potentially have detrimental impacts to the streetscene, character of the area and degree of harm to the Conservation Area. The trees are an important part of the setting and character of this area of Cromer and are prominent in Fulcher Avenue. The design of the proposal is not sympathetic to these maturing trees and will result in future requests for inappropriate works that will diminish their amenity value.

The proposal is therefore considered contrary to the aims of Core Strategy policy EN2 and the amenity aspects of policy EN 4 and the Design Guide, with compromised amenity for future occupants.

#### **4. Conservation Area**

The site is located within the Cromer Conservation Area (within the 1993 extension), it is noted this area has been suggested to be excluded in future amendments with no strong arguments for this area's retention. Notwithstanding these notes within the Appraisal the site is within this designation and doesn't diminish the application of Policy EN 8 and provisions within the National Planning Policy Framework (NPPF).

No particular concerns have been raised regarding the design from the Design and Conservation Officer, noting the context of the site, complimentary to Glasshouse in a contemporary form. Concerns have been raised regarding the impact to the natural environment with the loss of hedgerow and potential pressures to the trees, partly caveating the response from the landscape section, and noting where harm is identified, the public benefits accruing from the proposals would need to outweigh the harm for the scheme to be considered compliant under para 208 of the NPPF.

In this case the landscape section have identified harm, which would also impact the Conservation Area, regarding pressure to fell the trees given the amenity pressures of the site with the extent of canopy. Local policy EN 8 and provisions within the NPPF set out that development proposals are required to preserve or enhance the character and appearance of designated assets

It is recognised there is a shortfall in the housing supply, as such the addition of a dwelling in a sustainable location would be of some public benefit to address this shortfall. It is also noted the importance of this area to the contribution of the wider Conservation Area is more limited and acknowledged within the Conservation Area Appraisal. However, the public benefits are not considered to outweigh the less than substantial harm to the Conservation Area that would result from compromising this green verdant buffer that the site provides to this part of the Conservation Area. The proposals are also considered contrary to policy EN 8 and paragraph 208 of the NPPF, in association with the concerns raised by the landscape section.

## **5. Highways**

Policy CT 5 requires development to provide safe and convenient access for all modes of transport, including access to the highway network. Policy CT 6 requires new development to have sufficient parking facilities. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. See excerpts from the highway officer comments below

The highway authority have raised no objections to the proposals, the new access is not considered detrimental to highway safety, and there is sufficient parking commensurate to the scale of development proposed. The proposals would accord with local policies CT 5 and CT 6.

## **6. Environmental Issues**

The site is located adjacent to the railway and, regarding the noise impact from this feature, the Environmental Protection team is satisfied with the details provided in the design and access statement, noting this is expected to result in minimal disturbances based on the limited number of trains and low speeds. Additionally, reference has been made to the acoustic details provided in association with the approval for the Glass House, which concluded that no sophisticated mitigation was required. The expected noise impact on the proposed dwelling would be similar for that of the adjacent dwelling, and there have been no noise complaints reported to the council, as such the Local Planning Authority is satisfied noise would not adversely affect occupants of the dwelling.

A phase 1 desk survey has been undertaken into potential land contamination. There is potential for contaminated soils within the garden and soft landscaped areas, an intrusive investigation would be required to test the soils in order to better quantify the level of risk and identify any appropriate remediation measures as required. It is not expected that the contamination risk or remediation could not be overcome, with details to be secured via condition, as such subject to this condition, would comply with policy EN 13.

## **7. Recreational Impacts (GIRAMS)**

The Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) is a strategy agreed between the Norfolk planning authorities and Natural England. The Strategy enables growth in the District by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. It would result in the significant features of the sites being degraded or lost, and these internationally important areas losing significant important areas for birds, plants and wildlife generally and, therefore, their designations. All net new residential and tourism development are required to mitigate the effects of the development.

This Strategy recommends a tariff approach to ensure funds are collected and pulled together to deliver the Recreational Impact Avoidance and Mitigation (RAMS) package proposed. This reflects the entirety of Norfolk including all partner Local Planning Authorities and would see a common tariff amount for all net new dwellings in the county (£221.17) alongside a 6:1 ratio for tourism development. This has been calculated from the RAMS mitigation package to cover the lifetime of the Local Plans.

The proposed development would create one net new dwelling, a Contribution of £221.17 is therefore required. Payment was received on the previous application, and an updated S111 form and top up payment shall be provided. The Local Planning Authority as the 'competent authority' has completed an Appropriate Assessment and concluded that subject to securing the GIRAMS financial contribution, the planning application would not have an adverse effect on the integrity of the European Sites identified above from recreational disturbance, when considered alone and 'in combination' with other development. Consultation with Natural England is not considered to be necessary as the proposed development would be subject to the GIRAMS payment to offset potential impacts of an increase in recreational disturbance to nearby Habitat Sites.

Subject to the payment of the GIRAMS, the scheme would comply with Policy EN 9 of the adopted Core Strategy and Chapter 15 of the NPPF.

## **8. Planning Balance and Conclusion**

The proposal seeks the erection of a single dwelling within the Principal Settlement of Cromer, which is amongst the most sustainable settlements in the district to accommodate new development.

The Local Authority cannot currently demonstrate either a 5-year or 4-year housing land supply, which is a material planning consideration in the determination of the application. The titled balance under NPPF paragraph 11 d) is therefore engaged which sets out that:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.



The addition of a new dwelling would make a positive contribution towards addressing the housing shortfall and support the local economy both during the construction phase and supporting local services and facilities.

The proposed scheme is considered acceptable from a design perspective, however the amenity standards afforded to the future occupants would be compromised and the proposals would result in significant ongoing pressure to inappropriately manage and potentially remove the trees, to the detriment of the local landscape and Conservation Area.

The adverse impacts would therefore significantly and demonstrably outweigh the benefits and the proposal is therefore considered contrary to local policy considerations EN 2, EN 4 (amenity), EN 8 and provisions within the NPPF including paragraph 208.

## **RECOMMENDATION:**

### **REFUSAL FOR THE FOLLOWING REASONS:**

1. The residential development of the site would create actual and perceived conflicts between the safety and amenity of future occupiers and the close proximity of trees. This situation would increase the likely pressure for inappropriate management and removal of trees which would be more difficult to resist with residential occupancy of the site. The proposed development would therefore harm the character and appearance of the site to the detriment of the local landscape and Conservation Area. Contrary to Policies EN 2, EN 4, EN 8 of the adopted North Norfolk Core Strategy.

Although a 5-year supply of housing land cannot currently be demonstrated to exist within North Norfolk, in the context of paragraph 11 of the National Planning Policy Framework, the environmental and Conservation harm identified above is sufficiently significant to outweigh the limited social and economic benefits of the development.