

BRISTON – PF/24/1030 - Erection of 9 dwellings with garages (4 no. two-storey detached dwellings, 3 no. 1 ½ storey detached dwellings and 2 no. semi-detached bungalows); associated access road and driveways; detached and attached garages at Land To The Rear Of, Holly House, The Lane, Briston

Minor Development

Target Date: 13.08.24

Extension of Time: 14.02.25

Case Officer: Russell Stock

Full Planning Permission

RELEVANT SITE CONSTRAINTS

The site lies within a countryside location in policy terms

The site forms part of the BRI24 housing allocation

The site lies within the River Bure Nutrient Neutrality catchment area

The site lies within various GIRAMS zones of influence

RELEVANT PLANNING HISTORY

PF/19/1648

Erection of 9 dwellings with garages (3 no. two-storey detached dwellings, 2 no. two-storey semi-detached dwellings and 4 no. semi-detached chalet bungalows); associated access road and driveways (Revised plans/details relating to changes to site layout, design, elevation and floor plan changes and substitution of detached garaging with attached garaging).

Approved 20.07.2021

PF/15/1746

Erection of 12 shared ownership dwellings and garages

Approved 06.04.2017

PF/15/0352

Erection of twelve shared ownership dwellings with garages

Refused 09.07.2015

THE APPLICATION

Site Description:

The site is located to the north of Orchard Close and Baldwins Close within the village of Briston. Bounded by hedging and trees, the site itself is largely void of significant features. Dwellings surround the site, except to the north, which is an agricultural field. Large metal gates are located at the end of Bure Road, Orchard Close.

Proposal:

The application seeks full planning permission for the erection of nine dwellings, access, landscaping and associated infrastructure. During the course of the application, the applicant clarified that all nine dwellings would be for market sale, and thus no affordable dwellings have been proposed.

Amended plans have been received during the course of the application which have sought to address concerns raised. This includes alterations to dwelling types, road alignments and materials.

REASONS FOR REFERRAL TO COMMITTEE

The application has been referred to committee at the request of Cllr Andrew Fletcher for the following reasons:

“Parish Council:

Concerns about the access through Orchard Close as Briston Parish Council considers that this road is not suitable to carry any more traffic.

Concerns that here is no designated parking area on the site not only for construction workers while development is in progress but also once it is built for visitors, deliveries, etc.

Concerns about noise and nuisance once the development is being built. Would request that that working hours are stipulated from 8am until 5pm for five days only per week (not Saturday or Sunday) Concerns as to whether the infrastructure can cope with 11 more dwellings, not only water and sewerage but also the Astley School which is understood to be at capacity and the doctor’s surgery.

Public:

Proximity of development to existing buildings, especially bungalow at top right of Bure Road Anxiety about existing bungalows on Orchard Close being overlooked by the larger houses in the new development.

Environmental compensation to secure BNG for the site (1) being elsewhere. (2) Not having been specifically designated but merely “promised”.”

HUMAN RIGHTS IMPLICATIONS

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

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

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

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application.

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

CONSULTATIONS

Parish Council: Objection

North Norfolk District Council Strategic Housing: Comments provided

North Norfolk District Council Landscape: Initial – Further information required. **Final – No objection** subject to nutrient credit certificates being provided

Norfolk County Council Highways: Initial – amendments required. **Final – No response received**

Norfolk County Council Historic Environment Officer: Initial – Conditions requested. **Final – No objection** conditions not required

REPRESENTATIONS

Six received with **objections** on the following summarised grounds:

- Loss of mature hedgerow and trees;
- Development would harm sites wildlife and ecological value;
- New trees and hedges should be required as part of any approval;
- Contractor vehicle should be contained within the site and should not park on Orchard Close;
- Long working hours and construction activities would harm residents amenity;
- The development would result in a loss of privacy for existing residents due to overlooking impacts;
- The development should be bungalows, rather than two storey dwellings;
- The additional traffic generated by the development would create hazards on surrounding roads, including to children who may be walking to school;
- Nearby roads can be dangerous during adverse winter conditions;
- Alternative access to the site should be used;
- The local schools do not have capacity to take additional children, which this development would result in;
- The local doctors surgery doesn't have sufficient capacity for existing residents;
- There are existing sewerage problems in Briston;
- Concerns that this development would lead to further development within Briston.

RELEVANT PLANNING POLICIES

North Norfolk Local Development Framework Core Strategy (September 2008):

Policy SS 1: Spatial Strategy for North Norfolk
Policy SS 2: Development in the Countryside
Policy SS 4: Environment
Policy SS 6: Access and Infrastructure
Policy HO 1: Dwelling Mix and Type
Policy HO 2: Provision of Affordable Housing
Policy HO 7: Making the Most Efficient Use of Land (Housing Density)
Policy EN 2: Protection and Enhancement of Landscape and Settlement Character
Policy EN 4: Design
Policy EN 6: Sustainable Construction and Energy Efficiency
Policy EN 8: Protecting and Enhancing the Historic Environment
Policy EN 9: Biodiversity & Geology
Policy EN 10: Development and Flood Risk
Policy EN 13: Pollution and Hazard Prevention and Minimisation
Policy CT 2: Developer Contributions
Policy CT 5: The Transport Impact of New Development
Policy CT 6: Parking Provision

Site Allocations Development Plan Document (February 2011)

Policy BRI24: Land at Rear of Holly House

Material Considerations:

Supplementary Planning Documents and Guidance:

Design Guide Supplementary Planning Document (December 2008)
North Norfolk Landscape Character Assessment (January 2021)
North Norfolk Landscape Sensitivity Assessment (January 2021)

National Planning Policy Framework (December 2024):

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 5: Delivering a sufficient supply of homes
Chapter 6: Building a strong, competitive economy
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

Other material documents/guidance:

Emerging North Norfolk Local Plan

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)
Natural England's letter to local authorities relating to development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites (March 2022)
Technical housing standards – nationally described space standard (March 2015)
National Design Guide (2019)

OFFICER ASSESSMENT

Main Issues for consideration:

- 1. Housing Land Supply**
- 2. Principle of development**
- 3. Impact on character of the area and design**
- 4. Housing Mix and accessible and adaptable homes**
- 5. Residential amenities**
- 6. Heritage impacts**
- 7. Ecology impacts**
- 8. Arboricultural impacts**
- 9. Highways**
- 10. Flooding risk and drainage**
- 11. Energy Efficiency**
- 12. Community Infrastructure Requirements**

1. Housing Land Supply

The National Planning Policy Framework (NPPF) requires Local Planning Authorities to identify a supply of specific deliverable sites to provide a minimum of five-years' worth of housing. At the current time, North Norfolk District Council is unable to demonstrate deliverable sites sufficient to provide a minimum of five years' worth of housing.

Planning applications will therefore be considered in line with paragraph 11(d) of the NPPF which states that:

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

- i the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”.

Further consideration of this will be provided within the Planning Balance section of this report below.

2. Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case the Development Plan for the area consists of the North Norfolk Local Development Framework Core Strategy (2008) (Core Strategy), the Site Allocations Development Plan Document which was adopted in February 2011, and the Minerals and Waste Development Framework - Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026. At a national level, the NPPF constitutes guidance which the Local Planning Authority must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but is a material consideration in any subsequent determination.

The emerging North Norfolk Local Plan has been subject to examination and the Local Planning Authority (LPA) are working on addressing the matters arising from the Inspector's initial feedback letter. At the current time, only limited weight can be afforded to the policies of the emerging plan, but it remains a material consideration for the determination of this application.

The spatial strategy for North Norfolk is set out within Core Strategy Policy SS 1. This states that the majority of new development within the district will take place in the towns and larger villages dependent on their local housing needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints. The policy lists principle and secondary settlements as well as service and coast service villages. The rest of North Norfolk is designated as 'Countryside' and development will be restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy. Policy SS 2 sets out the detailed criteria for development within the Countryside.

This site forms part of the BRI24 residential allocation as set out within the Site Allocations Development Plan Document. Policy BRI24 sets out the following:

"Land amounting to 0.5 hectares is allocated for residential development of approximately 10 dwellings. Development will be subject to compliance with adopted Core Strategy policies including on-site provision of the required proportion of affordable housing (currently 50%) and contributions towards infrastructure, services and other community needs as required and:

a. prior approval of a scheme of mitigation to minimise potential impacts on the North Norfolk Coast SAC / SPA arising as a result of increased visitor pressure, and on-going monitoring of such measures."

This proposal seeks permission for nine dwellings, covering the majority of the BRI24 allocation site. The remaining and significantly smaller portion of the BRI24 allocation is located to the west of this application, and currently encompasses the rear garden of Holly

House. The proposed quantum of development is considered to broadly align with the policy's expectations.

As an allocated site within the Development Plan, the principle of the residential development at this site has already been found to be acceptable, supporting the district's delivery of housing in a sustainable and planned manner. Two previous planning applications for residential development at this site have been approved since 2017, the latest being granted permission in 2021, similarly for nine dwellings and in the context of the current Development Plan. With the development being found to be acceptable in principle, detailed consideration to the requirements of Policy BRI24 and the other relevant Development Plan policies are set out within the sections below.

3. Impact on character of the area and design

Policy EN 2 states that proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies. Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance, the special qualities and local distinctiveness of the area, gaps between settlements, distinctive settlement character, landscape features, visually sensitive areas, nocturnal character, the setting of, and views from, Conservation Areas, Historic Parks and Gardens and the defined Setting of Sheringham Park.

Policy EN 4 states that all development will be of a high-quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. Proposals will be expected to have regard to the North Norfolk Design Guide, incorporate sustainable construction principles, make efficient use of land, be suitably designed within their context, retain important landscape and natural features and incorporate landscape enhancements, ensure appropriate scales, make clear distinctions between public and private spaces, create safe places, are accessible to all, incorporate footpaths and green links, ensure that parking is discreet and accessible and where possible, contain a mix of uses, buildings and landscaping.

As an allocated site for residential development, it has already been established that the site can suitably accommodate approximately 10 dwellings. This proposal seeks to maintain and bolster the site's existing hedged boundaries where possible. This includes the planting of 15 trees along the site's northern boundary along with hedging infill along the northern and southern boundaries. Wider views into the site would be limited and would be in the context of the surrounding residential development. Conditions are required to secure the landscaping proposals.

The internal layout has been derived from the requirement to provide vehicular access both into the site, and then along its linear shape. The proposed 22 dwellings per hectare (DPH) density, whilst below the 30 DPH aim contained within Policy HO 7, is in line with the allocation's expectation and is appropriate for the sites village edge context. It also reflects what has been approved previously. The arrangement of dwellings, backing onto the development to the south is considered appropriate. The mix of single and two storey dwellings is apt in the context where there is a variety of dwellings. The location of the single and storey and a half dwellings to the east of entrance, provides for a suitable relationship

with the bungalows within Baldwins Close. Boundary treatment details are to be secured by condition.

The design of each property, following amendments during the course of the application, is considered acceptable with their form, detailing and materials positively responding to the local context. Details of final external materials are to be secured by condition.

Subject to conditions securing the above matters, the development would have an acceptable impact upon the character and appearance of the area and would accord with the requirements of Policies EN 2 and EN 4 in this respect.

4. Housing Mix and accessible and adaptable homes

Policy HO 1 states that unless demonstrated that a proposal will address a specific identified local need for sheltered/supported accommodation, all new housing developments of five or more dwellings shall comprise of at least 40% with not more than 70sqm internal floor space and incorporate two bedrooms or fewer, and at least 20% of dwellings shall be suitable or easily adaptable for occupation by the elderly, infirm or disabled.

The supporting text for this policy highlights that through the Strategic Housing Market Assessment (SHMA), there is an identified preponderance of larger, detached dwellings in the existing housing stock. One of the aims of this policy is to help address the imbalance and support the provision of smaller homes.

The proposal comprises of two 2-bedroomed dwellings and seven 3-bedroomed dwellings. The 2-bedroomed dwellings would have a floor area of 70sqm, whilst the 3-bedroomed dwellings would have either 114sqm or 145sqm floor areas. In this respect, the proposals would not comply with the requirements of HO 1 with only 22% of the dwellings meeting the bedroom/floorspace requirements.

The applicant has confirmed that each of the nine dwellings has been designed to meet the M4(2) Building Regulation standard. This provision exceeds the requirement for 20% of the dwellings to be suitable or easily adaptable for occupation by the elderly, infirm or disabled. A condition is required to secure this provision.

The proposal therefore fails to comply with HO 1 in full, given the lack of smaller 2-bedroomed properties (22% falling below the required 40%). The conflict with this policy will be weighed within the overall planning balance section below. The proposals would however comply with the policy requirements relating to accessible and adaptable dwellings.

5. Residential amenity

Future occupiers

Policy EN 4 of the Core Strategy states that new dwellings should provide acceptable residential amenity. Paragraph 135 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

Paragraph 3.3.9 of the North Norfolk Design Guide states that dwellings should include refuse disposal and recycling storage facilities, drying areas and access to outdoor amenity space. Internally, dwellings should have not less than 20 square metres of habitable floor area. Paragraph 3.3.10 states that private garden areas should be of adequate size and shape to serve their intended purpose. They should be substantially free from shading and are recommended to be of an area equal or greater than the footprint of the dwelling they serve.

When considering the amenities of the future occupiers of the proposed development, regard to the '*Technical housing standards – nationally described space standard*' has been given. Furthermore, regard has been given to the guidance set out within the Government's National Model Design Code in relation to these matters.

Each of the proposed dwellings would be provided with their own private external amenity areas. All of these would exceed the minimum space requirements noted above and would be suitable having regard to privacy and function. Internally, all of the dwellings would accord with the national technical housing standards.

Existing amenities

Policy EN 4 of the Core Strategy states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 135 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

Paragraph 3.3.10 of the North Norfolk Design Guide states that residents have the right to adequate privacy levels, nor should new development lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact.

Concerns have been raised by local residents that the development would result in loss of privacy, tranquillity and general enjoyment of the area. Amended plans received during the course of the application have sought to address officer comments relating to privacy. Such changes include the replacement of rooflight balconies with standard rooflights for Plots 3-5. A section plan demonstrating that these rooflights would be positioned at least 1.7m above floor level has also been provided. These changes would ensure that overlooking potential from these rooflights is significantly minimised/removed. Additionally, the first-floor rear window within Plots 3-5 and which serves a bathroom will be conditioned to be obscurely glazed, thus removing potential for overlooking.

Plots 1 and 2, being single storey with only ground floor windows would not present overlooking concerns. Plots 6 - 9 would be located at a distance from, and at angles, to existing dwellings, which would ensure that they would not result in adverse impacts. No overbearing or overshadowing impacts are expected given the separation distances of all proposed dwellings from existing, coupled with their northerly siting.

During construction of the development there would likely be a degree of disturbance for the residents of the surrounding dwellings. Such disturbance would however be relatively short in duration and the contractors at the site would be required to comply with relevant codes of practice. In order to minimise impacts on neighbouring amenities, a condition requiring the submission of an on-site construction parking plan is included, as is a condition which restricts the hours of construction to avoid noise and disturbance during unsocial times.

Summary

The proposed development would provide high quality residential amenities for the future occupiers of the dwellings. Whilst the development would change the outlook of a number of surrounding existing residents, the layout and design proposed would ensure that no significantly detrimental impacts would occur. The development would accord with Policy EN 4 of the Core Strategy and the guidance contained within the North Norfolk Design Guide.

6. Heritage impacts

Policy EN 8 of the Core Strategy states that “where required, development proposals affecting sites of known archaeological interest will include an assessment of their implications and ensure that provision is made for the preservation of important archaeological remains.”

Paragraph 207 of the NPPF requires that where development has potential to include heritage assets with archaeological interest, that an appropriate desk-based assessment and, where necessary, a field evaluation be submitted. Paragraph 218 requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact. Such information is to be made publicly accessible.

Comments received initially from the Archaeology Officer highlighted that evidence for several phases of activity of medieval and post-medieval date had been found nearby. As a result, the Archaeology Officer concluded that this site may also contain archaeological interest. Following receipt of these comments, the applicants questioned this requirement on the basis that this application would potentially be the third to be allowed at this site within the last 10 years, and no previous archaeological requirements have previously been imposed. The Archaeology Officer subsequently confirmed that there has been no archaeological investigations or new sources of archaeological data in the vicinity of the site since early 2015. Equally, there has been no significant change in planning policy or guidance since the previous applications were approved. Having regard to these points, the Archaeology Officer has accepted that it is not appropriate to require archaeological works as part of this application.

In all other respects, the development would not have any adverse impacts upon heritage assets and the development would accord with the requirements of Core Strategy Policy EN 8 and Chapter 16 of the NPPF in respect to these matters.

7. Ecology impacts

Policy context

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

Core Strategy Policy SS 4 states that areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green

networks will be encouraged. Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife.

Policy EN 9 States that all development should protect the biodiversity value of land and buildings and minimise the fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Proposals which cause a direct or indirect adverse effect to nationally designated sites, other designated areas or protected species will not be permitted unless:

- they cannot be located on alternative sites that would cause less or no harm;
- the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and
- prevention, mitigation and compensation measures are provided.

The policy also states that development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.

Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 193 states that when determining planning applications, significant harm to biodiversity should be avoided, adequately mitigated, or, as a last resort, compensated for. Should this not be possible, then permission should be refused. Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused unless there are wholly exceptional reasons. Opportunities to incorporate biodiversity improvement in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The application has been supported by a Construction and Ecological Management Plan, an Ecological Enhancement Plan, alongside landscaping details. The Council's Ecology Officer has considered the proposed development and raises no objection in respect to on-site ecological impacts. Conditions are required to secure the mitigation and enhancement measures set out in the above documents.

The site itself is not considered to contain any protected species or habitats of particular significance. This finding is in line with the conclusions drawn during the consideration of the previous planning applications at this site.

Nutrient Neutrality

The site is within the foul and surface water catchments of The Broads Special Area of Conservation (SAC) and Ramsar Site which is covered by the advice issued by Natural England in March 2022 about nutrient pollution in this protected habitat and the River Wensum SAC. The letter advised that new development (which includes new dwellings) within the

catchment of these habitats comprising overnight accommodation can cause adverse impacts on nutrient pollution affecting the integrity of these habitats. Mitigation is therefore required to ensure the development would not have an adverse effect on the integrity of The Broads SAC and Broadland Ramsar and or damage or destroy the interest features for which they have been notified.

The application has been supported by Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS). This document sets out the total Phosphorus and Nitrogen budgets for the development, having completed the Norfolk nutrient budget calculator. The total Phosphorus resulting from the development which requires mitigation totals 0.67Kg/year, whilst Nitrogen totals 21.40Kg/year.

In order to mitigate these impacts, the applicant has chosen to purchase credits from the Norfolk Environmental Credits (NEC) strategic scheme. A Credit Certificate has been provided alongside NEC's Septic Tank Upgrade Strategic Framework and a Shadow Strategic Appropriate Assessment. This Shadow Strategic Appropriate Assessment has been agreed by Natural England who state that it is sound and the document can be relied on by Local Planning Authorities as part of their Appropriate Assessment for water quality impacts for developments that purchase sufficient credits from NEC.

The Credit Certificate demonstrates that 0.7Kg/year of permanent Phosphorus and 21.4Kg/year of Nitrogen credits have been purchased. The septic tank upgrades which have provided these credits have already taken place and unilateral undertakings have been provided by the relevant landowners securing these upgrades and their maintenance for the lifetime of the development. The Credit Certificate states that the earliest date which occupation of the new (proposed) development could take place is 18th December 2024.

The credits already purchased provide sufficient mitigation to ensure that the proposed development would be nutrient neutral. Having considered the submitted evidence and information provided by the applicants and having due regard to the comments made by Natural England, the Council's Appropriate Assessment concludes that the Shadow Strategic Appropriate Assessment can be relied upon in relation to water quality impacts for the development. This Appropriate Assessment fulfils the Council's duties as competent authority in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended).

GIRAMS

Policy BRI24 requires the *“prior approval of a scheme of mitigation to minimise potential impacts on the North Norfolk Coast SAC / SPA arising as a result of increased visitor pressure, and on-going monitoring of such measures.”* Since the time of this policy's adoption, these visitor pressure impacts have been considered as part of the Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS), which has been adopted and agreed between the Norfolk planning authorities and Natural England. This Strategy and its findings ensure that the impacts upon the protected sites contained with Policy BRI24 are appropriately considered and addressed.

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.

GIRAMS is a strategic approach to ensure no adverse effects are caused to European sites across Norfolk, either alone or in-combination from qualifying developments. Taking a coordinated approach to mitigation has benefits and efficiencies and ensures that developers and the LPAs meet with the Conservation of Habitats and Species Regulations 2017 (as amended).

The application site falls within the North Coast Sites, Norfolk Valley Fens and The Wash Zones of Influence as defined within the strategy. 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 new net residential and tourism development are required to mitigate the effects of the development and show how this will be achieved before approval of planning permission. The tariff is currently collectively set at £221.17 per net new residential dwelling and is index linked.

The applicant has submitted a Section 111 form alongside the required tariff payment of £1990.53. The Council, as Competent Authority have completed a Habitat Regulations Assessment for the planning application and has concluded, having secured the required tariff payment, the development 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.

Biodiversity Net Gain (BNG)

The application is supported by a completed copy of the Council's Biodiversity Gain Statement (BGS) template and Statutory Metric.

The baseline habitats consist only of modified grassland and hedgerows (one species-rich, three non-native ornamental). The Ecology Officer has confirmed that they are satisfied with the baseline calculations.

The proposed development would result in a -71.22% loss for habitat units and +19.47% gain for hedgerow units. The use of off-site units or statutory credits to deliver the habitat units necessary to achieve a 10% gain can be established when discharging the statutory biodiversity gain condition which requires submission of a Biodiversity Gain Plan (BGP) and Habitat Monitoring and Management Plan (HMMP). A condition and informative are included to secure the BNG provisions.

Summary

The information and evidence which was, and which has subsequently, been submitted has now satisfactorily addressed the site's ecological impacts. For the reasons stated above, and subject to relevant conditions, Officers consider that the proposal would comply with Core Strategy Policy EN 9, paragraphs 187, 193 and 194 of the Framework and The Conservation of Habitats and Species Regulations 2017 (as amended).

8. Arboricultural impacts

Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries. Policy EN 9

seeks to maximise opportunities for restoration, enhancement and connection of natural habitats.

Paragraph 187 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside, including the benefits associated with trees and woodland.

The application is supported by an arboricultural report. This provides a comprehensive assessment of the arboricultural interest at the site and potential impacts of the proposed development, including future conflicts. An area of hedgerow measuring 10 metres would need to be removed to facilitate the provision of the new entrance, including visibility splays. Parts of the development would also fall within the Root Protection Areas (RPAs) of trees and hedges. The report assesses these as moderate adverse impacts but would be mitigated by coppicing the hedge and infilling the hedge, as well as planting 15 new trees. Shading from existing trees was considered acceptable with no significant impacts on amenities expected.

The Council's Tree Officer has considered the submitted information and confirms that recommendations made within the report are appropriate and proportionate, and it is therefore considered fit-for-purpose. A number of conditions are required to secure the measures set out within the report.

Subject to the imposition of the conditions noted above, the proposals would accord with relevant sections within Core Strategy Policies EN 2 and EN 9 as well as the relevant guidance contained within the NPPF.

9. Highways

Policy CT 5 requires development to provide safe and convenient access for all modes of transport, including access to the highway network. Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

Access & trip generation

The proposal seeks to create an access from the corner of Bure Road/Orchard Close. This would also see the existing footpath running along the east of Bure Road extended into the site. Initial questions regarding the tie in of the new access raised by the Highway Authority have been subsequently addressed through the submission of updated plans.

Concerns have been raised by both the Parish Council and local residents that the proposed access via Orchard Close/Bure Road is unsuitable to cater for additional traffic. Additional concerns have been raised about the suitability of the surrounding roads to accommodate the additional traffic which would be generated from this development.

The Highway Authority have not responded to the latest consultation request and have not updated their comments on the application since their original response in July 2024. Officers are of the view that the point raised within their initial response has been satisfactorily addressed through the submission of amended plans. As part of these amendments, the applicants also served the appropriate notice on the County Council as the land owner. The

Highway Officers initial comments did not raise an objection to the development on highway safety grounds, and confirmed that they had no issue with the principle of the development. Furthermore, weight has to be attached to the fact that the position of the access remains in the same location as twice previously approved and is as suggested within the supporting text for Policy BRI24 as set out in the Site Allocations document. There has been no material change in policy or guidance in relation to access/traffic since the determination of the previous applications.

Given that the access would provide a safe connection to the wider road system, and that the extent of additional traffic generated by the development can be suitably catered for within the existing network, the development would accord with Policy CT 5. Refusal of the application on highway grounds would also likely be seen as being unreasonable given the policy position and in light of the previous permissions, both of which are material considerations.

Therefore, subject to the imposition of relevant conditions, it is considered that the scheme would safeguard highway safety in accordance with Policy CT 5 of the Core Strategy.

Vehicular parking

Policy CT 6 requires adequate vehicle parking facilities to be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle parking in accordance with the Council's parking standards, including provision for people with disabilities. In exceptional circumstances, these standards may be varied where appropriately justified.

The North Norfolk Design Guide states at paragraph 3.3.22 that 'in-curtilage' parking is recommended where possible to take advantage of personal surveillance and defensible space. The Council's parking standards require 1.5 space per 1 bedroomed unit, 2 spaces for 2- or 3-bedroom units and 3/4 spaces for units with 4 or more bedrooms.

The proposed housing mix comprises of two and three bedroomed dwellings and thus there is a requirement for two vehicular spaces for each dwelling. The proposed site plan shows two external spaces for Plots 1 and 2, which do not have garages. Those plots with garages provide one space within the garage and one external space in front. The proposed garages meet the required dimensions (7m x3m) in order to count towards parking spaces, whilst the external spaces also adhere to the relevant dimensional requirements.

Norfolk County Council Parking Guidelines state that visitor spaces should be provided at a ratio of one space for every five dwellings. In this instance, this would equate to a requirement of two spaces. These are provided for at the site's entrance, adjacent to Plot 1 and would help reduce the need for parking within the existing highway network. A condition is required to ensure that all visitor spaces are only used for this purpose.

Indicative electric vehicle (EV) charging locations have been provided, however, the exact details of these will need to be secured via condition. These details and provision of EV charging is required in order address the requirements of Emerging Policy CC 8, as well as the latest Building Regulations requirements.

Cycle parking/storage

Policy CT 6 requires development proposals to make provision for cycle parking in accordance with the Council's parking standards. The standards set out that for individual houses, provision would be accommodated within garages or within sheds in rear gardens.

Seven of the nine dwellings would be provided with a garage which would be suitable for the storage of bicycles. Plots 1 and 2 would not have a garage and therefore cycle storage would need to be in the form of garden shed. Planning conditions can secure details and the provision of these. Subject to conditions, this requirement is considered to be met, and the development would support the use of more sustainable modes of transport.

Summary

Subject to conditions, the development would accord with Core Strategy Policies CT 5 and CT 6 and Chapter 9 of the NPPF. Furthermore, no objections have been received from the Highway Authority in respect to these proposals.

10. Flooding risk and drainage

Policy EN 10 of the Core Strategy states that the sequential test will be applied rigorously across North Norfolk and most new development should be located in Flood Risk Zone 1. The policy also states that appropriate surface water drainage arrangements for dealing with surface water runoff from new development will be required. The use of Sustainable Drainage Systems will be the preference unless, following an adequate assessment, soil conditions and / or engineering feasibility dictate otherwise.

The Planning Practice Guidance details what sort of sustainable drainage system should be considered. Generally, the aim should be to discharge surface run-off as high up the following hierarchy of drainage options as reasonably practicable. This is 1) Into the ground (infiltration); 2) To a surface water body; 3) To a surface water sewer, highway drain or another drainage system; 4) To a combined sewer. This hierarchy follows the same order of priority of Approved Document H3 of the Building Regulations.

The Environment Agency Flood Risk Maps position the site as falling within Flood Zone 1 giving the site a low risk of flooding (less than 1 in 1000 annual probability). The Government's long-term flood risk mapping shows the site falling within an area at very low risk of surface water flooding.

Falling below the relevant thresholds for requiring a site-specific Flood Risk Assessment (FRA) and not constituting 'major development', the application was not required to be supported by any flooding/drainage information. During the course of the application, details regarding surface water management were requested and subsequently received. The proposals show that the new sealed surface road would drain into crate soakaways under the road within the site. Percolation testing was undertaken in the location of the proposed crate soakaways which demonstrated that suitable ground conditions exist in this area to manage surface water via infiltration. Individual plots would have their surface water managed by 'on-plot' soakaway systems, the exact details of which would be required as part of the building regulations process.

Subject to a condition securing the proposed surface water drainage details, the development would accord with Core Strategy Policy EN 10 and the guidance set out within Chapter 14 of the NPPF.

11. Energy Efficiency

Policy EN 6 states that new development will be required to demonstrate how it minimises resource and energy consumption and how it is located and designed to withstand the longer-term impacts of climate change. All developments are encouraged to incorporate on site renewable and / or decentralised renewable or low carbon energy sources, and regard should be given to the North Norfolk Design Guide in consideration the most appropriate technology for the site.

The applicant has proposed to use Air Source Heat Pumps (ASHP) in combination with solar panels for each of the new dwellings in order to provide for the 10% on site renewable energy generation. It is expected that the provision of both solar panels and ASHP would ensure that the 10% on-site renewable target is met, however in order to confirm compliance with this requirement, further details can be secured via condition.

Conditions securing further details of the ASHP and solar panels, including their final locations, appearance, technical specifications and performance (achieving at least 10%), are to be included as part of any approval. Subject to such a condition(s), the development would accord with of Policy EN 6.

12. Community Infrastructure Requirements

Policy SS 6 of the Core Strategy requires development to be supported by and have good access to, infrastructure, open space, public services and utilities. Core Strategy Policy CT 2 states that for schemes of 10 or more dwellings, where there is not sufficient capacity in infrastructure, services, community facilities or open space, improvements which are necessary to make that development acceptable will be secured by planning conditions or obligations.

Falling below the relevant thresholds for requiring contributions towards open space, education, health etc., this development of nine dwellings proposes no on-site provision of, or off-site financial contributions towards community infrastructure.

13. Other matters

Affordable Housing

Policy BRI24 sets out in relation to affordable housing at this site that 'development will be subject to compliance with adopted Core Strategy policies including on-site provision of the required proportion of affordable housing (currently 50%)'. That would equate to the provision of five dwellings for this development. Consideration however has to be given to the NPPF at Paragraph 65 that states that the '*provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)*'. Given that this

development does not constitute major development, and based upon how this policy has been historically applied under the current Core Strategy, including as part of previous applications at this site, there would be no requirement for this development to provide affordable housing.

Whilst always regrettable when affordable housing does not form part of developments helping to provide mixed and inclusive communities, particularly when the need for such provision within the district is significant, the zero provision of affordable dwellings in this instance would not justify refusal of planning permission.

Pre-commencement conditions

The recommendation proposes pre-commencement planning conditions therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such a condition. Notice for two conditions was served on the 20 December 2024 and agreed in writing by the applicant on the 07 January 2025. A further notice for an additional condition was served on the 09 January 2025 and the response is pending at the time of writing. A verbal update will be provided at the development committee meeting.

14. Planning balance/conclusion

As is set out above, in light of the Council's housing land supply, the application must be considered in accordance with paragraph 11d of the NPPF. Following the development being found to be nutrient neutral, with mitigation already in place, as demonstrated through the credit certificates received, as well as the GIRAMS tariff having already paid, there are no strong reasons for refusal relating to protected areas or assets relevant to this application. Therefore the 'tilted balance' as set out at paragraph 11d) ii. is engaged for the determination of this application.

The development whilst providing no long-term economic development would result in economic benefits both through the construction phase and then by future resident expenditure within the local economy.

The social role of the development comprises of the provision of nine dwellings, on a site allocated within the Development Plan, at a time when the Council is unable to demonstrate 5-year housing land supply. The development would also make a modest contribution towards the provision of new homes within the district, helping respond to the government's objective to significantly boost supply.

The proposed layout, scale and appearance of the proposed dwellings are considered to appropriately respond to the surrounding context. The proposals include a suitable soft and hard landscaping scheme which would help integrate the development into its village edge setting. The development would however fail to deliver the required number of smaller dwellinghouses, contrary to Policy HO 1 requirements, and thus the development would contribute to the preponderance of larger, detached dwellings in the housing stock and fail to address the imbalance and support the provision of smaller homes.

Environmentally the development would also conform to or surpass the latest energy efficiency standards and Building Regulations as well as resulting in net gains for biodiversity. The development has been found to be acceptable, both in terms of on and off-site ecological impacts. Financial contributions towards GIRAMS have been received and the septic tank upgrade mitigation already provided as confirmed by the nutrient Credit Certificate would ensure that the development achieves nutrient neutrality, thus ensuring that the protected sites are not further degraded. Suitable surface water drainage systems would be provided as secured by condition.

Highways have raised no objection to the proposed development and appropriate vehicular and cycle parking provision would be made within the site.

Taking account of both the matters in support and those against the proposed development, it is considered that adverse impacts of the development, namely the conflict with Policy HO 1, would not significantly and demonstrably outweigh the benefits associated with the provision of nine dwellings. As such, the development should be approved as set out below:

RECOMMENDATION:

APPROVAL subject to the imposition of conditions to cover the matters listed below and any others considered necessary at the discretion by the Assistant Director - Planning

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason:

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- PL-01 Rev P06 Location, Site and Elevation View Plans
- PL-02 Rev P06 Proposed Elevation and Floor Plans

Reason:

For the avoidance of doubt and in the interests of proper planning.

3. Before their first use on site details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application.

Reason:

To ensure the satisfactory appearance of the development in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

4. The rear dormer windows at first floor level within the south elevations of the Type B dwellings hereby permitted as shown on PL-01 Rev P06 and PL-02 Rev P06, shall be glazed with obscured glass which achieves at least the equivalent of Pilkington obscurity level 4 and shall be non-opening and shall be permanently maintained in that condition.

Reason:

To ensure that the development would not result in an adverse impact upon the residential amenities of neighbouring occupants in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

5. No development shall commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason:

To ensure adequate off-street parking during construction in the interests of residential amenities and highway safety in accordance with Policies EN 4 and CT 5 of the adopted North Norfolk Core Strategy.

6. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

Reason:

To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

7. No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800, Monday to Friday, before the hours of 0800 nor after 1300, Saturdays nor on Sundays or recognised public holidays.

Reason:

To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

8. All nine (9) of the dwellings hereby approved shall be built to accessible and adaptable standards (building regulations M4(2) or M4(3)). No development above ground slab level shall commence on site until details of how such properties are to be built to achieve these standards, are submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

Details are required in the absence of information accompanying the planning submission, to ensure that an appropriate high quality form of development is provided which enables people to stay in their homes as their needs change in accordance with Policy HO 1 of the adopted North Norfolk Core Strategy.

9. Each of the nine (9) dwellings hereby approved shall be provided with an Air Source Heat Pump (ASHP), prior to installation of the ASHPs, full details including location, acoustic specifications, and any specific manufacture measures to control noise from the equipment, shall first be submitted to and approved in writing by the Local Planning Authority. The approved ASHPs shall be installed and be made operational prior to first occupation of each dwelling and maintained thereafter in full accordance with the approved details.

Reason:

To ensure that the development provides for at least 10% on-site renewable energy generation in a visually acceptable manner and which ensures that appropriate residential amenities are provided in accordance with Policies EN 4, EN 6 and EN 13 of the adopted North Norfolk Core Strategy.

10. Prior to installation, details including the location, appearance and specification of the solar panels to be provided on the roofs of the dwellings and garages hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall be installed and made fully functional prior to the occupation of each of the associated dwellings.

Reason:

To ensure that the development provides for at least 10% on-site renewable energy generation in a visually acceptable manner and which ensures that appropriate residential amenities are provided in accordance with Policies EN 4, EN 6 and EN 13 of the adopted North Norfolk Core Strategy.

11. No works shall commence on the site until such time as detailed plans of the roads, footways, street lighting, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority.

All the works shall be carried out on roads/footways/street lighting/foul and surface water sewers prior to the occupation of the final dwelling in accordance with the approved plans and specifications to the satisfaction of the Local Planning Authority.

Reason:

To ensure the satisfactory development of the site and to ensure roads and any street furniture/infrastructure are constructed to appropriate standards in a timely manner in accordance with Policies EN 4 and CT 5 of the adopted North Norfolk Core Strategy.

12. Before any dwelling is first occupied the road(s)/footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road.

Reason:

To ensure the satisfactory development of the site and to ensure roads and any street furniture/infrastructure are constructed to appropriate standards in a timely manner in accordance with Policies EN 4 and CT 5 of the adopted North Norfolk Core Strategy.

13. All vehicle parking spaces within the proposed development, including garages, shall be carried out in accordance with the approved plans, and be provided prior to first occupation of the associated dwellings and thereafter not be used for any purpose other than parking, loading and unloading of vehicles.

Reason:

To ensure the permanent availability of sufficient parking and manoeuvring area within the development in the interests of highway safety and in accordance with Policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

14. Details, including elevations, floor plans and materials of garden sheds for Plots 1 and 2 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works above ground slab level for these Plots. The Sheds shall be provided in accordance with the approved details prior to the first occupation of Plots 1 and 2.

All garages shown on drawing No. PL-01 Rev P06 shall be provided in accordance with the approved plan prior to first occupation of the associated dwellings.

Reason:

To ensure that cycle parking/storage facilities are provided for each dwelling in order to promote low carbon modes of transport in accordance with Policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

15. There shall be no restriction on the use of the unallocated residential car parking spaces as shown on approved plan drawing No. PL-01 Rev P06 by either occupiers of, or visitors to, any of the dwellings hereby permitted and the parking shall remain available for general community usage.

Reason:

To ensure the permanent availability of sufficient visitor parking areas within the development in the interests of highway safety and in accordance with Policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

16. Prior to occupation of the dwellings hereby approved details of electric vehicle charging provision for each of the nine (9) dwellings shall be submitted to and approved in writing by the Local Planning Authority. Such details should include the specification, appearance and siting of charging points. The electric vehicle charging provision shall be carried out and made fully functional prior to the first occupation of the associated dwelling(s) in accordance with the approved details and thereafter shall be maintained in accordance with manufactures specifications.

Reason:

Details are required prior to occupation to ensure that visually acceptable electric vehicle charging points are made available prior to occupation of the approved dwellings in accordance with Policies EN 4, EN 6 and CT 6 of the adopted North Norfolk

Core Strategy and the guidance contained within Chapter 14 of the National Planning Policy Framework.

17. The landscaping works shall be carried out prior to first occupation of the dwellings hereby approved in accordance with the approved Landscape Schedule, including Landscaping plan 4918/01/ Rev A and 03/Rev A and accompanying specifications, produced by CJ Yardley Landscape Survey and Design LLP, dated September 2024.

Management of the approved landscaping shall commence immediately after first planting in accordance with the details set out within Section 3 of the approved Landscape Schedule and the Landscaping Management Plan, produced by C J Yardley Landscape Survey and Design LLP, dated September 2024.

Any tree, shrub or hedgerow forming part of the approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of ten years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in the same place.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

18. Development including any demolition and site clearance or preparatory work, shall not commence until the scheme for the protection of the retained trees and hedges has been implemented in full in accordance with the approved Arboricultural Impact Assessment, Tree Protection Plan (4918/02 Rev A), Method Statement, by C J Yardley Landscape Survey and Design LLP, dated September 2024.

The protection measures shall be retained and maintained during the period of construction works/building operations on the site.

Within the fenced area(s) the following shall not occur:

- i) no soil, fuel, chemicals or materials shall be stored, or;
- ii) temporary buildings erected, or;
- iii) plant or vehicles parked, or;
- iv) fires lit, or;
- v) cement or other contaminating materials or substances mixed, or;
- vi) no equipment, machinery or structures shall be attached to or supported by a retained tree, or;
- vii) no alterations to ground levels or excavations made.

Any works to [trees/hedges] as approved shall be carried out in strict accordance to British Standard 3998:2010 Tree Work – Recommendations.

(In this condition, “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars).

Reason:

To protect trees and hedges on the site in the interest of the visual amenity, and the character and appearance of the area, in accordance with Policy EN 4 of the adopted

North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

19. Unless detailed within the Arboricultural Impact Assessment, Tree Protection Plan (4918/02 Rev A), Method Statement, by C J Yardley Landscape Survey and Design LLP, dated September 2024, and approved as part of this permission, no tree, shrub or hedgerow which is shown within Tree Protection Plan 4918/02 Rev A to be retained, shall be topped, lopped, uprooted, felled or in any other way destroyed, within ten years of the date of this permission.

Reason:

To protect trees and hedges on the site in the interest of the visual amenity, and the character and appearance of the area, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

20. The existing hedgerows referred to as G3, G4 and G5 as set out within the Arboricultural Impact Assessment, Tree Protection Plan (4918/02 Rev A), Method Statement, by C J Yardley Landscape Survey and Design LLP, dated September 2024 shall be retained, at a minimum height of 3m from ground level, for a period of not less than ten years from the date of this permission. Should the hedge die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, a replacement hedge shall be planted/installed in accordance with details and timescales which shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect trees and hedges on the site in the interest of the visual amenity, and the character and appearance of the area, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

21. The development hereby approved shall be carried out in strict accordance with the ecological enhancement measures outlined in Section 2 of the Ecological Enhancement Plan document prepared by C J Yardley, dated September 2024.

The ecological enhancement measures shall be carried out in accordance with the approved details prior to first occupation of the associated dwellings and thereafter retained in a suitable condition to serve the intended purpose.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 187 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

22. The development hereby approved shall be carried out in strict accordance with the DWAecology Construction and Ecological Management Plan (CEMP), BE-1761-02A, dated 10 May 2024.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

The mitigation and enhancement measures shall be carried out in accordance with the approved details prior to first occupation of the associated dwellings and thereafter retained in a suitable condition to serve the intended purpose.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 187 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

23. Notwithstanding the approved plans, prior to installation, scaled locational and elevational drawings, material details and colour finishes for of each of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the associated/adjoining dwellings are first occupied. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

24. No boundary treatments shall be erected, installed or constructed on site unless they include provision for a 13cm x 13cm gap at ground level at intervals of no more than 6m to facilitate commuting corridors for small mammals.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 180 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

25. The development hereby approved shall be designed and built to meet the optional higher water efficiency standard of 110 litres/person/day as set out at regulation 36 2(b), part G2 of the 2015 Building Regulations for water usage. No occupation of each dwelling shall take place until a Building Regulations assessment confirms that the dwelling has been constructed in accordance with regulation 36 2(b) of part G2 of the Building Regulations for water efficiency and has been submitted to and agreed in writing by the Local Planning Authority.

The approved water efficiency measures shall thereafter be retained. Any replacement that is subsequently required shall be of at least the equivalent specification as originally approved, or better.

Reason:

To ensure the development is constructed to the water efficiency standard used to calculate nutrient outputs associated with this development within the Habitat Regulations Assessment so that the development does not result in a net increase in nutrient loading that would be harmful to the integrity of The Broads Special Area of Conservation and Broadland Ramsar in accordance with Policy EN 9 of the adopted

North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

26. The development hereby approved shall be built in accordance with the surface water drainage details shown on plan, PL-01 Rev P06.

The approved scheme shall be implemented prior to the first occupation of the development hereby approved and fully completed in accordance with the approved details prior to final occupation and thereafter maintained as approved.

Reason:

For the avoidance of doubt and in the interests of proper planning, to prevent flooding, ensuring the satisfactory management, storage and disposal of surface water from the site in a range of rainfall events and ensuring the Sustainable Urban Drainage System proposed operates as designed for the lifetime of the development in accordance with Policy EN 10 of the adopted North Norfolk Core Strategy and Chapters 14 and 15 of the National Planning Policy Framework.

27. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A, B, D and E of Part 1 and Class A of Part 2 of Schedule 2 of the Order shall be carried out/erected on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

Reason:

To prevent the overdevelopment of the site in the interests of the amenity of the area, to safeguard the amenities of the adjoining properties, and to ensure that development does not adversely impact important trees and hedging in accordance with Policies EN 4 and EN 9 of the adopted North Norfolk Core Strategy.

28. Where the statutory Biodiversity Net Gain requirements apply and where a biodiversity gain plan has been submitted to and approved in writing by the Local Planning Authority, the biodiversity gain plan and, where appropriate, any related Habitat Management and Monitoring Plan and/or Landscape Ecological Management Plan shall be carried out in strict accordance with those approved details.

Such habitat creation or enhancements delivering the biodiversity net gain increase set out in the biodiversity gain plan and any related Habitat Management and Monitoring Plan and/or Landscape Ecological Management Plan shall be maintained for at least 30 years after the development is practically completed.

The applicant / developer shall notify the Local Planning Authority in writing of the date of practical completion of the development hereby permitted. Such notification shall be provided within 14 days of the date of practical completion of the development.

Reason: For the avoidance of any doubt and to ensure that the development proposed is delivering the statutory minimum biodiversity net gain requirements for 30 years and to ensure that biodiversity value is enhanced in accordance with the requirements of Core Strategy Policy EN 9.

29. The applicant / developer shall notify the Local Planning Authority in writing of the date of commencement of the development hereby permitted. Such notification shall be provided within 14 days of the date of commencement.

Reason: To ensure the GIRAMS tariff payments secured in relation to this development are made available and can be used towards the county wide strategic mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy, or successive strategy, which is aimed at delivering the necessary mitigation to avoid adverse effects on the integrity of European Sites arising as a result of the development.

Informatives

- 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.
 - 1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.
 - 1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £145 or £43 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.
2. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-
- proactively offering a pre-application advice (in accordance with paragraphs 39 - 47);
 - seeking further information following receipt of the application;
 - seeking amendments to the proposed development following receipt of the application;
 - considering the imposition of conditions and or the completion of a s.106 legal agreement (in accordance with paragraphs 55-58).

In this instance:

- the applicant was updated at each stage during the consideration of the application;
- various amended plans were submitted by the applicants and have been duly considered;
- meetings with the applicant were held during the course of the application;
- time was spent working with the applicants to resolve nutrient neutrality matters;
- the application was subject to the imposition of conditions.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. Shrub clearance should be undertaken outside of bird nesting season (March to August inclusive) if at all possible in order to avoid impact on nesting birds protected under the Wildlife and Countryside Act 1981. Should clearance be required during nesting season then the site should first be surveyed by a suitably qualified ecologist for signs of nesting and if any area found works should cease in that area until nesting has been completed and fledglings have left the nest.
4. The applicant/agent is advised that any removal of asbestos from the site should be in accordance with the Control of Asbestos Regulations 2012, under which the applicant/agent has a duty of care. Holders of this duty must prevent escape of the waste whilst it is under their control. For further help and advice in respect of asbestos removal the applicant/agent is advised to contact the Health and Safety Executive (HSE) on 0845 345 0055 (www.hse.gov.uk/asbestos).
5. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Where a Biodiversity Gain Plan is required to be submitted to the Local Planning Authority for approval and:

- (i) The plan to be submitted proposes **significant*** on-site habitat enhancement or creation, a Habitat Management and Monitoring Plan (HMMP) shall also be submitted to the Local Planning Authority. The HMMP shall include:
 - (a) a non-technical summary
 - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP

(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan

(d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development

(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority and

(f) details of persons responsible for submitting monitoring reports to the Local Planning Authority in accordance with the monitoring methodology and frequency set out at e).

(ii) The plan to be submitted proposes on-site habitat enhancement or creation that is **not deemed to be significant***, a Landscape Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority. The LEMP shall include:

(a) a non-technical summary

(b) the roles and responsibilities of the people or organisation(s) delivering the LEMP

(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan

(d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

(f) details of persons responsible for submitting monitoring reports to the Local Planning Authority in accordance with the monitoring methodology and frequency set out at e).

Where HMMPs require monitoring by the Local Planning Authority across the 30 year BNG period, the applicant/landowner shall be required to enter into a S106 Obligation in order to secure the reasonable costs to be incurred by the Local Planning Authority in monitoring the proposed biodiversity net gains. Such costs will be calculated using up to date cost calculations and monitoring fees will be required as a single upfront lump sum to simplify the administrative process otherwise will be subject to additional inflation calculations and administration charges.

*When seeking to identify whether on-site mitigation is or is not deemed to be **significant**, advice should be sought from the Local Planning Authority prior to submission of a Biodiversity Gain Plan.