

CROMER – PF/24/2341 - Erection of 5 commercial units for uses within Use Classes E(c)(i) - financial services, E(g)(i) - offices, E(d) - indoor sport, recreation or fitness, B8 - storage or distribution at Home Farm Enterprise Zone, Hall Road, Cromer, Norfolk

Minor Development

Target Date: 14.02.2025

Extension of Time: 14.02.2025

Case Officer: Russell Stock

Full Planning Permission

RELEVANT SITE CONSTRAINTS

The site lies within a Countryside location in policy terms

The site lies within the Undeveloped Coast

The site lies within the Norfolk Coast National Landscape (formerly AONB)

The site may contain Contaminated Land

The site lies within an ungraded Historic Park and Garden

The site is within the setting of a number of Listed Buildings

The site is within a Mineral Safeguarding Area

The site contains an area at risk of surface water flooding

The site lies within various GIRAMS Zones of Influence

RELEVANT PLANNING HISTORY

NP/13/0041

Prior notification of intention to erect re-located agricultural storage building

Prior approval not required 04.02.2013

PF/06/0160

Continued Use of Former B1 (Light Industrial) Premises for Repair and Storage of Coaches

Finally Disposed of 28.02.2017

PF/03/1453

Change of use of buildings from agricultural to industrial use, erection of industrial units and agricultural building

Approved 26.01.2004

S106/22/23 – Unilateral Undertaking securing funding maintenance and repair of the fabric of the Hall. Set up Maintenance Fund following permission of new industrial building (enabling development).

THE APPLICATION

Site Description:

The site is currently used for ad-hoc informal agricultural storage purposes. The site is located between Hall Road and a large agricultural building, beyond which a number of smaller industrial units are located, along with Home Farm House and barns. Mature trees and vegetation adjoin the site from the south and east. Cromer Hall and what is referred to within the application as the concert field are located to the north.

Proposal:

This application seeks full planning permission for the erection of two buildings, containing five separate commercial units. Alongside the proposed buildings, the development would include a significant area of hardstanding for vehicular movements, vehicular parking, the creation of a new access and track to the concert field, and soft landscaping.

The buildings would measure:

Units 1-3

34.8m in length, 18.1m in width, 7.06m in height

Units 4/5

30m in length, 11.5m in width, 6.15m in height

REASONS FOR REFERRAL TO COMMITTEE

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

“- I believe the proposal is in accordance with EC3, in that this proposal, limited in scale, will have no overall detrimental impact on the area whilst providing for the expansion of an existing enterprise zone/ park business. The expansion will support the growth of one business at the existing units, and a home for several other existing businesses.

- The site has existing commercial and agricultural uses, and the business tenants envisaged are unlikely to generate detrimental volumes of traffic – mostly individual cars and vans who are largely using the local road network already due to existing presence in the Town.

- Whilst the site of construction itself is not distinctive, it is understood there are concerns about wider landscape impacts. However, I am not sure how well understood this is, as the site is very well concealed by trees and vegetation in every direction – including that immediately East of NNDC offices. I am unable to find any significant visibility of the site from existing footpaths due to extensive landscaping. The setting of South Lodge, also part of the Cromer Hall Estate, is also similarly protected in this respect. I therefore believe that the proposal to be in accordance with relevant ‘EN’ policies.

- I also do not believe there are any insurmountable issues with ecology or trees, given the existing use of the land.

- Finally, I believe the development would accord with the economic objectives of the National Planning Policy Framework (8a). Given the limited supply of commercial units in the District, there is significant demand. This development is greatly needed in Cromer with several existing businesses needing new premises imminently to ensure continued operation, and access to existing customer base in the locality. I am confident in my knowledge that no other sites are becoming available in the timescales required in the immediate locality, and an expansion of an existing commercial setting is therefore desirable.”

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, refusal 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

Cromer Town Council: No objection

North Norfolk District Council Economic Growth: Support

North Norfolk District Council Environmental Health: No objection, subject to conditions

North Norfolk District Council Landscape Team: Objection - Further information required

North Norfolk District Council Conservation Officer: Objection

Norfolk County Council Highways: Objection

Norfolk County Council Minerals and Waste: No comment

Historic England: No comment

Historic Buildings and Places: Further information required

REPRESENTATIONS

None

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 5 (Economy)
Policy SS 6 (Access and Infrastructure)
Policy SS 7 (Cromer)
Policy EN 1 (Norfolk Coast Area of Outstanding Natural Beauty and The Broads)
Policy EN 2 (Protection and Enhancement of Landscape and Settlement Character)
Policy EN 3 (Undeveloped Coast)
Policy EN 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)

Minerals and Waste Development Framework - Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026

Policy CS16 (Safeguarding mineral and waste sites and mineral resources)

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 6 (Building a strong, competitive economy)
Chapter 7 (Ensuring the vitality of town centres)
Chapter 8 (Promoting healthy and safe communities)
Chapter 9 (Promoting sustainable transport)
Chapter 11 (Making effective use of land)
Chapter 12 (Achieving well-designed places)
Chapter 14 (Meeting the challenge of climate change, flooding and coastal change)
Chapter 15 (Conserving and enhancing the natural environment)
Chapter 16 (Conserving and enhancing the historic environment)
Chapter 17 (Facilitating the sustainable use of minerals)

Other material documents/guidance:

Norfolk Coast Area of Outstanding Natural Beauty Management Strategy 2019 – 2024
North Norfolk Development and Coastal Erosion (2009)

OFFICER ASSESSMENT

Main Issues for consideration:

- 1. Principle of development**
- 2. Landscape, character of the area and design**
- 3. Historic environment**
- 4. Residential amenities**
- 5. Sustainable construction and energy efficiency**
- 6. Biodiversity & Geology**
- 7. Arboriculture**
- 8. Highways and parking**
- 9. Flooding and drainage**
- 10. Contamination**

1. Principle of development

Core Strategy Policy SS 1 sets out the spatial strategy for North Norfolk seeking to locate the majority of new development within the towns and larger villages, dependent on their local needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints. Policy SS 2 of the Core Strategy states that in areas designated as Countryside development will be limited to that which requires a rural location and is one or more of a list of certain forms of development permissible under the policy.

Core Strategy Policy SS 5 relates to the economy and supports the creation of jobs and economic development through the designation of employment sites. In 'Employment Areas' as designated on the Proposals Map, only employment generating development proposals will be permitted. The rural economy and farm diversification will be supported including extensions to existing businesses of an appropriate scale and re-use of existing buildings, including appropriate re-use of the operational land at redundant defence establishments. Primary Shopping Areas and Primary Retail Frontages are defined in order to concentrate retail development in central areas of towns.

Emerging Policy E 3 states that new employment development outside of designated Employment Areas, Enterprise Zones, Employment Allocations or Mixed Use Allocations will only be permitted where it can be demonstrated that:

- a) there is no suitable and available land on designated or allocated employment areas; and
- b) there are specific reasons for the development not being located on designated or allocated employment areas, including, but not limited to:
 - (i) the expansion of an existing business;
 - (ii) businesses that are based on agriculture, forestry or other industry where there are sustainability advantages to being located in close proximity to the market they serve;
 - (iii) industries and/or businesses which would be detrimental to local amenity if located in settlements, including on designated or allocated employment areas; and,
- c) the development would not adversely affect highway safety.

In terms of the National Planning Policy Framework (NPPF), paragraph 85 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 88, which provides support for a prosperous rural economy, states the planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Paragraph 89 sets out that “decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

Located within the Countryside, the proposed new-build employment units have no Core Strategy support for the principle of development in this location. Historically, the site appears to have developed and evolved from its agricultural origins. Application PF/03/1453, which was for the change of use and erection of industrial units, was ultimately viewed favourably, despite being contrary to policy at the time, following securing of a heritage maintenance and repair fund for Cromer Hall by legal agreement (a form of enabling development).

In relation to this application, both applicant and local member have suggested that these new units should be considered as extensions to existing businesses, and thus fall within the remit of Policy EC 3, thus subsequently complying with Policy SS 2. For clarity Policy EC 3 (Extensions to Existing Businesses in the Countryside) states:

“Extensions to existing businesses in the Countryside will be permitted where it is of a scale appropriate to the existing development and would not have a detrimental effect on the character of the area.”

The proposals seek permission for use Classes E(c)(i) - financial services, E(g)(i) - offices, E(d) - indoor sport, recreation or fitness, B8 - storage or distribution. No individual existing business at Home Farm has been named as requiring extension, and no business case or needs have been advanced. The large building immediately adjoining the site has an agricultural use, rather than a commercial one.

The applicant has stated that “owning a commercial estate and letting out the buildings on it, is a legitimate business”. Officers do not disagree with this statement, however there is a difference in opinion as to whether the creation of five commercial units, unrelated to any of the individual existing businesses located at Home Farm, would fall within the remit of Policy EC 3. Officers take the view that this policy provides existing businesses, located in the Countryside, support to sensitively extend when required, i.e. where there is a business need/case for doing so. The assertion that this policy applies to landowners/developers seeking to expand built development into the Countryside, for potentially unknown businesses, which are currently not on site, or which may not necessarily require a Countryside location, does not appear to accord with the wider policy aims seeking to achieve sustainable development.

Emerging Policy E 3 sets out the situations as to where employment development outside of allocations, may be appropriate. In relation to this application, insufficient information has been provided to demonstrate compliance with this policy’s aims.

NPPF provisions when it comes to economic development in Countryside locations generally reflect the aims of the local plan strategies discussed above.

The proposals are therefore not supported in principle by Development Plan policies,

conflicting with key Core Strategy Policies SS 1 and SS 2.

Retail Impact

Policy EC 5 states that proposals for retail development in the Countryside will not be permitted unless they comply with other Development Plan policies. Policy EC 5 also sets out that proposals that do not comply with the acceptable retail and commercial leisure location table set out within the policy should demonstrate that:

- a need exists within the catchment area for the scale and type of development proposed; and
- no sequentially preferable site is available, suitable and viable (starting with town centre, edge of centre sites, then out-of-centre locations), and
- the proposed development would not, individually or cumulatively, have a significant adverse impact on the vitality and viability of existing town centres or nearby Service Villages or Coastal Service Villages; and
- and the proposed development would be accessible by a choice of means of transport, including public transport, walking, cycling and the car.

Emerging Policy E 4 states that in the designated Countryside Policy Area proposals for small scale specialist retail services will be supported in principle only where it can be demonstrated that the proposal is to perform a wholly ancillary role to an existing or planned use and is of an appropriate and proportionate small scale. It also states that support for out-of-centre development will be dependent on how it reflects:

1. the capacity available to support the proposal as identified in the Retail Study and subsequent permissions; and,
2. how it seeks to enhance expenditure retention and in relation to the assessment of impacts on the town centre and wider retail catchments, and is in accordance with the locally derived impact thresholds (1000sqm for Cromer).

The guidance contained with chapter 7 of the NPPF seeks to ensure the vitality of town centres. Paragraph 90 states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 91 states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

The application proposes a number of Main Town Centre uses (as defined by the NPPF), including use classes E(c)(i) - financial services, E(g)(i) - offices, and E(d) - indoor sport, recreation or fitness. Core Strategy Policy EC 5 seeks to guide retail and commercial leisure development to the most sustainable places, setting out tables for acceptable locations dependent upon respective floor areas. In this instance, the application site does not fall within the locations included. As set out above, the policy continues to state that proposals which don't comply with these locations should demonstrate that the four bullet points are met.

This application has not been supported by any assessment of the development's likely impacts upon the viability or vitality of the Cromer Town Centre. No information has been provided to support a sequential test, which would be required to demonstrate the suitability of this site to contain main town centre uses.

In the absence of information, it is not possible to fully assess the impacts of the proposal upon the Cromer Town Centre. In this respect, conflicts arise with Core Strategy Policy EC 5 as well as the guidance contained within Chapter 7 of the NPPF.

The proposal is therefore contrary to the Development Plan in respect of Core Strategy Policies SS 1, SS 2, EC 3 and EC 5. This conflict weighs heavily against the grant of planning permission. Unless material considerations in favour are identified which outweigh the identified Development Plan policy conflict, Officers consider the principle of development to be unacceptable in this location.

2. Landscape, character of the area and design

Policy context

The site lies within the Norfolk Coast National Landscape (NCNL), which is a protected landscape. Therefore, it is necessary to give special regard to section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) (the CRWA) and the duty imposed by the Levelling Up and Regeneration Act 2023 (the LURA) to seek to further the purposes of protected landscapes.

Core Strategy Policy EN 1 relates to the NCNL (formerly Area of Outstanding Natural Beauty (AONB) and The Broads. The policy states that: the impact of individual proposals, and their cumulative effect, on the NCNL, The Broads and their settings, will be carefully assessed. Development will be permitted where it;

- is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area;
- does not detract from the special qualities of the NCNL or The Broads; and
- seeks to facilitate delivery of the NCNL management plan objectives.

The policy continues in stating that opportunities for remediation and improvement of damaged landscapes will be taken as they arise. Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm, and the benefits of the development clearly outweigh any adverse impacts. Development proposals that would be significantly detrimental to the special qualities of the NCNL or The Broads and their settings will not be permitted.

The National Planning Policy Framework (NPPF) sets out within paragraph 189 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. This paragraph also states that the scale and extent of development within NCNL's should be limited.

The Norfolk Coast Management Plan 2019-2024, a working document, provides a summary of the special qualities of the NCNL. Relevant to these proposals the qualities include: the dynamic character of the coast, important habitats and species, and the richness of archaeological heritage and historic environment.

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.

Assessment

Located within a rolling and wooded part of the NCNL on the edge of Cromer, the site itself is relatively well contained within the landscape. Views of the site are afforded from Hall Road to the east and the Weavers Way and Public Right of Way (Cromer FP9) to the south. Mature trees surrounding the site filter the views from these locations, however the site is clearly visible during winter months when leaves are not on trees.

No formal assessment has been provided of the development's potential landscape impact. However, the site benefits from being located at a valley bottom, this coupled with the surrounding vegetation, limits its prominence within the landscape. The development would extend the built form found at Home Farm closer to Hall Road, which in turn, would result in it being more visible from both the road and the Weavers Way. The removal or cutting back of boundary trees/hedging would further reveal the site from public vantage points.

The two buildings would consist of five individual commercial units. The proposed buildings scales would be comparable to the other commercial units at Home Farm, albeit not quite so large as the adjoining agricultural building. The form and design of the buildings would give them a simple, generic commercial, appearance. The proposed use of dark materials within both commercial buildings would help limit their visual impacts. The proposed tree planting would also help soften the mass of the buildings, albeit that these would take some time to mature to the size sufficient to provide screening benefits. Full hard and soft landscaping details could be secured by condition. Given the changing ground levels across the site, should permission be granted, it is recommended that full levels plans be provided to ensure that the buildings are suitably set into the landscape.

On balance, and subject to conditions, the proposals are considered to accord with the requirements set out within Policies EN 1, EN 2 and EN 4.

Undeveloped Coast

As the site falls within the designated Undeveloped Coast, relevant to this application are paragraphs 187 of the NPPF, which states that decision should maintain the character of the undeveloped coast, as well as Core Strategy Policy EN 3, which states that:

“In the Undeveloped Coast only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted.”

The supporting text for Policy EN 3 states that non-essential development in a coastal area can have cumulative effects on landscape, biodiversity and recreation. Development that does not require a coastal location should not normally be provided within the coastal zone and it is reasonable to expect provision for housing, employment and other activities to be made elsewhere.

No justification has been provided to demonstrate that a coastal location is required for the five commercial units. In this respect, conflict arises with this element of the policy. Should this first element have been met, it is considered that the second part, relating to the open coastal character, would have been found acceptable in light of the assessment above.

Therefore, in the absence of sufficient information, the proposals conflict with the requirements of Core Strategy Policy EN 3 and this weighs against the grant of planning permission.

3. Historic environment

Policy EN 8 of the Core Strategy states that development proposals should preserve or enhance the character and appearance of designated assets, historic buildings/structures, monuments, landscapes and their settings through high quality, sensitive design. Where required, development proposals affecting sites of known archaeological interest will be required to include an assessment of their implications and ensure that provision is made for the preservation of important archaeological remains. This policy also seeks to ensure that the character and appearance of Conservation Areas is preserved, and where possible enhanced, encouraging the highest quality building design, townscape creation and landscaping in keeping with these defined areas.

It should be noted that the strict '*no harm permissible*' clause in Local Plan Policy EN 8 is not in full conformity with the guidance contained in the latest version of the NPPF. As a result, in considering the proposal for this site, the Local Planning Authority will need to take into consideration the guidance contained within Chapter 16 of the NPPF as a material consideration. A number of these requirements are alluded to below, including the requirement to balance any less than substantial harm to a designated heritage asset against the public benefits of the development.

Paragraph 207 of the NPPF states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 215 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

No heritage assessment has been provided by the applicant, including any statement of significance as required by the NPPF.

The application site is situated within the immediate setting of the Grade II listed South Lodge and within the wider setting of the Grade II* Cromer Hall, both of which are considered designated heritage assets for the purposes of the NPPF.

Setting is a key consideration when assessing an application for its impact on any heritage assets. For the purposes of the NPPF, setting is defined as: “the surroundings in which a heritage asset is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”. In accordance with Para 208 of the NPPF, local planning authorities are obliged to identify and assess the significance of any heritage asset that may be affected by a proposal, which includes the setting.

South Lodge is one of two lodges built along Hall Road at the north and south entrances to the Cromer Hall estate, thought to have been constructed around 1879. Although they served a practical purpose, lodges formed part of the wider estate and would often be designed by the same architects who worked on the main house. They were seen as an important way for the estate owner to announce their wealth and status, as well as providing an opportunity for architectural experimentation. South Lodge was built in an ornate Tudor Gothic style and has undergone very little external alteration, retaining much of its original detailing, together with the boundary walls and gate piers to the entrance. As a group they survive in a condition close to the original form, including their rural setting, as originally intended.

The application seeks consent to construct 2 large commercial structures on the site adjacent to South Lodge, the larger of the two is situated to the east of the site in close proximity to the lodge. Despite the presence of mature planting between the two sites, the position and sheer scale of the proposed eastern unit would increase the likelihood of intervisibility between the two. This would be particularly exacerbated during the winter months when the vegetation is not in full leaf, and so the presence of vegetation cannot be relied upon to effectively screen the development. Furthermore, there is no guarantee that the existing or any additional planting would always be there and as such should not be relied upon to mitigate harm to a heritage asset. The Conservation Officer considers that the eastern building in particular would have a notable impact on the important rural setting of the Lodge, disrupting the landscape in which it was originally intended to be appreciated from. Whilst there is pre-existing development further along the track from the application site, this is far enough removed that the Lodge remains at least visually isolated.

The Conservation Officer considers that bringing the built form so close to the boundary with South Lodge would result in ‘less than substantial’ harm to the setting of the heritage asset, which has historically enjoyed a rural setting. Paragraph 213 states that “any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”. Proposals within the setting should look to preserve those elements which make a positive contribution to the asset in order to be treated favourably (NPPF, Paragraph 219). The rural setting of the lodge forms part of the building’s significance, and should therefore be conserved as far as is reasonably possible.

It is acknowledged that the site is perhaps not in the best condition as it stands, used for ad-hoc informal agricultural storage. However, this is mostly low level and so is not viewed in conjunction with the listed building, accordingly it has a fairly neutral impact on the setting of the heritage asset.

The site forms part of the ungraded Historic Park and Garden of Cromer Hall. The Conservation Officer has raised no objection in relation to this aspect.

Comments have been received from Historic Buildings & Places. These comments highlight their concerns about the impact of the development on the setting, and therefore significance, of South Lodge and the associated gateway and walls. The comments also highlight that no consideration of the potential intervisibility between Cromer Hall or South Lodge has been provided. Historic Buildings & Places recommend that a view and impact analysis is provided to ensure that the development is not visible from Cromer Hall, and to ensure that the new buildings do not harm the setting of Cromer Hall and South Lodge.

In undertaking the balancing exercise as required by NPPF paragraph 215, the public benefits resulting from this development are economic in character. This includes the job creation opportunities which would come from the delivery of 5 commercial units, as well as general economic growth benefits resulting from the increase, provision and diversity of commercial floorspace in the Cromer area.

As expanded upon within the section of this report above, the exact extent of these benefits has not been made clear through the limited information provided with the application. Having regard to the matters set out above, Officers consider that the heritage harm resulting from the development would not be outweighed by public benefits.

Officers concur with the Conservation Officer's assessment and consider, with the public benefits accruing from the development not outweighing such harm and having due regard for the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, that the proposals would not accord with the requirements of Core Strategy Policy EN 8, nor the relevant guidance contained within Chapter 16 of the National Planning Policy Framework. Consequently, this harm is given considerable importance and weight in the planning balance of this application.

4. Residential amenities

Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Policy EN 13 states that all development should minimise and reduce forms of pollution and development will only be permitted where there are not unacceptable impacts on general amenity, health and safety of the public and air quality, amongst other matters.

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. In order to ensure a degree of privacy between neighbouring properties guidance minimum separation distances are set out within this section of the document.

Paragraph 135 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

Paragraph 187 states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 198 states that planning decisions should ensure new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions.

The proposal's impact upon the amenities of nearby residential properties as well the operations of the neighbouring businesses and users have been considered. In terms of the latter, regard has been given to paragraph 200 of the NPPF which states "planning policies

and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.”

There are two residential properties located in close proximity to the site, South Lodge to the north and Home Farm Lodge to the south. Whilst the scale of the proposed buildings is not insignificant, they would be sufficiently distanced from these dwellings as to avoid adverse overbearing, overshadowing or loss of light impacts. The creation of the five commercial units would intensify the noise and disturbance coming from the land, whilst acknowledging that the existing agricultural use would not be silent. In order to protect residential amenities, conditions requiring the prior submission of details for any plant, machinery, ventilation, air con, or extraction would be imposed. Furthermore, in order to limit noise and disturbance extending into unsociable times of the day, conditions restricting opening/operating and delivery hours would be required.

The proposed commercial units would be located adjacent to an existing agricultural building, with other commercial units located beyond. Given the scale and nature of the uses proposed, it is considered that these would not have adverse impacts upon existing neighbouring uses.

The development would therefore accord with Core Strategy Policies EN 4 and EN 13 and paragraphs 135, 187, 198 and 200 of the NPPF in respect to these matters.

5. Sustainable construction and energy efficiency

Core Strategy Policy EN 6 states that all new development will be required to demonstrate how it minimises resource consumption, minimises energy consumption compared to the current minimum required under part L of the Building Regulations, 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, especially in those areas with substation capacity issues. The most appropriate technology for the site and the surrounding area should be used, and proposals should have regard to the North Norfolk Design Guide.

No information relating to the development’s energy performance has been provided as part of this application, and no renewable or low carbon energy sources have been detailed. At 926.5sqm of floor space, the proposals fall below the 1000 square metre threshold within EN 6 whereby on-site renewable energy should account for at least 10% of the predicted total energy usage.

Conditions to secure further information in relation to these matters could be included as part of any approval. Any renewable energy scheme would need to be sensitively designed given the heritage and tree constraints of the site. Subject to conditions, the development would accord with Policy EN 6.

6. Biodiversity & Geology

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 and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

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.

Officer assessment

The habitats present at the site (scrub, scrubbed over spoil mounds, trees and treelines) have strong connectivity to (priority) woodland habitats with the site almost enclosed by woodland between Cromer to the north, Roughton Road to the east, the railway line to the south and Holt Road to the west. These habitats are of potential value to reptiles, breeding birds and foraging/commuting bats.

Officers would usually expect an application of this type and where habitats of ecological value will be impacted to be supported by a Preliminary Ecological Appraisal (PEA) or Ecological Impact Assessment (EclA). The Ecology Officer would not recommend the application is approved in the absence of further information regarding the potential for adverse impacts upon habitats and protected species. They advise that this would be contrary to paragraph 99 of ODPM Circular 06/2005 and Core Strategy Policy EN 9 and could equate to a failing of the

Council's statutory duties under the Conservation of Habitats and Species Regulations 2017 (as amended).

In relation to Biodiversity Net Gain (BNG), the Ecologist has highlighted discrepancies between site conditions and those used within the baseline categories. These inconsistencies bring the accuracy of the baseline calculations into question where no further information or justification has been provided (e.g. no 'User Comments' have been provided in the metric). There is also concern that additional boundary vegetation will need to be removed to facilitate the creation of required visibility splays, and the red line may need to extend further east as a result. Until the true extent of the site boundary and any habitats which may be impacted by the proposal can be confirmed, the Ecologist cannot agree to the baseline value of the site. The baseline value must be agreed prior to approval.

Officers concur with the Ecologist's concerns regarding the development's potential ecological impacts and consider that in the absence of appropriate assessments addressing the issues raised above, including an updated BNG baseline, the potential impacts of the proposal on habitats and protected species has not been adequately established. The information provided does not enable the Council to discharge its statutory duties under Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) (also see paragraph 99 of the ODPM Circular 06/2005). The proposal fails to comply with Policy EN 9 of the adopted North Norfolk Core Strategy, and the guidance contained within Chapter 15 of the NPPF.

7. Arboriculture

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 4 states that development will be expected to retain existing important landscaping and natural features. Policy EN 9 seeks to maximise opportunities for restoration, enhancement and connection of natural habitats.

Paragraph 136 of the NPPF sets out that new developments should ensure that streets are tree-lined, and incorporated elsewhere within the site (including parks and community orchards), along with appropriate measures to secure their long-term maintenance. Existing trees should be retained wherever possible. 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.

There are significant and mature trees located along the boundary with Hall Road, which contribute positively to the landscape and biodiversity value of the road and wider area. No arboricultural assessment has been provided as part of this application. The proposed works have potential to impact upon trees within and surrounding the site, including those along Hall Road. The proposed field access to be created from the junction with Hall Road would require the removal of trees and vegetation. It is likely some boundary vegetation would need to be removed to create acceptable visibility splays.

Given the significance of a number of the trees within and surrounding the site, the lack of a reliable assessment supporting the proposals could result in the loss of, or harm to these trees occurring should permission be granted. In the absence of adequate information, officers consider the proposal fails to demonstrate that it would be able to retain these existing important landscape and natural features. For that reason, it is considered the proposal would be contrary to Policies EN 2 and EN 4 of the Core Strategy. Furthermore, the development has not demonstrated that it would retain trees in line with paragraph 136 of the NPPF, nor

does it fully recognise the intrinsic character and beauty of the countryside, including the benefits associated with trees and woodland as required by paragraph 187 of the NPPF.

8. Highways and parking

Core Strategy Policy CT 5 requires development to be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location and to provide safe and convenient access for all modes of transport, including access to the highway network. Proposals should be served by safe access to the highway network without detriment to the amenity or character of the locality. The expected nature and volume of traffic generated by the proposal should be accommodated by the existing road network without detriment to the amenity or character of the area or highway safety.

As set out above, paragraph 89 of the NPPF states that “decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).”

Paragraph 109 of the NPPF seeks to ensure that developments understand and address potential impacts on transport networks, identify and pursue opportunities to promote walking, cycling and public transport use. Paragraph 115 requires development to prioritise sustainable transport modes, provide safe and suitable access for all, be designed to meet national guidance and standards, and mitigate any significant impacts on the transport network. Paragraph 116 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”

Trip Generation

The proposal would result in increased commercial traffic south of the site at Metton Road and Hall Road. Metton Road and Hall Road are not of a high standard with poor alignment, restricted width, lack of passing provision and also visibility constraints at the respective highway junctions with the B1436. Hall Road to the north is wider but is restricted close to Cromer Hall, where verge erosion is already evident. The Highway Authority have stated that it would not be feasible to improve the roads to a satisfactory standard for the proposed development. Conflict with Policy CT 5 arises as the traffic generated by the proposals would not be accommodated by the existing road network without detriment to highway safety.

Access

The Highway Authority regards the existing access as being substandard, whereby the width is insufficient for two-way commercial movements and visibility is restricted by roadside hedging. Appropriate visibility splays may be achievable via hedge maintenance/removal, however in the absence of information, the full extent of works required to achieve this are unknown at this stage.

Whilst it may therefore be possible to achieve suitable visibility, the access as existing/proposed would not provide for two-way movements. In the view of the Highway Authority, improvements would be required so that two goods vehicles could pass within it for

it to be ultimately viewed as being acceptable. Conflict with Policy CT 5 arises in that the development would not provide safe access to the highway network.

The creation of a new access track to the concert field, close to the junction with Hall Road, would need to be reconfigured away from the existing intersection and served from the improved arrangements noted above. As presented, this access track is also likely to require the removal of a number of the trees located along the site's boundaries.

Accessibility

The application site has footway links north into the town centre, and east onto Roughton Road. These footpath connections link to the town's bus and rail connections and would provide employees and customers of the proposed development a choice of travel options. Commercial movements are however, likely to undertaken by road.

Parking

Policy CT 6 requires the provision of adequate vehicle parking facilities to serve the needs of the development having regard to the Council's parking standards. Relevant to these proposals the Council's parking standards are:

Use Class A2 / E(c)(i) – Financial services – 1 space per 20sqm

Use Class B1 / E(g)(i) – Offices – 1 space per 30sqm

Use Class D2 / E(d) – Indoor sport, recreation or fitness – 1 space per 22sqm (plus coach drop off point)

Use Class B8 Storage and Distribution – 1 space per 150sqm

Based on the above, the development of 926.5sqm of floor space would require 30 vehicular parking spaces. The proposed plans show 30 spaces, however a number of those in the northeast corner would not be easily accessible. Given the size of the 'yard', it is considered that a sufficient vehicular parking arrangement could be provided and could be secured via condition. A condition could also be used to secure the required coach drop-off point. Comments made within the design and access statement indicate that mezzanine floors may be provided. However, as these have not been proposed, the above calculations have been based on the floor space proposed. Given the potential parking implications of creating additional floorspace by insertion of mezzanine floors, conditions could be used to prevent the creation of these without first securing planning permission.

In addition to the above, the Council's parking standards require provision to be made for people with disabilities (6% of total). For this development this would equate to an additional two (2) spaces. Furthermore, the standards require parking for motorcycles, mopeds and scooters at a rate of 1 space per 20 car parking spaces. These should be safe, secure and convenient with fixtures so that vehicles can be locked and secured. A single parking space should measure a minimum of 2.5 m x 1.2m. In the absence of the required information being provided as part of the application, conditions could be used to secure the details and provision of these parking elements.

No electric vehicle charging has been shown or discussed within the submission. Emerging Policy CC 8 requires non-residential development to provide 20% of all new parking spaces with electric vehicle charging points. This equates to the six (6) spaces for the proposed development. This policy broadly aligns with requirement S4 from Part S of Schedule 1 and regulation 44G of the Building Regulations 2010. Conditions could be used to secure details of the charging points and their timely delivery in line with the emerging policy's aims.

In relation to cycle parking and storage the Council's parking standards are:

Use Class A2 / E(c)(i) – Financial services – 1 space per 200sqm for visitors, 1 space per 100sqm for staff

Use Class B1 / E(g)(i) – Offices – 1 space per 100sqm for visitors, 1 space per 50sqm for staff

Use Class D2 / E(d) – Indoor sport, recreation or fitness – 1 space per 4 visitors, 1 space per 4 staff.

Use Class B8 Storage and Distribution - 1 Space per 400sqm for visitors, 1 space per 100sqm for staff

The parking standards state that cycle parking should be secure, under effective surveillance and conveniently located to the entrance or buildings with safe and direct routes to the surrounding road network.

No details have been provided as part of this application in relation to cycle parking. Conditions could be used to secure details and the provision of facilities.

Summary

The Highway Authority conclude that the development would result in a significant highway safety impact that could not practicably be mitigated, and have provided reasons for refusal. Officers concur with these conclusions, consequently the development would fail to accord with Policy CT 5 of the Core Strategy as it would not provide safe access and the traffic generated by the proposals would not be accommodated by the existing road network without detriment to highway safety. Furthermore, the development would conflict with NPPF paragraphs 89 and 116 as the proposals would have an unacceptable impact on local roads and highway safety.

No objection is raised in relation to parking and subject to conditions, it is considered that the development would accord with Policy CT 6 in this respect.

9. Flooding 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.

NPPF paragraph 182 states that “applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity.”

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 high risk of surface water flooding (more than 3.3% chance each year).

Falling below the relevant thresholds for requiring a site-specific Flood Risk Assessment (FRA) and not constituting 'major development', the application has not been supported by any flooding/drainage information. The applicant has highlighted that the existing surface water runs to a collection point and is then piped under the road to a connection with the mains. This arrangement would not be suitable for the proposed development, without justification, given that connection to a combined sewer is considered to be the least preferable means of dealing with surface water, both in relation to planning and building control guidance and legislation.

The proposal would cover a significant area of land with impermeable surfaces, namely the two buildings and parking and turning areas. Whilst further drainage information could be secured by condition, it is not known at this stage whether infiltration drainage could be successfully delivered at this site. The reliance on such a condition in the absence of more certainty is not considered appropriate in this instance. The existence of areas already at risk of surface water flooding further complicates matters. It is not known whether the development would be put at risk of flooding given its location within an area already at high risk. Should an infiltration basin be required to ensure that the development wouldn't result in increased surface water run-off from the site, the location likely to be most suitable would be outside of the red-line, potentially within the root protection area of important trees, and/or within the setting of the Grade II listed South Lodge.

Consequently, the proposal has, as a result of insufficient information, not demonstrated that it would meet the requirements set out in paragraphs 181 and 182 of the NPPF, nor does it include the necessary supporting information as set out in Paragraph: 059 Reference ID: 7-059-20220825 of the Planning Practice Guidance. Given the unknowns surrounding this matter, including whether a suitable surface water drainage scheme could be achieved within the site given tree and heritage constraints, it is not possible to secure the outstanding information by condition. The application has therefore not provided sufficient information to demonstrate this development would incorporate a sustainable drainage system. The proposal conflicts with Core Strategy Policy EN 10 and paragraphs 181 and 182 of the NPPF in this respect.

10. Contamination

Policy EN 13 of the Core Strategy states that all developments should minimise, and where possible reduce, all emissions and other forms of pollution, and ensure no deterioration in water quality. Development proposals on contaminated land (or where there is reason to suspect contamination) must include an assessment of the extent of contamination and any possible risks. Proposals will only be permitted where the land is, or is made, suitable for the proposed use.

Paragraph 187 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to or being put at risk from unacceptable levels of pollution; along with remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 196 states that planning policies, and decisions should ensure that sites are suitable for the proposed use, taking account of ground conditions and risks arising from contamination.

The application site is considered to contain potentially contaminated land as a result of the nearby industrial uses, and agricultural storage. The Environmental Health Officer has raised no objection to the proposals, subject to conditions. This includes a condition securing a contamination assessment to be undertaken prior to works commencing in order to assess

the potential for contamination before development that may place those involved in construction, the public, and end users in a position of risk from harmful contaminants. Should contamination be found within the site, appropriate remediation would be required in the interest of public health and safety and that of the end users of the development.

Subject to condition, the proposals therefore accord with Policy EN 13 in respect to these matters.

11. Other matters

Mineral Safeguarding

The application site falls within a Mineral Safeguarding Area whereby Policy 16 of the Norfolk County Council's Minerals Plan is relevant. This policy seeks to ensure that existing mineral deposits are safeguarded from needless sterilisation. The Minerals and Waste Officer has raised no objection to this development. The development is considered to comply with Policy CS16-safeguarding of the adopted Norfolk Minerals and Waste Core Strategy.

12. Planning balance/conclusions

The application form states that the development would create 25 full-time equivalent jobs. Beyond this statement however, very limited information has been provided in support of the business case for the proposals. The applicant has stated that the proposal would bring significant economic benefits, whilst the Ward Councillor expands upon this within their call-in form, stating that the development would support the growth of one of the existing units, and provide homes to several other existing businesses.

Undoubtedly, the development would result in economic benefits; this includes the job creation opportunities which would come from the delivery of 5 commercial units, as well as general economic growth benefits resulting from the increase, provision and diversity of commercial floorspace in the Cromer area. The full extent of these benefits is however, not fully known at this stage given the limited information submitted in support of the application. Nevertheless, modest weight is given to the economic benefits of the development.

The development has been found to conflict with the key strategic Core Strategy Policies, SS 1 and SS 2, which seek to limit development within the Countryside to that which requires a rural location. In this instance, it has not been demonstrated that the proposals would fall within any of the categories which support new-build economic development within Countryside locations. The proposals, through the lack of supporting evidence, have failed to demonstrate that the development would not adversely impact Cromer Town Centre as a result of the use of the buildings for Main Town Centre uses. In this respect, there is conflict with Core Strategy Policy EC 5 and the guidance contained within Chapter 7 of the NPPF.

Insufficient information has been provided to justify the proposed development, which falls within the designated Undeveloped Coast. Without justification, the proposals conflict with the requirements of Policy EN 3.

Ecologically, the application has provided insufficient information to establish the proposal's impact upon protected species and/or sites. Furthermore, the site's baseline for calculating Biodiversity Net Gain requirements has not been agreed, due to discrepancies between site conditions and those used within the baseline categories. Furthermore, the full extent of the works required to deliver the development have not been fully considered by the applicants. In these respects, the proposal fails to comply with Policy EN 9 and the guidance contained within Chapter 15 of the NPPF.

Insufficient information has been provided in relation to the proposal's arboricultural implications, with the site surrounded by a number of important trees, conflicting with the requirements of Policies EN 2 and EN 4 in this respect.

Insufficient information has been provided as part of this application to demonstrate whether or not the proposal would be put at risk from flooding or give rise to flooding elsewhere. This conflicts with the aims of Policy EN 10 and the guidance set out with the NPPF within Chapter 14.

The development would not provide safe access and the traffic generated by the proposals would not be accommodated by the existing road network without detriment to highway safety. Conflict arises with Policy CT 5 of the Core Strategy in this respect, as well as paragraphs 89 and 116 of the NPPF as the proposals would have an unacceptable impact on local roads and highway safety.

The development has been found to result in 'less than substantial' harm to the significance of the Grade II listed South Lodge as a result of the position and sheer scale of the proposed commercial units and the intervisibility between the two. The development would intrude into the important rural setting of the Lodge, disrupting the landscape in which it was originally intended to be appreciated from. Having undertaken the balancing exercise as required by NPPF paragraph 215, the heritage harm resulting from the development has been found to not be outweighed by public benefits.

Matters which are neutral in the overall planning balance in this instance include the development's acceptable impact within the landscape, impacts upon neighbouring amenities and, subject to conditions, energy efficiency and contamination.

In undertaking an overall balance of the competing aspects of the proposal, it is considered that the identified harms resulting from the proposal would not be outweighed by the economic benefits in favour of the development. The proposals would not be in accordance with the requirements of the Development Plan, and it has been concluded that there are no material considerations which would outweigh departure from the Development Plan. Therefore, **REFUSAL** of the application is recommended.

RECOMMENDATION:

To **REFUSE** permission on the following grounds:

1. The site is located in an area designated as Countryside where Policy SS 2 limits development to that which requires a rural location. The proposals have not demonstrated why departure from the Council's key strategic policies is appropriate for this development. The development would therefore constitute unjustified intrusion of built form into the Countryside, contrary to strategic aims of achieving sustainable development as set out within Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy.
2. The proposed development would result in Main Town Centre and retail uses within the Countryside. The application has not been supported by any assessment of the development's likely impacts upon the viability or vitality of the Cromer Town Centre. No information has been provided to support a sequential test to demonstrate the suitability of this site to contain Main Town Centre uses. In the absence of such information, the applicant has failed to demonstrate how the proposal would accord with the aims of Core Strategy Policy EC 5, in particular the impact upon Cromer Town

Centre. In this respect, conflicts arise with Policy EC 5 of the adopted North Norfolk Core Strategy as well as the guidance contained within Chapter 7 of the National Planning Policy Framework.

3. Insufficient information has been provided in order to sufficiently demonstrate that the proposal requires a coastal location within the designated Undeveloped Coast in order to justify impacts upon the undeveloped character in line with the requirements of Policy EN 3 of the adopted North Norfolk Core Strategy.
4. The proposed development would, by virtue of its location and massing, have a notable impact on the important rural setting of the Grade II Listed South Lodge, disrupting the landscape in which it was originally intended to be appreciated from. The development would cause harm to the significance of South Lodge, falling within the setting of that listed building. Such harm would be within the less than substantial category, as set out in the National Planning Policy Framework and would not be outweighed by the public benefits associated with the development. The proposed development would therefore be in conflict with Policy EN 8 of the adopted North Norfolk Core Strategy and Chapter 16 of the National Planning Policy Framework.
5. Insufficient information has been provided by the applicant in order to establish the site's ecological value and the impacts of the proposal on protected species. Therefore, the potential for adverse impacts upon habitats and protected species cannot be assessed in accordance with the Council's statutory duties under Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) (also see paragraph 99 of the ODPM Circular 06/2005). Therefore, the proposal would be contrary to Policy EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.
6. Insufficient information has been provided by the applicant in order to sufficiently establish that the site's Biodiversity Net Gain (BNG) baseline calculations are an accurate reflection of site conditions. Inconsistencies between the information provided and that observed on site brings the accuracy of the baseline calculations into question where no further information or justification has been provided. The proposals therefore conflict with the requirements set out within Article 7A of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
7. Insufficient information has been provided by the applicant in order to sufficiently demonstrate that the proposal would not adversely affect the existing mature trees adjoining the application site, many of which are important to the local landscape. Therefore, in the absence of an up-to-date and reliable Arboricultural Impact Assessment, which fully considers the implications of the proposed impact upon affected trees, the proposal fails to demonstrate the suitable retention of existing important landscaping and natural features, contrary to the requirements of Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy and paragraphs 136 and 187 of the National Planning Policy Framework.
8. The proposed access is considered unsatisfactory to serve the development by reason of its inadequate width. The proposals would therefore lead to the stopping and waiting of vehicles on the highway to the detriment of highway safety contrary to Policy CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework.
9. The unclassified roads of Hall Road and Metton Road serving the site are inadequate to serve the development proposed, by reason of poor alignment, restricted width, lack of passing provision and restricted visibility at adjacent Road junctions. Consequently,

as a result of the additional traffic generated by the development, the proposals would be likely to give rise to conditions detrimental to highway safety contrary to Policy CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework.

10. Insufficient information has been provided by the applicant in order to demonstrate that the proposal would not be at risk itself from, or give rise to, surface water flooding elsewhere. The application has not provided sufficient information to demonstrate this development would/could incorporate an appropriate sustainable drainage system. The proposal is therefore contrary to Policy EN 10 of the adopted North Norfolk Core Strategy, paragraphs 181 and 182 of the National Planning Policy Framework and the guidance contained within the Government's Planning Practice Guidance in relation to Flood Risk.

Informative(s)

- 1 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 (in accordance with paragraphs 55-58).

In this instance:

- the Applicant was updated of any issues after the initial site visit;
- additional information was submitted by the Applicant and has been given due consideration;
- the details of this application have been passed onto the Council's Economic Development Team with the hope that positive engagement can be made which will help support the applicant and their business needs.

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