

HIGH KELLING – PF/24/1892 – Change of use of existing buildings from care home to 35 dwellings with associated landscaping, bicycle storage and refuse and recycling storage at Pineheath Care Home, Cromer Road, High Kelling, Holt, NR25 6QD

Major Development

Target Date: 24 December 2024

Extension of Time: 14 March 2025

Case Officer: Mark Brands

Full Planning Permission

RELEVANT CONSTRAINTS

North Norfolk Coast Area National Landscape is located north side of main Cromer Road
Located within the countryside
Trees on site covered by Tree Preservation Order.
Cromer Road is a Principal Route
GIRAMS Zones of Influence (various)
Landscape Character Area – Wooded Glacial Ridge

THE APPLICATION

Seeks planning permission for the conversion of the existing care home buildings to form 35 dwellings, with associated landscaping, bicycle storage and refuse and recycling storage. The site occupies an area of 1.23 hectares, surrounded by woodland. The site is accessed via a private driveway to the south of Cromer Road, shared by 2 residential properties, and screened from public view with the woodland surrounding the site. Woodland to the north of the application site is within the applicants control as well as a proposed new pedestrian path connecting to Cromer Road. The site is set partially within open countryside, with farmland to the east of the site, Bodham Common to the south of the site (mixed woodland), with Selbrigg Pond County Wildlife Site in the valley below. There is a public right of way to the west and east of the site, leading south and connecting in Bodham Common, To the east of the site beyond a track is an agricultural field.

The site operated as a care home from the early 1990s to 2017, the original building was built in 1911 as a sanatorium, before becoming a nursing home then a care home. The built form comprises 5 blocks. The original building is a large detached two and a half storey block, constructed in brick and render with pitched and hipped roof (Block B). The buildings to the west comprise a single storey former classroom with a former physiotherapy room and flat in between the original building with classroom to the west (Block A), with corridor connecting these blocks. There is an outbuilding to the north of the main block used as plant, storage and laundry facilities (Block D). To the east of the main building is a U-shaped single storey building comprising 12 former assisted living bungalows, these buildings are the most recent development on the site, dating from 2015 (Block C).

In Block A the proposals seek to refurbish and convert the classroom to provide three 1-bed dwellings, convert the physiotherapy block to form two semi-detached 2-bed dwellings. In Block B, the proposal is for refurbishment and conversion of the existing dilapidated original building to provide eight no. 1-bed, eight no. 2-bed, two no. 3-bed dwellings (including some limited extensions), removing the linking corridor connecting these structures and conversion of existing 12 bungalows (Block C) to provide ten no. 1-bed and two no. 2-bed dwellings. The building to the north (Block D) would be retained for ancillary purposes to serve the development as plant rooms and refuse store).

Further details / amendments received during the course of the application

Received 8 January 2025
Baseline Map
BNG Areas Sketch

Received 18 December 2024
Applicant response letter, open space assessment

RELEVANT PLANNING HISTORY

DE21/22/2789
Conversion & change of use of existing buildings, with minor extension to form 36 residential units, carparking & amenity space
Advice Given 05/07/2023

DE21/21/1762
Conversion & change of use of existing buildings, with minor extension to form 36 residential units, carparking & amenity space
Advice Given 10/09/2021

DE21/18/0018
Demolition of care home and assisted living bungalows and erection of a 150-unit residential care community comprising 45 one-bed, 57 two-bed, 28 two-bed plus study, and 20 three-bed units, with health facilities and carpark
Advice Given 19/08/2019

PM/14/0328
Reserved Matters - Erection of extension to provide twelve supported residential units
Approved 20/05/2014

PO/08/1193
Outline planning - Extension to Care Home to Provide Four, Two-Person and Eight, One-Person Single-Storey Units
Approved 12/09/2012

PO/06/0821
Erection of single-storey extension to provide supported accommodation of the elderly and erection of detached gatehouse and wardens lodge
Refused 18/08/2006

PO/05/1905
Erection of twelve sheltered housing units
Withdrawn 30/01/2006

PF/03/0085
Erection of extensions for additional bedrooms
Approved 05/03/2003

PF/93/1662
Alterations to existing building to provide additional bedrooms
Approved 15/02/1994

PF/90/0299
Change of use to nursing home
Approved 15/05/1990

REASONS FOR REFERRAL TO COMMITTEE

The item was called into Committee by the Assistant Director of Planning. The item was called in on 14 October 2024 and the grounds for call-in are:

“This is a major application for 35 new homes – and as such is at a scale where Committee determination is considered appropriate – irrespective of the Policy issues that might arise and the comments that might be received on the application.”

CONSULTATIONS:

Kelling Parish Council – Object (summarised points)

- Absence of affordable housing
- Detrimental effect on residential amenity of existing residents
- Conflict between pedestrians and vehicles
- Vehicular movement projections inaccurate
- Junction with the highway dangerous given traffic on Cromer Road and reduced visibility
- Sewage concerns
- Would result in an isolated segregated community
- No improvements to paths accessing village amenities
- Existing paths not appropriate, crossing road impossible during peak times
- design encourages car dependency and isolation.
- Contrary to local policies and NPPF

Environmental Health – No objections (subject to conditions)

Landscape (NNDC) – Comments – Not considered to have significant impacts on protected landscape. No trees are being removed, sufficient mitigation in place to protect existing trees ecological impact assessment appropriate, however some changes needed in the mitigation and enhancements to meet best practice. Further BNG information / clarification required.

Ward Councillor (Councillor Vardy) - *I echo the comments by High Kelling PC on this application. It will provide dangerous access and egress to the revised development. I am unsure of county highways position on this, but I do think that it should be put before a committee if it gets to that stage. There are several material planning considerations*

Adjacent ward Councillor (Councillor Ringer)

I attended Bodham Parish Council (neighbouring parish, indeed, the boundary is alongside the proposed site). The affordable housing was mentioned again so I wondered whether there had been any movement on this? One thing suggested was that they make a financial contribution towards exception housing (in lieu of affordable homes on site) but that this MUST be conditional on it being exception housing built either in High Kelling or a surrounding parish (Bodham, Kelling, Weybourne).

I will leave them to submit their own comments, but I did wonder whether the suggestion above

could be given some additional consideration.

Strategic Housing NNDC – Comments – Local affordable housing need, where viable would be a requirement for affordable housing (evidence provided demonstrating not viable to do so), loss of care home and care provision, compatible housing mix with inclusion of smaller units and suitable / adaptable units.

County Council Highways (Cromer) – Comments – Concerns over use of Manual for Streets (MfS) over Design Manual for Roads and Bridges (DMRB) visibility requirements, and traffic generation figures, with reduction daily vehicular movements not considered the case when using other TRICS data for dwellings (which would result in additional vehicle generation totalling 210 daily movements).

Officer comment:

There have been further discussions of these comments regarding the use of TRICS subcategories for developments that are predominantly flats and it is expected that these comments will be updated, recognising the lower vehicular movements for flats is the appropriate measure used in the transport assessment, such that the conversion would not materially affect highway safety.

NCC Flood & Water Mgmt (LLFA) – Comments (see standing advice)

NCC Planning Obligations Co-Ordinator – Comments – Currently spare capacity within all education sectors, contributions only sought for libraries, monitoring fee and provision of fire hydrant.

REPRESENTATIONS

8 representations have been received comprising 6 **objections** and 2 **neutral** comment. The main objections are summarised (full public comments can be viewed on the public website):

- Highway safety concerns (additional traffic, insufficient capacity, speed of traffic on A148 and proximity to other accesses, no additional traffic management proposed)
- Highway safety concerns for pedestrians over pedestrian crossing works
- No actual commitment to provide pedestrian crossing improvements
- Overdevelopment of the site
- Loss of C2 care home use
- Conflict with emerging local plan
- Waste water / drainage concerns
- Concerned over PROW restrictions / lack of recognition in plans of this network
- Concerned used for second homes
- No inclusion of affordable housing
- Inappropriate housing mix

Redevelopment of the site supported to prevent further deterioration, and illegal activity

HUMAN RIGHTS IMPLICATIONS:

Art. 8: The right to respect for private and family life.

Art. 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 ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT POLICIES:

North Norfolk Core Strategy (September 2008):

Policy SS 1 (Spatial Strategy for North Norfolk)
Policy SS 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 3 (Affordable Housing in the Countryside)
Policy HO 9 (Conversion & Re-use of Rural Buildings as Dwellings)
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 4 (Design)
Policy EN 6 (Sustainable Construction and Energy Efficiency)
Policy EN 8 (Protecting and Enhancing the Historic Environment)
Policy EN 9 (Biodiversity and Geology)
Policy EN 10 (Development and Flood Risk)
Policy EN 13 (Pollution and Hazard Prevention and Minimisation)
Policy CT 2 (Developer Contributions)
Policy CT 3 (Provision and Retention of Local Facilities and Services)
Policy CT 5 (The Transport Impact of New Development)
Policy CT 6 (Parking Provision)

Material Considerations:

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)
Chapter 17 (Facilitating the sustainable use of minerals)

Supplementary Planning Documents:

North Norfolk Design Guidance (2011)

North Norfolk Landscape Character Assessment (2021)
North Norfolk Landscape Sensitivity Assessment (2021)
North Norfolk Open Space Assessment (2019)

Other relevant documents

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)

OFFICER ASSESSMENT:

MAIN ISSUES FOR CONSIDERATION:

1. Principle of development
2. Loss of Community Facility
3. Design and amenity
4. Housing mix
5. Highway Impact
6. Developer contributions
7. Landscape
8. Ecology
9. Flooding and drainage
10. Energy
11. Planning Balance and Conclusion

1. Principle of Development

Creation of dwellings within the countryside

The spatial strategy for North Norfolk is set out within 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 coastal 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.

The supporting text to Core Strategy Policy SS 1 explains that new market housing in the countryside is restricted in order to prevent dispersed dwellings that lead to a dependency on travel by car to reach basic services and to ensure a more sustainable pattern of development.

Core Strategy Policy SS 2 permits certain types of development within the countryside, including through the re-use and adaption of buildings for appropriate purposes, in accordance with the conversion policy HO 9. This includes converting buildings that are worthy of retention due to its appearance, historic, architectural or landscape value, buildings are capable of conversion without substantial rebuilding or extension and protects / enhances the character of the building and its setting and of an appropriate scale in terms of number of dwellings for the proposed location.

The core building (Block B) was erected in 1911 as a sanatorium for children. The layout was later altered when this became a nursing home, then again to serve as a care home. The core building is of a post Edwardian design and the architectural style is also present elsewhere in High Kelling, vaguely echoing the butterfly-plan arts and crafts houses found locally. There is

therefore some local interest and merit to retain and convert to residential units. The NPPF also supports the reuse and adaptation of buildings for habitable uses, the buildings are screened within a wooded setting. Only modest external works would be required, including demolition of the corridor link, removal of external fire escapes, and extension at first floor level on the eastern side of the main building of the setback, to match the ground floor outline. The proposals indicate there would not be significant rebuilding or extensions required to facilitate the conversion.

The site is locationally set apart from the main settlement most notably by the A148 Cromer Road. This limits the site's ability to provide an integrated and cohesive relationship with the village. The proposals seek to address this aspect, by promoting connectivity through the site to the wider Public Rights of Way (PROW) network and crossing points at Cromer Road with a new pedestrian access leading to the site.

While this is a large-scale conversion, which creates a significant number of new dwellings, officers recognise that the site has considerable scope to accommodate major development proposals. The site is expansive and will provide appropriate amenity and parking provision whilst limiting any adverse local impacts. The key issue is the impact of the conversion on local highway safety. Officers otherwise find the principle of the proposed conversions at this site acceptable in principle under Policies SS 1 and HO 9.

Housing land supply position

The Local Authority cannot currently demonstrate a 5-year housing land supply, which is a material planning consideration in the determination of the application. National Planning Policy Framework (NPPF) Paragraph 11 d) (often referred to as the "tilted balance") sets out that:

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

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

Officers consider that the tilted balance is engaged by these proposals.

2. Loss of the Community Facility

Core Strategy Policy CT 3 includes 'small scale health care facilities' within its definition of 'Community Facilities and Services' and seeks to promote provision of community facilities in appropriate (i.e. sustainable and accessible) locations, and prevent the premature loss of important local facilities where their continued use is still a viable prospect.

On a different site within the district, appeal decision (APP/Y2620/W/21/3272150) confirmed the policy is relevant to care homes, and has compatibility with provisions in the NPPF, most notably paragraph 97 that requires policies and decisions to guard against the unnecessary loss of valued facilities and services, and where possible ensure these are retained.

Policy CT 3 sets out that development proposals that would result in the loss of sites or premises currently, or last used for, important local facilities and services will not be permitted unless:

- *alternative provision of equivalent or better quality is available in the area or will be provided and made available prior to commencement of redevelopment; or*
- *it can be demonstrated that there is no reasonable prospect of retention at its current site; and if it is a commercial operation, that a viability test has demonstrated that the use is no longer viable and that all reasonable efforts have been made to sell or let the property at a realistic price for a period of at least 12 months.*

The application is accompanied by a marketing and commercial report. The supporting documentation sets out the care home has been closed since 2017. Significant investment would be required to bring the site back into use from its current dilapidated state. The supporting documentation acknowledges the shortfall of care accommodation in Norfolk but provides example of potential oversupply in the vicinity of the Holt area with 2 recent new care homes providing 132 new bedrooms. Within 10 miles of Holt, there are some 412 beds of such provision, expected to rise to 470 following refurbishments with a current spare capacity of 19%.

Significant investment would be required to bring the site back into use as a care home. Currently the room sizes are limited to around 10-12sqm, none are ensuite to serve the former registered capacity of 44 (the main care home building). Markets now dictate larger rooms and provision of ensuite accommodation. The changes and alterations required would result in a reduction of the number of rooms provided on site i.e., to increase the room size and enable such facilities to be provided. The net effect reduces the number of rooms to 25-27 (main building). Such a scale of care home, assuming 90% occupancy could reasonably expect a surplus of £175k per year, and a market valuation of £1.1 million. The costs estimated at bringing this site back into its former use has been put at £3.75 million. Given the level of investment required to bring the site back into use this has been considered through the supporting documentation as not providing a viable opportunity to reuse the site as a residential care facility.

Regarding the marketing requirement of the policy, the site has been marketed by a specialist broker, Redwoods Dowling Kerr since May 2022, promoting the site through its database of established care home providers, with marketing details sent to 1,002 names on their database, and an additional 54 potential purchasers who have contacted the company in the past 18 months to register an interest in purchasing a care home. The site was also marketed via their website, including with sale boards at the site.

The marketing report sets out that this has been marketed as “open to offers”, given the nature and context of the site to encourage interested parties. However the market response has been disappointing with lower interest than expected. Four offers were made in the 23 months of the marketing. These offers were discounted as none would have proceeded to retaining the care home use of the site and were either subject to planning permission for redevelopment and change of use of the site for residential purposes, or with unclear intentions and evidence to demonstrate an appropriate background and business plan to bring the site back into use.

The duration and scope of the marketing is considered satisfactory. Offers were made for the site but none would have resulted in the current care home use being retained. As such the Local Planning Authority is satisfied the reuse of the site for care home purposes could not be secured and that the marketing campaign and its outcomes will satisfy the requirements of policy CT 3.

3. Design and amenity

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 of suitable design for their context and be of an appropriate scale. Additionally, important landscape and natural features should be retained, and proposals should incorporate landscape enhancements.

There should be clear distinctions between public and private spaces, create safe places, and accessible to all. Proposals should also incorporate footpaths and green links, ensure that parking is discreet and accessible and where possible, contain a mix of uses, buildings and landscaping. Proposals should not have a significantly detrimental effect on the residential amenity or nearby occupiers. Paragraph 135 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

The works required to facilitate the conversion for residential use are relatively modest. Main changes relate to the removal of the corridor link, first floor extension of the set back to east side of the main building, and removal of fire escapes to the main block. The first-floor flats would be served by 3 sets of staircases. Other alterations are more modest, relating to fenestration changes (entrance doors for the new dwellings at ground floor level), omission of entrance porch, additional and changes to the windows arrangement of the main and west blocks. Given the limited nature of the external works required, the proposals are considered a broadly sympathetic design to the existing built form.

The North Norfolk Design Guide states that residents should have the right to adequate privacy levels and that new development should not lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact.

The application is accompanied by a daylight and sunlight report, assessing the internal lighting levels expected from the proposed development against the existing nature of the site and surrounding mature woodland. Regarding daylight, 98% of the main habitable rooms achieve the target lux levels to 50% of the rooms assessment area. For sunlight the assessment shows 30 (86%) of the 35 flats will meet or exceed the target of 1.5 hours of sunlight which is considered of a good level given the fixed nature of the orientation and windows. The report sets out that acceptable levels of daylight and sunlight would be obtained and meets the expectations set out in national guidance, ensuring acceptable daylight and sunlight levels to future occupants within the scheme.

The layout of the units shows most of the units will be dual aspect with some limited use of obscure glazing to protect residential amenity where there is closer proximity to neighbouring windows etc. New separate staircases are proposed to serve the flats on the first floor. The internal layout arrangement is considered suitable and rationalised, minimising communal corridors and landings, amongst other things, to ensure the internal space is best utilised as living accommodation and by mostly avoiding flats in the main block being only single aspect. All the units would have appropriate extent of internal living accommodation, with the sizes adhering to national minimum described space standards.

The design of the proposed dwellings following redevelopment is considered to result in a good visual design, respecting the character and existing built form on the site, accords with

local design considerations, mix, amenity and space standards as set out in the Local Plan and Design Guide.

In respect of Design and Amenity, Officers consider that the proposal accords with Core Strategy Policy EN 4.

4. Housing Mix

Policy HO 1 states that all new housing developments shall provide at least 40% of the dwellings as having two bedrooms or fewer, with internal floor spaces not more than 70 sq m. Policy HO 1 also states that 20% of the dwellings to be provided shall also be provided as accessible and adaptable for occupation by the elderly, infirm or disabled.

The housing mix comprises 35 dwellings, comprising 21 no. 1 bed (60%), 12 no. 2 bed (34%) and 2 no. 3 bed (6%). The scheme would deliver a significant number of smaller units which will address a locally identified need for such accommodation. The proposals include 94% 2 beds or fewer and 58% having an internal floorspace of less than 70sqm. There are 5 units meeting wheelchair M4(3) building regulation standards, additionally, 23 units would comply with M4(2) accessible and adaptable building regulation standards. The mix and composition are considered appropriate with its inclusion of smaller units including for wheelchair user dwellings and accessible and adaptable units.

Core Strategy Policy HO 2 sets out that where it is viable to do so, that on all schemes of 10 or more dwellings (including conversion of existing buildings HO 9), affordable housing provision shall be included within the proposals. The application is accompanied by a Financial Viability Assessment, evidencing it would not be viable to include the provision of affordable housing as part of the proposed development. The Local Planning Authority has sought to confirm this, and the findings in the report have been corroborated by an external consultant, confirming that it would not be viable to deliver affordable housing on the site or request commuted sums.

The proposals are considered acceptable from a design and amenity perspective, according with policy EN 4, and Section 12 of the NPPF, and of a suitable mix and demonstrated to the satisfaction of the Local Planning Authority that it is not viable to provide affordable housing on the site.

5. Highway Impact

Core Strategy Policy CT 5 (The Transport Impact of New Development) states that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. Development proposals will be considered against the following criteria:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability.
- the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality.
- outside designated settlement boundaries the proposal does not involve direct access on to a Principal Route, unless the type of development requires a Principal Route location.

- the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.

Policy CT 6 (Parking Provision) states that adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with the Council's parking standards, including provision for parking for people with disabilities.

Paragraph 109 of the NPPF sets out that transport issues should be considered from the earliest stages of development proposals so that, amongst other matters, the potential impacts of development on transport networks can be addressed, opportunities to promote walking, cycling and public transport use are identified and pursued, and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.

Paragraph 110 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. It also recognises that transport solutions will vary between urban and rural areas.

Paragraph 115 states amongst other matters that development should ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location, and that safe and suitable access to the site can be achieved for all users.

Paragraph 116 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 117 of the NPPF continues by setting out that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and facilitate access to high quality public transport where possible. Development should also address the needs of all users, be safe, secure and attractive avoiding conflict between transport users, allow for efficient delivery/access and be designed to enable charging of ultra-low emission vehicles.

The proposals include 59 parking spaces (including 7 blue badge spaces), 35 EV charging points and secure covered cycle storage for 64 spaces. This would ensure appropriate parking provision and cycle storage on site commensurate with the requirements of future residents.

Visibility splays of 2.4m by 43m can be achieved along Cromer Road within land owned by the applicant and highways to comply with Manual for Streets (MfS) standards. The Highway Authority considers that a different standard should be applied known as the Design Manual for Roads and Bridges (DMRB) given the speed of traffic and recent appeal in the vicinity, which would require greater visibility splay requirements. The applicant has failed to achieve the enhanced visibility required under this guidance. However, Officers recognise this is an existing access serving the former care home site rather than an entirely new access point and this is a material consideration which attracts weight in the decision making process.

The Transport Assessment (TA) sets out that should the care home be brought back into use; it would have the potential to generate a large number of trips. The existing use was forecast to generate 167 daily total vehicle trips (TRICS). The proposals to convert the site to flats is forecast to generate 88 total daily vehicle movements (2-3 trips per unit). This would result in a reduction of 79 daily trips. The Transport Assessment concludes that the number of vehicular movements associated with the proposed development would have a positive effect on the surrounding highway network as the trip rates and servicing demands are reduced compared to the former use as a care home.

There were initial concerns raised by the Highway Authority over the expected daily movements used as they considered there would be a notable increase in vehicular movements to and from the site that would otherwise be expected from the site remaining as a care home use. Following further discussions over the TRICS subcategories used, pedestrian and visibility improvements, the Highway Authority have verbally indicated they would be content with the assessments carried out including use of the lower daily movement thresholds expected for predominantly flat schemes as used in the supporting documents.

On this basis, Officers consider that the evidence provided by the applicant in their TA is acceptable in demonstrating that the proposed development is predicted to generate less vehicular movements than the existing use. As such, in the absence of evidence to the contrary, the proposed development would result in fewer vehicle movements being generated and therefore an objection on grounds related to intensification of use could not be justified.

Notwithstanding Officer assessment, the Highway Authority's final comments on the scheme are still awaited and the Committee will be orally updated should a response be received between this report being published and the date of the Development Committee Meeting.

The application indicates proposed pedestrian improvements on Cromer Road including a separate footway from the site to the bus stop on the southern side of Cromer Road, limiting any potential conflict between vehicles and pedestrians by providing a new dedicated pedestrian link.

There are multiple amenities within 2km walking distance of the site, including a post office, local store, doctor's surgery and school. Additionally Holt, further west, offers a wider range of services and amenities within a 3km cycling distance.

As this is a conversion proposal, Officers recognise the location of the development is fixed which means that addressing locational sustainability considerations and integrating the site with the existing community is more challenging, especially with the main road separating the site from High Kelling / main routes westwards towards Holt. However, the proposals provide reasonable measures to ameliorate the disadvantages of the site through promotion of more sustainable modes of transportation. This approach is supported by local policies and the NPPF, recognising such limitations around developments in the countryside.

Officers consider that the proposal, subject to securing appropriate mitigation, would comply with Core Strategy Policies CT 5 & CT 6.

6. Developer contributions

Core Strategy Policy CT 2 states that on 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, mitigation will be secured by planning conditions or obligations, and these must be provided within appropriate timescales.

The published National Model Design Code sets out that new development should contribute towards the creation of a network of green spaces and facilitate access to natural green space where possible.

The North Norfolk Open Space Assessment provides the most up to date evidence of local need. It provides the justified evidence to support the requirement for open space contributions in Policy CT 2 of the Core Strategy.

Based on the mix of housing tenures, sizes and types shown within the submission, there would be an on-site requirement for amenity green space, play space for children and off-site contributions where required for allotments, parks and recreation, play space (youth) and natural green space.

Figure 1 below shows the open space supply in High Kelling across the different open space types (a positive figure indicates sufficient space for that type whilst a negative figure indicates a shortfall).

Fig. 1 - Open space supply from the North Norfolk Open Space Assessment

Parish	Allotments	Amenity Greenspace	Parks and Recreation Grounds	Play (Child)	Play (Youth)	2016 Population
High Kelling	-0.30	1.85	-0.56	-0.05	-0.03	507

The applicant has completed the open space matrix as set out at Fig.2 below.

Fig. 2 - Applicant's open space matrix

Type of Open Space	Requirement (sqm)	Required on site?	Amount proposed (sqm)	Financial contribution from proposal	Financial value		
					Baseline requirement	Proposed	Net exceedance (proposed-baseline)
Allotments	324.60	-	67	£6,497	£8,186	£1,690	-£6,496
Amenity Green Space	541	Yes	1,338	Nil	£12,362	£30,573	+£18,211
Parks and Recreation Grounds	595.10	-	0	£62,432	£62,432	£0	-£62,432
Play Space (Children)	54.10	Yes	307	Nil	£10,306	£58,480	+£48,174
Play Space (Youth)	32.46	-	294	Nil	£4,189	£37,944	+£33,755
Natural Green Space	811.50	-	1163	Nil	£18,535	£26,563	+£8,028
Total	2,358.76		3,169	£68,929	£116,010	£155,250	+£39,240

Table 1: Financial values of Proposed Development compared with baseline policy requirement, NNDC's Open Space Calculator (2023).

A table of S106 financial and non-financial contributions expected from the development is set out below.

Contribution Description	Amount (index linked)	Cost Per Dwelling (approx.)	Agreed to be paid by the applicant?
Parks and Receptions Grounds and Allotments (Off-site)	£68,928	£1,969.37	Yes
GIRAMS Tariff*	£7,740.95	£221.17	Yes
Library Contribution	£6,475	£185	Yes
Fire Hydrant (one)	On-site provision	-	Yes
NCC S106 Monitoring Fee	£500 per obligation	-	Yes

*This contribution is mandatory in order to satisfy Habitats Regulations

Assessment of requirements

There are deficiencies of allotments, parks and recreation grounds and youth and child play spaces provision in High Kelling. There are on site contribution requirements for amenity green space and child play space, for which there is an overprovision. There is also on-site provision of youth play space and natural green space, which would usually be required as an offsite contribution. There is a shortfall of allotment, parks and recreation provision, and this forms the basis for the off-site contributions. On balance, Officers consider that limiting the off-site contributions for allotments, parks and recreation space is considered proportionate. This is because of the overprovision of on-site investment and significant overprovision from baseline requirements for child and youth play space and natural green space which would result in a notable benefit. The site is open and accessible for local residents and there are viability constraints of developing the site.

The proposals will offer an appropriate combination of on-site and off-site infrastructure, services, community facilities and open space improvements. However, the scheme does not meet the precise requirements for the development under Policy CT 2 of the Core Strategy and is therefore regarded as a departure from Development Plan policy. Whilst this would weigh against the grant of planning permission, this departure would need to be weighed in the planning balance against other material considerations in favour of the proposal.

7. Landscape

Policy EN 2 seeks amongst other matters to ensure that development be informed by, and is sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. 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, distinctive settlement character and the setting of, and views from, Conservation Areas.

The proposals are considered to not have a significant detrimental impact on the protected National Landscape especially given the intervening woodland separating the site from the designated area on the north side of Cromer Road.

The site is subject of two Tree Preservation Order's – area Order TPO/16/0917 that extends across the entire site and woodland Order TPO/06/0743 that wraps around the built form of the former care home and is described as mixed broadleaf and conifer species woodland.

The trees contribute to the high arboricultural and landscape value of the site. No trees are proposed to be removed, some shrubs would be lost to accommodate the car parking, but there would be appropriate shrub and tree planting across the site to mitigate this loss. The details set out there would be no dig specifications in the root protection areas for new and upgraded areas of hardstanding for the retained trees. The details set outlined the arboricultural report and considered appropriate and demonstrates there would not be a significant impact on protected trees from the proposed development.

There would be communal play and amenity spaces, dynamic and naturalistic play environments through formal play equipment and interaction with nature. Play environments include western play area including climbing frame, birds nest swing and meadows, southern meadow with trails between wildflowers and a playhouse and open lawn for informal play and sports and eastern grove garden mound slide, play swale utilising natural materials

There would be mixed scrub, ground cover planting, meadow planting, green roofs (cycle and refuse stores), mixed native hedge, in addition to additional tree planting across the site. The tree planting strategy seeks to build on the woodland setting, with areas of copse tree planting, woodland edges and clusters of tree planting to help embed the proposals into the existing woodland setting.

Silver birch and European Hornbeam planting to the northern part to complement existing woodland character. Field Maple along the east west connection across the site with a more uniformed formality to mark and east west route through the site to promote this connectivity. To the south of the site, Horse Chestnut, Beech, Alder Blackthorn, small-leaved lime to the amenity areas

The Landscape Design Report sets out access routes around the site, including pedestrian connectivity to existing PRoWs to the east and west of the site, and the A148 to the north. This will assist in reducing the creation of informal pathways through the surrounding woodlands.

Subject to the imposition of conditions, Officers consider that the proposal would accord with the aims of Core Strategy Policy EN 2.

8. Ecology

The application is accompanied by an Ecological Impact Assessment, a summary of the findings of which is as follows:

- No impacts upon designated sites were foreseen.
- Site habitats primarily comprised of buildings, artificial unvegetated unsealed surfaces, woodland, other neutral grassland and modified grassland/vegetated garden land.
- Bat surveys of the building recorded a maternity roost of common pipistrelle (peak count 31 individuals), five individual day roosts for common pipistrelle (2 locations), soprano pipistrelle (1 location) and brown long-eared bat (2 locations), and a single hibernation roost for brown long-eared bat.
- Nesting wood pigeon and spotted flycatcher were recorded using the building, and a tawny owl nest was recorded within woodland to the northeast of the care home.
- Hedgehog are considered likely to use the site. It was considered there was a low risk of use of the site by badger, reptiles and amphibians.
- Avoidance and mitigation measures are recommended to reduce the risk of harm to habitats and protected species.
- Recommended biodiversity enhancements include the creation of log piles, and the provision of bat (two integrated, three on trees), bird (two swift, one tawny owl) and hedgehog (two) boxes

Officers are generally satisfied with the assessment and recommendations, however the enhancements measures set out in the report are not considered appropriate. It is recommended that a minimum 15 Swift boxes/ bricks are provided, grouped into 3-5 boxes per location. Additionally, no provision has been made for the potential loss of nesting opportunities for Spotted Flycatcher. Officers set out that there should be at least 2 boxes suitable for these to be included as part of the mitigation and enhancement package. These however can be secured through condition of a Biodiversity Enhancement Strategy.

Biodiversity Net Gain (BNG)

The application is subject to mandatory 10% BNG enhancement requirements. In terms of area habitats, the scheme would not result in any loss of 'very high' or 'high' distinctiveness

habitats. The site comprises developed land, introduced shrub, other neutral grassland, other woodland, mixed and modified grassland

More details, justification and clarification have been received following the comments from the landscape section on the habitat types, and Officers are satisfied with the baseline conditions used for the site. The results show that there is potential for the site to achieve a 43.03% net gain in habitat units, meeting the statutory requirements to achieve Biodiversity Net Gain on the site, subject to final details to be secured through standard BNG notes and conditions to secure the BNG requirements

GIRAMS

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

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

A Shadow Habitats Regulations Assessment has been carried out, with the only potential pathways of impacts which could not be screened out comprised alone and cumulative recreational impacts, most notably upon North Valley Fens SAC. The Appropriate Assessment considered the provision of natural greenspace onsite and financial contributions towards parks and recreation grounds, combined with the presence of alternative walking areas as close to the site and equally accessible as Norfolk Valley Fens SAC/Holt Lowes SSSI, would minimise the risk of adverse effects on the integrity of these sites. Payment of the GIRAMS tariff would be sufficient to safeguard habitats sites from impacts associated with the proposed development. Officers are satisfied with the assessment and adopts it as its own HRA.

Subject to the payment of the GIRAMS through the S106 and appropriate landscaping conditions, the scheme would comply with Policy EN 9 of the adopted Core Strategy and Chapter 15 of the NPPF.

9. Flooding and drainage

Core Strategy Policy EN 10 seeks to direct most new development to areas of lower risk of flooding (Flood Zone 1). A site-specific flood risk assessment is required for development proposals of 1 hectare or greater in Flood Zone 1. Moreover, in relation to surface water drainage, the Policy sets out that appropriate surface water drainage arrangements dealing with surface water run-off from the new development will be required.

The site is located within Floodzone 1, with a low probability of flooding, low groundwater flood risk and very low to low surface water flood risk across the site. Safe access/egress is available

at all times. An area intended for proposed parking would be across an isolated low risk area, reflecting an existing shallow depression, which can be raised to adjacent ground level, or vehicles could be moved out of this low flood risk area given the hazard would be very low. The site is suitable for infiltration SUDS such as soakaways and pervious surfaces etc. There would not be an increase in runoff rate or runoff volume as a result of the proposed development.

The development would accord with the aims of Core Strategy Policy EN 10.

10. Energy

Policy EN 6 requires all new development to demonstrate how it minimises resource and energy consumption by and encouraged to incorporate on site renewable energy sources. On developments of 10 dwellings or more (including conversions) there will be a requirement on site renewable energy technology to provide for at least 10% of predicted total energy usage.

Paragraphs 165 - 168 of the NPPF set out that the supply of renewable and low carbon energy production should be supported in decision making and local plans. The local plan and the NPPF support the principle of such schemes that make a positive contribution towards more sustainable energy generation and reducing greenhouse gas emissions.

The application is accompanied by Energy and Sustainability Statement setting out the energy efficiency and sustainable approaches that would be pursued redeveloping the site.

It has been estimated that the proposed development will achieve a reduction of at least 47.7% in the predicted energy usage through fabric and services efficiencies. A further 60.7% reduction through the use on-site low or zero carbon technology in the form of air source heat pumps. This results in a total of 79.4% reduction in energy use.

The proposed redevelopment would incorporate sustainable principles and ensure the delivery of an energy efficient scheme, with on-site renewable energy technology to include solar and air-source heat pumps. Final details to demonstrate policy compliance would be secured via condition.

Subject to the imposition of conditions, the proposal would accord with Core Strategy Policy EN 6.

11. Planning balance and conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise.

The Local Authority cannot currently demonstrate a 5-year housing land supply, which is a material planning consideration in the determination of the application. The tilted balance under NPPF paragraph 11 d) is therefore engaged.

The application will deliver significant material planning benefits including the addition of 35 dwellings. This would make a positive contribution to the Councils current housing supply shortfall. It has been demonstrated that affordable housing is not viable to provide on the site, and it has been sufficiently demonstrated there is no reasonable prospect that the current care home use on the site can be retained. The reuse of the building and bringing a disused site

back into use, whilst addressing the shortfall in the local housing supply, would attract significant positive weight in the planning balance.

There are deficiencies in total open space provision under Policy CT 2, as set out in the report. However, the open space provided on-site within this development and the off-site financial contributions would make a positive contribution to addressing the local deficiencies.

There would also be some modest contributions to the local economy during the construction phase and after occupation, with additional people to support the areas services and facilities. There would be no wider landscape or ecological impacts subject to conditions and delivery of BNG on site, attracting modest positive weight.

Highway safety concerns over visibility limitations are noted, however it is anticipated there would be a reduction in traffic generation by converting the site to residential use as compared with the site when operating as a care home. Members are requested to note that at the time of compiling this report officers await final written confirmation from the Highway Authority is awaited. Subject to written confirmation from the Highway Authority that the proposals would not give rise to unacceptable highway impacts, there could be no reasonable grounds to resist the proposals on highway safety matters under the provisions within paragraph 116 of the NPPF.

When undertaking the planning balance and applying the “tilted balance”, Officers consider that there are no individual or cumulative adverse impacts which significantly and demonstrably outweigh the benefits in this case to indicate that development should be refused. In other words, the proposal would accord with NPPF, para 11 d ii such that the development should be approved.

RECOMMENDATION

DELEGATED APPROVAL subject to:

- 1. No substantive objections being received from the Highway Authority; and**
- 2. The completion of an agreement under section 106 of the Town and Country Planning Act 1990 to secure:**
 - £68,928.00 (index linked) towards Off-Site Parks and Recreation Grounds (£62,432.00) and Allotments (£6,496.00)**
 - £7,740.95 GIRAMs tariff payment (index linked) to ensure that the development would not have an adverse effect on the integrity of the relevant European Sites from recreational disturbance, when considered alone and ‘in combination’ with other development;**
 - £6,475.00 Library Contribution (index Linked)**
 - NCC S106 Monitoring Fee; and**
- 3. The imposition of appropriate conditions including those summarised below (plus any amendments to these or other conditions considered to be necessary by the Assistant Director of Planning); and**
- 4. If the Section 106 Obligation is not completed and the permission is not issued within 3 months of the date of this Committee meeting then the Director for Planning and Climate Change will consider whether the application resolution remains appropriate and in doing so will take account of the likelihood of the Section 106 being completed and permission issued in the near future (i.e. within**

another month) and will consider whether there are any potential / defensible reasons for refusal at that time. If he reaches that view – i.e. that the application should potentially be refused - then the application would be reported back to Committee.

Suggested Conditions:

- Time limit
- Development in accordance with approved plans
- material details
- Landscaping
- Construction management plan
- Refuse and recycling bin storage
- Parking provision
- Details of plant and machinery etc
- Energy consumption reduction scheme
- Ecological mitigation/enhancement measures
- European Protected Species Licence
- BNG Implementation
- Habitat Management and Monitoring Plan
- Tree protection measures
- Notification of commencement for GIRAMS
- External lighting
- Fire hydrant