

Bodham - PF/24/2531 - Conversion of building to single unit of holiday accommodation, external alterations at The Shed, Hart Lane, Bodham

Minor Development

Target Date: 06.03.25

Extension of Time: 11.04.25

Case Officer: Russell Stock

Full Planning Permission

RELEVANT SITE CONSTRAINTS:

The site lies within the Countryside in planning terms
The site lies within various GIRAMS Zones of Influence

RELEVANT PLANNING HISTORY:

CL/24/0205

Certificate of Lawfulness for existing use of building for agricultural purposes

Certificate Refused 22.03.2024

CL/23/1183

Lawful Development Certificate for use of existing building as dwelling

Certificate Refused 28.09.2023

PF/22/2714

Erection of two storey detached dwelling on existing footprint to replace existing single storey building

Withdrawn 31.03.2023

THE APPLICATION

Site Description:

The application site is located approximately 750 metres to the south of the village of Bodham along Hart Lane. The site contains a timber clad single storey building, an open sided wood store and a number of trees. The site is enclosed by close boarded fencing and various forms of vegetation.

Proposal:

This application seeks full planning permission for the conversion of the existing building within the site to create a two-bedroom unit of holiday accommodation. The proposals also include the formalisation of the access and creation of a parking area, as well as hard and soft landscaping.

REASONS FOR REFERRAL TO COMMITTEE:

The application has been referred to committee at the request of Councillor Callum Ringer for the following reasons:

“I would like Committee to consider this application as, in my opinion, this proposal is not consistent with our Core Strategy Policies. In particular I would welcome Committee considering this against the following policies:

*SS 2 Development in the countryside
EN 4 Design
EC 7 Location of new tourism development”*

CONSULTATIONS:

Bodham Parish Council: Object

North Norfolk District Council Landscape: Initial – Objection. Final – **No objection, subject to conditions**

Norfolk County Council Highways: **No objection, subject to conditions**

REPRESENTATIONS:

One letter of objection received as summarised below:

- The road has a national speed limit and the access is insufficient
- Parking will occur on the road, particularly during construction
- Bodham does not need another holiday home
- Bodham requires more affordable housing for local people

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.
Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

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.

RELEVANT PLANNING POLICIES:

North Norfolk Core Strategy

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 EN 2 (Protection and Enhancement of Landscape and Settlement Character)
Policy EN 4 (Design)
Policy EN 6 (Sustainable Construction and Energy Efficiency)
Policy EN 9 (Biodiversity & Geology)
Policy EN 10 (Development and Flood Risk)
Policy EN 13 (Pollution and Hazard Prevention and Minimisation)
Policy EC 2 (The Re-use of Buildings in the Countryside)
Policy EC 7 (The Location of New Tourism Development)
Policy EC 9 (Holiday and Seasonal Occupancy Conditions)
Policy CT 2 (Developer Contributions)
Policy CT 5 (The Transport Impact of New Development)
Policy CT 6 (Parking Provision)

Material Considerations:

National Planning Policy Framework

Chapter 2 (Achieving sustainable development)
Chapter 4 (Decision-making)
Chapter 6 (Building a strong, competitive economy)
Chapter 8 (Promoting healthy and safe communities)
Chapter 9 (Promoting sustainable transport)
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)

Supplementary Planning Documents and Guidance:

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

Other material documents/guidance:

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

Officer Assessment:

Main issues for consideration:

1. Principle of development
2. Landscape and design
3. Residential amenities
4. Highway impacts
5. Biodiversity
6. Arboriculture
7. Flood risk and drainage
8. Energy efficiency

1. Principle of development

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

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

The emerging North Norfolk Local Plan has been subject to initial examination and further hearing sessions are planned to take place shortly. At the current time, only limited weight can be afforded to the policies of the emerging plan, but it remains a material consideration for the determination of this application.

The spatial strategy for North Norfolk is set out within Core Strategy Policy SS 1. This states that *“the majority of new development within the district will take place in the towns and larger villages dependent on their local housing needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints”*. The policy lists Principal and Secondary settlements as well as service and coast service villages. The rest of North Norfolk is designated as ‘Countryside’ where development will be restricted to particular types of development to support the rural economy (including recreation and tourism), meet affordable housing needs and provide renewable energy.

Core Strategy Policy EC 7 requires that new tourist accommodation should be located in accordance with the policy’s sequential approach, starting with Principal and Secondary Settlements. Relevant to this application, the Countryside is the second tier of the test with the Policy stating that *“within the Countryside, proposals for new tourist accommodation will be permitted in accordance with other policies”*. These include Policy EC 2, which allows for the re-use of buildings in the Countryside.

Core Strategy Policy EC 2 states that *“the re-use of buildings in the Countryside for non-residential purposes will be permitted where economic uses (including holiday accommodation) are appropriate in scale and nature to the location; the building is soundly built and suitable for the proposed use without substantial rebuilding or extension and the proposed alterations protect or enhance the character of the building and its setting; the proposal is in accordance with other policies seeking to protect biodiversity, amenity and character of the area”*.

Paragraph 88 of the NPPF seeks the sustainable growth and expansion of all types of business in rural areas through the conversion of existing buildings, the development, and diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments, which respect the character of the countryside.

The building subject to this application is appropriate in scale and nature to the location to accommodate a modest two-bedroom holiday home. The building, as existing, has been on site for a number of years, whilst other buildings have historically been on the site. No alterations to the scale of the existing building are proposed. The Structural Report submitted with the application concludes the building's outer skin is in good condition. Internal strengthening would be required to support the upgraded roof finishes. Modest external changes would be required as part of updating the front entrance (replacing single door with bi-folds), as well as enclosing the existing log store to create bathrooms. The works proposed are not considered to be 'substantial', and the information provided demonstrates that the building is soundly built.

Subject to the alterations being found to protect or enhance the building's character and setting, and there being no conflict with policies seeking to protect biodiversity, amenity and character of the area (considered further within sections below); the proposals would broadly accord with the requirements of Policy EC 2, and consequently EC 7 which supports the re-use of buildings in the countryside for tourist accommodation purposes. The development would also be in line with the aims of the NPPF which seek to support sustainable rural tourism.

2. Landscape and design

Core Strategy Policy EN 2 sets out that proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment (LCA) (January 2021). Development proposals should demonstrate that their location, scale, design, and materials would protect, conserve, and, where possible, enhance the special qualities and local distinctiveness of the area.

Core Strategy Policy EN 4 requires that all development should be designed to a high quality, reinforcing local distinctiveness, be expected to be suitably designed for the context within which they are set, and ensure that the scale and massing of buildings relate sympathetically to the surrounding area. Paragraph 135(c) of the NPPF sets out that developments should be sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change.

The site is a small parcel of land with hedged boundaries situated within the Tributary Farmland Landscape Character Type (as defined within the LCA), which is described as an open, tranquil and a strongly rural landscape area. This character type is particularly sensitive to increases in built development. The LCA sets out that development proposals should seek to integrate within the existing settlements, reinforcing traditional character and vernacular.

This site is well away from the existing settlement of Bodham and within the countryside. The site currently hosts a modest timber clad building. Converting this to holiday accommodation would inevitably domesticate the site, including by introducing residential noise and disturbance impacts. The building would largely remain in its current form, and its scale and form would limit the domesticating impacts to the immediate locale. Furthermore, the site is located less than 150 metres from existing properties along Hart Lane, themselves remote from the main village built envelope. In relation the domestication of the site, a limited degree

of conflict arises with Policy EN 4 as such a use would be, to some extent, out of context with the adjoining rural fields.

The rural features, in this case the boundary vegetation, contributes positively to character, biodiversity and historical continuity of the site. Retention of the mature boundary vegetation is considered important to reduce the visual impact of the development on the rural locale.

Updated landscape plans have been provided during the consideration of the application. These now detail more appropriate boundary treatments, including the removal of the close-boarded fencing from the north, south and western boundaries and their replacement with 1.2m high stock-proof fencing and mixed native hedging. The updated plans also detail the greater retention of the existing vegetation within the site, albeit regrettably three trees along the site's frontage would be removed. Replacement and enhancement planting is proposed which would, over time, help mitigate such loss. The replacement of the existing closed gate with a traditional 5-bar field gate would contribute towards the visual improvements of the site resulting from the development. The traditional 5-bar field gate being a more appropriate enclosure than the existing, given the rural context of the site. The amended landscaping proposals are welcomed and would help assimilate the development into its verdant and rural setting, and reduce the harm resulting from the domestication of the site.

Dark night skies are a Valued Feature of the Tributary Farmland Landscape Character Type. The external lighting proposed is considered to be sympathetic to the dark skies character. Conditions are recommended to secure these details and prevent further lighting which may have harmful impacts.

The physical changes proposed to the existing building are modest. The main alternations include the replacement of the front doors with glazed bi-folds, and the enclosure of the wood store to create the en-suite bathrooms. These alterations are considered to be suitable for the site context, and from the public realm, the impacts resulting from these changes would be negligible. The proposed retention and use of natural materials within the development, including the external cladding and timber fenestration frames is appropriate. Conditions to secure the final details of external material details are recommended to ensure the development preserves the character of the building and wider area.

The harm arising from the domestication of the site is limited by the scale, form and materials of the building, and is further lessened as a result of the proposed hard and soft landscaping scheme. On balance, the proposal would protect and conserve the special qualities and local distinctiveness of the area and therefore would not give rise to significant landscape concerns. Furthermore, the proposal would generally be sympathetic to the local character and context of the surrounding area and would not give rise to significant design concerns. As such, subject to conditions, the proposal would broadly accord with the aims of Core Strategy Policies EN 2 and EN 4.

3. Residential amenities

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

Located approximately 150 metres away from the closest existing residential properties, and as the proposals seek to largely retain the built form as existing, there are not considered to be any adverse amenity impacts arising for existing residents as a result of the development.

Future occupiers of the building would be provided with suitably high-quality amenities. The verdant nature of the site would potentially result in a level of shading, however as the proposal is for a short-term holiday use, the impacts would be limited in duration. In all other respects, the site would provide suitable internal and external amenities for future occupants.

The proposals therefore comply with the requirements of Core Strategy Policy EN 4 in this respect.

4. Highway impacts

Policy CT 5 requires development to provide safe and convenient access for all modes of transport, including access to the highway network. Paragraph 116 of the NPPF states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”*.

The proposal seeks to utilise the existing access onto Hart Lane, whilst the amended landscape plans detail that the surface would be upgraded.

The site is remote from the nearest settlement and the nature of the surrounding rural lanes would likely result in a high reliance on private car for most trips by users/occupiers of the development. The locational aspects of the site weigh against its sustainability credentials, however this harm is tempered by local and national planning policy support for the re-use of existing buildings within the countryside, where there is often likely to be accessibility limitations. Furthermore, whilst the existing lawful use is uncertain, the site has historically been used for various purposes, which themselves would have generated a level of vehicular movements.

Having considered the proposed development, the Highway Authority have raised no objection. They highlight that the proposed use would generate three daily movements, and whilst the site is remote, there would be no highway safety issues arising. Conditions are suggested to ensure that the access enables vehicles to safely draw off the highway, and is appropriately surfaced and drained.

Officers concur with the opinions of the Highway Authority, including the requirement for the suggested conditions. Subject to these conditions, and whilst the accessibility of the site weighs against the development, the proposals would broadly accord with the requirements of Policy CT 5.

Vehicular parking

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

The North Norfolk Design Guide states at paragraph 3.3.22 that *“in-curtilage’ parking is recommended where possible to take advantage of personal surveillance and defensible space”*. The Council's parking standards for hotels/guesthouses, require 1 space per bedroom whilst dwellings (whether or not as a sole or main residence) require 1.5 space per 1 bedroomed unit, 2 spaces for 2 or 3-bedroom units and 3/4 spaces for units with 4 or more bedrooms.

Whilst not demarked within the plans, the parking area shown would be of a sufficient size in order to accommodate at least two vehicles in line with the standards. As a two bed, 3-person unit of accommodation, it is likely that the two parking spaces would be the maximum required.

No electric vehicle (EV) charging locations or details have been provided at this stage. The details and the provision of EV charging is required in order address the requirements of Emerging Policy CC 8, as well as the latest Building Regulations requirements. A condition is recommended to secure this element.

Subject to conditions securing the provisions noted above, the development would accord with the relevant policy requirements in respect to these matters.

Cycle parking/storage

Core Strategy Policy CT 6 requires that development proposals make provision for cycle parking in accordance with the Council's parking standards. The standards set out that for individual houses, provision should be accommodated within garages or within sheds in rear gardens. Appendix C of the Core Strategy states 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 the proposal as to where cycle parking provision would be made within the site. It is however, reasonable to secure these details via condition. The provision of cycle parking within the site would help support the use of low carbon modes of transport, mitigating to a degree, the harm arising from the isolated and poorly accessible location of the site.

5. Biodiversity

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 requires 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 requires 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*”. These include 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 advises 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. Opportunities to incorporate biodiversity improvement in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The application has been supported by an Ecological Impact Assessment (EclA). The typical validity period for an EclA is 18 months, however the content of the report demonstrates low ecological risk on site and as such it is not considered that the value of the site would be likely to have changed significantly in the past few months, and as such, the report can be relied upon.

The EclA assessed the site as having negligible potential to support roosting bats, and the likelihood of Great crested newts (GCN) being present on site being assessed as “low”. No further surveys for protected species have been recommended and the EclA concludes that the development would not have an impact on any designated sites. Mitigation and enhancement measures have been recommended, including sensitive external lighting, and the installation of bird and bat boxes

The Council’s Landscape Officer is satisfied with the survey work undertaken and considers that the EclA is fit for purpose. It has addressed concerns raised under a previous application regarding the potential presence and impacts to GCN. Conditions are recommended to secure the mitigation and enhancement measures set out within the EclA.

Officers concur with the conclusions drawn by the Landscape Officer in relation to the development’s potential impacts. Subject to securing the mitigation and enhancement measures suggested, the development would accord with Core Strategy Policies EN 2 and EN 9.

Recreational Impacts

The Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) has been adopted and agreed between the Norfolk planning authorities and Natural England. The Strategy enables growth in the District by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development.

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

The application site falls within the Broad Sites, North Coast Sites, Norfolk Valley Fens and The Wash Zones of Influence as defined within the Strategy. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. It would result in the significant features of the sites being degraded or lost, and these internationally important areas losing significant important areas for birds, plants and wildlife generally and, therefore, their designations.

All net new residential and tourism developments are required to mitigate the effects of the development and show how this will be achieved before approval of planning permission. The tariff is currently collectively set at £221.17 per net new residential dwelling and is index-linked. For this self-contained holiday accommodation development a GIRAMS tariff of £221.17 is required. This payment has already been made.

The LPA as the 'competent authority' has completed an Appropriate Assessment and concluded that subject to securing the GIRAMS financial contribution, the planning application would not have an adverse effect on the integrity of the relevant European Sites from recreational disturbance, when considered alone or 'in combination' with other development. In line with the agreed Habitat Regulation Assessment template, consultation with Natural England on this matter is not considered to be necessary as the proposed development would be subject to the GIRAMS payment to offset potential impacts of an increase in recreational disturbance to nearby Habitat Sites.

Biodiversity Net Gain (BNG)

Biodiversity Net Gain information has been submitted with the application in the form of a completed metric (Statutory Metric), and a Biodiversity Gain Statement.

It is noted that due to the unavoidable creation of vegetated garden, it will not be possible to achieve a 10% net gain in habitat units on site. This is not a reason for refusal and is a situation faced by many small developments where vegetated garden covers the entirety of the post development site. In order to meet the required 10% target, the applicant will need to secure habitat units through an off-site gains provider, or purchase statutory credits. The applicant should make a clear indication as to which approach they intend to take as part of the biodiversity gain condition discharge.

The Landscape Officer has confirmed that they are satisfied with the baseline BNG calculations provided with this application. A condition and informative are to be included to secure and remind the applicant of the required BNG requirements.

Summary

The information and evidence submitted has satisfactorily addressed the proposed development's ecological impacts. For the reasons stated above, and subject to relevant conditions, it is considered that the proposal would comply with Core Strategy Policy EN 9, paragraphs 187, 193 and 194 of the Framework and The Conservation of Habitats and Species Regulations 2017 (as amended).

6. Arboriculture

Core Strategy Policy EN 2 requires that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries. Core Strategy Policy EN 9 seeks to maximise opportunities for restoration, enhancement and connection of natural habitats.

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

The application was initially supported by an Arboricultural Impact Assessment (AIA), which has subsequently been updated during the course of this application. The AIA provides a survey of all the trees affected by the development and sets out their category/value. Alongside this, details of the tree works required in order to facilitate the development are included. These works include the removal of a number of trees, including three along the site's roadside frontage. A number of other trees would also be reduced back and/or coppiced. The AIA also includes both a Method Statement and a Tree Protection Plan.

The Landscape Officer, having considered the updated AIA, has raised no objection to the proposal. The retention of a greater number of trees is welcomed, as well as the provision of replacement planting details. Conditions are suggested to secure the details and recommendations as set out within the AIA.

Officers concur with the Landscape Officer's conclusions and recommendations for conditions. Officers also consider it necessary to secure utility services details/plan to ensure appropriate consideration is given to these in relation to arboricultural constraints. Subject to appropriate conditions, the development would accord with the requirements set out within Core Strategy Policies EN 2 and EN 9 in respect to the site's arboricultural interests.

7. Flood risk and drainage

Flood risk and surface water 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"*. A site-specific Flood Risk Assessment which takes account of future climate change must be submitted with appropriate planning applications in Flood Zones 2, 3a and 3b and for development proposals of 1 hectare or greater in Flood Zone 1. The policy requires 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.

Paragraph 182 of the NPPF advises 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.

In this case and in line with Policy EN 10 of the Core Strategy and footnote 63 (paragraph 181) of the NPPF, and as the site measures approximately 0.02 hectares, and falls within Flood Zone 1 (having the lowest risk of flooding), a site-specific flood-risk assessment is not required.

The applicant has indicated that rainwater from the roof of the building would be discharged into the ground via a soakaway. This would likely be located under the proposed parking area. The use of infiltration drainage via soakaway is considered appropriate and is in line with relevant guidance. Further details of the surface water drainage system are required in order to ensure that no harm to trees occurs as a result of the installation works associated with the soakaway. Subject to conditions securing this information, the development would accord with Policy EN 10 in this regard.

Foul water drainage

Policy EN 13 states that “*all development proposals should minimise, and where possible reduce, all emissions and other forms of pollution, including light and noise pollution, and ensure no deterioration in water quality*”. Proposals will only be permitted where, individually or cumulatively, there are no unacceptable impacts on amongst other things, surface and groundwater quality.

The first priority under the Building Regulations (Approved Document H) is for foul water drainage to connect to the public foul sewer system. Only if a public foul sewer is not available, should alternative means of disposal be considered. This hierarchy is similarly set out within paragraph 020, Reference ID: 34-020-20140306 of the Government’s Planning Practice Guidance.

The applicant has indicated that there are no public sewers within a reasonable range of the site, therefore making it unfeasible for this development to connect to the mains. Furthermore, it is suggested that given the limited size of the site, coupled with the requirement to provide surface water soakaways, the use of a package treatment plant, or a septic tank which requires a drainage field, would not be achievable. The applicant is therefore proposing to utilise a cesspool, a tank where all the waste water would be stored, periodically pumped out and taken off-site to be disposed of. Officers consider that further information is required in order to justify this approach. Whilst the application site itself is not within a surface water catchment affected by nutrient neutrality catchment, consideration may need to be given to the location of cesspool disposal, should this least preferable option be justified through the submission of further information as part of the condition process.

Conditions are therefore recommended to secure the further scrutiny of the mode of foul water drainage for this development. Subject to such conditions, the development would accord with the requirements of Policy EN 13 in relation to water quality.

8. Energy efficiency

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

The applicant has proposed the use of an Air Source Heat Pump (ASHP) for the heating of the building. Solar panels are also proposed, and coupled with the ASHP, would help deliver on-site renewable energy generation. Details have also been provided in relation to the proposed fabric and construction methods which would ensure that the building is energy efficient.

Further details of the ASHP and solar panels are required and can be secured by condition in the absence of location, specification and appearance details at this stage. Subject to such conditions, the development would accord with the requirements of Policy EN 6.

9. Other matters

Securing holiday accommodation

Policy EC 9 requires that holiday occupancy conditions are placed on new unserviced holiday accommodation with a view, first, that it is used for holiday purposes only and shall not be occupied as the sole or main residence of the occupiers. Secondly, it shall be available for commercial holiday lets for at least 140 days a year and no let must exceed 31 days. Finally, a register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection by the Local Planning Authority on request.

The scheme comprises of a single unit of unserviced holiday accommodation in the Countryside. On that basis, the intention of the above condition is to create a clear distinction between residential dwellings and properties that are used as commercial holiday lets. Commercial holiday lets create less pressure on local services such as schools, and the economic benefits commercial lettings bring justify allowing such use in the Countryside where permanent residential may not be permitted. Therefore, provided the conditions set out above are imposed, it is considered the proposal would comply with Core Strategy Policy EC 9.

Pre-commencement conditions

The recommendation proposes pre-commencement planning conditions and therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such a condition. Notice was served on 25th March 2025 and agreed in writing by the applicant on the same date.

Planning balance and conclusion:

The development would support employment opportunities, making a minor contribution towards sustaining and enhancing the important North Norfolk tourism offering. There would also be modest economic benefits resulting from the development both through the construction phase and then by visitor expenditure within the local economy.

The proposed layout, scale and appearance of the proposed unit of holiday accommodation is considered to appropriately respond to the surrounding context, albeit that the use would result in a degree of domestication. The proposals include a suitable soft and hard landscaping scheme which would help integrate the development into its rural setting, helping to mitigate the domestication impacts to a degree.

Environmentally, the development would conform to the latest energy efficiency standards and Building Regulations as well as result in net gains for biodiversity. The development has been found to be acceptable, both in terms of on and off-site ecological impacts. Tree protection measures can be secured by condition to ensure that retained trees are suitably incorporated into the development. Financial contributions towards GIRAMS have been secured, thus ensuring that the protected sites are not further degraded. Suitable surface and foul water drainage systems would be provided, as secured by condition.

The development would deliver a suitable access onto the existing highway network and the trips generated would not have adverse impacts. There would be a high reliance on private cars for most trips from the site, and this poor accessibility weighs against the development. Appropriate vehicular parking provision would be made within the site. The development would provide suitable cycle parking facilities, as secured by condition.

Taking account of both the matters in support and those against the proposed development, it is considered that adverse impacts would not outweigh the benefits associated with the

development. As such, the development should be approved as set out within the recommendation below.

RECOMMENDATION:

APPROVAL subject to the imposition of appropriate conditions including those listed below (plus any amendments to these or other conditions considered to be necessary by the Assistant Director of Planning).

Conditions

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

Reason:

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

2. The development to which this permission relates shall be undertaken in strict accordance with the submitted and approved plans, drawings and specifications:
 - Location Plan produced by Planning Portal, reference PP-13602767v1
 - Drawing 1. Site Plan produced by Robert Lord Associates, received 03.01.2025
 - Drawing 2. Revision B Proposed Layout, Elevations and Sections, produced by Robert Lord Associates, received 08.01.2025

Reason:

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

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

Reason:

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

4. The landscaping works shall be carried out prior to first occupation of the holiday accommodation hereby approved in accordance with the approved Landscaping Schedule produced by CJ Yardley Landscape Survey and Design LLP, dated February 2025 revised, including the Landscaping Plan 4810/02/Rev A, dated 26 February 2025.

Management of the approved landscaping shall commence immediately after first planting in accordance with the details set out within Section 3 of the approved Landscape Schedule and the Landscaping Management Plan produced by CJ Yardley Landscape Survey and Design LLP, dated February 2025.

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

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

5. The boundary treatments detailed on Landscaping Plan 4810/02/Rev A, produced by CJ Yardley Landscape Survey and Design LLP, dated 26 February 2025 hereby approved shall be planted / constructed in the manner shown/described and be completed before the holiday accommodation hereby permitted is first occupied and shall be retained as such thereafter.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy.

6. No external lighting shall be erected within the site, other than that detailed within the Landscaping Schedule produced by CJ Yardley Landscape Survey and Design LLP, dated February 2025 revised, without prior written approval of the Local Planning Authority.

Reason:

To ensure that excessive light spill in the countryside is avoided and to avoid any adverse impacts on protected species populations in accordance with Policies EN 2, EN 4, EN 9 and EN 13 of the adopted North Norfolk Core Strategy.

7. Prior to first occupation of the holiday accommodation hereby approved, the existing close boarded boundary fencing along the northern, southern and western boundaries of the site, along with the existing entrance gates, shall be fully removed from site. Their removal shall have due regard to the arboricultural protection/establishment requirements set out within the Arboricultural Impact Assessment, Tree Protection Plan and Method Statement produced by CJ Yardley Landscape Survey & Design LLP, dated February 2025.

Reason:

To ensure that development has an acceptable visual impact in the interests of local amenity and the enhancement of the development itself in accordance with Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy and Chapters 12 and 15 of the National Planning Policy Framework.

8. Development including any demolition and site clearance or preparatory work, shall not commence until the scheme for the protection of the retained trees and hedges has been implemented in full in accordance with the approved Arboricultural Impact Assessment, Tree Protection Plan, Method Statement produced by CJ Yardley Landscape Survey and Design LLP, dated February 2025, including Tree Protection Plan 4810/01/Rev A, dated 14 February 2025.

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

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

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

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

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

Reason:

To protect trees and hedges on the site in the interest of the visual amenity, and the character and appearance of the area, in accordance with Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

9. No development including site clearance, demolition, ground preparation, construction/widening, material storage or construction works shall commence on site until a plan showing the location of all existing and proposed utility services in relation to the arboricultural constraints on the site has been submitted to and approved in writing by the Local Planning Authority. This shall include gas, electricity, communications, water and drainage. No development or other operations shall take place other than in complete accordance with the Utility Plan.

Reason:

Details are required prior to commencement of the development to ensure that reasonable measures are taken to safeguard trees and hedges in the interests of local amenity and the enhancement of the development itself, in accordance with Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

10. Unless detailed within the Arboricultural Impact Assessment, Tree Protection Plan, Method Statement produced by CJ Yardley Landscape Survey and Design LLP, dated February 2025, and approved as part of this permission, no tree, shrub or hedgerow which is shown on Tree Protection Plan 4810/01/Rev A to be retained, shall be topped, lopped, uprooted, felled or in any other way destroyed.

Reason:

To protect trees and hedges on the site in the interest of the visual amenity, and the character and appearance of the area, in accordance with Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

11. The existing boundary hedgerows which are to be retained, alongside the those proposed, shall be retained, at a minimum height of two (2) metres from ground level. Should the hedge die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, a replacement hedge, or other agreed means of

enclosure shall be planted/installed in accordance with details and timescales which shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

12. The development hereby approved shall be carried out in strict accordance with the mitigation and enhancement measures outlined in Sections 6 and 7 of the Ecological Impact Assessment, reference 172-2200-GE-RLA, produced by Glaven Ecology, dated February 2023. The mitigation and enhancement measures shall include the provision of:
- a) Machinery, equipment and materials must be stored on raised pallets or skips,
 - b) All waste should be stored in skips prior to removal from site,
 - c) All excavations should feature an escape ramp made from earth, or a rough sawn plank to prevent foraging or commuting amphibians from becoming trapped,
 - d) In the event that a Great crested newt is encountered, all works must cease and a licenced ecologist consulted,
 - e) Any external lighting should be low level, minimise lit times through use of timers or motion sensors, and be in the warm white spectrum (<2700k),
 - f) Any clearance of the site will take place outside of the bird nesting period (March to August inclusive), or failing that following a pre-commencement check by a suitably qualified ecologist,
 - g) 1No. integrated bat box to be installed on the eastern aspect of the development,
 - h) 1No. integral swift style nest box to be installed on the north aspect of the development.

The specific details of all of the required mitigation and enhancement measures aforementioned, including dimensions, location and construction methodology together with a scaled plan or drawing illustrating the requirements, shall be submitted to and approved in writing by the local planning authority prior to installation. The mitigation and enhancement measures shall be carried out in accordance with the approved details prior to first occupation of the holiday accommodation and thereafter retained in a suitable condition to serve the intended purpose.

Reason:

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

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

Reason:

To ensure the GIRAMS tariff payments secured in relation to this development are made available and can be used towards the county wide strategic mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy, or successive strategy, which is aimed at delivering the

necessary mitigation to avoid adverse effects on the integrity of European Sites arising as a result of the development.

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

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

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

Reason:

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

15. Prior to installation, full details of foul and surface water drainage treatment shall first be submitted to and approved in writing by the Local Planning Authority. The approved foul and surface water details shall then be carried out prior to first occupation of the holiday accommodation hereby approved and shall thereafter maintained in accordance with the approved details.

Reason:

To ensure that suitable surface water drainage provision is made within the site in a manner which protects arboricultural assets, and that the foul water management is appropriate for the site, having regard to the relevant hierarchy and Nutrient Neutrality considerations, in accordance with Policies EN 2, EN 4, EN 9 and EN 13 of the adopted North Norfolk Core Strategy.

16. The unit of holiday accommodation hereby approved shall be used for holiday accommodation purposes only and shall not be used as the sole or main residence of the occupiers. The holiday accommodation hereby permitted shall be made available for commercial holiday letting for at least 140 days a year and no individual let shall exceed 31 days. A register of lettings, occupation, and advertising shall be maintained at all times and shall be made available for inspection by the Local Planning Authority if requested.

Reason:

For the avoidance of doubt and because the site is located in an area designated as Countryside in the North Norfolk Core Strategy where the Local Planning Authority would not normally permit permanent residential accommodation, and in the interests of residential amenities in accordance with Policies SS 2, EN 4, EC 2 and EC 9 of the adopted North Norfolk Core Strategy.

17. Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of five (5) metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges

adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason:

In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

18. Prior to first occupation of the holiday accommodation hereby approved the vehicular access shall be upgraded to a minimum width of 2.75 metres and in accordance with the Norfolk County Council residential access construction specification for the first 4 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement (and to be provided as part of Condition 15) shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason:

To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

19. Prior to the first occupation of the holiday accommodation hereby approved the proposed access/onsite car and cycle parking/area shall be laid out, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason:

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

20. Prior to first occupation of the holiday accommodation hereby approved, details of electric vehicle charging provision shall be submitted to and approved in writing by the Local Planning Authority. Such details should include the specification, appearance and siting of charging point(s). The approved electric vehicle charging provision shall be carried out and made fully functional prior to the first occupation of the holiday accommodation and thereafter shall be maintained in accordance with manufacturer's specifications.

Reason:

Details are required prior to occupation to ensure that visually acceptable electric vehicle charging points are made available prior to occupation of the approved unit of holiday accommodation in accordance with Policies EN 4, EN 6 and CT 6 of the adopted North Norfolk Core Strategy and the guidance contained within Chapter 14 of the National Planning Policy Framework.

21. Prior to first occupation of the holiday accommodation hereby approved, a scheme for the parking/storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the holiday accommodation is first occupied and thereafter retained for this purpose.

Reason:

To ensure the provision of adequate cycle parking/storage that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with the requirements of Policy CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

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

Reason:

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

23. Prior to installation, details of the solar panels to be provided within the site shall first be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, specification, efficiency/output and their appearance. The approved solar panels shall be installed and be made fully functional prior to first occupation of the holiday accommodation hereby approved.

Reason:

To ensure that the solar panels provided have an appropriate appearance, and are of sufficient quality to provide the benefits of renewable and low carbon energy generation in accordance with Policy EN 6 of the adopted North Norfolk Core Strategy and Chapter 14 of the National Planning Policy Framework.

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

Reason:

To prevent the overdevelopment of the site, to preserve the rural character in the interests of the amenity of the area and to ensure that development does not adversely impact retained trees in accordance with Policies EN 2, EN 4 and EN 9 of the adopted North Norfolk Core Strategy.

25. No fences, gates, walls or other means of enclosure as defined within Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) shall be carried out on the land, unless otherwise formally agreed in writing by the Local Planning Authority.

Reason:

To preserve the rural character of the site and in the interests of the visual amenities of the area and to comply with Policy EN 4 of the adopted North Norfolk Core Strategy.

Informatives

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

In this instance:

- the applicant was updated at each stage during the consideration of the application;
- amended plans were submitted by the applicants and have been duly considered;
- discussions were held with the applicant during the course of the application;
- the application was subject to the imposition of conditions.

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

3. Shrub clearance should be undertaken outside of bird nesting season (March to August inclusive) if at all possible in order to avoid impact on nesting birds protected under the Wildlife and Countryside Act 1981. Should clearance be required during nesting season then the site should first be surveyed by a suitably qualified ecologist for signs of nesting and if any area found works should cease in that area until nesting has been completed and fledglings have left the nest.
4. The applicant/agent is advised that any removal of asbestos from the site should be in accordance with the Control of Asbestos Regulations 2012, under which the applicant/agent has a duty of care. Holders of this duty must prevent escape of the waste whilst it is under their control. For further help and advice in respect of asbestos

removal the applicant/agent is advised to contact the Health and Safety Executive (HSE) on 0845 345 0055 (www.hse.gov.uk/asbestos).

5. This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. Please contact developer.services@norfolk.gov.uk If required, street furniture will need to be repositioned at the Applicants own expense.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

6. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

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

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

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

- (i) The plan to be submitted proposes **significant*** on-site habitat enhancement or creation, a Habitat Management and Monitoring Plan (HMMP) shall also be submitted to the Local Planning Authority. The HMMP shall include:
 - (a) a non-technical summary
 - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
 - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development
 - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority and
 - (f) details of persons responsible for submitting monitoring reports to the Local Planning Authority in accordance with the monitoring methodology and frequency set out at e).

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

- (a) a non-technical summary
- (b) the roles and responsibilities of the people or organisation(s) delivering the LEMP
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- (f) details of persons responsible for submitting monitoring reports to the Local Planning Authority in accordance with the monitoring methodology and frequency set out at e).

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

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