

HAPPISBURGH – RV/25/2056 – Access track to Lighthouse Lane to serve existing public car park and new car park to allow for rollback of existing car park; ancillary works, without complying with conditions 2 (approved plans), 3 (landscaping), 14 (access track from Lighthouse Lane), 15 (gates/bollard/chain/other means of obstruction) and 21 (off-site highway improvements) of planning permission PF/22/2510 to allow new access position off Lighthouse Lane to align with opposite neighbours garage and prevent car headlights shining into the dwelling from the site egress carriageway.

Major Development

- Target Date: 26th December 2025

Extension of time: N/A

Case Officer: Joseph Barrow

Section 73 application

RELEVANT SITE CONSTRAINTS

Agricultural Land Classification: Grade 1

Countryside

Undeveloped Coast Constraint Area

Coastal Erosion Risk Areas:

Coastal Erosion Risk Area - 100 years

Coastal Erosion Risk Area - 50 years

RELEVANT PLANNING HISTORY

PF/22/2510: Access track to Lighthouse Lane to serve existing public car park and new car park to allow for rollback of existing car park; ancillary works at Land off Lighthouse Lane Happisburgh for Happisburgh Parish Council – Approved

RV/22/0821: Variation of condition 2 (approved plans) of planning permission PF/11/0169 (Change of use of land from agricultural/amenity land to public car park/amenity land and construction of beach access ramp) to retain dropped kerb - Approved

COND/15/0515: Discharge of condition 3 (landscaping) of planning permission PF/12/1354 – Details approved

PF/12/1354: Change of use of land from agricultural to playing field - Approved

PF/11/0169: Change of use of land from agricultural/amenity land to public car park/amenity land and construction of beach access ramp - Approved

THE APPLICATION

Seeks to vary conditions of the planning permission PF/22/2510 to allow a change in the position of the access off Lighthouse Lane. This requires the variation of five conditions that relate to matters of highway safety in total as set out within conditions 2, 3, 14, 15 and 21 of the original permission. The application is submitted so as to reduce headlight glare into properties opposite the approved access point on Lighthouse Lane.

REASONS FOR REFERRAL TO COMMITTEE

The application is submitted by North Norfolk District Council

In accordance with the Councils Constitution (Sept v4) - Chapter 6, Part 2 para 6.2 "Determination of Planning and Listed Building Applications" conditions: "e) All major applications submitted by or on behalf of the District Council shall be determined by Development Committee."

PARISH/TOWN COUNCIL

Happisburgh Parish Council – No comment.

CONSULTATIONS

North Norfolk District Council Landscape Officer – No comment.

Norfolk County Council Highway Authority – No Objection subject to conditions

REPRESENTATIONS

1 letter of objection received highlighting matters pertaining to the off-site highway improvement works with regard to the relocation of passing bay 2. This is not deemed to be a point of assessment for this application which requests a very specific and particular change to the access point only.

This letter has been circulated to the applicant for further consideration in terms of any further ancillary off-site works.

HUMAN RIGHTS IMPLICATIONS

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

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

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

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity issues.

LOCAL FINANCE CONSIDERATIONS

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

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

RELEVANT POLICIES

North Norfolk Core Strategy (adopted September 2008)

SS 1 – Spatial Strategy for North Norfolk
SS 2 – Development in the Countryside
SS 5 – Economy
EN 2 – Protection and Enhancement of Landscape and Settlement Character
EN 3 – Undeveloped Coast
EN 4 – Design
EN 8 – Protecting and Enhancing the Historic Environment
EN 11 – Coastal Erosion
EN 12 – Relocation and Replacement of Development Affected by Coastal Erosion Risk
EC 6 – Public Car Parking Provision
CT 5 – Transport Impact of New Development
CT 6 – Parking Provision

Material Considerations

North Norfolk Design Guide Supplementary Planning Document (2008)

North Norfolk Landscape Character Assessment SPD (2021)

National Planning Policy Framework (2021):

Chapter 2 – Achieving Sustainable Development
Chapter 6 – Building a Strong, Competitive Economy
Chapter 9 – Promoting Sustainable Transport
Chapter 12 – Achieving Well Designed Places
Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 16 – Conserving and Enhancing the Historic Environment

North Norfolk Emerging Local Plan

The emerging North Norfolk Local plan has reached the **Main Modifications** stage following examination by the Planning Inspectorate. Public consultation on the modifications was undertaken during August and September 2025, and the Inspector's final report has been received, which has found the plan to be sound subject to a number of Main Modifications being incorporated prior to adoption. Adoption is currently anticipated in December 2025.

Application of NPPF Paragraph 49

In accordance with Paragraph 49 of the National Planning Policy Framework (NPPF), weight may be given to policies in emerging plans based on:

1. **Stage of Preparation** - *The more advanced its preparation, the greater the weight that may be given.* The plan is at an advanced stage in the examination which supports giving **significant weight to its policies**
2. **Extent of Unresolved Objections** - *The less significant the unresolved objections, the greater the weight that may be given.*

- If there are major unresolved objections, especially to policies relevant to the application, the weight is reduced.
- If objections are minor or resolved, more weight can be given.

There are no significant unresolved objections and therefore **SIGNIFICANT** weight may be afforded to the following relevant Emerging Local Plan Policies:

- CC1- Delivering Climate Resilient Sustainable Growth
- CC3 - Sustainable Construction, Energy Efficiency & Carbon Reduction
- CC5 - Coastal Change Management
- CC6 - Coastal Change Adaptation
- CC7 – Flood Risk & Surface Water Drainage
- CC8 - Electric Vehicle Charging
- CC9 - Sustainable Transport
- CC12 – Trees, Hedgerows & Woodland
- SS1 – Spatial Strategy (Except Small Growth Villages which is apportioned no weight)
- SS2 - Development in the Countryside
- HC3 - Provision & Retention of Local Facilities
- HC7 - Parking Provision
- HC8 - Safeguarding Land for Sustainable Transport
- ENV3 - Heritage & Undeveloped Coast
- ENV4 - Biodiversity & Geodiversity
- ENV6 - Protection of Amenity
- ENV7 - Protecting & Enhancing the Historic Environment
- ENV8 - High Quality Design

3. **Consistency with the NPPF** - *The closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given.*
The overall Plan as modified is considered to be consistent with national policy.

This supports giving greater weight to the policies identified above.

Conclusion on Weight

The Plan has been found legally compliant and sound, subject to the incorporation of a number of Main Modifications prior to adoption, and is in conformity with the NPPF. Having reached the Main Modifications stage, the Plan, as modified, remains a material consideration.

Taking into account the above factors, it is considered appropriate to give significant weight to the policies as set out above of the emerging Local Plan (as modified) in the determination of this application.

OFFICER ASSESSMENT

Main issues for consideration:

When considering an application for a variation of planning conditions the Local Planning Authority may only consider the matters which are materially affected by the exact changes that are proposed. In this case, the material change to the scheme that is proposed is the relocation of the existing access track. With this in mind, the matters for consideration under this application are:

1. Procedural matters

- 2. Impact upon design and landscape**
- 3. Impact upon amenity**
- 4. Impact upon highway safety**
- 5. Electric vehicle parking provision**

The original application (ref: PF/22/2510) was considered by the Development Committee on 11 Jan 2024. A copy of that report is available at **Appendix A**.

1. Procedural matters

It is noted from the assessment that the relocation of the access as proposed would require the use of more land than was in the original red line so as to provide adequate visibility to the south. It is not lawful to extend red lines under variation of condition applications; however the use of Grampian-style conditions may be considered appropriate in such circumstance.

Grampian Conditions are a negative restriction on the planning permission, restricting its implementation, in whole or in part, until some event has occurred. This event can involve land outside of the applicant's ownership, providing there are reasonable prospects of the action in question being performed within the time-limit imposed by the permission. Furthermore, with suitable drafting that the proposed Grampian Condition should otherwise meet the relevant tests for planning conditions i.e. the condition is necessary, relevant to planning, relevant to the development being permitted, enforceable, precise and reasonable in all other aspects.

The southern visibility splay associated with the revised access extends beyond the application site and across land owned by a third party. The applicants have indicated that negotiations with the third party landowner are already well advanced and there is a reasonable balance of probability that the required visibility improvements can be delivered. Therefore, it is a reasonable prospect that the additional land required for visibility will be delivered via a Grampian Condition within the specified time limit condition for implementation.

2. Impact upon design, landscape and heritage

This application would not amend the appearance of the car park layout itself or the proposed landscaping insofar as the main landscaping buffer is maintained across the south of the site. The application would require the removal of a small area of vegetation inclusive of native hedgerow and scrub adjacent to the new access point for visibility reasons. Any losses would be offset by the area now to be retained at the site of the previously approved access.

It is considered that the proposed highway visibility improvements will not result in the loss of any significant landscape features compared to the previous approval, nor does it result in additional harm to the character and appearance of the area. Regard is also had to the setting of the Grade II Listed lighthouse and the undeveloped coast constraint area. It is considered that the proposed amendment would not significantly alter the proposal's impact upon either of those constraints.

Subsequently, this application is found to be acceptable in terms of its impact upon design and landscape, in accordance with Core Strategy Policies EN 2, EN 3, EN 4 and EN 8 and Policies ENV 3, ENV 7 and ENV 8 of the Emerging Local Plan, as well as the North Norfolk Design Guide SPD, and Chapters 12 and 16 of the NPPF (2024).

3. Impact upon residential amenity

The proposal seeks a revised access location to the south of the approved location in order to ensure that the headlights of cars leaving the car park would not face directly into the lounge window of a property on the west side of Lighthouse Lane.

Having reviewed the layout it is clear that the proposed layout would achieve this aim and therefore deliver an improvement in terms of residential amenity. The new exit point would also now face the blank side elevation of an existing garage, ensuring that the no further amenity impact is created by the proposals.

With no other concerns or prospective impacts in terms of amenity, it is considered that this application is acceptable in this regard, in accordance with Core Strategy Policy EN 4 and Policy ENV 6 of the Emerging Local Plan, the North Norfolk Design Guide SPD, and Chapter 12 of the NPPF (2025).

4. Impact upon highway safety

Committee will not the single representation received which raises points focusing on the off-site highway works, chiefly the location of passing bays along Lighthouse Lane. Officers have provided this comment to the applicant and their agent to enable informed decisions as detailed layouts are drawn up, and planning conditions discharged.

Officers consider that this proposal does not impact upon the matters raised within that local representation. Should the developers wish to amend the off-site layout after review of the local representation then officers will be available to assist where appropriate.

With the parking layout itself remaining unchanged, the only assessment to be made under this application is one that focuses on the new access location. During the assessment Officers have received two comments from the highway authority stating that the initial plans failed to demonstrate sufficient land was available to deliver an adequate visibility splay.

Following revisions to the plans, the Highway Authority have confirmed they have no objections to the proposals subject to the imposition of conditions.

As discussed in "Procedural Matters" Officers are content to proceed with a suitably drafted Grampian Condition, with the applicant's agreement, to ensure that the land required for the visibility splay is delivered and retained thereafter.

Subject to that condition, as well as relevant and appropriate amendments to the others affected by this proposal, the application is found to be acceptable in terms of its impact on highway safety, having regard to Core Strategy Policies CT 5 and CT 6 and Policy HC 7 of the Emerging Local Plan, as well as Chapter 9 of the NPPF (2024).

5. Electric vehicle parking provision

Policy CC 8 of the Emerging Local Plan states that *'proposals for stand-alone car parks should provide active provision for electric vehicle charging points of a minimum of 1 charging point or 20% of all new parking spaces, whichever is the greater, unless there is evidence that the viability of the scheme would be significantly affected.'*

This policy is afforded significant weight and introduces a new requirement for this development which was not applicable to the previous decision. It is noted that the original permission remains capable of implementation as a fallback position and this carries weight in the determination of the application. In other words, were the Committee minded to refuse

planning permission on the basis of a lack of EV charging points then a near identical scheme could be implemented without the need to provide EV charging points as a fallback under application ref: PF/22/2510.

A plan has been submitted showing 7 EV charge points, Whilst this falls short of the 14 that would required under Emerging Policy CC 8, having regard to the fallback scenario, Officers consider these are material considerations that attract sufficient weight to depart from the policy.

The applicants are agreeable to a condition requiring an EV charging scheme to be submitted ensuring their delivery prior to the first use of the facility.

On balance, whilst recognising the fallback position, Officers consider that, with the imposition of a condition to secure an EV charging scheme, the proposal would be in accordance with the broader aims of Policy CC 8 of the Emerging Local Plan in that some EV charging provision is being made.

Planning Balance and Conclusion

The proposal amends plans to revise the access point which, amongst other things, delivers an improvement to residential amenity without negatively altering the scheme in other ways.

The proposal will also secure EV charging points where the fallback scheme provided none.

Subject to a Grampian Condition to secure suitable visibility, and a new condition securing an EV charging scheme; along with imposing all other relevant previous conditions, this application is considered to be acceptable and in accordance with relevant Development Plan and Emerging Local Plan policy.

RECOMMENDATION:

APPROVAL subject to the imposition of conditions as per the previous approval (minus the time limit condition - see headings below) together with two new conditions added to control / deliver the following:

- The use of land within the blue line for visibility splays for traffic leaving the site.
- The submission and approval of electric vehicle charging scheme.

Previous condition headings:

1. Plans
2. Landscaping
3. Landscaping
4. Surface Water Drainage
5. Camping Restriction
6. Ecology
7. CEMP
8. External Lighting
9. Opening Hours
10. Existing Access Closure
11. Total new Spaces Limit
12. Total Overall Spaces Limit
13. Access / Crossing Details

14. Gates / Bollards / Chain Details
15. Vis Splays
16. Access track Delivery
17. Parking Spaces Delivery
18. CTMP 1
19. CTMP 2
20. Off-Site Highway Works 1
21. Off-Site Highway Works 2

APPENDIX A – COMMITTEE REPORT PF/22/2510 – 11 JAN 2024

HAPPISBURGH – PF/22/2510 - Access track to Lighthouse Lane to serve existing public car park and new car park to allow for rollback of existing car park; ancillary works at Land off Lighthouse Lane Happisburgh for Happisburgh Parish Council

Major Development

Target Date: 7th March 2023

Extension of time: 18th January 2024

Case Officer: Mr Joseph Barrow

Full Planning Permission

BACKGROUND

This application was considered by the Development Committee at its meeting on 20 July 2023. The committee resolved to defer the application so as to enable further discussions to take place between the applicant and the local highway authority in seeking to resolve issues surrounding access to Lighthouse Lane and to secure potential improvements for the scheme.

This report is an update on the access and highways issues. The committee report and minutes to the previous meeting setting out all other matters and considerations is attached at **Appendix B**.

Further comments from Norfolk County Council Highways in respect of the proposed changes made to the proposals are awaited and will be reported verbally at the committee meeting.

OFFICER ASSESSMENT

Following the deferment, the application has been the subject of a thorough assessment by a highway consultant. Some of the options that were discussed by the committee at its meeting in July were considered as part of this, and either ruled out or brought forward depending on their feasibility and impact.

The improvements now proposed which would be secured either via conditions or a legal agreement are as follows:

- At least three passing places along Lighthouse Lane between the new access and the junction with Whimpwell Street;
- carriageway widening to the site frontage on the east side of Lighthouse Lane; and
- signage to encourage right turns out of the new car park access road.

Measures that were discussed at the previous committee meeting that have since been discounted following the consultants' review are:

- Reprioritising the Lighthouse Lane / Beach Road junction,
- Restrictive engineering of the junction from the new access road to Lighthouse Lane to prohibit left turning, and,
- The implementation of a one-way system from Beach Road, along the length of Lighthouse Lane, to Whimpwell Street.

As confirmed to Committee previously, this proposal does not involve a proposed increase in the amount of parking available within the car park, which would remain at 74 spaces, inclusive of disability accessible spaces, and powered two-wheeler spaces.

Without a suitable replacement car parking facility being secured, Officers consider it to be highly probable that visitors to the area and others wishing to access the nearby coastal footpath(s) and beach may well choose to park on-street where there are currently no parking restrictions in place. This scenario where the car park is not replaced needs to be weighed against the highway impacts that may arise from the proposed development. Previously, the Highway Authority's stance did not appear to have recognised the potential highway safety impacts resulting from the loss of an existing car park facility without any replacement.

With regard to the standards of the roads that drivers and others would need to use to access the car park, it is understood that current signage within the village, namely that on Whimpwell Street directing beach traffic down Beach Road, would not change (notwithstanding any provision of signage to direct people down Lighthouse Lane). For those that would use this access route, the length of Beach Road between Whimpwell Street and the junction with Lighthouse Lane would remain the same, with traffic now proposed to turn right down Lighthouse Lane rather than continuing along Beach Road as it does currently.

The distance along Beach Road to the current car park access point is approximately 268 metres. This section of road has a generally straight alignment with consistent forward visibility, but minimal passing place provision or road width, creating a situation where passing vehicles often use agricultural accesses or residential driveways to pass.

The proposed route includes approximately 60 metres of Beach Road, before traffic would turn right down Lighthouse Lane for approximately 118 metres before the car park access road on the left-hand (eastern) side. The section of access route using Beach Road is the same as at present, but the overall route on public highways would be shorter. Lighthouse Lane is also capable of allowing carriageway widening across the car park site frontage, which is now included as part of the proposals.

It is acknowledged that the proposal could result in additional vehicle movements along the southern section of Lighthouse Lane, beyond the proposed new car park access point. Lighthouse Lane to the south of the proposed car park access, through to the Whimpwell Street junction, is substandard, with insufficient passing place provision, and at a distance of approximately 478 metres to that junction, increased vehicle use of it would be undesirable.

This section of highway is now proposed to benefit from at least three passing places between the new access point, and the junction with Whimpwell Street. Signage will also be installed to encourage road users to exit the car park towards Beach Road. These additional measures are considered to represent a significant improvement that would mitigate and increase usage of the southern section of Lighthouse Lane.

The other potential measures referred to above, that were discussed by the Development Committee at the July meeting, have been assessed but have been discounted due to their overall negative impact on either highway safety, residential amenity, or on feasibility grounds.

It is considered that the proposed development broadly complies with Core Strategy policy CT 5. Furthermore, paragraph 115 of the NPPF (Dec 2023) states that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*' Whilst the proposed development was considered to be acceptable previously, Officers consider that the additional improvements now proposed tip the balance further in favour of approval of the application.

Other considerations

The changes made to the scheme would also have some minor impacts upon the character and appearance of the area. The provision of passing places and the carriageway widening proposed would be a small change to the rurality of the surrounding area, but this slight change to character is considered to be offset by the highway benefits. Extensive landscape mitigation would be secured by condition.

Planning Balance and Conclusion

The proposed development would cause less than substantial harm to the grade II listed lighthouse and cottages which Officers consider would be outweighed by the public benefits arising from the development. Whilst the application was considered acceptable by Officers previously, the changes made to the proposed development would lessen the highway impacts further.

The proposal would also bring forward landscape and ecological enhancements, as well as community-wide benefits in terms of resistance and adaptation to coastal erosion constraints as well as tourism through continued beach and footpath access.

The proposed development is therefore considered to be acceptable and in compliance with the relevant Core Strategy policies listed in the appended report.

RECOMMENDATION:

APPROVAL subject to conditions to cover the matters listed below (and any others subsequently considered necessary by the Assistant Director – Planning):

1. Time Limit
2. Approved plans
3. Surface materials
4. Compliance with the drainage strategy
5. Use prohibition for the new parking spaces until such a time as they are necessary
6. Closure of the existing access point as soon as the new access is in use
7. Number of spaces not to exceed 74 as per the plan at any time
8. Car park opening hours with access gate to be closed when car park is not in use
9. Prohibition of overnight camping
10. Implementation of ecological mitigation and enhancement measures
11. Landscaping scheme to include provision of a mixed species native hedgerow with trees every 10m to the southern/western boundaries of the site
12. External lighting restriction

13. Any other highway conditions

Final wording of conditions to be delegated to the Assistant Director – Planning