



NORTH  
NORFOLK  
DISTRICT  
COUNCIL

# Development Committee

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**TO REGISTER TO SPEAK PLEASE CALL 01263 516150**

11 April 2019

A meeting of the **Development Committee** will be held in the **Council Chamber** at the Council Offices, Holt Road, Cromer on **TUESDAY 23 April 2019 at 9.30am.**

Coffee will be available for Members at 9.00am and 11.00am when there will be a short break in the meeting. A break of at least 30 minutes will be taken at 1.00pm if the meeting is still in session.

Any site inspections will take place on **Thursday 30 May 2019.**

## **PUBLIC SPEAKING – TELEPHONE REGISTRATION REQUIRED**

Members of the public who wish to speak on applications are required to register by **9 am on THURSDAY 18 APRIL 2019** by telephoning **Customer Services on 01263 516150**. Please read the information on the procedure for public speaking on our website [here](#) or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

**Emma Denny**  
**Democratic Services Manager**

**To:** Mrs S Arnold, Mrs A Claussen-Reynolds, Mrs A Fitch-Tillett, Mrs A Green, Mrs P Grove-Jones, Mr B Hannah, Mr N Lloyd, Mrs B McGoun, Mr N Pearce, Ms M Prior, Mr R Reynolds, Mr R Shepherd, Mr B Smith, Mrs V Uprichard

**Substitutes:** Mr D Baker, Dr P Bütikofer, Mrs S Bütikofer, Mr N Coppack, Mrs J English, Mr T FitzPatrick, Mr V FitzPatrick, Mr S Hester, Mr M Knowles, Mrs J Oliver, Miss B Palmer, Mr J Punchard, Mr J Rest, Mr P Rice, Mr E Seward, Mr S Shaw, Mr D Smith, Mr N Smith, Mrs L Walker, Ms K Ward, Mr A Yiasimi

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



**If you have any special requirements in order  
to attend this meeting, please let us know in advance**

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

**Heads of Paid Service:** Nick Baker and Steve Blatch  
**Tel** 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005  
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## AGENDA

**PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN**

### PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS
2. TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)
3. MINUTES

To approve as a correct record the Minutes of a meeting of the Committee held on 28 March 2019.
4. ITEMS OF URGENT BUSINESS (to be taken under items 8 or 10 below)
  - (a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.
  - (b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.
5. ORDER OF BUSINESS
  - (a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.
  - (b) To determine the order of business for the meeting.
6. DECLARATIONS OF INTEREST

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.
7. OFFICERS' REPORT

### ITEMS FOR DECISION

#### PLANNING APPLICATIONS

- (1) HAPPISBURGH - PF/19/0103 - Installation and retention of an electricity substation, water tank and 4no. 3950 litre LPG tanks on a concrete pad for use within surrounding caravan park (retrospective); Manor Caravan Park, North Walsham Road, Happisburgh, NORWICH, NR12 0AN for Happisburgh Estates Ltd  
HAPPISBURGH - PF/19/0350 - Variation of conditions 2 and 4 (approved site plans), 3 (original site's restoration plan), 8 (landscaping scheme), 11 (new site

access entrance details) and 12 (drainage) of planning permission PF/14/0120 (relocation of Manor Farm Caravan Park to form 194 space caravan site and camping area [Appeal Decision ref APP/Y2620/A/14/2228049]). Amendments to: Provide an enclosure for siting LPG tanks, water tank and a new electrical substation/switch room; Amended landscaping scheme details to provide an earth bund of 2.5 metres height and electrical hook up points; Amend the hard surfacing within the site from an impermeable to a permeable surface type; Revise the detail of drainage for surface water to omit to the drainage ditch adjacent to the bund; Extend the bund eastwards from the north-east corner along the boundary adjoining the neighbouring approved housing development; Amend site entrance design details; and, Propose a landscaping restoration scheme for the existing site; Manor Caravan Park, North Walsham Road, Happisburgh, NORWICH, NR12 0AN for Happisburgh Estates Ltd

Page 5  
(Appendix 1 – page 57)

- (2) **HIGH KELLING - PF/18/1895** - Demolition of pig shed & conversion and partial rebuilding of barn & outbuildings to form 6 residential dwellings & associated parking; Warren Farm Barns, Warren Road, High Kelling for Kelling Estate LLP  
Page 22
- (3) **LEATHERINGSETT WITH GLANDFORD - PF/18/1980** - Erection of single-storey detached dwelling, garage, associated engineering works and change of use of agricultural land to form residential curtilage; Land off Thornage Road, Letheringsett for Mr Raven  
Page 32

**ITEM FOR DECISION**

- (4) **SALTHOUSE** – TPO 950 (Salthouse) Manor House Cross Street Salthouse Ref No. TPO/16/950  
Page 53  
(Appendix 2 – page 74)

<i>To consider whether to confirm a Tree Preservation Order (TPO) to protect a Lime Tree and Holm Oak at the above site.</i>
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- (5) **APPLICATIONS RECOMMENDED FOR A SITE INSPECTION** Page 55
- (6) **NEW APPEALS** Page 55
- (7) **INQUIRIES AND HEARINGS - PROGRESS** Page 55
- (8) **WRITTEN REPRESENTATIONS APPEALS - IN HAND** Page 56
- (9) **APPEAL DECISIONS – RESULTS AND SUMMARIES** Page 56
- (10) **COURT CASES – PROGRESS AND RESULTS** Page 56
8. **ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE**

9. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in \_\_\_\_\_ of Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

10. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

11. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

**OFFICERS' REPORTS TO  
DEVELOPMENT COMMITTEE - 23 APRIL 2019**

Each report for decision on this Agenda shows the Officer responsible, the recommendation of the Head of Planning and in the case of private business the paragraph(s) of Schedule 12A to the Local Government Act 1972 under which it is considered exempt. None of the reports have financial, legal or policy implications save where indicated.

PUBLIC BUSINESS - ITEM FOR DECISION

**PLANNING APPLICATIONS**

**Note :-** Recommendations for approval include a standard time limit condition as Condition No.1, unless otherwise stated.

- (1) **HAPPISBURGH - PF/19/0103** - Installation and retention of an electricity substation, water tank and 4no. 3950 litre LPG tanks on a concrete pad for use within surrounding caravan park (retrospective) ; Manor Caravan Park, North Walsham Road, Happisburgh, NORWICH, NR12 0AN for Happisburgh Estates Ltd

**HAPPISBURGH - PF/19/0350** - Variation of conditions 2 and 4 (approved site plans), 3 (original site's restoration plan), 8 (landscaping scheme), 11 (new site access entrance details) and 12 (drainage) of planning permission PF/14/0120 (relocation of Manor Farm Caravan Park to form 194 space caravan site and camping area [Appeal Decision ref APP/Y2620/A/14/2228049]). Amendments to: Provide an enclosure for siting LPG tanks, water tank and a new electrical substation/switch room; Amended landscaping scheme details to provide an earth bund of 2.5 metres height and electrical hook up points; Amend the hard surfacing within the site from an impermeable to a permeable surface type; Revise the detail of drainage for surface water to omit to the drainage ditch adjacent to the bund; Extend the bund eastwards from the north-east corner along the boundary adjoining the neighbouring approved housing development; Amend site entrance design details; and, Propose a landscaping restoration scheme for the existing site; Manor Caravan Park, North Walsham Road, Happisburgh, NORWICH, NR12 0AN for Happisburgh Estates Ltd

**Major Development**

- Target Date: 31 May 2019

Case Officer: Nick Westlake

Full Planning Permission

**THE APPLICATIONS**

**PF/19/0350 and PF/19/0103**

This report to Planning Committee addresses two applications within the same location, the Happisburgh Manor Caravan Site off the North Walsham Road. Both planning applications have differing impacts on the appearance of the host site, the operational efficiency of the site and the potential impact upon the neighbouring land uses. The host site was originally the subject of planning application (Ref: PF/14/0120 - Formation of caravan park to provide pitches for 134 static caravans, 60 touring caravans and camping area with office/warden accommodation and amenity building). This was originally refused via Planning Committee in April 2015, however the decision was overturned at appeal by the Planning Inspector in June 2015. The original site by nearby Happisburgh coast line is in the process of being decommissioned and the new site is being made ready to open in April 2019.

The holiday use is important for current and future economic development in North Norfolk and Happisburgh in particular. However, the local context, the sensitivities of the site and the local constraints present challenges which are important for both applications to adequately address.

It is appropriate for Members to consider the issues together because whilst each application will be assessed on its own merits, certain features are common across the two applications; in doing so Members will be given a clearer understanding of how the plans inter relate and appreciate local concerns 'in the round'.

The two reports share a common background and planning history and site context. The issues raised with these applications are relatively few in number, but locally important, so all are presented with the same introductory text, and particular issues of concern are examined for each application as appropriate. Ultimately the report splits its recommendations individually, recommending a determination and a proposed list of conditions on an application-specific basis.

#### **REASONS FOR REFERRAL TO COMMITTEE:**

At the request of Councillor Walker and Councillor Seward having regard to the concerns of local residents in respect of the proposed location of the caravan park and the effect on the village.

#### **PARISH/TOWN COUNCIL**

Happisburgh Parish Council

#### **SITE DESCRIPTION**

The site is located on the southern side of North Walsham Road. The northern and eastern boundary adjoins the existing settlement boundary of Happisburgh. The eastern boundary also defines the boundary of Happisburgh Conservation Area. The host site is appropriately 200 metres in width (east to the west) and 260 metres in depth (north to south). The site consists of two existing grass fields, a western field and an eastern field. The fields are separated by an existing mature 2.5m hedge running centrally between both areas. To the immediate east of this central hedge there is located a drainage ditch running the full length of the site. While to the immediate west of this central hedge, a public footpath runs through the full length of the site also. This footpath is referred to as Happisburgh Footpath 9. There is a separate footpath outside the host site that runs to the parallel to the southern boundary, this is Happisburgh Footpath 8.

At the time of visiting the site most recently, on 03/04/2019 the site had been transformed into the Caravan Site that is due to open in April 2019. Most noticeable was the newly installed bund, widespread planting and additional fencing. All the static caravans were in place together with the Wardens Building, LPG Tanks, electrical sub station and switch station. Finally the Toilet shower block was in place along with 17 electrical hook up points in the western field. The applicant has attempting to fulfil the Landscaping schedule that was originally approved under a condition discharge application in 2016. The Landscaping schedule on site is meant to be completed on site prior to the opening of the site in April 2019 however, finishing aspects of this schedule were not in place when the site was first visited in 07/02/2019.

The 2015 Appeal decision allows for a development comprising of 134 static caravans, 60 touring caravan pitches and a camping area.

At present the 134 static caravan's are located on the eastern and central sections of the site. This includes some 50 static caravans in place within the western field itself. The western field

is currently a less occupied area as this area shall be used by the touring caravans and camping guests mostly.

The eastern field of the host site adjoins the rear gardens of the adjacent houses and bungalows which front onto 'The Street'. These dwellings and rear gardens are located within Happisburgh Conservation Area. As mentioned the eastern side of the site is mostly enclosed by a 2.5 metre high bund. The northern boundary of this eastern field adjoins the playground of the Primary School and the boundary of what will become a small close of 9 social houses off North Walsham Road.

Beyond the western and southern boundary of the site, the land becomes private arable fields and part of the wider countryside beyond. The land on the site is relatively flat but with a gradual gradient from west to east.

The existing site is located by the coast line approximately 300 metres to the north east. The site is not located within Flood Zone 1, 2 or 3.

### **RELEVANT PLANNING HISTORY:**

DE21/10/0401 ENQ - EIA Screening and Scoping Request - Relocation and Redevelopment of Manor Caravan Park - 07/10/2010

PO/12/0423 PO - Erection of nine replacement dwellings and reinstatement of former residential land to provide amenity land - Approved 03/04/2013

PF/14/0120 PF - Formation of caravan park to provide pitches for 134 static caravans, 60 touring caravans and camping area with office/warden accommodation and amenity building. Refused 30/04/2014. Appeal Allowed Ref: APP/Y2620/A/14/2228049, 25/06/2015.

CDA/14/0120 - Discharge of conditions 3(transitional arrangements), 6(materials of warden's building), 7(external lighting), 8(landscaping), 9(fire safety),10(archaeological scheme) & 12(drainage scheme) of appeal APP/Y2620/A/14/2228049 for planning application PF/14/0120 – 25/10/2019. All conditions discharged 25/10/2017.

PF/18/2188 - Variation of conditions 2 and 4 (approved site plans), 3 (original site's restoration plan), 8 (landscaping scheme) and 11 (new site's access entrance details) of planning permission PF/14/0120 (relocation of Manor Farm caravan park to form 194 space caravan site and camping area [Appeal Decision ref APP/Y2620/A/14/2228049]).

Amendments to: Reduce the height and width of the perimeter bund from 2.5m to 1.5m height with a 1.0m Willow screen/fence above; Introduce lighting bollards; Introduce an enclosure for siting LPG tanks and site of an electricity substation; Amend landscaping scheme details; Amend site entrance design details, and propose a landscaping restoration scheme for the existing site [Reconsultation Amended Plans and Description] – Withdrawn 29/03/2019

### Neighbouring Housing Development Not Yet Built

PO/12/0423 - Erection of nine replacement dwellings and reinstatement of former residential land to provide amenity land - Approved 03/04/2013

PF/16/0428 - Erection of 9 replacement dwellings (reserved matters appearance & landscaping) –Approved 28/08/2016

## BACKGROUND

The principle of the application was agreed by the Planning Inspector who allowed the appeal on the host site in May 2015 under appeal reference APP/Y2620/A/14/2228049 (attached at **Appendix 1**). As such the principle of the application has been established and is not up for consideration within this report.

There are two applications being submitted at tandem that are up for consideration within this report as follows:

- 1) **PF/19/0350** – Variation of conditions 2 and 4 (approved site plans), 3 (original site's restoration plan), 8 (landscaping scheme), 11 (new site access entrance details) and 12 (drainage) of planning permission PF/14/0120 (relocation of Manor Farm Caravan Park to form 194 space caravan site and camping area [Appeal Decision ref APP/Y2620/A/14/2228049]). Amendments to: Provide an enclosure for siting LPG tanks, water tank and a new electrical substation/switch room; Amended landscaping scheme details to provide an earth bund of 2.5 metres height and electrical hook up points; Amend the hard surfacing within the site from an impermeable to a permeable surface type; Revise the detail of drainage for surface water to omit to the drainage ditch adjacent to the bund; Extend the bund eastwards from the north-east corner along the boundary adjoining the neighbouring approved housing development; Amend site entrance design details; and, Propose a landscaping restoration scheme for the existing site.
  
- 2) **PF/19/0103** - Installation and retention of an electricity substation, water tank and 4no. 3950 litre LPG tanks on a concrete pad for use within surrounding caravan park (retrospective)

The first application PF/19/0350 seeks to achieve the desired alterations and changes on site by varying conditions of the original approval, PF/14/0120, namely:

- |    |   |                                  |
|----|---|----------------------------------|
| 2  | - | (Approved Plans)                 |
| 3  | - | (Original Site Restoration Plan) |
| 4  | - | (Approved Plans)                 |
| 8  | - | (Landscaping)                    |
| 11 | - | (Site Access)                    |
| 12 | - | (Drainage)                       |

The second application involves the retention of an electricity substation, water tank and 4no. 3950 litre LPG tanks on a concrete pad for use within surrounding caravan park. The location of these features is to the south or behind the existing wardens lodge to the front of the site off North Walsham Road.

## **CONSTRAINTS:**

Countryside  
Archaeological Site  
Adjacent Happisburgh Conservation Area  
Public Rights of Way Footpath  
Undeveloped Coast



## **CONSULTATIONS:**

- Applications 19/0350 (bund development) have both been subject to a single period of consultation, from 01 March 2019 and 21 January 2019 and a further revisions and re-consultations, on 29 March 2019. The final revision is available for comment until 19 April 2019, although public comments shall extend beyond this time frame.
- Application 19/0103 (LPG tanks) has been subject to its initial consultation period from 21 January 2019, and a further revisions and re-consultations, on 25 March 2019. The final revision is available for comment until 23 April 2019

Summary of consultation received on the original plans.

	19/0350	19/0103
Happisburgh Mrs L Walker	C/N	C/N
Happisburgh Parish Council	N/O	N/O
County Council (Highway)	N/O	N/O
Environment Agency	N/O	N/O
Historic England	N/O	N/O
Anglian Water	C/N	N/O
Happisburgh CE VA Primary and Early Years School	n/c	n/c
NCC Flood and Water Mgmt (LLFA)	N/O	N/O
Norfolk Coast Partnership	n/c	n/c
Open Spaces Society	N/O	N/O
NCC Public Rights of Way	N/O	N/O
Ramblers Association	N/O	OBJ
UK Power Networks	n/c	n/c
Conservation and Design Officer	N/O	N/O
Environmental Health	n/c	N/O
Landscape Officer	N/O	N/O

- X Not consulted  
OBJ Objection lodged  
N/O No objection  
n/c Comments not received to date

## **REPRESENTATIONS RECEIVED PF/19/0350:**

At the time of writing this report a further revision to the application has been received. Consultation has commenced and the Committee shall be updated with regards to any new planning grounds raised.

To date the following feedback has been received in relation to the application.

### **Happisburgh Parish: Support the Application**

In order to minimise light pollution, the Parish Council recommends that any outdoor lights associated with this proposed development should be:

1. Fully shielded (enclosed in full glass cut-off fittings)
2. Directed downwards (mounted horizontally to the ground and not tilted upwards).
3. Switched on only when needed (no dusk to dawn lamps)
4. White light low energy lamps (Philips Cosmopolis or fluorescent) and not orange or pink sodium sources)

### **NCC Public Rights of Way: No Objection**

There is a Public Right of Way known as Happisburgh Footpath 9, that is aligned within the site. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

### **NCC Lead Local Flood Authority: No Objection**

Previously recommended that condition 12 be discharged. The applicant has since provided a revised Drainage Statement (Rossi Long Consulting, 161625, Rev C, February 2019) in support of the Variation of Conditions application.

The applicant has now amended the submission to remove the soakage ditch to the North East and East, and increase the length of the landscape bund along the northern boundary, and it is proposed that the access roads through the site are constructed in a mix of impermeable asphalt and permeable surfacing. These roads will be laid with a crossfall from one side to the other and be unkerbed so that surface water can run-off the surface into the adjacent soft verges. The loop road through the site is now to be constructed of a permeable material such as loose gravel. It is proposed that infiltration will occur naturally to ground, mimicking the 'greenfield' run off however, in order to provide a robust solution, a simple filter drain is provided adjacent to the road to increase available capacity in the event of flash storms.

Therefore, subject to the works being carried out in accordance with the amended details supplied, the LLFA are able to recommend that condition 12 is varied.

### **Landscape Officer: No Objections**

Following negotiations with the agent there is a need to clarify the following issues:

1. Details of planting to the extended 2.5m bund
2. Mitigation planting to the substation in the NW corner of the site

Can confirm that the amended plans received contain adequate and appropriate planting details and specifications which will assist in mitigating the landscape and visual impact of the landscape bund and the site infrastructure.

### **Conservation Officer: No Objections**

In the context of the development that has already been approved, it is not considered that the proposed variations have resulted/would result in any additional harm being caused to the setting of the Happisburgh Conservation Area.

Therefore, provided Landscape colleagues are similarly content with the scheme as revised, Conservation and Design can have no sustainable grounds to object to this particular application.

In the event of an approval being issued, no material conditions are deemed necessary.

**NCC Highways: No Objection**

No objection to the variation of the conditions relating to the site access, visibility, gates and fencing positions as detailed on plan 1649/02/RevB

**Environment Agency: No Objection**

Not prepared to comment as they do not comment of surface water drainage.

**Historic England: No Objections**

No comments to offer.

**Rambles Association: No Objection**

I am grateful for sight of the photographs and your assurance that the drainage ditch is east of the hedge. I can therefore say that the Ramblers have no objection to this application.

**Neighbouring residents:** 3 letters of objection have been received raising the following points:

- The height of the bund must be 2.5 metres as this was agreed by the Planning Inspector
- Lighting should be minimised
- The shower block must have dusk to dawn blinds on the top windows
- The old site must be secured urgently
- Lighting bollards must be turned off at 10pm
- Has planning permission been given to the electoral hook ups within the site?
- Adequate screening around the four gas tanks needs to be included
- Is the drainage adequate on site?
- The landscaping on site has been installed very late

**REPRESENTATIONS RECEIVED PF/19/0103:**

**Parish: No Objection**

Parishioners would have preferred for these tanks to have been buried in the ground, but are advised by the applicant that due to infrastructure within the site, this is not possible.

**NCC Lead Local Flood Authority: No Objection**

The County Council as Lead Flood Authority has no comments to make.

**NCC Public Rights of Way: No Objection**

There is a Public Right of Way known as Happisburgh Footpath 9, that is aligned within the site. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

**Environmental Protection: No Objection**

Having looked at the revised plans are content to withdraw the previous objection to this application.

The amended plans show that there will be sufficient segregation of the LPG tanks to surrounding structures.

**Historic England:** No Objection

Thank you for your letter of 4 February 2019 regarding the above application for planning permission.

On the basis of the information available to date, Historic England do not wish to offer any comments. We would therefore suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.

**Open Spaces Society:** Objection

We would object to the proposal, as this would have the electricity substation and LPG tanks located far too close to the existing public path, Happisburgh Footpath No. 9. There would thus be far too great a visual impact which would adversely affect the public's enjoyment of the public path.

**NCC Public Rights of Way:** No Objection

No objection in principle to the application but would highlight that a Public Right of Way, known as Happisburgh Footpath 9 is aligned within the site. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

**Conservation and Design:** No Objection

In the context of the overall development, it is not considered that the substation and tanks have resulted in any harm being caused to the setting of the Happisburgh Conservation Area.

For this reason, and because the additions raise no substantive design concerns, Conservation and Design have no objections to this application.

In the event of an approval being issued, no materials conditions are deemed necessary.

**NVV Highways:** No Objection

No comment to make on this application.

**Ramblers Association:** No Objection

Do not object as long as there is adequate screening next to the Footpath.

**Anglican Water:** No Objection

The developer is not proposing to connect to Anglian Water Network, therefore we have no comments to make on this application.

**Environment Agency:** No Objection

No comments to add

**Environmental Health:** No objection

I have noted the information submitted by the applicant.

There are no adverse Environmental Health concerns in relation to this proposal therefore I have no objections or comments to make.

**Neighbouring residents:** 8 letters of objection have been received raising the following issues:

Regarding the LPG Tanks:

- Installed without prior approval, showing a lack of respect to the planning process
- Screening should be included around these LPG tanks
- Health and safety concerns due to their location close to Caravans and habitable buildings
- Highly visible and unsightly
- Detrimental on the character and appearance of the host site in their current form
- The LPG tanks should be further into the site
- Would these tanks be a safety hazard next to the electrical substation
- The tanks should have been put underground
- Too close to the schools, residents and footpath
- Deliberate left off the original application to make the proposal appear more attractive

General:

- The original Caravan site is a mess and needs to be brought back into normal order
- Lighting bollards should not be on throughout the night, they should be turned off at 10pm
- Torches should be used within the site
- The timeframe for the landscaping restoration scheme for the existing site is unacceptable.
- The existing site should be properly secured during the restoration process

**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 these applications as recommended is considered to be justified, proportionate and in accordance with planning law.

**CRIME AND DISORDER ACT 1998 - SECTION 17**

The applications raise no significant crime and disorder issues.

## **RELEVANT POLICIES**

### **North Norfolk Spatial Strategy Policies:**

- SS1 – Spatial Strategy for North Norfolk
- SS2 – Development in the Countryside
- SS4 – Environment
- SS 5 – Economy

### **North Norfolk Core Strategy Policies:**

- EN2 – Protection and enhancement of landscape and settlement character
- EN3 – Undeveloped Coast
- EN4 - Design
- EN8 – Protecting and enhancing the historic environment
- EN10 – Development and flood risk
- EN 12– Replacement of development affected by coastal erosion risk
- EN13 – Pollution and Hazard Prevention and Minimisation
- EC 10 – Static and touring caravans and camping sites
- CT5 – The parking impact of new development
- CT6 – Parking provision

### **National Planning Policy Framework (NPPF):**

Section 2 – Achieving sustainable development

Section 6 – Building a strong, competitive economy

Section 7 – Ensuring the vitality of town centres

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 - Achieving well-designed places

Section 16 - Conserving and enhancing the historic environment

## **MAIN ISSUES FOR CONSIDERATION:**

1. Principle of development.
2. Impact of the development on the setting of the Conservation Area
3. Impact of the development on wider landscape
4. Impact on neighbouring residential amenity and the school.
5. Highway safety.
6. Flood risk.
7. Other material considerations
8. Conclusion

## **APPRAISAL:**

### **1. Principle of development:**

The site is located in the Countryside Policy Area as defined by the adopted Core Strategy and is also with the Undeveloped Coast and adjacent to the Happisburgh Conservation Area where Policies SS1, SS2, SS4, SS5, EN2, EN3, EN4 and EN8 are applicable. In addition, it is considered that Policies EN12, EN13, EC10, CT5 and CT6 are relevant.

The Planning Inspectorate approved the original Planning Application (Ref: PF/14/0120) in June 2015. Thus the principle of the relocating of the static and touring caravan site from the existing cliff line location to the host site has been previously agreed. However, the decision that the Planning Inspector took was on the strict provision that the associated Planning Conditions attached to the decision were implemented in full and, in light of the changes to the scheme proposed as part of these applications, the Committee need to consider whether the amendments proposed are acceptable in planning terms.

Therefore, subject to compliance with other relevant Core Strategy Policies, the principle of the proposed development is accepted.

## **2. Impact of the development on the setting of heritage assets including Happisburgh Conservation Area and wider landscape**

Policy EN8 deals with the Protecting and Enhancing the Historic Environment, this policy is relevant as the application site is immediately next door to Happisburgh Conservation Area, however is not within this designated area.

The boundary of the Happisburgh Conservation Area extends along the eastern boundary of the host site. The eastern boundary of the host site in turn backs onto the rear gardens of the residential dwellings that front on 'The Street'. These neighbouring residential dwellings and their rear gardens are all within the Conservation Area.

There are several Grade 2 Listed Buildings within the Village of Happisburgh, while also there is a Grade 1 Listed Building (St Mary's Church) along Church Street some 200 metres away from the host site. A key consideration therefore is the affect of the proposal on the setting of those heritage assets including listed buildings and on the setting of the adjacent Conservation Area.

In line with Paragraph 190 of the NPPF, an assessment of the proposals assessing how the significance of the neighbouring and nearby heritage assets would be affected has been undertaken.

### **PF/19/0350 Variations of Conditions Application (Landscape, Drainage, Layout)**

The most noticeable feature within this application is the increase in the length of the bund along the northern section of the eastern field. The principle of a bund was originally considered by the Planning Inspector in 2015 and was deemed acceptable at that time.. The bund is 2.5 metres in height as originally prescribed by the Planning Inspector. The extension of the bund as a boundary treatment has received no objections The other main alterations within this application relate to landscaping, fencing enclosure and layout improvements around the around the LPG tank storage area especially and the nearby car park.

In the context of the development that has already been approved, it is not considered that the proposed variations would result in any additional harm being caused to the setting of the Happisburgh Conservation Area or to the setting of listed buildings beyond the site boundaries.

### **PF/19/0103 - Installation and retention of an electricity substation, water tank and 4no. 3950 litre LPG tanks on a concrete pad for use within surrounding caravan park**

With regard to this retrospective application, an assessment was undertaken to ensure the suitability of the proposal in relation to the impact on the nearby heritage assets and visual impact on the host site more generally. The distance to the Conservation Area is some 100 metres to the east of the host application site area. As such the impact on the heritage asset is considered negligible.

The Conservation Officer has concluded that the substation and tanks have not resulted in any harm being caused to the setting of the Happisburgh Conservation Area.

In conclusion, it is considered that both proposals would not result in harm to the setting of Happisburgh Conservation Area nor would the scheme result in harm to the setting of listed buildings including the Grade 1 listed St Mary's church.

### **3. Impact of the development on the wider landscape**

#### **PF/19/0350 Variations of Conditions Application (Landscape, Drainage, Layout)**

In respect of landscape impacts, the agreed landscaping scheme went to the heart of the original 2015 appeal permission (ref: PF/14/0120). That decision highlighted the importance of landscaping within and on the boundaries of the site to mitigate against the visual impacts of the development. The Planning Inspector repeatedly highlighted the importance of using planting and landscaping measures to mitigate the impact in selecting this site. For example, the Inspector quotes the LVIA within Paragraph 14 of her appeal decision, where 'in the absence of mitigation, these local effects (visual impact of the proposal) would be major to moderate on the local landscape. It would also have a major effect on some viewpoints within the locality.'

Thus the decision was based largely on the substantial mitigation measures put forward as part of the proposal. The Inspector noted the approved application involved, 'the introduction of significant areas of tree planting' (Paragraph 16) and that the 'layout proposed and the incorporation of substantial areas of planting within the appeal site, in comparison with the existing, would represent a considerable overall improvement in landscape impact terms on the setting of the village as a whole'. As such, the Inspector concluded the landscaping scheme and the success of that scheme was critical to the overall acceptance of the development as a whole, as concluded in Paragraph 20.

As such, the Landscape Officer has been consulted on this application and has responded positively to the proposals. The Officer concluded 'that the amended plans received contain adequate and appropriate planting details and specifications which will assist in mitigating the landscape and visual impact of the landscape bund and the site infrastructure'.

The planting on the bund is deemed to be of an adequate standard and shall also be seeded with grass seed so that, once established with vegetation, the visual appearance of the structure will be acceptable.

Separate to this application, a large electrical substation some 2.5 metres in height and width and depth has been installed within the site under permitted development. The building is close to boundary with North Walsham Road to the north. Whilst the positioning of this substation is unfortunate and a position closer to the other service infrastructure would have been less visually impactful and preferable, this cannot be objected against in principle.



To mitigate against the impact of the substation the applicant has proposed a level of planting and landscaping screening measures. Although this planting shall take several years to mature the Landscaping Officer has confirmed the level and type of the planting is considered acceptable.

A condition is suggested requiring all planting to be implemented during the next planting season following the date of consent, and the replacement of all failures for a period of five ten years from the date of planting.

At the time of writing this report, a revision to the application has been received to include 17 no. electrical hook-up points, measuring 1.2 metres in height each, within the western field. Comments from consultees are awaited on these aspects including how they might impact on landscape character.

Whilst the principle of the 17 no. electrical hook up points are not objected to on a Caravan / Camp site of this size and are to be expected within the site. However, the version that is installed on the site have a top light that 'glows' at night to show campers the location of the charging points. This aspect is extremely concerning as this would be an additional source of light pollution in area of generally dark skies and which could affect the landscape character of the area. Subject to receipt of comments from the Landscape Officer, it may be possible to make this aspect of the proposal acceptable in planning terms by removing the light bulbs or by some other means to prevent the lights within the electrical hook up points from operating. This could be secured by way of planning condition.

#### **PF/19/0103 - Installation and retention of an electricity substation, water tank and 4no. 3950 litre LPG tanks on a concrete pad for use within surrounding caravan park**

In respect of landscape impacts, from a visual perspective the success of this proposal rested largely on the acceptability of the landscaping around the features. This of course was assessed in the other application PF/19/0350. This host application only deals with the retention of the developments on the concrete hardstanding.

The water tank, LPG tanks and electrical switch station are accommodated behind the main reception building. The proposed fencing, native hedge planting and strategically placed trees provide a level of screening to enclose this essential infrastructure.

It is considered that the revised plans now provide sufficient landscape planting proposals to satisfactorily mitigate against the resulting landscape and visual impacts of these structures on the caravan park site.

The Open Space Society have raised the only objection to the proposal. They believe the proposed structures are incongruous within the environment, detracting from the enjoyment of walkers on the adjacent Public footpath. Whilst Officers have some sympathy with this view, with the inclusion of sufficient landscaping around the structures, including fencing the scheme would, on balance, be acceptable in this location.

Overall, subject to the imposition of planning conditions, Officers are satisfied that the impact of both schemes on the wider landscape would be acceptable and would accord with Development Plan policy.

## **Impact on neighbouring residential amenity and the school.**

### **PF/19/0350 Variations of Conditions Application (Landscape, Drainage, Layout)**

The creation of a bund was carefully considered by Planning Inspector when issuing the 2015 appeal decision. The bund and associated Landscaping would provide a level of screening within the site suitable to protect the neighbouring properties from noise, light and visual harm. Thus helping to preserve the amenity levels that they currently enjoy. In keeping with the findings of the Planning Inspector, application PF/19/0350 offers forward the prescribed landscaping required on site. Whilst it is noted that the planting is behind schedule, the applicant has redoubled their efforts to complete the planting on site before the Official opening of the Camp Site in April 2019. Ultimately it is however the bund that needs to be in place first to ensure the level of privacy and screening on site is suitable.

The Environmental Health Officer has been consulted on this application. The Officer has noted that proposed bund provides a continuous (no gaps) 2.5m earth bund around the Eastern and part of the Northern boundary. The bund on the Eastern boundary as originally agreed in PF/14/0120 is in place, the 'new' northern section has not been completed yet. The EH Officer has confirmed no objections to the scheme subject to Planning Conditions. It is accepted that the relocation of the Caravan business to this more residential and prominent site does present a number of challenges for the both the business operator, neighbouring properties owners and the Environmental Health Department. This is further complicated by the presence of a school nearby. However, the Environmental Health Officer is of the view that this application, (in line with the Planning Inspector's decision) shall provide a sufficiently robust level of screening/acoustic barrier to mitigate against the negative externalities of the proposal, to the neighbouring residential dwellings and the school.

The Environmental Health Officer is keen to point out that a planted bund as proposed would offer 'very little' in the way of noise absorption and should not be considered as a noise mitigation measure. Although the planting (including seeding of the bund) would improve the visual appearance of the bund while helping maintain the bund stability. The Environmental Health Officer has suggested a condition requiring the bund to be maintained in accordance with approved plans. Also, that any activities on the bund must be restricted to the occasional maintenance.

The Environmental Health officer has stressed that in view of the long established existence of the school on the nearby adjacent land. There is a possibility of the transference of noise from school activities. However, if any complaint is received from the applicant regarding noise disturbance from the school, for example from children playing, then the Environmental Health Department would only take limited action in view of current legislation and guidance on such matters. Although in contrast, if there was an objection from either local residents or the school regarding for example noise disturbances at the Caravan site then this could be investigated as per the Environmental Health enforcement policy.

There have only been three objections from members of the public, however none of the comments received highlighted lack of boundary treatments as being an area of objection. The nearby Happisburgh CE VA Primary and Early Years School were consulted on this application and have offered no objections also. Therefore, it is concluded that there is no objection to either proposal on the grounds of impact on amenity of any of the neighbouring properties or the nearby school.

## **PF/19/0103 - Installation and retention of an electricity substation, water tank and 4no. 3950 litre LPG tanks on a concrete pad for use within surrounding caravan park**

The Environmental Health Officer has confirmed no objections to this aspect of the proposal.

There have been 8 objections from members of the public relating to this application, matters raised related to their siting and appearance. However, it is accepted that these are essential pieces of infrastructure for the site, also the fencing and landscaping is sufficient to mitigate against their impact such that they would not likely result in adverse impacts on residential amenity.

In conclusion it is considered that both proposals accord with Development Plan policy.

### **4. Traffic and transport: Highways safety concerns**

Core Strategy policies CT5 and CT6 require that consideration be given to the impact of the development on the highway network and whether or not appropriate parking facilities have been provided. Paragraph 109 of the NPPF also states that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road impact would be severe.

There have been no objections received from NCC Highways in relation to this application. Importantly, the revisions to the application have not resulted in the loss of any parking spaces on the site. There remain 10 spaces to the front of the site for visitors and guests and this is effectively a 'reception area'. Due to the installation of the of the electrical substation in the forward position, next to the original car parking area under permitted development, two of the car parking spaces have been moved to the front of the site.

The application provides for a new wooden 5 bar field gate with wooden posts to the entrance to the site. This is sufficiently recessed from the Highway so as not to have cars or touring Caravans backing onto the road. A condition is suggested to ensure this gate remains open at all times during the open season of the site.

There is a waiting bay in front of the site wardens house to enable the touring caravans to park while they register and get allocated to their plot within the western field. Overall Officers are content that the proposal would suitably operate without impinging on Highway safety from the nearby North Walsham Road. Also, there would be suitable viability and site lines maintained within the site so as not to put holiday makers in danger when they are using the site.

On the basis of the above and the response of the Highway Authority, the engineering operations are of scale which will not have an adverse impact on the highway network or highway safety. Thus compliant to the relevant sections of Chapter 9 – Promoting Sustainable Transport of the NPPF and Core Strategy policies CT5 and CT6 of the Core Strategy

### **5. Flood Risk**

Originally the landscaping details suggested a non-permeable hard surfacing materials within the site. There were drainage channels adjacent to the roads that lead to the open drainage ditch centrally and alongside the bund to the east. However, due to the installation of the underground electrical cables there has been reduction of space available to install the drainage ditch alongside the bund on the eastern side of the site.

As such the applicant has revised the internal drainage arrangements, in essence they have now provided for a permeable hardstanding within the site. They have also submitted a revised 'Design Philosophy for Surface Water Drainage' document from Rossi Long, dated February 2019. The strategy outlines that the use of loose gravel as a hardstanding material allows for site to self-drain. The infiltration of the surface water shall occur naturally to the ground, although simple filter drains are provided adjacent to the road to increase drainage capacity in the event of flash storms. The use of Sustainable Drainage systems SuDS such as infiltration trenches also helps the mechanism of surface water run off and helps maintain good water quality.

The applicant has demonstrated that in the event of system failure or extreme rainfall, an overland flood routing has been considered. Due to the gradients from West to East, the central infiltration ditch shall intercept overland flows from the western field and bund shall block any flows from the eastern field, then the water shall drain naturally.

In short the calculations within the updated drainage strategy have demonstrated the proposed drainage system is more than adequate to drain storm water from the development and provide a high level of protections against surface water flooding for storm events up to the 100 year + 40% storm return frequency.

Both applications PF/19/0350 and PF/19/0103 have been extensively consulted with various consultees who have a specific interest in Flood Risk. The Lead Local Flooding Authority have raised no objections to either of the applications. The Environment Agency have also responded with no objections along with Anglican Water who found no matters of concern relation to the proposal.

Officers are therefore content that the site can operate sufficiently without compromising the safety of holiday makers or the immediate neighbouring properties from flood risks. The development is thus considered compliant to policies EN9, EN10 and EN13 of the Core Strategy and the relevant sections of Chapter 14 and 15 of the NPPF.

## **6. Other Material Considerations**

Officers are aware that not all the planting has been completed at the time of writing this report. However, a decision has been taken from the Enforcement Department and the Licencing Department not to restrict the opening of the site in April as the outstanding matters were actively being installed.

With regards to the remediation of the existing site on the cliff edge, this application changes nothing whatsoever in that regard. The application still has until October 2019 for the original site to be completely decommissioned, this is in line with the already agreed landscaping schedule agreed via CDA/14/0120.

## **7. Conclusion**

The principle of the proposal in this location is considered to be acceptable, there is no conflict with the Spatial Strategy of the adopted North Norfolk Core Strategy, Policies SS1, SS2, SS4 and SS5 in particular.

Furthermore, the applicant has successfully demonstrated that the within their submission the impact on the Environment is acceptable. This includes impact on the Conservation together with the visual appearance of the wider site taken as a whole. Furthermore, there is no conflict

regarding impact on neighbouring residential and educational amenity. Also, the drainage on site has been proven to be acceptable and highways and local footpaths remain safe to operate and unaffected by the proposal.

The proposal complies with Policies EC10, EN2, EN3, EN4, EN8, EN10, EN13, CT5 and CT6 of the Core Strategy and the relevant chapters of the NPPF.

### **Recommendations:**

#### **1. Application PF/19/0305:**

- (i) That Committee delegate authority to the Head of Planning to determine the application at the end of the public consultation period on 30<sup>th</sup> May 2019, in the event that no objections are received in the interim period raising additional concerns not already appraised above;

#### **Conditions to comprise:**

- a. Standard time limit.
  - b. In accordance with plans.
  - c. Remediation of Original Site
  - d. Number of Caravans / Touring Pitches / Camping Plots
  - e. Opening Times
  - f. Office Wardens Building
  - g. External lighting
  - h. Landscaping
  - i. Fire Hydrant
  - j. Archaeological Work
  - k. Visibility Splays
  - l. Drainage
  - m. Top lights of the electrical hook up points shall not be used
  - n. The bund shall be maintained as laid out in the landscaping schedule
  - o. The bund shall not be occupied other than for occasional maintenance
  - p. Wooden entrance gate shall be permanently open during the Holiday season
  - q. In the event of any plant failure within 5 years they shall be replanted
- (ii) That if further public objections are received before 30<sup>th</sup> May 2019, which raise new concerns not already appraised above, the Head of Planning be delegated to determine the application in consultation with the Chairman of the Planning Committee.

#### **2. Application PF/19/0103:**

- i) That Committee delegates authority to the Head of Planning to determine the application at the end of the public consultation period on 30<sup>th</sup> May 2019, in the event that no objections are received in the interim period raising additional concerns not already appraised above;

**Conditions to comprise:**

- a. **Standard time limit.**
  - b. **In accordance with plans.**
  - c. **Materials as submitted**
- ii) **That if further public objections are received before 30<sup>th</sup> May 2019, which raise new concerns not already appraised above, the Head of Planning be delegated to determine the application in consultation with the Chairman of the Planning Committee.**
- (2) **HIGH KELLING - PF/18/1895 - Demolition of pig shed & conversion and partial rebuilding of barn & outbuildings to form 6 residential dwellings & associated parking; Warren Farm Barns, Warren Road, High Kelling for Kelling Estate LLP**

**Minor Development**

**- Target Date: 21 December 2018**

Case Officer: Mrs S Ashurst

Full Planning Permission

**CONSTRAINTS**

LDF Tourism Asset Zone

Public Right of Way

EA Risk of Flooding from Surface Water 1 in 1000

LDF - Countryside

Tree Preservation Order

Tree Preservation Order - Consultation Area

HO 9 - Rural Residential Conversion Area

Area of Outstanding Natural Beauty

**RELEVANT PLANNING HISTORY for Warren Farm Barns, Warren Road, High Kelling**

IS2/18/1246 IPA

Barns at Warren Farm, Warren Road, High Kelling, Holt, NR25 6QU

Proposed conversion of agricultural buildings to 8 dwellings

Finally Disposed Of 24/10/2018

**THE APPLICATION**

The application seeks full planning permission for the demolition of an existing pig shed and conversion of an existing agricultural building to form 6no dwellings with some new build to form the associated parking.

The site is located on the west side of Warren Road and lies outside the main area of High Kelling. It contains a group of farm buildings of varying ages, some of which are still in use for agricultural storage that extend back from Warren Road. There is an existing unsurfaced access which is also a public right of way (PROW) that runs along the east side of the site and then dog-legs across a field to the north of Holt Rugby Club ground. Warren Road extends to the south. There is a range of converted barns immediately to the north with Warren House Farm further to the north. To the south lie a number of residential dwellings on Warren Road, mainly bungalows, in a fairly suburban layout.

The buildings which are the subject of this application have a mixture of brick and cladding to the walls with cladding to the roof, with large openings on the southern elevation and are typical examples of steel framed, sheet clad, agricultural buildings. They comprise several

individual elements:

- a single storey element to the south measuring 3m to the eaves and 6.2m to the ridge with a footprint of 560sqm,
- a northern building measuring 5.6m to the eaves and 8m to the ridge with a footprint of 608sqm.
- There is a large 'cat-slide' roof section to the northern most elevation, which slopes down from the 5.6m eaves height to 2.3m at its lowest point with a footprint of 216sqm.
- To the rear north-western corner of the site is a single storey brick building of 135.6sqm. This is proposed to be demolished.
- The total footprint of the building to be converted is 1384sqm

It is proposed to convert the whole building into 6 dwellings. The eastern half of the building would house 3 dwellings, with 4/5 bedrooms with parking to be provided under the cat slide roof. The remainder of the building to the west of the site would be converted into a further 3 dwellings. The single storey building to the rear (proposed to be demolished) will be replaced with a cart shed style building to provide car parking for units 1-3 and refuse and cycle storage. The new cart style building would have a footprint of 317.15sqm, representing an increase of 181.55sqm over and above the existing structure.

#### REASONS FOR REFERRAL TO COMMITTEE

At the request of the Head of Planning given the material consideration of national permitted development allowances and paragraph 79 of the new NPPF (February 2019) in the determination of this application.

#### PARISH/TOWN COUNCIL

##### High Kelling Parish Council – 5 November 2018: OBJECTION

- The proposal is for additional housing within an area categorised in the Local Development Framework and Core Strategy as Countryside where no housing development is to be permitted.
- The location is also within the Area of Outstanding Natural Beauty where development has to be shown to enhance the AONB - which this proposal clearly does not.
- The proposal is overdevelopment and offers no benefit to the local community, neither does it meet any local housing needs.
- The access to the site for both residents and for service vehicles - not least for emergency vehicles - renders the site unsuitable. Warren Road is a privately maintained gravel road (over which it is thought the site enjoys no rights of way) and the farm track is too narrow as well as being in poor condition and subject to flooding.
- The proposal would result in a significant increase in vehicular traffic over routes extensively used by walkers and cyclists.
- The proposal would have a harmful impact on existing home owners in the existing Warren Farm Barns and Warren Road
- The proposed design is completely out of keeping with the area.
- This is not retaining the current structures. Most of the existing structure is being demolished. For all practical purposes this is a new build with very little of the original structure being incorporated.
- There is no shortage of housing in the High Kelling / Holt area. There are major housing developments within walking distance, and we believe that building on one of these sites may have stalled because of lack of demand. Nor is there any claim that this application is for affordable housing.
- This is not a barn conversion as would be commonly understood. The current structures are basic agricultural sheds of no architectural, historical or other merit. There is no attempt to match the scale and appearance of the current barn

conversions. The proposed dwellings are two story overlooking their neighbours.

#### High Kelling Parish Council – 28 February 2019: OBJECTION

- Designated Countryside and the Area of Outstanding Natural Beauty. There is a presumption against further housing development in High Kelling which is designated as Countryside within the Norfolk Coast Area of Outstanding Natural Beauty (AONB) unless there are exceptional circumstances.
- The site is designated countryside within the Area of Outstanding Natural Beauty, where development has to be shown to enhance the AONB. This proposal does not. The existing structure is not in harmony with the surrounding landscape, nor is the proposed replacement development which will have an even greater visual impact.
- The application does not meet any local housing needs. It is overdevelopment and offers no benefit to the local community.
- This is not a re-purposing of an existing building or a barn conversion as would be commonly understood. The current structures are basic agricultural sheds of no architectural, historical or other merit. Only a skeleton of the original structure is still retained in the revised application, most is being demolished. For all practical purposes this is a new build.
- There is no attempt to match the scale and appearance of the current barn conversions on the site.
- The proposed dwellings would overlook their neighbours, and would be covered in industrial cladding rather than the brick and flint used on the existing conversions.
- The access to the site renders the site quite unsuitable notwithstanding the new proposed three passing bays.
- The proposal would have a harmful impact on existing home owners in the existing Warren Farm Barns and Warren Road.
- The approval for two dwellings at 28 Pineheath Road does not provide a valid precedent.
- In summary, this is a new-build for all practical purposes but would almost certainly fail to get planning permission. Therefore it has been dressed up as a barn conversion, even though it involves the most basic agricultural shed. How is the countryside or the AONB improved by replacing a large ugly shed with an ugly housing development which meets no local need?

#### REPRESENTATIONS

9 objections to the scheme as originally proposed raising the following points:

- What is proposed is overdevelopment, particularly in the AONB.
- Just because the existing building occupies a specific footprint does not mean the proposed should.
- The single story dwelling is immediately adjacent to Warren Up Barn – this is too close and should not be permitted.
- Loss of privacy and increased overlooking from two storey element.
- Traffic generation and impact on non-vehicular users of the road. Junction to the main road is dangerous, with more users using this access there are likely to be accidents.
- Design – disappointed not to see brick and flint barns proposed. The use of metal will be ugly in comparison.
- Increased noise
- The lack of discussion with local residents prior to an application being made.
- High Kelling is Countryside.
- The buildings are not worthy of retention.
- 5 dwellings are allowable under PD rights so 8 dwellings is clear overdevelopment.
- There is no provision for passing places on the single track access road.
- There is no right of way for existing occupiers of Warren Farm Barns to use Warren



Road, they should use the concrete track between Warren Road and Bridge Road. Use of Warren Road (which is a private road) will lead to increased wear and tear and therefore costs to the residents who pay for its upkeep.

- Conversion of the existing buildings is not environmentally friendly.
- There is no local need for these properties. These dwellings will not be suitable for young families or the elderly.
- The design will jar with surrounding development.
- Increased noise from occupiers of the proposed development.

1 comment to the scheme as originally proposed raising the following points:

- Warren Road is unsuitable for additional traffic. An additional 8 properties would add to the strain on this private road.
- Warren Road is also a public right of way and additional cars would disturb the tranquillity.

4 objections to the revised scheme raising the following points:

- The reduction in dwellings from 8 to 6 is acknowledged.
- The number of parking spaces has increased from 16 spaces to 18 spaces.
- There is an existing settled community (which the applicant references) but then goes on to discuss the isolated position of the proposals – inconsistent.
- High Kelling is in the Countryside where such development is restricted.
- These properties will be for second home owners, not local people.
- There is already a gross over-supply of housing in the area.
- The proposed application uses precious natural resources to construct properties for which there is no demonstrated local need. ,
- Increased traffic.
- Erosion of the landscape and peace and quiet.
- Detrimental impact on tourism.
- Noise
- 6 dwellings is still overdevelopment
- Design

## CONSULTATIONS

County Council (Highway) – Cromer: Comments on originally proposed scheme: Requested width of access to be improved to allow 2 cars to park, and provision of passing places along the roadway. Requested information on the existing agricultural use and traffic generation.

Comments on revised scheme: No objection

- The revised design proposes improvements to the access width to form an access with adequate width to allow two cars to pass off-highway and the provision of passing places along the roadways length to address the access shortcomings.
- The proposed use would now be considered to generate 36 daily movements (6x TRICS daily figure), on a habitual basis, which appears more comparable with the agricultural use of the site, as such this proposal does not affect the current traffic patterns or the free flow of traffic.
- Requested conditions.

Norfolk Coast Partnership: Comments on originally submitted scheme: Objection

- Traffic generation in a Countryside area
- Excessive glazing on the southern aspect is out of keeping with the wider area and will increase glare during the day with light pollution at night.
- Designated Dark Skies area at Kelling Heath not far away – dark skies are a special quality of the AONB (sense of remoteness and tranquillity) – light pollution can be

mitigated but there are no proposals for such in this application.

- Lack of vernacular materials being used.
- Proposals not compatible with AONB Management Plan PB3 – new development should be consistent with the special qualities of the area and relevant conservation objectives.
- Unsustainable location. Contrary to H09 of the Core Strategy.
- Would like to see traditional materials used, less units and light mitigation.

Comments on revised proposals: Objection

- Despite reduction of dwellings there will still be additional traffic in this countryside location.
- The south elevation still has excessive glazing which will cause glare and light pollution.
- The proposal remains contrary to PB3 of our Management Plan.
- This is an unsustainable location which runs contrary to NPPF and H09 of the current Local Plan.

Public Rights of Way: Comments on originally submitted scheme: No objection:

- The access is coincident with the PROW known as High Kelling Footpath 6. This is not a public vehicular access nor maintainable at the public expense to a vehicular standard.
- The applicant needs to ensure they have an established private right of access to the land.
- The full extent of the footpath must remain open during the development and subsequent occupation.

Environmental Health: No objection subject to conditions.

Landscape Officer: No objections subject to conditions.

#### 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.

#### POLICIES

National Planning Policy Framework (February 2019)

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 12 – Achieving well designed places

Section 15 – Conserving and enhancing the natural environment

North Norfolk Core Strategy (Adopted September 2008):

SS1 – Spatial Strategy for North Norfolk

SS2 – Development in the Countryside

SS3 – Housing

HO1 – Dwelling mix and type

HO9 – Conversion and Re-use of rural buildings as dwellings  
EN1 – Norfolk Coast Area of Outstanding Natural Beauty and The Broads  
EN2 – Protection and Enhancement of landscape and Settlement  
EN4 – Design  
EN13 – Pollution and hazard prevention and minimisation  
CT5 – The transport impact of new development  
CT6 – Parking provision

#### MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design
3. Amenity
4. Protected Species
5. Highways and parking
6. Landscape and Environment

#### APPRAISAL

1. Principle

The site is within the area designated as Countryside under Policy SS 1 of the Core Strategy.

Policy SS 2 lists the types of development that are acceptable in principle within the defined Countryside Policy Area. These include the re-use and adaptation of existing buildings for appropriate purposes including the conversion of buildings to residential uses.

Policy HO 9 allows for the conversion and re-use of buildings in the Countryside for permanent residential purposes provided a number of criteria are met including requirements that the building is structurally sound and capable of being converted without the need for substantial alterations, and that the building should be worthy of retention.

Both national and local policies have allowed for the conversion of existing buildings to dwellings. Policies have included locational controls (to ensure buildings are in a sustainable location), and building type controls (to ensure buildings are structurally sound, capable of being converted, and in respect of adopted Policy H09 are 'worthy of retention'). The publication of revised National Planning Policy Frameworks in 2012 and more recently in 2018 have essentially removed location from the list of national planning policy considerations. Indeed, paragraph 79 of the latest NPPF expressly states that building conversions should be regarded as an acceptable form of development in isolated locations. It follows that if such proposals are acceptable in 'isolated' locations they must be equally acceptable elsewhere. Reflecting this, and similar advice in the 2012 NPPF, the Council has not been imposing locational controls in respect of proposals for building conversions for some time.

Alongside the changes to the NPPF government has also introduced new permitted development allowances providing for the conversion of existing agricultural buildings to dwellings without the need to secure formal planning permission. These so called, Part Q, allowances are not available in the AONB hence the need for planning permission in this particular instance.

The Part Q allowances, the NPPF, and Policy H09 of the Core Strategy are concerned with the conversion and re-use of existing buildings. It is not the intention of either local or national policy, or the permitted development allowances to allow for proposals which are not for conversion but essentially entail the replacement of an existing building with

something new. It is noted that representees have said that a more traditional style building to replace the existing barns would be preferable, however, this would not be allowed under current policy.

The line between what might be regarded as a conversion of a building, rather than a new build, is not defined in national guidance. It is therefore for the decision maker to assess whether they consider the works are a true conversion or go beyond what is reasonable. When making any recommendation, the decision maker should be mindful that the allowable extent of works necessary to convert a building has become more relaxed by the inclusion of relatively extensive physical works within the Part Q permitted development allowances. Under Part Q, in addition to allowing for the change of use of the building, the permitted development rights also allow for building operations which are reasonably necessary to convert the building to residential use.

Recent changes to government guidance sought to provide greater clarity over which buildings will and will not benefit from the permitted development right; stating that the works required to enable the change of use should constitute a 'conversion' rather than being so extensive as to represent a 'rebuild'.

These national policy changes and new permitted development allowances are relevant to the weight which should be afforded to adopted policies, and in particular the 'worthy of retention' and 'structural soundness' criteria included within Policy H09.

- *Whether the buildings are worthy of retention* – the buildings are typical of agricultural buildings and therefore have no visual, historical, architectural or landscape value. However, paragraph 79 of the National Planning Policy Framework is relevant. This states that planning decisions should avoid the development of isolated homes in the countryside unless certain specified circumstances apply. One of these such circumstances is where 'the development would re-use redundant or disused buildings and enhance its immediate setting'. The NPPF is a material consideration, and it should be noted that the 'worthy of retention' test is no longer applicable in National Policy, in addition, the relaxation of permitted development rights for agricultural buildings allows the conversion of such buildings under part Q, again, without a need for them to be 'worthy of retention'. Clearly the first criteria of Policy H09 is out of step with the NPPF and as such only limited weight has been given to consideration of the host building being worthy of retention.
- *Whether the building is structurally sound and suitable for conversion to a residential use without substantial rebuilding or extension and the alterations protect or enhance the character of the building and its setting* - the application is supported by a Structural Appraisal (SA), prepared by a suitably qualified person in September 2018. The report has some limitations, it was a visual inspection only, was completed from ground level only, and with some areas were covered by stored materials. The report suggests that overall, the proposed conversion to residential is structurally viable. It is noted that the report concludes that "the fabric of the existing structure is sound and capable of supporting the loads that would be applied through the proposed refurbishment". As is to be expected (given the age of the buildings), There are some minor defects which would require repair. However, there were no major defects identified which could result in the need for substantial rebuilding.

The main barn complex would not be extended, the only alterations being the demolition of the single storey building to the rear of the site and the rebuilding of a cart shed style building. This represents an increase in floor space of around 23%. In addition, the scheme sees the insertion of windows/doors in existing openings with only limited additional ones.

As stated above, paragraph 79 (c) of the revised NPPF is now less onerous, it is supportive of development for the re-use of redundant or disused buildings where the immediate setting would be enhanced (to be discussed later in this report). Taking all of the above into account, it is considered the proposal complies with this criterion.

- *Whether the scheme of an appropriate scale in terms of the number of dwellings proposed for the location* - the six dwellings proposed to be formed from the retained barns are considered to be appropriate in terms of the overall size of the site, the layout of the development, the living conditions that would be provided for the future occupiers including provision of private amenity space. As referred to below, whilst the site is accessed via narrow country lanes and a private unmade road, the Highway Authority have not raised any concerns in terms of the impact on the local road network. The proposals are considered to comply with this criterion.
- *Whether it is viable to provide affordable housing on scheme resulting in two or more units* - this criterion is no longer applied as the threshold for affordable housing in national guidance is now for 10 or more units.

Taking all of the above into consideration the proposals are considered to meet planning policy considerations and so are acceptable in principle.

## 2. Design

It is considered the proposals would retain the simple utilitarian, agricultural character of the buildings. In addition the grain store is proposed to be retained to reference the historical use of the site. The design is somewhat constrained by the need to retain the building's existing fabric, i.e. to be considered a conversion. It is not possible to demolish the buildings and replace them with vernacular brick and flint barns, this would be technically building new dwellings in the countryside and would be contrary to policy.

There are large sections of glazing proposed to the Southern elevation. Whilst there are concerns about light pollution from these, in regard to their design, they are simple interventions which retain the tall proportions and rhythm of the existing opening on this side. In addition, other large openings are proposed to be filled with glazing so that the existing form of the building can still be read within this conversion.

The proposed floorplans are contemporary in nature, but allow future occupiers views through the development, utilising inner courtyard spaces, to allow the fields beyond to be discernible. This ensures private amenity space can be provided but also connects the dwellings to the wider landscape.

The proposed parking is mainly to be provided under covered areas (either under the existing cat slide roof to the north of the buildings, or in the new cart shed style building. This will ensure that domestic paraphernalia is reduced as much as possible. It is recommended that conditions removing permitted development rights are also imposed to ensure that the site does not become overtly domesticated and retains the simple agricultural character.

In regard to density, 6 dwellings are proposed on a site area of 0.5 hectares. This is substantially below the density required in the identified settlements in the spatial hierarchy. There is no specified density for new housing in the countryside as this is normally precluded, in any event suitable amenity provision, separation from adjacent dwellings, and car parking can be provided on site. The design of the proposed scheme is considered acceptable, and the proposals are not considered to represent overdevelopment of the site.

The proposal is therefore considered to comply with policy EN 4.

### 3. Amenity

Concerns have been raised with regard to loss of privacy and overlooking from the proposed dwellings to the occupiers of the converted barns to the north of the site.

The orientation of living areas within the conversion are predominantly towards the south, to take advantage of the views out across the fields, and to ensure reduced overlooking of the properties to the north.

The windows at first floor level in units 1, 2 and 3 are proposed to be served by rooflights and so will not facilitate direct overlooking to the adjacent properties. If minded to approve members may wish to consider whether they require these to be obscure glazed by way of a condition.

The windows in units 4, 5, and 6 are positioned in the walls at first floor and serve voids over the ground floor and bathrooms. These windows are recommended to be obscure glazed as these face directly over the properties to the north. Three windows serve potential bedrooms. The separation distances from the rear elevation of the proposed development, to the front elevation of the properties to the north is just under 6m. This is some way from the recommended 21m (primary to secondary) distance between windows as set out in the North Norfolk Design Guide. The constraints of the site make adhering to this specific requirement impossible. It is therefore recommended that a condition is attached to any approval granted to agree details of obscure glazing to the bedroom windows on the north elevation of units 4, 5 and 6 so as to ensure protection of the amenity of neighbouring dwellings, whilst still allowing some level of outward visibility for future occupiers of the proposed dwellings.

Mitigation in the form of obscure glazing can be secured for the majority of the windows, on balance the degree of harm to the amenity of the neighbouring properties would not warrant refusal of the application.

Noise (from new occupiers) has been raised by objectors to the scheme. It is not considered that domestic properties will result in significant levels of noise that would warrant refusal of this application as a rule of thumb residential uses should readily co-locate.

Turning to provision of amenity areas for the proposed dwellings, units 1, 2 and 3 have private south facing gardens. Units 4, 5 and 6 have internal courtyards of approximately 62sqm, 56sqm, and 54sqm respectively and also a private garden to the south. These are all in compliance with policy requirements in terms of space. Conditions will be imposed in respect of boundary treatments. A 1500mm timber fencing is proposed at present, a more suitable alternative to be in keeping with the site character must be provided, so as to ensure the site's appearance in the wider landscape is not overtly domesticated.

Subject to securing detail of boundary treatments, it is considered that adequate private amenity space is provided and the proposals comply with the requirements of policy EN4 in this regard.

### 4. Protected Species

An ecological report accompanies the application. This did not identify the presence of bats or nesting barn owls within the buildings due to be converted. The development has the potential to impact on nesting birds (if present during the construction works), therefore mitigation will be required. No other protected species were identified as being present on the site. However, given the potentially dynamic nature of protected species and the

likelihood that they will be present in the area, it is recommended that a condition is attached to any permission requiring the development to be carried out in accordance with the mitigation and enhancement recommendations specified in the submitted ecological report. Subject to securing suitable mitigation, the development is unlikely to result in an offence to protected species and is compliant with Policy EN9.

## 5. Highways and Parking

The Highway Authority have no objections in respect of the access road, impact on the wider road network or parking provision on site. In their view, given the existing use of the site, the Local Highway Authority consider the proposed development would not materially affect existing traffic patterns or the free flow of traffic.

The site is served by an existing vehicular access to Bridge Road which will require upgrading and this can be secured by the condition requested by the Highway Authority. Turning areas would be provided within the site and the parking provision proposed would comply with the current adopted standards. It is considered the proposals would not result in harmful highways impacts and as such complies with policies CT 5 and CT 6.

## 6. Landscape Impacts

The development site is located within the boundaries of the Norfolk Coast AONB and in the Rolling Heath and Arable Landscape Character Type. This landscape has a strong rural and agricultural character that is influenced by the coastal location. It is valued for its strong sense of rurality, tranquillity, remoteness and dark skies, as well as the strong and distinctive links between land and sea, all of which are key characteristics of the Norfolk Coast AONB. Policy EN1 of the Core Strategy states that development proposals will only be permitted where, inter alia, they do not detract from the special qualities of the AONB.

The agricultural buildings proposed to be converted are a relatively recent utilitarian addition to the agricultural landscape. It is located to the south of a group of brick built barns already converted into residential dwellings and a farmhouse, enclosed by a small woodland copse. The group of buildings are situated at a confluence of arable fields, part of the wider Kelling Estate, and approximately 230m to the north of the settlement of High Kelling. Within the wider landscape, the site is relatively enclosed by larger blocks of woodland that form part of the Wooded Glacial Ridge landscape character type.

With respect to the impact of the development on the Rolling Heath and Arable landscape character (policy EN2) and the AONB, the considerable sensitivities and value of the setting are acknowledged, however, it is considered that the impacts of the development will be relatively localised. Officers therefore agree with the conclusions of the submitted Landscape Visual Impact Assessment (LVIA) supporting the application. It is considered that the majority of impacts can be mitigated through the use of appropriate conditions, such as through the control of external lighting and use of landscape planting, or that the effects of other impacts will be negligible (such as those associated with the impacts on the sense of tranquillity and remoteness, e.g. increase in traffic) given the existing residential uses immediately surrounding the proposed development. While the sensitivities and value of the landscape should not be underestimated, it is considered that those impacts can otherwise suitably managed or mitigated. As such the proposals are considered to comply with the local plan when taken as a whole.

## 7. Conclusions

The more relaxed approach to provision of housing in rural locations taken in both permitted development rights and the revised NPPF (February 2019) are material considerations in

assessing this application, and in consideration of the proposal against the requirements of Policy H09 of the Core Strategy.

The proposed design retains the agricultural character of the existing buildings, and provides adequate amenity space for future occupiers, with only little impact on the amenity of neighbouring properties. The landscape impact is localised and can be mitigated through the imposition of suitable conditions. Adequate parking can be provided on site and the works to improve the access and provision of passing places is welcomed.

The development is therefore considered to be in compliance with the local plan and the Development Plan when taken as a whole. There are no material considerations that indicate the application should be determined otherwise.

### **RECOMMENDATION:**

Approve subject to the following conditions and any others as deemed necessary by the Head of Planning:

1. Time limit for implementation.
2. In accordance with the plans.
3. Obscure glazing to bathroom and void windows on the north elevation of units 1, 2, 3, 4, 5 and 6.
4. Details of obscure glazing to the bedroom windows on the north elevation of units 4, 5 and 6 to be submitted and agreed.
5. Prior to first occupation, provision of off-site highway works to include widening of the access to Bridge Road and provision of passing places.
6. Prior to first occupation, parking areas to be laid out, levelled and demarcated.
7. Remove PD rights for ancillary domestic buildings and extensions, boundary treatments and insertion of windows on the north elevation.
8. Details of materials to be used on all external surfaces.
9. Mitigation for protected species in accordance with Ecological Survey.
10. Hard and soft landscaping scheme to be submitted to include details of boundary treatments, in particular between private amenity spaces.
11. Details of external lighting to be agreed prior to installation.

- (3) **LEATHERINGSETT WITH GLANDFORD - PF/18/1980 - Erection of single-storey detached dwelling, garage, associated engineering works and change of use of agricultural land to form residential curtilage; Land off Thornage Road, Letheringsett for Mr Raven**

### **Major Development**

**- Target Date: 08 February 2019**

Case Officer: Mr D Watson

Full Planning Permission

### RELEVANT SITE CONSTRAINTS

The site is within the following:

- Glaven Valley and Letheringsett Conservation Areas
- Norfolk Coast Area of Outstanding Natural Beauty
- Countryside as designated under Core Strategy policy SS 1
- The southern part of the historic designed parkland of Letheringsett Hall which is a locally listed Historic Park and Garden



- A small part of the southeast corner of the site is within Flood Zone 2 with a smaller area within Flood Zone 3A. The east boundary of the site which follows the River Glaven abuts Flood Zones 2 and 3
- Historic Park and Gardens Ungraded

A County Wildlife Site adjoins the southeast corner of the site.

Much of the area to the south and east of the site is within Flood Zones 2 and 3

## RELEVANT PLANNING HISTORY

None.

Pre-application advice has previously been given in 2014 and 2017 in respect of a proposed paragraph 55 dwelling on the site. (Refs DE21/14/0034 and IS2/17/1334)

## THE APPLICATION

The proposed development comprises a large single dwelling and garage sited centrally within the site with a new vehicular access off Thornage Road. The dwelling would be single-storey, comprising a series of interlinked box sections, spanning 34m on the east/west elevations. Materials are lignacite blockwork and red cedar timber cladding with a flat green roof.

The proposals are promoted within the context of paragraph 79(e) of the National Planning Policy Framework 2019 (NPPF), aiming to meet the requirement of exceptional quality by being outstanding and innovative, with an emphasis on the innovative.

The key innovative elements of the proposals are:

- filtration of agri-chemicals and;
- hibernacula façade

The proposals also include other design features as follows (these are not considered to be innovative but they add to the overall sustainability of the scheme):

- Sourcing local materials to reduce the carbon footprint of the build;
- Solar gain and solar shading, in combination with passive ventilation to reduce the need for heating and cooling;
- Fabric first – insulating the building appropriately to improve performance in regard to heating and cooling etc in excess of Building Regulations;
- Lighting strategy to control light spill and minimise the impact of light spill on the wider area;
- Use of a biomass boiler;
- Use of a green roof;
- Use of a timber shuttering system, linked to solar shading and the lighting strategy.

The site lies to south west of the main part of the village of Letheringsett, which has a core of built form around the church and mill and a hamlet of dwellings to the south centred on Little Thornage crossroads. The two clusters are linked by linear development along Riverside Road and to a lesser extent along Thornage Road. The site is an arable field between the two roads, currently uncultivated, sloping down to the River Glaven which forms the eastern boundary. Although framed by planting on its three main sides, it has an unspoilt openness and an understated appearance as it slopes up from east to west (and from south east to north west). Whilst not directly adjacent, there are residential properties to the east, south and west between 120m and 160m from the centre of the site.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of the Head of Planning due to the level of public interest in the proposed development with representations both supporting and objecting to it.

## PARISH/TOWN COUNCIL

Letheringsett Parish Council: object. They consider that the overall design is not sufficiently innovative and that the USP of the proposal is insignificant. It would not enhance the surrounding area and would have a detrimental visual impact on its natural setting. It would be contrary to local designations and have a negative impact on the immediate landscape characteristics.

Other concerns include:

- the adverse impact on highways and country lanes;
- light pollution and dark skies
- disruption to the wildlife, both during and after construction.
- possible noise from the pumping system and the borehole machinery.
- the proposed height of the building, which at 5 metres which would significantly impose on the skyline.

## REPRESENTATIONS

Summarised as follows;

Supporting – 36. Those in support also include Norfolk Rivers Trust.

Comments include:

- An example of how differently things could be done and important to embrace change
- Has the potential to set a precedent for sustainable living in North Norfolk and should be supported. Would be a showcase for the future in stark contrast to much current residential development
- Design is entirely sensitive and sympathetic to the location and surroundings
- Truly innovative and environmentally sensitive proposal that works with nature not against it. Rarity to see a planning application with such innovative and environmentally sensitive design.
- Represents a positive change and progress. The type of design that should be welcomed and encouraged
- Exactly the sort of scheme which para 79 was designed for. A great example of why buildings have a place in the countryside
- Should be approved and allowed to be an example of what can be achieved with sympathetic, discrete architecture in total accord with its environment
- The bleak field would be improved with the proposed landscaping which would also enhance bio-diversity
- Dwelling would be modest and low lying/non-intrusive, would blend appropriately into the area, with no negative impact on views
- Design will enhance and benefit the local environment, support local wildlife and purify polluted ground water
- The village whilst beautiful, is still able to accommodate contemporary design and thinking
- Would turn intensively farmed land into a far more environmentally sustainable site
- A bold proposal that addresses environmental issues imaginatively
- The county needs well-designed, modestly sized ecologically minded home – far too few get permission
- Reinstating the drainage ditch would be a bonus for all the paddocks up the valley and

remove any chance of flooding local properties in the area.

Objecting – 12. Those objecting also include CPRE Norfolk  
Comments include

- Effect on wildlife in the area
- No evidence that the proposal would alleviate flooding in Little Thornage
- Design and line of boxes appearance of the building and its impact on the conservation areas and AONB. Does not take account of the character of the area or reflect the local context and historic and traditional nature of surrounding building
- Out of character with the village and its setting. Building would be randomly placed within a high quality landscape and does not blend in with it.
- Doesn't achieve the criteria in para 79. Not truly outstanding or innovative
- Nothing sustainable about placing a large dwelling in a lovely and unspoilt area of undeveloped valley floor
- Plenty of other less sensitive places where the dwelling would be fine
- Site is naturally open within open countryside
- Unacceptable risks during construction and use to receptors of the highest importance
- Application has not addressed the visual impact the dwelling would have across the valley
- Access to the A148 from Thornage Road is dangerous
- Innovation aspects of the proposal a complex and expensive solution for addressing problems that don't exist.
- Proposals to alleviate flooding are unnecessary and seek to solve a problem that does not exist
- Water run-off is from the site and a small part of the road only with no significant pollution. As it is basically clean water there is no justification for the drainage system
- Highway improvements would affect the character of the rural lane.

## CONSULTATIONS

County Council (Highway): object and recommend refusal as the proposal is contrary to policy CT 5 on highway safety grounds as:

- The development would lead to the increased use of a substandard junction on a stretch of classified highway which carries significant traffic movements.
- The development would not offer the opportunity for people to travel more sustainably as the proposal does not provide high quality access to safe walking routes.
- The development would not have adequate safe access to A148 Holt Road and would be likely to give rise to conditions detrimental to safe sustainable development in transport terms.
- The road network serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width and restricted visibility at adjacent road junctions.
- Inadequate visibility splays are provided at the junction with the A148 Holt Road and this would cause danger and inconvenience to users of the adjoining public highway.

Norfolk Coast Partnership: support and wish it to be noted that their officer has visited the site. They consider the proposal is an innovative design that could demonstrate to developers how ecology, energy usage and landscape can be encapsulated into design and create a building that has minimal impact on the landscape. They do not consider the proposal would have an impact on the AONB and will fulfil both paragraphs 172 and 79 of NPPF

In supplementary and more detailed comments the Partnership state their interest lies in the impact of the building on the landscape of the AONB and on whether the proposed building fulfils the criteria for an exception site.

They consider the building is modest. Sitting at one level, it is not massive in scale in relation to its setting and we do not consider it to be a 'major development'. The site is adjacent to other buildings in the village, set low in the valley and not immediately visible from wider public viewpoints. In contrast with other new buildings which are granted planning permission in the AONB this building is not showy or striking. It is certainly not a standard 'modern suburban house' that they see often in planning applications on the Norfolk coast. It is felt that the architect and applicant have carefully considered its modest and tranquil local setting.

The proposals include tree and hedgerow replanting and the landscaping will be soft and natural in character, aiming to enhance a floodplain. Therefore, the house itself will bed into the land and the site's biodiversity will improve as it becomes wetter and native wetland plants colonise the site. The exterior cladding of the house itself will provide several refuges for many different species.

The proposed light pollution mitigation methods exceed those seen in other applications. Dark skies are a special feature of the AONB and the NCP are keen to raise awareness of this and be able to advise developers to consider this issue more effectively. This application has addressed the general statement and recommendations in the ecology report regarding introduction of lighting and how this impacts species.

It is considered that the applicant has considered the landscape and the impact on the AONB adequately and is in accordance with policies PB3, PB4 and PB5 of the Norfolk Coast AONB Management Plan:

- PB3 Ensure that new development, including changes to existing buildings and infrastructure, within their ownership or powers of regulation are consistent with the special qualities of the area and relevant conservation objectives.
- PB4 Demonstrate good practice and provide examples of how to incorporate measures for energy, water use, resource reduction and biodiversity enhancements sensitively into new, vernacular and historic buildings and structures.
- PB5 Support new development and conversion that is consistent with local and national planning policy and the principles above, in order to retain and develop residential and employment opportunities that support natural beauty.

Within the AONB Integrated Landscape Character Guidance, the site falls under Large Valleys LV2. The NCP believe that the application complies with the guidance to: -

- Conserve and enhance the river corridors, including their historic small-scale network of pastures, wet woodland, alder carr, reed-beds, ditches, hedgerows and hedgerow trees on the valley floor, which are of exceptional biodiversity and landscape value.
- Enhance connections to habitats in the farmed landscapes surrounding the Large Valleys
- Conserve the character and landscape setting of the distinctive Large Valleys settlements.
- Enhance tree and hedgerow planting, avoid large scale major development, avoid new built development or farm structures in prominent locations on the more open valley side slopes, and especially towards the crest of the valley landform where there is a risk that built structure might break the skyline in views from within the valley.

It is considered the design is innovative in its incorporation of environmental features, particularly its:

- Zero carbon impact.

- Hydrological design features.
- Biodiversity enhancements.
- Mitigation of light pollution.
- Integration into its setting.

It is noted there is some concern over access to the site from the public road network, but this is not within the NCP's remit.

The hydrology is key to the functioning of the site design and use of water to heat the building is an innovative feature which relates back to para 79 of NPPF so it is important that this is well considered. It is recommended that the Environment Agency, Norfolk Rivers Trust or other suitable hydrology experts are asked to comment on the hydrology statement and assess its accuracy, particularly related to any water quality benefits and to any flooding and contamination risks.

Conservation and Design Officer: objects, noting that this has proved to be an extremely challenging scheme to assess. On the one hand, there can be no argument that the proposals have been carefully considered and involve a cutting edge building which would mix sustainability and innovation to help raise the standards of design more generally in the area. On the other hand, however, the location is an important one which does not lend itself especially well to residential development, particularly when it takes the form of such an extensive dwelling.

It is therefore considered that the potential technological and environmental gains on offer would be outweighed by the heritage harm in this case. The fact that the dwelling does not enthuse aesthetically merely reinforces the overall conclusion that the scheme as a whole would: -

- fail to preserve or enhance the character and appearance of the two designated conservation areas (i.e. it would not pay due regard to s72 of the 1990 Act),
- fail to accord with the final part of para 131 of the NPPF (i.e. that buildings have to "fit in with the overall form and layout of their surroundings",
- fail to comply with Policies EN4 and EN8 of the LDF Core Strategy.

Unless it is considered that the environmental problems identified provide a sufficiently strong justification to outweigh these concerns (and the Highway objection), it is recommended that the application should be refused.

Landscape Officer: objects. Taking into account the potential cumulative beneficial effects of the proposed development in some alleviation of water quality and habitat enhancement, it is considered that these elements do not outweigh the landscape and visual impact of the intervention of a large new domestic dwelling on the valley side in an area of natural open landscape and within two Conservation Areas. The proposal does not therefore fulfil the final clause of paragraph 131 of the NPPF, which requires that outstanding and innovative designs should be given great weight, 'so long as they fit in with the overall form and layout of their surroundings'. Further, the proposals are not considered to be isolated and so the exceptions of paragraph 79 do not apply. In any event the scheme would not be considered to meet the tests of this paragraph.

Low key interventions (to resolve issues of water quality), such as those already undertaken up and down stream of the site would bring equal benefits to this part of the River Glaven, without the need for a large new dwelling.

For the reasons stated it is considered that the proposals are contrary to Core Strategy policy EN 2 - Landscape and Settlement Character and therefore recommended for refusal.

Natural England: no objection. Consider that the proposed development will not have significant adverse impacts on statutorily protected sites.

With regard to the impact on the AONB, Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The Council's decision should be guided by paragraph 172 of the National Planning Policy Framework. Alongside national policy, landscape policies set out in the development plan should also be applied.

Natural England advise that the Council consults the relevant AONB Partnership as their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision

Environment Agency: object as the proposal involves the use of a non-mains foul drainage system in circumstances where it may be reasonable for the development to be connected to a public sewer but no justification has been provided for the use of a non-mains system.

With regard to flood risk, whilst the site boundary includes flood zone 3a, as the development has been sequentially sited within Flood Zone 1, there are no flood risk concerns.

With regards to water abstraction, the EA advise that if the applicant intends to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose an abstraction licence from the Environment Agency will be needed. Anything less than 20 cubic metres is exempt from the need to have a licence and it is noted that quite often residential dwellings fall within this exemption. The granting of planning permission does not guarantee a licence would be granted.

NCC Flood & Water Management (LLFA): no formal comments provided as the proposal being for a single dwelling is classed as minor development for their purposes. They were however, consulted informally. Generally, it was felt that in terms of water management the scheme was innovative, a good demonstration of what could be done elsewhere and therefore nice to see, although it also felt to be over the top and the issues it was seeking to deal with were probably over-stated.

Environmental Health: consider that the development is not going to raise any detrimental issues in respect to Human Health. The sampling information refers to the overall proposal to treat and filter surface runoff before it enters the Glaven, essentially the performance of this system is only likely to improve runoff to surface water and unlikely to have implications for Human Health.

The contamination of the land is typical of agricultural land in general, but is regarded as a widespread problem. Within the land identified, the proposal is likely to have a beneficial effect, but on the wider scale for the catchment it would only have a negligible effect.

The proposal certainly fits the bill in regards to the development having a minimal effect on the immediate environment, but the cessation of the land for agricultural purposes is likely to provide the greatest reduction in fertiliser/chemical loading.

#### 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, refusal 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.

#### POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

EN 1 - Norfolk Coast Area of Outstanding Natural Beauty and The Broads

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

EN 9 - Biodiversity and geology

EN 10 – Development and Flood risk

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

#### **National Planning Policy Framework (2019)**

##### Section 2 – Achieving sustainable development

*Para 11: decisions should apply the presumption in favour sustainable development which for decision making means approving development proposals that accord with an up-to-date development plan without delay.*

*Para 12: the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate the plan should not be followed.*

##### Section 4 – Decision-making

*Para 47: applications for planning permission must be determined in accordance with the development plan unless material consideration indicate otherwise*

##### Section 5 – Delivering a sufficient supply of homes

*Para 78: to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.*

*Para 79: planning policies and decisions should avoid the development of isolated homes in the countryside unless one of a number of circumstances apply. These include (e) the design is of exceptional quality in that it:*

- *Is truly outstanding or innovative, reflecting the highest standards in architecture and would help to raise the standards of design more generally in rural area; and*
- *Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.*

##### Section 9 – Promoting sustainable transport

*Para 109: 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.*

#### Section 12 - Achieving well-designed places

*Para 124: good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*

*Para 131: in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

#### Section 14 - Meeting the challenge of climate change, flooding and coastal change

#### Section 15 - Conserving and enhancing the natural environment

*Para 170 – planning policies and decisions should contribute to enhance the natural and local environment by protecting and enhancing valued landscapes, sites of bio-diversity or geological value and soils; and recognising the intrinsic beauty and character of the countryside*

*Para 172 – great weight should be given to conserving and enhancing landscape and scenic beauty in..... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues*

#### Section 16 - Conserving and enhancing the historic environment

*Para 196: where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the of the proposal.*

### **Statutory duties**

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. There is a duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000).

When considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area (S72 Listed Buildings and Conservation Areas Act, 1990).

### **MAIN ISSUES FOR CONSIDERATION**

1. Principle
2. Design and Innovation – consideration against paragraphs 79(e) and 131 of the NPPF
3. Landscape and Visual Impact
4. Effect on Heritage Assets
5. Highway safety
6. Planning balance and recommendation

### **APPRAISAL**

1. Principle

Core Strategy Policy SS 1 sets out the spatial strategy for the North Norfolk District which seeks to direct the majority of new development to the towns identified as Primary and Secondary Settlements, with a smaller amount of new development focused on designated Service Villages and Coastal Service Villages to support rural sustainability.



The remainder of the district including settlements not listed in Policy SS 1, is designated as Countryside. Within the Countryside area development is restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy. Policy SS 2 limits development within the Countryside to that which essentially requires a rural location and where it is compliant with the specific types of development listed in the policy. This does not include new market housing, the policy seeks to avoid housing becoming widely dispersed and leading to dependency on travel by car to reach basic services

Planning Inspectors have consistently found that policies SS 1 and SS 2 of the Core Strategy are broadly consistent with the both the NPPF (2012) and as it was revised in both July 2018 and February 2019, most recently in respect of an appeal decision in March 2019 relating to a site at Pudding Norton.

The local planning authority can demonstrate a housing land supply in excess of 5 years. Applying the new standard national methodology for the purposes of calculating housing requirements introduced in July 2018 with the revised NPPF, in North Norfolk this methodology produces a requirement of 565 dwellings (inclusive of NPPF buffer). Although this requirement is higher than previously, the deliverable supply is 5.02 years. As such development plan policies for the provision of housing are considered to be up to date. In any event, should the matter of housing land supply in question then a single dwelling would not be considered to otherwise add significantly to any imbalance in housing supply over the wider district.

In consideration of whether the site meets the aims of policies SS1 and SS2 of the adopted Core Strategy, Letheringsett has a very limited range of the basic services required to meet basic day to day needs, consisting only of a church, village hall and pub. Holt which is a Principal Settlement with a good range of facilities, is about 1.4 miles away. Whilst there is a footway along the A148 itself, there is none on Thornage Road. There is also no street lighting. Given this, and as walking to Holt would take around 30 minutes, this is unlikely to be an attractive option for any future occupiers of the development. With regard to public transport, there is only one bus (Sanders service 46) each day to Holt, and no more than four each day from Holt. The service is not considered to be a viable or sustainable service that can meet the transport requirements for most people. Cycling would be feasible given the distance involved, but it is likely most people would be put off because of the poor visibility at the A148 junction, the unlit roads and general conflict with other road users on this busy road network.

The application site is therefore considered to be functionally remote from services and occupants of the proposed development would be almost entirely reliant on the car for access to everyday services and facilities. Within designated countryside, new market housing is restricted in order to prevent dispersed dwellings that will lead to a dependency on travel by car to reach basic services, and ensure a more sustainable pattern of development. The proposal is therefore considered to be contrary to Core Strategy policies SS 1 and SS 2.

Paragraph 47 of the NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration and therefore it must be considered in the decision making process and the planning balance. The application is promoted as meeting the requirements of paragraph 79(e) of the NPPF.

Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one of a number of circumstances apply. These include (e) the design is of exceptional quality in that it;

- Is truly outstanding or innovative, reflecting the highest standards in architecture and

- would help to raise the standards of design more generally in rural area; and
- Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

The definition of 'isolated' was the subject of the testing under the High Court case of *Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018]*. The decision concluded that the meaning of 'isolated' should be given its ordinary objective meaning of 'far away from other places, buildings or people'; 'remote'. The court held that whether a proposed dwelling is, or is not 'isolated' in this sense will be a matter of fact and planning judgement for the decision maker in the particular circumstances of the case in hand.

Taking into consideration the Braintree judgement, it is considered that the proposed dwelling would not be physically isolated for the following reasons:

- the closest dwellings are only about 120m away to the east, 150m away to the south and 190m to the east.
- the majority of existing dwellings within Letheringsett and Little Thornage are within a radius of 360m from the site.
- The dwelling would be seen within the context of existing dwellings on Riverside Road in views of it from the east and within views from Little Thornage to the south.
- Nothing has been included within the application as to why the applicant considers the site to be isolated.

As the site is not considered to be 'isolated' (under the definition of the Braintree judgement) the exception and criteria in paragraph 79(e) of the NPPF cannot apply. The NPPF in paragraph 131 gives great weight to innovation and designs which promote high levels of sustainability in decision making. However, paragraph 131 requires that proposals "fit in" with the overall form and layout of their surroundings whereas paragraph 79 refers to 'significantly enhancing its immediate setting and being sensitive to the defining characteristics of the local area'.

In paragraph 78 the NPPF supports proposals which support sustainable development in rural areas. It is considered that the proposal does not comply with paragraph 78 of the NPPF which allows for some development in rural communities to support them. As stated above, the application site is considered to be functionally remote from services, with any future occupier most likely to travel to Holt (a principal settlement) and therefore it cannot be considered to meaningfully supporting a rural community, or to otherwise clearly meet the definition of sustainable development with the NPPF.

The Government's Planning Practice Guidance (PPG) states that 'blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence'. Officers consider that Core Strategy policy SS 1 is entirely consistent with this approach. Its settlement hierarchy allows for limited development in a number of villages (the Service Villages), that perform a limited role as local service centres that collectively help to sustain the wider rural community. The supporting text to policy refers to the fact that these Service Villages were selected on the basis of the presence of a primary school, a level of public transport and a range of services (e.g. a village shop) that can meet basic day-to-day needs. Letheringsett has none of these basic services which the development could otherwise help to support.

For the reasons stated above, the application proposals are considered to be contrary to the material considerations set out in policies SS1 and SS2 of the adopted core strategy and the NPPF. The principle of the proposed development therefore cannot be accepted.

In order to afford members a comprehensive consideration of the proposals this report will move forward with specific consideration against the Core Strategy and other relevant parts of the NPPF, along with a view as to whether the threshold of innovation and outstanding architecture sufficient to 'significantly enhancing its immediate setting and [be] sensitive to the defining characteristics of the local area' is met.

## 2. Design and Innovation – consideration against paragraphs 79(e) and 131 of the NPPF

### **Design**

It is apparent there is a genuine wish to create a qualitative, bespoke piece of architecture which would raise the standards of design more generally and as referred to above, the proposal is promoted as meeting the requirements of paragraph 79(e) of the NPPF as both a truly outstanding and innovative building for this purpose. As an initiative this approach is to be applauded, where successful proposals may enhance the quality of North Norfolk in terms of architecture, landscape, innovation, and sustainable design.

The proposed dwelling would essentially consist of a series of quadrilateral building blocks which are linked together and which would stagger and cascade down and across the sloping field. These feature relatively clean lines and have been simply clad in cedar boarding under a continuous flat green roof. They have also been kept to single-storey only in order to limit the overall impact of the dwelling within the landscape.

Also very influential in its form and design are the technologies which underpin it. Hence, it is effectively a 3D manifestation of the water filtration process upon which it is based with the successive volumes representing the various stages in the purification/aeration process. With it also intimately related to its site environmentally, there is certainly no suggestion that it would be an ill-considered or speculative form of development which is lacking in quality and innovation. Rather it would offer a level of visual interest and invention over and above a more conventionally designed dwelling

At the same time, however, it is considered that it is the technologies which have driven this project rather than the aesthetics. Therefore, whilst it would undoubtedly be an enjoyable and stimulating place to live in amongst the pools and rills and the hibernacula façade, this interest would primarily be available only at close quarters. From further afield, the actual design of the building would be rather underwhelming. In essence, it would have a plain simplicity which is not untypical of many other contemporary buildings and which therefore appears neither outstanding nor particularly innovative visually. Instead it has a rather harsh angularity which could potentially jar within its soft rolling landscape setting, rather than being subservient to it.

The innovation does however go to the very heart of the design of the dwelling. In this respect, the proposals are certainly not lacking. Whilst it could be argued that some of the technologies and sustainability measures are individually not new or particularly innovative, the way they have all been brought together would appear to be both ambitious and progressive and needs to be weighed in the overall planning balance.

Paragraph 79(e) also requires that a design 'would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area'. The design aims to meet this by responding to the defining landscape character, enhancement of biodiversity and reducing flood risk (D&A Statement p. 4).

### *Defining landscape character*

The D&A Statement (p.4) states that 'the design seeks to embellish the natural riverside character of the immediate setting, rather than propose a pastiche reinterpretation of historic forms.'

'A series of banks, ditches and informal landscaping help the scheme blend with the landscape'. From the footpath across the valley these features will seem incongruous and unnatural in what is currently an un-grazed field and are not considered to be compatible with the local landscape character.

Within the submission there is much emphasis on the landscape proposals and their potential benefits. This is at the expense of consideration of the landscape and visual impact of the large angular form of the dwelling located in an elevated position in the middle of the site on the valley side within both Letheringsett and the Glaven Valley Conservation Areas. In its current form as an arable field located on the sloping valley side with adjoining undeveloped land to the north and south, the site and its surrounds form an important setting to the built heritage assets, reinforcing the valley floor settlement. Introduction of a large domestic dwelling on the valley side will dilute the strong settlement pattern in this part of the Conservation Areas.

To conclude in regard to design, it is considered that the proposals fail to meet the exceptions tests set out in paragraph 79(e), or the required design standards as set out in paragraph 131 of the NPPF (i.e. if it were to be accepted that this is not an isolated site).

## **Innovation**

### Filtration of agri-chemicals

Water filtration is a key element of the design ethos. Standard SUDS principles such as filtration beds, aeration and strategic planting are incorporated into the design of the dwelling and the surrounding landscape. Through these methods it is suggested that agri-chemicals and sediment will be removed from the field run-off before it reaches the River Glaven. This is a positive element of the design and may result in a localised beneficial effect. However, diffuse water pollution through farming practices is a widespread issue with 55% of all land in England in a Nitrate Vulnerable Zone (gov.uk website). Rural SuDS promoted to farmers and landowners by the Environment Agency since 2012 include a suite of low key measures to alleviate chemical loading and silting.

The measures put forward within the application are not therefore considered to be sufficiently innovative to pass the NPPF requirements. Indeed, officers consider that the proposals represent a somewhat over-engineered solution. Filtering water through a dwelling and introducing pockets of rain garden planting into a field are not elements essential to achieve the desired outcomes. Cessation of cropping of this field, reduction in the use of contaminants and the remodelling of the river bank to reunite the river with its natural floodplain would be equally effective. Low key restoration measures have already been undertaken on the River Glaven both up and downstream of the site. These include removal of embanked spoil along the river bank, removal of culverts, allowing more frequent inundation of the flood plain, creation of pools and meanders, all of which are effective solutions in restoring the natural river processes and none of which required a dwelling.

Whilst the benefits of the filtration measures proposed are not disputed, the resulting benefits on the quality of the river should be viewed in their true context. In accordance with the Water Framework Directive classification, the River Glaven is not in a poor condition. It is assessed as having an overall Moderate status.

Additional measures proposed include removal of a 60m culverted section of drainage channel along the eastern boundary and restoration to an open water scrape. This is an accepted and standard activity that accords with good river restoration practices.

In summary, whilst the proposals for water filtration are relevant to the site's riverside location and may result in some alleviation of contaminants reaching the River Glaven, they are

considered to be over-designed for the purpose and are not in themselves innovative measures. The same benefits could be achieved without the need for a dwelling on the site.

It should also be noted that the scheme relies on installation of a borehole to provide a continuous water supply and that harvested rainwater will be used only to “supplement” the dwelling’s WC’s 7.11 of the D&A Statement). Foul water will be managed through installation of a sewage treatment plant in the north-east area of the site.

#### Hibernacula façade

The provision of niches within the facade of the building for invertebrates and roosting opportunities for bats is a positive element of the design, but it could not be considered to be innovative within the context of NPPF considerations. The requirement to incorporate ecological niches such as bat boxes, bat tiles, internal owl lofts, external owl boxes, bird nesting facilities and reptile hibernacula into new build and restoration projects is common practice in North Norfolk, due to the rural nature of this landscape and the prevailing habitats.

#### **Other benefits**

##### Ecology-driven Design

The site currently comprises poor semi-improved grassland with mature hedgerows to the north, south and west boundaries and the River Glaven adjacent to the east boundary. The proposals include tree and shrub planting, marginal planting and wetland creation and the installation of barn owl, bird and bat refuges.

The Ecological Impact Assessment (EIA) submitted with the application concludes that the development will have an overall probable positive impact on habitats and faunal species on and off the site. This is accepted and it is considered that there are potential ecological gains that would result from the proposals. This would however be offset by the wider landscape and visual impact of the large new dwelling in this sensitive receiving environment. No account appears to have been taken in the assessment of the negative impact on biodiversity of the introduction of a domestic dwelling into the field and the resulting human activity including noise, lighting, and vehicle movements. This needs to be weighed against the identified positive impacts of habitat enhancement and increased biodiversity to reach a more realistic and objective conclusion.

The physical construction of the proposed dwelling could be potentially damaging to this sensitive environment and careful working practices would be essential to ensure no negative impacts (e.g. increased silt run-off).

##### Reducing flood risk.

The proposals for processing water are also intended to alleviate flooding in Little Thornage. The existing surface water flow modelling presented in the Water Collection Strategy document in the application and within the DAS, shows that a small proportion of the surface water collecting at Little Thornage crossroads will be diverted as a result of these proposals. As the modelling demonstrates, the catchment is extensive to the west of Thornage Road, this is entirely outside the scope of influence for the site. Drainage ditches already exist on both sides of Thornage Road to divert surface water from the road. Furthermore, there are steep grassed verges abutting Thornage Road which would preclude any run-off diverting across the site. Whilst there may be minimal alleviation, it is considered that this benefit is by no means significant.

To conclude in regard to innovation, the scheme clearly has some benefits and seeks to utilise technologies to address issues at the site. The technologies in themselves are not necessarily innovative (within the context of the NPPF), however, it could be argued that their combined use *is* innovative. Officers consider that the issues on the site could be addressed with

significantly less intervention than is proposed by the application, potentially being achieved without the need for the dwelling in itself. However, the scheme does bring some benefits and mitigation through the combined use of the technology. It is therefore considered inconclusive as to whether the scheme truly represents innovation.

## 1. Landscape and Visual Impact

The Landscape Visual Impact Assessment (LVIA) submitted with the application, whilst compiled in accordance with best practice and applying stated methodologies, fails to make objective conclusions. There is over-reliance on the assumption that the 'New Country House' will have a positive landscape and visual effect. The LVIA relies on the supposition that 'most who experience the New Country House would consider it to be both beautiful and interesting, which will be of benefit to the intent of 'raising standards of design generally in rural areas' as referred to in paragraph 79e)'.

In consideration of the application site and the wider landscape setting, one of the most prominent views of the dwelling and the site will be gained from the public footpath to the east of the site which rises up from the valley floor (FP2 Letheringsett with Glandford). From various points along this footpath, the new dwelling would be highly visible, set up on the valley side, elevated above the existing traditional ribbon development along Riverside Road on the valley floor. The LVIA concludes a 'Minor Beneficial' significance of effect, relying on the views of the dwelling being compliant with paragraph 79 of the NPPF and 'raising standards of design generally in rural areas'. The influence of the dwelling would extend well beyond its own footprint and would in practice interact closely with its surroundings; i.e. it would collect surface and subterranean water from the land to the north and west and then discharge it (in a purified form) back into the watercourses to the south and east. With the proposed landscaping integral in this process, the treatment of the curtilage appears to have been afforded equal weight to the building.

Considering the baseline condition of the local environment, the site falls within a landscape that is assessed as being 'good condition with a strong strength of character' in the North Norfolk Landscape Character Assessment SPD (2009). Given this relatively high value baseline, it is a landscape that does not require significant enhancement. The modest characteristics of the existing site are typical of the setting of the built form and the character of the local area. In a 2017 appeal decision in the South Downs National Park Authority (APP/Y9507/W/17/3174552) also for a new dwelling under the then NPPF paragraph 55, now paragraph 79, the Inspector was not persuaded that 'the construction of the house, would, of itself, enable onlookers of this house to gain a new appreciation of the landscape, when the landscape's quality is already so apparent and defining of the area's character.' This situation is relevant to this proposal, albeit the site in this cited appeal case was within a National Park and not an AONB and 2 conservation areas.

An addendum to the LVIA has subsequently been submitted which takes account of the emerging North Norfolk Landscape Character Assessment dated November 2018 and makes comparison with the existing, adopted LCA. Its conclusion is that the baseline components of the landscape type in the vicinity of the site have not materially changed in the intervening period between the two assessments.

However, the emerging LCA (2018) does identify specific Valued Features and Qualities of all Landscape Types, which, 'if diluted or otherwise adversely affected, would detrimentally change the character of that particular landscape'. Within the River Valley Type within which the application site lies, the following defined Valued Features are relevant to this proposal:

- *Intimate contained rural character* - landform, extent of valley floor, tree and hedgerow cover and small field sizes combine to provide an intimacy and strong sense of place

on the valley floor. The overall character is of a rural, wooded, enclosed pastoral landscape.

- *Strong sense of time depth and historical continuity* - The distinctive character and cultural heritage value of individual settlements provide a sense of place, historic and visual interest, derived from the varied vernacular styles and nuances of local character and building materials. This is borne out in the numerous villages along the Glaven Valley which are designated as Conservation Areas. Small fields provide an attractive setting to many villages and hamlets.

The site is just one of these small fields. The proposed development introduces built form and associated human activity into one of these 'small fields' which, despite the associated landscape elements of the scheme, would be perceived as an extension of development up the valley side. This key component of the defined Valued Features cited above would clearly be adversely affected and for this reason the proposal is not considered to reinforce or enhance the prevailing landscape character. The proposal would therefore be contrary to paragraph 170 of the NPPF in this respect which requires that valued landscapes should be protected and enhanced.

The existing LCA also recognises the linear nature of settlement as a defining characteristic of the Large Valley Landscape Type, stating 'additional development should reflect the morphology (often linear) of the existing settlement, especially with regard to its development within the confines of the topography of the valley'.

The prevailing settlement pattern is again reinforced in relation to the site's location within the Norfolk Coast AONB. One of the distinctive characteristics of the LV2 Landscape Type (Norfolk Coast AONB Integrated Landscape Guidance) states that 'at Letheringsett the settlement is on the valley floor in contrast to the settlements at Cley and Wiveton where settlement is concentrated on the valley side. Located on the valley side, the development would not be compatible with this key characteristic. However, in consideration of the impact of this development on the defined special qualities of the Norfolk Coast AONB and this designated landscape as a whole, it is not considered that the harm would be significant. As such the proposal complies with policy EN 1 of the Core Strategy.

Finally, it is considered that the landscape and visual impact of the proposed new access off Thornage Road, as well as the proposed highway improvements along it, have been underestimated. This is currently an enclosed rural lane bounded by high hedgerows and steep grassed banks as it rises uphill from Little Thornage. An existing access to Waveney House is located at the top of the rising ground. A significant amount of roadside hedgerow would be lost in order to achieve the required visibility splays at the proposed access to the dwelling. Although 'gapping up' elsewhere is proposed to offset this, this element of the development and the additional signage and semi-formalised passing bays would have a negative impact on the quiet rural character of this part of Thornage Road.

Were we considering the proposals under paragraph 79 of the NPPF, the bar would be set somewhat higher and there would be a requirement for a scheme to "significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area". Whilst this criterion strictly falls away with the site not being isolated, its basic thrust is helpful when assessing the proposals against paragraph 131 of the NPPF. Hence, in less sensitive locations, or where the site in question has been mismanaged over time, there can be real opportunities for significant enhancement. In this case, however, the starting point is somewhat different with the existing field lying within the North Norfolk AONB and two conservation areas. Whilst it may not be overly blessed with intrinsic landscape features and interest, it certainly does not make a negative contribution to its surroundings. Instead it has an unassuming quality which is perfectly well suited to a river valley setting. It is therefore

more than questionable whether there is scope for significant enhancement within this context

As regards being sensitive to the defining characteristics of the local area (paragraph 131 test), the dwelling certainly does not conform to the conventional interpretation of local distinctiveness (i.e. brick and flint with a pitched roof). Instead, it combines cladding materials and built forms which are without true local precedent to create a contemporary end result which aesthetically has no obvious geographic home or vernacular resonance. What it does offer, however, is a symbiotic relationship with its site, in particular the way it has been positioned and oriented, and the way it has been designed specifically with the surrounding environment in mind. This would certainly give it some sensitivity and make it distinct within its locality.

The impact on the landscape as a result of this proposal and its own landscaping would be very real. The starting position is one of a good quality landscape, which does not require significant enhancement. The application site plays an important role in that landscape, offering separation between the two sides of linear formed valley floor development. The application site would sit prominently in that landscape, asserting itself in wider public views and thereby detracting from the valued features and qualities of that landscape.

The proposals are not considered to protect and enhance the landscape character in accordance with adopted Core Strategy policy EN2. Further, the scheme is not considered to 'fit in with the overall form and layout of its surroundings' as required by paragraph 131 of the NPPF, and therefore certainly not to 'significantly enhance its immediate setting and be sensitive to the defining characteristics of the area' when considered against paragraph 79(e) of the NPPF.

## 2. Effect on heritage assets

The Development Committee is required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act 1990) to have special regard to the desirability of preserving the character or appearance of a conservation area. The desirability of preserving conservation areas is not a mere material consideration to which appropriate planning weight can be attached, it is a legal obligation to have 'special regard' or pay 'special attention' to these matters. When a local authority finds that a proposed development would harm these matters, it must give that harm considerable importance and weight as a matter of law. There is effectively a statutory presumption against planning permission being granted where such harm arises. When making such a decision under that presumption can, the decision must also be balanced with reference to any other material considerations, including the public benefits of a proposal.

Development Committee should also take into account the advice contained within the National Planning Policy Framework (NPPF), which specifically addresses the need for conserving and enhancing the historic environment, in particular paragraph 132, which states:

*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset"... or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.*

Paragraph 134 goes on to state: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'* (emphasis added)."



Considerable weight must therefore be given to the preservation of heritage assets including their setting.

In considering development proposals affecting heritage assets, Core Strategy Policy EN 8 sets out that *'Development that would have an adverse impact on...special historic or architectural interest will not be permitted'*. However, this element of Core Strategy Policy EN 8 is now out of step with the guidance set out in the NPPF. The guidance is now more positive towards permitting development affecting heritage assets but only where there are clear and convincing public benefits in favour, and in accordance with the statutory requirements set out above.

In terms of the heritage assets likely to be affected, it is important to assess whether, how and to what degree setting makes a contribution to their significance.

The NPPF defines setting of a heritage asset as the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, and may affect the ability to appreciate the significance or may be neutral. Significance is defined as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The three heritage assets that would potentially be affected by the proposed development are as follows:

Glaven Valley Conservation Area - this is an unusually large conservation area which tracks the path of the River Glaven from its estuarine origins to the north down through the rural landscapes and villages to the south of the application site. Its real significance derives from the way people have through time used the river and its associated landscape for milling, agriculture, trade and leisure. The designation covers the whole of the application site and it would therefore be directly impacted by the proposed development.

Letheringsett Conservation Area - this designation focusses specifically on the village of Letheringsett and the hamlet of Little Thornage and is therefore comparatively compact in scale. Its significance derives from its buildings and the way they have been inextricably shaped by the river and its associated landscape setting. The designation again covers the whole of the application site and it would therefore be directly impacted by the proposed development.

Letheringsett Hall Unregistered Historic Park & Garden (an undesignated heritage asset) - it is believed that this local listing dates back to the late 1980s or early 1990s and was identified in association with the Norfolk Gardens Trust. It essentially covers the largely informal grounds of the Hall and the various views which are available of it from the adjacent parkland and woodland. The application site marks the maximum southerly extent of the HPG and thus the development would again directly impact upon this asset.

With regard to the Glaven Valley Conservation Area, whilst there is not an adopted Conservation Area Appraisal, it is clear that the application site very much reflects the spirit of the designation. It clearly forms part of the valley side and is very representative of the naturalistic undulations which help define this part of the river valley. Although man has inevitably shaped this landscape, that influence has been relatively modest in the case of the application site. Hence, it remains relatively unspoilt and provides a characteristic backdrop to the river.

Against this context, introducing any built form of development would inevitably have an

impact. Whether it be the actual 3D massing of the building, or the associated curtilage and servicing arrangements, it follows that there would be a shift away from the natural towards the domestic and the managed.

Whilst it is acknowledged that the proposals include a package of mitigation, fundamentally the scheme would still involve siting a relatively large dwelling in an undeveloped field. Although the detailed design is considered more fully above, the probabilities of a dwelling which measures some 34m long end to end (including the garage and terrace), and which has such an overtly angular form, have limited potential to realistically preserve or enhance the appearance and character of the area. Instead, there is more of a sense of it imposing itself within the natural landscape, particularly when viewed from the other side of the valley.

With regard to the Letheringsett Conservation Area, this also does not have an adopted Conservation Area Appraisal. Nevertheless, it is clear that the site serves an important purpose in terms of providing a landscape buffer between the settlement of Letheringsett and Little Thornage. It also reflects the fact that development historically has tended to spread down Riverside Road rather than Thornage Road. Hence, other than immediately abutting the A148, there is very little precedent for development to the west of the river until Little Thornage is reached.

Against this context, there are certain parallels with the Glaven Valley considerations above; i.e. that introducing a built form of development would inevitably have the effect of substituting the existing rurality for domesticity. Moreover, it would begin to draw the two settlements of Letheringsett and Little Thornage together in a way which would begin to challenge the existing sporadic and sparse patterns of development. Therefore, even with all of the associated landscaping trying to assimilate the new build into its setting, it is difficult to see how such an intervention would do anything other than provide unwanted consolidation and would thus diminish the prevailing qualities of the immediate environs.

With regard to Historic Park & Garden (HPG), whilst a non-designated asset the effect on it is a material consideration. The HPG listing principally covers the immediate grounds of Letheringsett Hall and its parkland beyond. Outside of this, however, in the absence of any documentation held by the council, it is not immediately clear what part the application site plays in the listing. There is no obvious physical or cartographic evidence to suggest it was ever part of the parkland and as such it is assumed it was included for its contribution to its setting.

It is considered that the proposals would have very little substantive impact upon the overall significance of the HPG. The one slight exception may be the new tree planting which could possibly serve to blur the existing extent of the parkland. However, it is not considered that this would result in any material harm and the application site is basically a non-intensively farmed field which appears distinct from the main HPG in terms of its character and appearance.

Although there are a number of important listed buildings in the general vicinity of the site, these are all some distance away and it is considered their settings would not be affected either directly or indirectly by the proposed development.

For the reasons stated it is considered that the proposals would result in harm to two of the three designated heritage assets identified in this report (i.e. the conservation areas). In terms of quantifying the level of this harm, the size of the two conservation areas needs to be considered, and the localised impact of the proposed scheme. Therefore, the harm to the larger of the two conservation areas (the Glaven Valley) is considered to be lesser than the harm to the Letheringsett Conservation Area. The harm in both cases is considered to be 'less than substantial' for the purposes of the NPPF. That harm is then subject to a presumption

against the grant of permission unless there are other material considerations or public benefits accruing from the scheme which would outweigh the harm (paragraph 196). The assessment of harm sits within a spectrum that can be classified as ‘less than substantial’, that spectrum clearly covers an extensive range or scale from everything from virtually no harm up to almost substantial harm. In both cases the harm to the Conservation Areas is felt to be on the lower end of that spectrum. However, harm is harm, and as set out in the NPPF then the next step is to weigh harm against other material considerations and the wider public benefit.

Turning to the public benefits of the proposal there are several:

- the potential for the application of the ‘innovation’ proposed by this scheme to the wider built environment. The application states that the technologies used here could be used in other developments, particularly agricultural development, to alleviate issues such as those found on site, indeed the other elements of the scheme regarding biodiversity could be retrofitted onto existing built forms to enhance biodiversity and used in new build schemes;
- the provision of an additional dwelling to contribute to housing land supply (albeit this is considered to be of limited weight);
- the learning benefits for the construction industry (linked to point 1 above);
- the ecological gains noted above under section 2, and;
- the reduction in flood risk (again, accepting that this is minimal and therefore of limited weight).

Whilst these are undoubtedly benefits of the proposal, they either heavily rely on utilisation of these technologies by others or are considered to be of limited weight. The application gives no other material planning considerations (out with those detailed in this report) that can be brought to positively add to this balance. In the opinion of officers those public benefits cannot outweigh the limited harm to the heritage assets identified above and as such the proposals are considered to be contrary to the aims of adopted core strategy policy EN8 and the NPPF.

### 3. Highway safety

Access to the proposed dwelling would be via the narrow and sinuous unclassified Thornage Road (U14267/20), which is unlit and subject to a 30 Mph speed limit. The site access is located about 300m south of the A148 Holt Road, which is classified as a 2B Principal Route under the Norfolk County Council Route Hierarchy. Thornage Road is classified as 4A2 remaining link road and is predominantly of single carriageway width, measuring less than 4m with limited unmade passing places along its length.

The Highway Authority consider these carriageway widths are unsuitable for an increase in two-way traffic movements, although it is noted that passing bays are proposed within the development proposal to mitigate the shortcomings of Thornage Road.

Visibility at the site access itself would be acceptable, however, given the need to access the A148 to gain access to the wider road network, visibility considerations are also paramount at the A148 separated heater island junction where Thornage Road meets it. Relevant guidance is given in the Design Manual for Roads and Bridges (DMRB) which sets out the requirements for a road subject to a 30 Mph speed limit (which is the case here) as being 70m x 2.4m x 70m. Visibility at the A148 Junction does not meet the required distances due to a roadside wall and vegetation. When measured from the acceptable setback of 2.4m, visibility from the eastern side of the heater island junction measures only 25m to the west and 45m to the east.

It is clear that there is a significant visibility shortfall to the west (left) from Thornage Road, with limited visibility available to the east. As such the Highway Authority are unable to support any increased use of this junction. Furthermore, whilst there is not a poor accident record in this area, anecdotal evidence suggests there are 'near misses' which because there were no injuries go unrecorded. It is apparent that turning right (towards Holt) out of this junction is risky because of the extremely limited visibility of vehicles coming from the west.

Extrapolation of statistical data from TRICS (Trip Rate Information Computer Services) shows that a residential dwelling is likely to generate 6 vehicular movements per weekday. The development will also no doubt give rise to additional service vehicles given the need for deliveries etc. to attend the site.

Given the lack of any formal pedestrian facilities serving the site from the closest formal footpath at Holt Road, some 300m north of the site, all pedestrian activity would need to share the narrow unlit Thornage Road to access the site on foot, which would be likely to reduce the likelihood of residents making journeys by sustainable modes, increasing the reliance on the private car, contrary to sustainability objectives.

Whilst the conditions on Thornage Road could be improved through the provision of passing places and additional signage, which in themselves raise separate concerns about the impact on the character and appearance of this rural location, the fundamental issue of the lack of visibility at its junction with the A148 cannot be overcome. It is therefore considered that the proposal would be detrimental to road safety and contrary to policy CT 5 of the Core Strategy. Refusal on this issue is also justified in terms of paragraph 109 of the NPPF.

## 6. Planning balance and conclusion

This has been a complex application to assess and reach a recommendation on, and whilst it is acknowledged that a huge amount of work has been done by the applicant, their agent and their experts, the application, in the opinion of officers, sadly cannot be supported.

The principle of the proposed development is not considered to be acceptable in the designated countryside area when assessed against the adopted policies of the Core Strategy. There are no material considerations which justify a departure from the development plan and the proposals are not considered to represent one of the exceptions as set out in paragraphs 78 or 79 of the NPPF.

In addition, the design, in particular the design of the proposed dwelling and how it assimilates itself into the wider landscape setting is not considered to be of a design that fits in with the overall form and layout of the surroundings when considered against paragraph 131 of the NPPF, and therefore certainly not to 'significantly enhance the immediate landscape setting' when considered against paragraph 79 of the NPPF. The innovation of the proposals when considered in singular isolation or indeed as a combined package of measures remains at best unproven within the context of the proposal, and the outcomes may also be deliverable in alternative forms which do not intrinsically require the development of a dwelling.

The impact on the landscape as a result of this proposal and its own landscaping would be very real. The starting position is one of a good quality landscape within the AONB and two conservation areas, which does not require significant enhancement. The application site plays an important role in that landscape, offering separation between the two sides of linear formed valley floor development. The application site would sit prominently in that landscape, asserting itself in wider public views and thereby detracting from the valued features and qualities of that landscape. The proposals are not considered to protect and enhance the landscape character in accordance with adopted Core Strategy policy EN2.

The resulting 'less than substantial harm' to the Conservation Areas of the Glaven Valley and Letheringsett, with the latter suffering the greater level of harm, are not considered to be outweighed by the public benefits arising from the proposals. The statutory presumption against planning permission being granted is therefore applied.

Furthermore, there is a resulting detrimental impact on highway safety from increased use of the junction of Thornage Road with the A148.

Taking all of the above into consideration it is not considered that the proposals represent an acceptable form of development.

#### **RECOMMENDATION:**

To refuse planning permission for reasons relating to:

- Principle
- Design
- Landscape impact
- Heritage impact
- Highway safety

Detailed reason for refusal to follow in accordance with the report above.

#### **(4) SALTHOUSE – TPO 950 (Salhouse) Manor House Cross Street Salhouse Ref No. TPO/16/950**

*To consider whether to confirm a Tree Preservation Order (TPO) to protect a Lime Tree and Holm Oak at the above site.*

#### Background

A Notice of works was received in 2017 under the Conservation area guidelines to fell a Holm Oak tree in the front garden of The Manor House on Cross Street Salhouse due to concerns regarding decay at the base of the tree. The Landscape Officer visited the site and inspected the tree in relation to the decay and amenity. The Holm Oak has significant amenity value on Cross Street and the wider landscape. The Officer suggested reducing the tree to take the weight off the main limbs to reduce risk of failure as this would result in new smaller growth, reduce the risk of failure and maintain amenity.

A new Notice was received in 2018 again to fell the tree. Under the Conservation area guidelines Council's cannot impose conditions such as replanting on any Notice received. Replanting can only be enforced on trees that are exempt from "Notice". Councils cannot stop a tree being removed after the six week notice period without serving formal protection such as a TPO. Under the current guidelines only dead trees are exempt from notification. In these circumstances it was considered expedient to serve a TPO to protect amenity whilst opening a conversation with the applicant. A Lime tree close to the Holm Oak was protected at the same time as they both provide amenity as a pair.

Objection letters received were concerned with highway safety and requested a second opinion from a qualified arborist. Two reports were received from the County Council Arborist and an independent arborist. Both reports are attached to this report.

The two reports identified the decay and both suggested a reduction to reduce risk and protect amenity.

## Representations

Objections to the Order:-

Four letters of objection to the Order has been received. **(Appendix 2)**

The objections can be read in the letters and the main objections are:

1. The Tree is decayed and dangerous and therefore a risk to the public highway and neighbours.
2. The tree is causing an obstruction to highway users.
3. Damage to surrounding walls.
4. Shading to neighbouring property.
5. The trees amenity is negligible.
6. Holm Oaks do not provide habitat for many species.

## Appraisal

In response to the objections the following comments are made:

Two tree reports by qualified arborists have been submitted to the Council in relation to the trees, commissioned by the Council and carried out on behalf of the objectors at their request.

Both reports state that the Holm Oak tree will not be an unacceptable risk if the management options given are implemented. The Officer accepted and agrees with both reports.

The branches over the road can be reduced as the TPO does not prevent appropriate management.

Cracks in the wall are evident but it is unclear as to the age of the wall in relation to the tree and the cause of damage. No structural report has been submitted to date.

If the tree is reduced and managed, then this will reduce the impact on adjacent dwellings.

The tree is highly visible and contributes to the local street scene and wider landscape.

Holm Oaks provide a food source and habitat for many species.

## Human Rights Implications

It is considered that the serving of the Order may raise issues relevant to Article 8: The right to respect for private and family life, and 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, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

### Main Issues for Consideration

1. Whether or not the Order was served correctly in accordance with the relevant legislation and the Council's adopted policy.

Officers are satisfied that the proper procedures were followed when serving the Order.

2. Whether or not the Order has been served on trees of sufficient amenity value to warrant a Preservation Order.

Officers consider that the trees makes a significant contribution to the quality of the local environment and its enjoyment by the wider public and that therefore has high amenity value.

### **Recommendation:-**

**That the Order be confirmed.**

**Source: Simon Case ( Landscape Officer) Ext. 615142**

### (5) **APPLICATIONS RECOMMENDED FOR A SITE INSPECTION**

There are no recommended site inspections at the time of publication of this agenda.

### **APPEALS SECTION**

#### (6) **NEW APPEALS**

**NEATISHEAD - PF/18/0025 - Change of use of land from sewage treatment works to private recreational use, including erection of polytunnel, storage shed and siting of Shepherd's Hut; Anglian Water Authority Sewage Div Bt 4 and 5, King Street, Neatishead for Mr & Mrs Plater**  
WRITTEN REPRESENTATIONS

**PUDDING NORTON - PF/18/0331 - Erection of two single storey dwellings (affordable housing); Adjacent to 1-4 Green Lane, Pudding Norton, Fakenham, Norfolk, NR21 7LT for Mr Tevenan**  
WRITTEN REPRESENTATIONS

**WIVETON - PF/18/1664 - Creation of access and provision of 2 no. parking spaces; Dolphin Cottage, Chapel Street, Wiveton, Holt, NR25 7TQ for Mr Travis**  
FAST TRACK - HOUSEHOLDER

#### (7) **INQUIRIES AND HEARINGS - PROGRESS**

None.

(8) **WRITTEN REPRESENTATIONS APPEALS - IN HAND**

**NEATISHEAD - PF/18/0025 - Change of use of land from sewage treatment works to private recreational use, including erection of polytunnel, storage shed and siting of Shepherd's Hut; Anglian Water Authority Sewage Div Bt 4 and 5, King Street, Neatishead for Mr & Mrs Plater**

**POTTER HEIGHAM - PF/18/1136 - Re-building and extension of partly demolished former agricultural building to create a dwelling (C3); Land adjacent to junction of Fritton Road & Market Road, Potter Heigham for Mr & Mrs Lawn**

**SMALLBURGH - PO/18/1282 - Erection of 3 no. dwellings (outline - details of access only, all other matters reserved); Home Farm, Norwich Road, Smallburgh for Mr Green**

**SWAFIELD - PO/18/0662 - Proposed detached chalet bungalow with detached garage (all matters reserved); Plot next to the Kingdom Halls, The Street, Swafield, NORTH WALSHAM, NR28 0RQ for Mr Watts**

**WEYBOURNE - PF/17/1740 - Removal of conditions 3, 4 & 5 of planning permission PF/09/0029 to allow residential occupation as a dwelling; The Roost, Bolding Way, Weybourne, HOLT, NR25 7SW for Mr Harrison**

(9) **APPEAL DECISIONS - RESULTS AND SUMMARIES**

**WELLS-NEXT-THE-SEA - PF/18/0577 - Variation of condition 2 (approved plans) of planning permission PF/17/1065 to allow for alterations to position and sizes of windows in south and east elevations, additional rooflights including one to provide amended access arrangement to the roof terrace, changes to external materials to parts of front elevation and alterations to internal layout of ground floor storage area and to part of first floor; Land adjacent to Hampden House, East Quay, Wells-next-the-Sea for Mr Chick**  
**APPEAL DECISION:- APPEAL ALLOWED**

**WIVETON - PF/18/1606 - Removal of conditions 3 & 4 of planning permission PF/98/0065 to allow unrestricted residential occupancy; The Old Exchange, Hall Lane, Wiveton, Holt, NR25 7TG for Ms Harrison**  
**APPEAL DECISION:- APPEAL ALLOWED**

Summaries of the above appeals will be reported to the next meeting.

(10) **COURT CASES - PROGRESS AND RESULTS**

None.



## Appeal Decision

Hearing held on 12 and 13 May 2015

Site visit made on 13 May 2015

**by Anne Napier-Derere BA(Hons) MRTPI AIEMA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25/06/2015**

**Appeal Ref: APP/Y2620/A/14/2228049**

**Land to the south of North Walsham Road, Happisburgh, Norfolk**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Chris Lomax (Happisburgh Estates) against the decision of North Norfolk District Council.
- The application Ref PF/14/0120, dated 30 January 2014, was refused by notice dated 29 April 2014.
- The development proposed is described as 'relocation of Manor Caravan Park, comprising 134 static caravans, 60 touring caravan pitches and camping area, and office/warden accommodation, to include new access to site and new wash block building and landscaping'.

### Decision

1. The appeal is allowed and planning permission is granted for the relocation of Manor Caravan Park, comprising 134 static caravans, 60 touring caravan pitches and camping area, and office/warden accommodation, to include new access to site and new wash block building and landscaping, at Land to the south of North Walsham Road, Happisburgh, Norfolk in accordance with the terms of the application, Ref PF/14/0120, dated 30 January 2014, subject to the conditions in the attached Annexe.

### Application for costs

2. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### Preliminary Matter

3. The masterplan and entrance sketch plan, Refs 662/01RevE and 662/02RevD, submitted with the appeal planning application are marked as illustrative. Notwithstanding this, it was confirmed by the appellant at the Hearing that these drawings are regarded as definitive representations of the development proposed on site. Furthermore, it was also confirmed that the application had been considered on this basis by the Council. As such, I am satisfied that my intention to consider the appeal proposal in the same way will not be prejudicial to the interests of any party.

### Main Issues

4. It is not a matter of contention between the parties that the current Manor Caravan Park site has existed for many years in its present location, on the north-eastern edge of the village between the church and the cliff edge, or that this

location is now under threat, due to coastal erosion. Compelling evidence was provided in relation to this threat, including comments from the Council's Coastal Management Team on the appeal application, which confirm that the adopted *Kelling to Lowestoft Ness Shoreline Management Plan* (SMP) indicates that almost the entire caravan park will be lost to erosion by 2025.

5. I understand that the sea defences close to the site have failed, or are failing, and it was confirmed at the Hearing that there are no schemes to replace these. It is also not a matter of dispute that the overall number of static caravans on the site has been reduced in recent years as a result, with a number temporarily relocated to a part of the site previously used for touring caravans and camping. From the evidence before me, including the information provided about the Pathfinder Project, it is clear that the appeal proposal has arisen as a direct result of this threat and is proposed as a replacement for this existing facility. I intend to consider the appeal accordingly.
6. The *North Norfolk District Council Core Strategy 2008* (CS) sets out the local planning policy approach to the management of coastal change in the area. This includes CS Policy EN12 which, amongst other matters, provides for proposals for the relocation and replacement of community facilities, commercial and business uses that are considered important to the well-being of a coastal community affected by coastal erosion to be permitted, subject to certain criteria. These criteria require that: the development is proposed to replace a facility that is affected or threatened by erosion within 50 years; the new development would be beyond the identified Coastal Erosion Constraint Area and in a location well related to the coastal community from which it was displaced; the existing site is cleared and managed or appropriately temporarily re-used; and taken overall (considering both the new development and that which is being replaced) the proposal should result in no detrimental impact upon the landscape, townscape or biodiversity of the area, having regard to any special designations.
7. The appeal site is located outside, but adjacent to, the Happisburgh Conservation Area; the existing site is partly located within the Conservation Area. There are also a number of listed buildings within the locality, including the grade I listed St Mary's Church, the grade II\* listed Happisburgh Manor, also known as St Mary's, and its grade II registered park and garden, and the grade II listed Happisburgh lighthouse. These are designated heritage assets and I am mindful of my statutory duties in these respects. In addition, the Happisburgh Cliffs Site of Special Scientific Interest (SSSI) is included within the existing site, and I am also mindful of my statutory duties in that respect.
8. In light of all that I have read, seen and heard, I consider the main issues in this appeal to be the effect of the proposal on:
  - The local landscape;
  - The significance of nearby heritage assets, with particular regard to whether or not it would preserve or enhance the character or appearance of the Conservation Area, and preserve the setting of nearby listed buildings and the registered park and garden of Happisburgh Manor;
  - The local community;
  - Biodiversity and ecology, having particular regard to whether or not it would conserve or enhance the special interest features of the SSSI;
  - The local highway network, including in relation to public footpaths and the Norfolk coastal path; and

- Whether or not the proposal represents an appropriate site for a caravan park, having particular regard to the principles of sustainable development.

## Reasons

### Landscape

9. The village of Happisburgh is located on the north Norfolk coast and forms part of an area described within the *North Norfolk Landscape Character Assessment Supplementary Planning Document 2009* (LCA) as 'Coastal Plain'. This character area is described within the LCA as a relatively small distinct area, with an open flat landscape with long, uninterrupted views and dominant skies. Certain factors are identified within the LCA as having the potential to erode this landscape character, including further development within coastal areas beyond current limits and significant numbers of new properties sited within or outside existing settlements. Amongst other matters, it states that 'Further development should [...] seek to address the 'hard edge' lack of integration of the settlements into the surrounding landscape.'<sup>1</sup>
10. The elevated main part of Happisburgh is largely contained and, in contrast to the surrounding landscape, contains many trees. These trees are a strong visual characteristic of the area and make an important contribution to the setting of the village. In addition, the prominent and distinctive skyline features of Happisburgh, such as the parish church and the lighthouse, also make an important and positive contribution to the local landscape. The wider area mainly comprises relatively large, open fields, with low levels of woodland cover. The strong contrast between the settlement and the surrounding countryside reflects the distinctive landscape character of the area.
11. From the details provided, it is evident that facilitating the relocation of the existing caravan site was identified as a specific objective of the Pathfinder Project in relation to Happisburgh. To this end, the *Landscape and Visual Impact Assessment for the Pathfinder Project to Re-locate Manor Caravan Park, Happisburgh, October 2011* (LVIA) was undertaken by Norfolk County Council, as part of a scoping exercise carried out to identify a potentially suitable site for the relocated facility, outside the Coastal Erosion Constraint Area but within the immediate locality. Given the purpose of the LVIA, its assessment does not extend to a specific analysis of the detailed appeal proposal. Nonetheless, it provides an independent assessment of the potential impact of such a development and provides a considered analysis in relation to its identified preferred site. Given this and, insofar as it relates to the appeal site, I accord this document significant weight.
12. The LVIA considers a number of possible sites and provides an explanation for the choice of its preferred site. Whilst these possible alternatives provide a useful context for the appeal proposal, the merits or otherwise of these other sites are not matters that are primarily before me as part of this appeal. Consequently, I intend to consider the findings of the LVIA principally in relation to the appeal site before me. Notwithstanding the relatively minor variation in the extent of land involved, the preferred site identified within the LVIA is largely comparable to the current appeal site.
13. The appeal site is situated on the landward side of the village and is comprised of two fields, of some 7.9ha in area, separated by an established hedgerow. The site adjoins the North Walsham Road to the north, opposite a row of existing dwellings, with the village school, playing fields and gardens of neighbouring dwellings to the

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<sup>1</sup> LCA, Table 10.3, p.124

east, as well as an approved site for the development of 9 dwellings. Open agricultural land lies to the south and west of the site, with a footpath running along the southern boundary and another crossing the site from north to south along the line of the existing hedgerow.

14. As a result of its location to the west of the village, the proposed site would have a negligible visual impact on the coastal edge and shoreline landscape. The LVIA considers that the significant visual effects of the proposal would be restricted to views in the immediate vicinity of the site, with only local landscape impacts. However, it identifies that, in the absence of mitigation, these local effects would be major to moderate on the local landscape. It would also have a major effect on some viewpoints within the locality.<sup>2</sup> Even taking into account the recent development of a new classroom facility at the school, there is nothing substantive before me that would lead me to a different finding overall in these respects.
15. Nonetheless, the LVIA concludes that the landscape and visual effects of the proposal would be acceptable. The author of the report confirmed at the Hearing that this conclusion takes into account the potential for mitigation. Although no increase in the historic number of caravans is proposed, the appeal site area would be considerably larger than that of the existing site, which would enable a layout with greater space between the pitches, with areas of significant landscaping and tree planting. From the evidence before me, one of the principal areas of contention between the two main parties concerns whether or not the effect of this landscaping would be beneficial in mitigating the impacts of the proposed development.
16. Caravan parks are recognised as a distinctive key characteristic of the local landscape.<sup>3</sup> However, these sites are also generally perceived to have a negative effect on its character due to, amongst other matters, a lack of integration by suitable or sufficient landscaping.<sup>4</sup> The LCA indicates that landscaping which builds upon and enhances existing trees, hedges and other features on and adjacent to a proposed development site is a factor which may enhance or actively contribute to the maintenance of the landscape character. In this particular case, the landscaping of the site as proposed would avoid creating a hard edge to the settlement, as encouraged by the LCA. However, the proposal would result in the introduction of significant areas of tree planting and an extension of development into the surrounding low lying agricultural landscape. Woodland is not characteristic of this landscape type and the development and planting proposed would result in a change to the local landscape character, which would be evident in local views from the west.
17. Nonetheless, although considerably larger than the existing site, the appeal site forms a relatively small part of the extensive surrounding predominantly arable landscape and the development and planting proposed would be in close proximity to the village. Furthermore, the layout of the proposal indicates that the static caravans would be positioned away from the western boundary of the site, with the area to the west of the site proposed for touring caravans and camping, and thus more transitional in character. The proposal would be experienced in this context and generally seen against the backdrop of the existing trees and buildings within the settlement. Consequently, whilst the proposal would result in some alteration to the setting of the village, I consider that its impact on the character of the surrounding rural landscape would be relatively modest, due to this context, the

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<sup>2</sup> LVIA, p.66-67

<sup>3</sup> LCA, 10.1

<sup>4</sup> Ibid., 10.0.16

- particular characteristics of the site, the landscaping mitigation proposed and the low density appeal scheme.
18. The proposal would alter some existing views, such as those of the school buildings from North Walsham Road, and those available from the public footpaths on or near the site. However, the Council does not dispute that there would only be limited longer views of the appeal site and its relationship with the village. Furthermore, whilst full details of the proposed landscape mitigation scheme have not been provided, there is nothing substantive before me that would lead me to disagree with the conclusion of the LVIA that, from the more distant viewpoints that are available, the landscaping proposed would 'reflect the scene around St Mary's house to the north' and 'appear as an extension of this tree cover.'<sup>5</sup> Moreover, the nature of the development proposed, including the siting and height of the caravans, the topography and existing hedgerow field boundaries, some of which are raised above the level of adjacent roads, would further limit the visual impact of the proposal in local views of the village and its setting, including during winter months and whilst the landscaping proposed becomes fully established.
19. In addition, I am mindful that the proposed development would be a replacement for an existing facility, which has a significant landscape impact. Whilst recognising the Council's concerns about the proposal and acknowledging the limited life of the existing site, I consider that the layout proposed and the incorporation of substantial areas of planting within the appeal site, in comparison with the existing, would represent a considerable overall improvement in landscape impact terms on the setting of the village as a whole. Detailed concerns about certain aspects of the landscaping proposals, such as the suggested planted bund to the eastern boundary of the site, are matters which I consider could be appropriately addressed by condition.
20. As a result, overall and for the above reasons, I conclude that the effect of the proposal on the surrounding landscape would be acceptable. It would meet the aims of CS Policies EN2, EN3 and EN4, where they seek to protect local landscape character and the undeveloped coast, whilst allowing for the relocation of facilities threatened by coastal erosion. It would also meet the aims of paragraphs 109 and 17 of the National Planning Policy Framework (the Framework), to protect valued landscapes, take account of the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside.

### *Heritage Assets*

21. The Conservation Area covers the historic core of the village and is largely comprised of older properties, which vary in scale and design. There is an identifiable pattern of development along The Street, which is generally of a single plot in depth. However, within this, there are elements of tight-knit built form, as well as examples of individual properties in generous gardens. The area is predominantly residential, but contains a number of other commercial and community uses that make an important contribution to its overall character, particularly given the relatively small size of the village.
22. From the evidence before me, including the Council's *Happisburgh Conservation Area Form and Character Description 1998* and the comments of Historic England (HE)<sup>6</sup>, I consider that the significance of the Conservation Area is largely derived from its coastal edge location, its dominant nucleus centred around the main road junction within the village, the quality and variety of historic buildings within it, its

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<sup>5</sup> LVIA, p.67

<sup>6</sup> Provided as English Heritage, 7 March 2014

- pattern of development, the relationship of buildings with the spaces around them, its vibrant mix of uses and its rural setting.
23. Happisburgh contains a number of listed buildings, some of which are referred to above. From the details available to me, including the listing descriptions, I consider that the significance of these buildings is primarily derived from their form, fabric, architectural features and their function or use. In addition, their setting makes a valuable contribution to their significance. The commanding position of the church within the village and the interrelationship of the extensive views over the surrounding countryside and the sea that are available from its large churchyard are particularly important. Similarly, the siting of the lighthouse is fundamental to its significance and its relationship with the enclosed small cluster of keepers cottages gathered at its foot, in an elevated position within surrounding farmland, clearly visible but detached from the remainder of the village, is of considerable value.
24. A number of listed dwellings, as well as the public house, are situated within the heart of the village. This location and the historic and current physical and visual relationship of these properties with the other buildings around them are important elements to their value as heritage assets. Similarly the location and setting of Happisburgh Manor, set back from the main road, approached by a long driveway and situated within formal landscaped gardens to one side, with uninterrupted sweeping views of the coastline to the other, makes a substantial contribution to its significance. The registration of these gardens reflects their importance. Their design and location, surrounding the Manor and situated between the main body of the village and the sea, is intrinsic to their value.
25. Due to its location and relationship with other neighbouring development, the existing caravan site is not widely visible in the landscape from its landward side. However, it is partly within the Conservation Area and, as such, can be considered to contribute to its character and appearance. Its position between the village and the sea, and in close proximity to the church, public house and Happisburgh Manor, results in it being dominant in many views of the Conservation Area and some important listed buildings from the seaward side of the settlement, including from the national coastal path and paths through the registered park and garden. The established nature of the caravan park and the limited, and decreasing, site area offer restricted scope in terms of layout. The rather regimented rows of static caravans reflect other sites in not dissimilar positions elsewhere along the coast. Nonetheless, their visual impact is not sympathetic to the otherwise largely undeveloped coastal landscape, the appearance of the remainder of the Conservation Area, or complementary to the important setting of the nearby listed buildings and adjacent historic garden.
26. It is not a matter of contention between the parties that, in terms of its impact on the coastline and these important heritage assets, the removal of the caravan site from this location and the appropriate reinstatement of the land would be a benefit. However, the SMP indicates that the extent of predicted coastal change is likely to lead to the loss of the existing site within the next ten years, and predicts the loss of the church, the public house, Happisburgh Manor and much of its historic gardens within the next 40 years. As such, whilst I am satisfied that the removal of the existing site and the reinstatement of the land would be a clear benefit of the appeal proposal, I consider that it is one that should attract only limited weight in these circumstances.
27. HE has raised concerns about the impact of the proposal on nearby heritage assets. From the detail of those comments, it is not readily apparent that the LVIA, which includes some analysis in this respect, was made available to HE prior

to its response on the application and no further comments were provided as part of the appeal process. Nonetheless, I have had careful regard to the concerns expressed and accept that there is a strong relationship between the Conservation Area and its setting within an arable landscape on the appeal site side of the village. The proposal would result in a clear extension of development in this sensitive location. As a result, taking into account the size and location of the site and the scale of the proposal, I consider that the appeal scheme would result in some erosion of this important relationship, which would have an adverse effect on the character and setting of the Conservation Area.

28. Having regard to my findings above and the details of the scheme, including its proposed landscaping, layout and form of development, I consider that the effect of this would be relatively limited in its impact. Due to its location relative to the local highway network, the relocation as proposed would also be likely to result in a reduction in the amount of caravan park traffic within the Conservation Area. However, considered overall, this benefit would not be sufficient to outweigh the impact arising from the loss of the agricultural landscape that would result from the development of the appeal site as proposed.
29. The development of the site as proposed would also result in an alteration to the context of nearby listed buildings and the historic garden. Having regard to the details of the scheme and the relationship of the appeal site to these heritage assets, including the separation distances involved and the difference in land levels, the proposal would not compete for dominance with the church or the lighthouse. Nonetheless, due to the size and scale of the proposal and its relationship with the village, the appeal development would lead to some alteration in the perception of those buildings, the other listed buildings nearby and, to a lesser extent, the historic garden. For reasons similar to those above, I consider that this change to the setting of the heritage assets would be modest in its impact. However, it would result in some limited harm to their significance.
30. It is not disputed that the appeal site has the potential to include heritage assets with an archaeological interest. However, it is suggested that this matter could be appropriately addressed by way of a suitably worded condition. Having regard to the evidence available to me, including the geophysical survey, there is nothing that would lead me to a different view in this respect.
31. Accordingly, whilst there would be some benefits in removing the caravan park from its existing site, its relocation to the appeal site as proposed would also lead to harm to the significance of the designated heritage assets and, considered overall, these benefits would not be sufficient, either individually or cumulatively, to outweigh this harm. As such, I conclude that the proposal would not preserve the character and appearance of the Conservation Area, the setting of nearby listed buildings, or the historic garden, and would not accord with CS Policy EN8, which seeks to protect and enhance the historic environment.

#### *Local community*

32. Evidence was provided of the social and economic impact of the existing caravan site on the local community. Currently, I understand that this relatively small coastal village is able to support two shops, including a post office, as well as a public house, a community centre and a church. Although the caravan park is not open all year round, from the compelling evidence available to me, including that from local businesses, I have no doubt that the effect of the existing caravan park is considerable in its support for these facilities and its economic impact on the local community.

33. The details provided of the Pathfinder Project<sup>7</sup>, which identifies the caravan site as providing a 'vital contribution' to the local economy, add further weight to this finding. In addition, my attention has been drawn to development plan policies that recognise the importance of tourism to the local economy and encourage the provision of a diverse range of appropriate tourist accommodation within the locality. Consequently, overall, I find that the loss of the park would have a considerable negative impact on the local economy, whereas its suitable relocation would enable it to continue to play a very important role in supporting the vitality and vibrancy of this coastal community.
34. In addition, I understand that many occupants of the caravan park are regular visitors to the site and participate in local events, such as the church fete. Whilst the composition of visitors and the length of their stay may alter in the future, it is not unreasonable to consider that some of these future visitors may also wish to participate in local events during their stay within the village. In addition, whilst the relocation of the proposed site away from the coastal edge may deter some visitors, the location of the site would not be remote from the coast and its proposed layout, with greater space about the pitches, may make it a more attractive destination for others. As such, I consider it very likely that these social and community benefits would continue with the relocation of the park.
35. Local concerns have been expressed about the potential impact of the proposal on the living conditions of neighbouring occupiers, in particular in relation to the potential for disturbance from noise and lighting, and from cooking smells from barbecues. However, given the characteristics of the site proposed, the separation distances involved and the level of activity likely to be associated with a site of this size, I consider that the impacts of the proposal in these respects would not be materially different to those experienced from residential or domestic activity. As such, I find that the proposal would be very unlikely to be harmful to the living conditions of its neighbouring occupiers. The clear evidence provided by the neighbouring residential occupier of the existing site further supports this view.
36. Concerns were also expressed about the impact of the proposal on the students of the village school and on the security of local residential occupiers. Whilst I acknowledge the fears expressed, there is nothing substantive before me to demonstrate that the proposal would be reasonably likely to have a detrimental effect in these respects. Accordingly, I consider that it would not be appropriate to find against it for these reasons.
37. Consequently, I conclude that the proposed relocation of the caravan site would not be detrimental to neighbouring living conditions or security and would have clear social and economic benefits to the local community. As such, it would be in accordance with CS Policies SS1, SS2, SS5, EN4 and EC10, where they seek to support local coastal communities in the face of coastal erosion, provide for the relocation of static caravan sites in such areas and protect the residential amenity of nearby occupiers. It would also meet the aims of paragraphs 106 and 107 of the Framework in this respect, as well as those of paragraphs 28 and 17, to support a prosperous rural economy, achieve a good standard of amenity for all existing and future occupants of land and buildings, and take full account of coastal change.

#### *Biodiversity and ecology*

38. The *Ecological Assessment* indicates that the special interest feature of the Happisburgh Cliffs SSSI relates to its geological interest. It was confirmed at the

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<sup>7</sup> Appellant's Statement, Appendix 9



Hearing that, in particular, this relates to the repeated exposure of the cliff face resulting from the on-going coastal erosion. On the evidence before me, there is nothing that would lead me to disagree with the view of Natural England that the relocation of the existing site as proposed would not damage or destroy the special interest features of the SSSI. As such, I am satisfied that the proposal would be acceptable in this respect.

39. In addition, having regard to the submitted *Ecological Assessment*, I am satisfied that the restoration and management of the existing site and the appropriate mitigation of the appeal site would result in the development proposal having an overall neutral effect on ecology and biodiversity. Such mitigation measures could be appropriately secured by condition. Furthermore, I understand that the appeal site comprises Grade 1 agricultural land. However, the LCA indicates that the surrounding area contains some of the largest areas of such land in the country. As such, in this particular case, having regard to the size of the site and the background to the proposal, including its locational requirements, I consider that this is not an issue that would justify finding against the scheme.
40. Accordingly, I conclude that the proposal would conserve the special interest features of the SSSI and the effect of the proposal on ecology and biodiversity would be acceptable. As such, it would not conflict with CS Policies EN2 and EN9, which seek to conserve and enhance the special qualities of the area and protect the biodiversity value of nationally designated sites. It would also meet the aims of paragraphs 17, 109, 117 and 118 of the Framework, to conserve and enhance the natural environment and biodiversity, and protect geological conservation interests.

#### *Highway network, including footpaths*

41. Whilst the traffic impact of the proposed development would be likely to be significantly greater than that associated with the existing use of the agricultural land, it would also replace the traffic generation of the existing site. Manor Park is currently accessed from a narrow, unmade, steep track, which also provides access to a number of other properties, including the public house, and has limited forward visibility. The use of this existing access also requires the negotiation of the main road junction within the village, which is located on a sharp bend.
42. Given the location of the proposed site on the edge of the village and its relationship with the surrounding road network, the proposal would be very likely to result in a significant reduction in use by the caravan park traffic of this junction, as well as avoiding the need for the use of the existing shared access. Furthermore, due to the scale of the appeal site and its proposed access arrangements, I am satisfied that, with the use of appropriate conditions, the proposal would not be detrimental to highway safety or cause significant inconvenience to other road users. In reaching this view, I have taken into account the local concerns raised but, in the absence of substantive evidence to the contrary, have given greater weight to the lack of an objection to the proposal from the highway authority in this regard.
43. The existing site includes footpaths within it, including the Norfolk coastal path and footpaths linking to routes through the adjacent historic gardens. The coastal path forms part of a recently opened new section, which is part of the national coastal path trail. As such, I concur with the view that it is likely to be well-used. There is nothing to suggest that the relocation and restoration of the site would jeopardise the continued operation of these paths and I understand that, as the coast erodes, the coastal path is rolled back further inland. As such, I am satisfied that the proposal would be acceptable in these respects.

44. Two public footpaths are adjacent to, or within, the site. The details provided indicate that it is the intention to divert the footpath FP9 that runs north-south within the site, so that it would follow its western boundary. If the footpath needs to be diverted that is a matter for other mechanisms. However, I see no reason why the current footpath route could not be successfully included within the proposed caravan park, with appropriate landscaping maintaining the amenity of the route, or in another approved alternative location. As a result, I am satisfied that this issue is not one that should be decisive in this appeal.
45. Local concerns have been raised about the effect of the proposal on the local road network, due to the relationship of the appeal site to the beach. Whilst it is possible that some holidaymakers would choose to drive to the beach from this site, taking into account the distances involved, I consider that this is unlikely to be necessary for most. Furthermore, although no footpath currently exists along the road from the site to the village, the appeal proposals include provision for a link within the site to the road, with a path proposed along the frontage of the adjoining site approved for residential development. There is nothing before me to demonstrate that an appropriately designed pedestrian link could not be provided as proposed. As such, subject to the control of these details, I am satisfied that the provision of such a footpath in this location would be acceptable, as it would significantly improve the accessibility of the site to the village and the beach, whilst not causing material detriment to the character of the area.
46. In addition, the details provided indicate that the use of the existing public footpaths within or adjacent to the site (FP8 and FP9) would have the potential to provide for an alternative route to the beach, which would avoid the use of the road adjacent to the site. As such, subject to the control of appropriate details, I consider that the relationship for pedestrians of the site to the village and its facilities, including the beach, would be acceptable.
47. Accordingly, overall and for the above reasons, I conclude that the proposal would have an acceptable effect on the local highway network, including in respect of highway safety and the convenience of other road users. It would not have a detrimental impact on the continued operation of the existing footpaths within the area and has the potential to make appropriate provision for improved pedestrian links to the site. As such, it would be in accordance with CS Policies EN4, CT5 and CT6, which seek to provide safe and convenient access for all, and adequate parking for new developments. It would also meet the aims of paragraphs 32 and 75 of the Framework, to achieve safe and suitable access for all people, and protect and enhance public rights of way.

#### *Sustainable development*

48. I have found above that the proposal would cause harm to nearby designated heritage assets, to which I give considerable importance and weight. However, the scheme would not lead to the loss or destruction of those assets, or a major erosion of their significance. As such, whilst material, I consider that the harm would be less than substantial. Paragraph 134 of the Framework requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposal. Furthermore, paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'.

49. The proposal relates to the relocation of an existing caravan park, which is important to the well-being of the Happisburgh coastal community. For the reasons given above, the proposal would have demonstrable local economic and social benefits. Furthermore, the appeal site would be beyond the identified Coastal Erosion Constraint Area, but in a location well related to the coastal community from which the existing facility would be displaced. The details of the appeal scheme indicate that the existing site would be restored and managed as open space as part of this relocation, which are matters that can be appropriately controlled by condition.
50. Consequently, the proposal would result in substantial public benefits, to which I give great weight. These are matters that weigh in its favour and contribute towards the aim of achieving sustainable development. In addition, I have found overall (considering both the new development and that which is being replaced) that the proposal would not have a detrimental impact upon the landscape or biodiversity of the area, including on the SSSI. Furthermore, the proposal would not cause harm to neighbouring living conditions, security or the local highway network, including public footpaths.
51. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance and, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. For the reasons given above, I find that the great weight given to the harm identified to the significance of the heritage assets is outweighed by the greater weight given to the substantial public benefits of the proposal. As such, in this particular case, there would be a convincing justification for this resulting harm and the proposal would be in accordance with the aims of section 12 of the Framework. Accordingly, for these reasons, I conclude that the proposal would not conflict with the overall aims of CS Policy EN12 and would meet the overarching aims of the Framework to achieve sustainable development.

#### *Other matters*

52. There are strongly held views both for and against the appeal scheme within the locality and I have had careful regard to these in my consideration of the appeal. Concerns have been expressed about the potential effect of the proposal on a number of issues, many of which have been addressed above. In terms of other matters raised, these include the potential for the proposal to lead to flooding within the area. However, from the evidence before me, including the submitted *Flood Risk Assessment (FRA)* and its addendum, I consider that this issue could be appropriately addressed by condition and, as such, would not be a reason to find against the proposal.
53. External lighting within the site could also be adequately controlled by condition. In addition, whilst I note the concerns raised about the effect of the proposal on local house prices, I am mindful of the guidance within the Planning Practice Guidance (PPG) in this respect, which indicates that such a concern is generally a purely private matter. Accordingly, it is not an issue that leads me to alter my findings above.
54. It has been suggested that an alternative layout of the appeal site, or an alternative site for the relocation of the caravan park within the locality, would have less harmful environmental and other impacts on the local area. Reference has also been made to the approach taken in respect of the Council's decision to approve the development of nine dwellings on land adjacent to the appeal site and the relocation of a caravan park elsewhere, as replacements for development

affected by coastal erosion. However, given the evidence available to me and my findings above that the development of the appeal site as proposed would be acceptable, it is not necessary for me to consider any of these matters further.

### **Conditions and conclusion**

55. I have considered the Council's suggested conditions in the light of the PPG and for clarity and to ensure compliance with the Guidance, I have amended some of the suggested wordings. Whilst it is necessary to apply a time limit for commencement, there is nothing before me to demonstrate why a five year period would be appropriate in this case. Consequently, I have amended the suggested time limit to three years. Otherwise than as set out in this decision and conditions, it is necessary that the development be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
56. Given that the proposal seeks to replace an existing facility, it is both reasonable and necessary to control details of the transfer from the existing to the proposed sites and to control details of the restoration and management of the existing site, and it is essential to ensure that these details are agreed before development takes place. However, for precision and clarity, I have amended the detailed wording suggested, to require the approval and implementation of an appropriate scheme.
57. It was agreed by the main parties at the Hearing that, for clarity and precision, and in the interests of the character and appearance of the area and the local landscape, it would be appropriate to control the number and layout of the pitches. To ensure that the accommodation provided would continue to be used as holiday accommodation, it was also agreed that it would be reasonable to limit the occupancy of the caravan site to prevent its use in the winter months. This would reflect the restrictions on the existing site. Although such a restriction would not fully reflect that required by CS Policy EC9, given that the proposal would be a replacement for the existing site, I consider that it would be unreasonable to impose more onerous limitations on use in this particular case.
58. In the interests of the character and appearance of the area, the local landscape, neighbouring living conditions, ecology and the biodiversity of the site, it is necessary to control the details and implementation of the roofing materials for the warden's accommodation, the external lighting and the detailed landscaping scheme for the site, including in respect of the green roof of the toilet and shower block. In the case of the landscaping scheme, as the works involved would potentially involve groundworks, it is essential that these details are agreed before development takes place. It is also necessary to ensure the appropriate management of the landscaping, including replacement planting required during the period of establishment. However, for precision and clarity, I have amended some of the wording suggested. In addition, there is nothing before me to demonstrate why a ten year period would be necessary in this regard. Therefore, I have reduced the period for replacement planting to five years, which would be a reasonable time frame to allow for the new planting to become established.
59. In the interests of the living conditions of neighbouring occupiers, the local environment and the well-being of the occupants of the caravan park, it is necessary to require the provision a water supply on site, for use in the event of fire, and refuse storage areas. Given the potential archaeological interest of the site, it is necessary to require the implementation of a programme of archaeological work in accordance with a written scheme of investigation. Furthermore, due to the nature of this potential interest, it is essential to require the submission of the scheme before any development takes place. I have had regard to the concerns expressed about the wording of the condition. However,

taking into account the results of the submitted geophysical survey, I consider that it would not be unreasonable to apply the condition suggested in this case.

60. In the interests of highway safety, accessibility and the character and appearance of the local area, it is both reasonable and necessary to control details of the vehicular access, parking arrangements, circulation and servicing areas for the proposal. Whilst not specifically referred to within the suggested conditions, the details submitted clearly demonstrate that the proposed pedestrian link to the site is intended to form part of the appeal development. As such, I am satisfied that my intention to apply a condition that also secures this element of the scheme would not be prejudicial to the interests of any party. To prevent flooding and pollution, it is also necessary to control the drainage details of the site. Furthermore, given the findings of the FRA, it is reasonable to require the surface water details to incorporate methods of sustainable drainage.
61. The access to the site from North Walsham Road would be located beyond the existing 30mph speed limit for the village and the Council's suggested condition would prevent any works on the site until this limit were extended westward to a point beyond the site access. However, having regard to the tests for conditions within the PPG, I am not satisfied that the application of the condition as suggested would be reasonable, as it would concern a matter entirely outside the control of the appellant and subject to consideration by another authority. Furthermore, having regard to the evidence before me, including the comments of the highway authority and the alignment and characteristics of the highway in the immediate vicinity of the site, I am not satisfied that it has been adequately demonstrated that the extension of the speed limit would be necessary in order to make the development acceptable.
62. Similarly, given my findings above in relation to FP9 and having regard to the advice within the PPG, I consider that it would not be appropriate to apply a condition requiring the submission of an application seeking to divert the public footpath, or one that prevents the commencement of the appeal development until such a diversion takes place. Accordingly, I have not applied the Council's suggested conditions in either of these respects.
63. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Anne Napier-Derere*

INSPECTOR

## Annexe

### Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Other than as required in this decision and conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, 662/01RevE, 662/02RevD, 01, 02 and 03.
- 3) No development shall take place until details of a scheme to transfer the caravan park from its existing site, as shown in Figure 1b of the *Ecological Assessment and Restoration Proposals Report, February 2013*, to the site hereby approved, which shall include any transitional arrangements and provide for the restoration and management of the existing site, has been submitted to and approved in writing by the local planning authority. These details shall have reference to the recommendations of the Report and include a timetable for the implementation and any necessary phasing of the works concerned. The development hereby approved and the restoration of the existing site shall be carried out in accordance with the approved details and within any such timescale as specified.
- 4) For the avoidance of doubt, the layout of the caravan park and the siting of the caravans hereby permitted shall be in accordance with plan Ref 662/01RevE. No more than 194 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 134 shall be a static caravan) shall be stationed on the site at any time.
- 5) No caravan on the site shall be occupied between 31 October in any one year and 1 April or Easter, whichever is the earlier, in the succeeding year.
- 6) No development of the site office and warden's accommodation building hereby permitted shall take place until details of the materials to be used in the construction of the external roof surface of that building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No use of the site as hereby permitted shall take place until details of any external lighting have been submitted to and approved in writing by the local planning authority and no external lighting shall be installed within the site unless in accordance with those approved details.
- 8) (i) Notwithstanding any details shown on the approved plans, no development shall take place until full details of both hard and soft landscape works, including details of the green roof of the toilet and shower block hereby permitted, have been submitted to and approved in writing by the local planning authority.  
(ii) These details shall include: proposed finished levels or contours; means of enclosure; hard surfacing materials; and minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs).  
(iii) Soft landscape works, which shall have reference to the mitigation recommendations of the submitted *Ecological Assessment and Restoration Proposals Report, February 2013* and the *Site Layout and Landscape Proposals Supporting Statement, Rev A, January 2014*, and include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting

species, plant sizes and proposed numbers/densities where appropriate; an implementation programme and a landscape management plan.

(iv) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the use of any part of the development hereby permitted or in accordance with the approved implementation programme.

(v) Any new tree or shrub, or any part of the green roof of the toilet and shower block, which within a period of five years from the date of planting dies, is removed or becomes seriously damaged or diseased, shall be replaced within the next planting season with another of a similar size and species, unless prior written approval to any variation is given by the local planning authority.

- 9) No use of the site as hereby permitted shall take place until a fire hydrant or other means of water supply for use in the event of a fire has been provided in accordance with details submitted to and approved in writing by the local planning authority. Once provided, this provision shall be retained as such thereafter.
- 10) No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority.
- 11) No use of the site as hereby permitted shall take place until the site access, visibility splays of 59 metres x 2.4 metres to each side of the access where it meets the highway, parking areas, circulation and servicing areas, and pedestrian links to the site have been provided in accordance with specification details submitted to and approved in writing by the local planning authority. These specifications shall accord with the details shown in drawing Ref 662/02RevD and, once provided, these areas and the access provision shall be retained as such thereafter and, in the case of the visibility splays, shall remain free from any obstruction exceeding 0.6 metre above the level of the adjacent highway carriageway.
- 12) No use of the site as hereby permitted shall take place until drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The submitted surface water details shall:
  - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation; and
  - iii) provide a management and maintenance plan for the lifetime of the development, which shall include arrangements to secure the operation of the scheme throughout its lifetime.

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Chris Lomax	Appellant
Mr Simon Randle	of Counsel
Mr Hugh Ivins	Planning Consultant
Mr Christopher Yardley BA(Hons), MSc, MCIEEM	Landscape Consultant
Mr David Yates BSc(Hons), MLD, CMLI	Landscape Architect, Norfolk County Council

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Gary Linder DipTP, MRTPI, IHBC	Team Leader, Major Projects
Ms Cathy Batchelar BA(Hons), MA Landscape Design, CMLI, IHBC	Landscape Officer
Mr Roger Howe FCILEX	Planning Legal Manager

### INTERESTED PERSONS:

Cllr Lee Walker	District Council ward member and local resident
Mr Glenn Berry	Chair of Parish Council and local resident
Mr Clive Stockton	Local resident
Ms Rita Price	Local resident
Mr Stephen Burke	Local resident
Ms Bryony Nierop-Reading	Local resident
Mr Jack Hall	Local resident
Ms Frances Bailey	Local resident
Mr Julian Stock	Local resident
Mr Malcolm Kerby	Local resident
Ms Tessa Beane	Local resident
Ms Elaine Batt	Local resident



## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Details of Norfolk Coast Path
  2. Photographs from viewpoints identified in agreed Statement of Common Ground
  3. Aerial photograph of Happisburgh
  4. The Council's Happisburgh Conservation Area, Form and Character Description, dated 1998
  5. Descriptions of listed buildings and registered park and garden
  6. Corrected versions of descriptions for the Church of St Mary and Happisburgh Manor park and garden
  7. Copy of planning permission, Ref PF/13/0143, dated 3 April 2013, granting temporary permission for the re-location of 12 mobile homes at Manor Caravan Park
  8. Closing remarks of the local planning
  9. g authority
  10. Written notes for the Council's response to the application for costs
  11. Final remarks of the appellant
-

Manor Farm  
Cross Street  
Salhouse  
Holt  
Norfolk  
NR25 7XH

4<sup>th</sup> December 2018



Mr Simon Case,  
Landscape Officer  
North Norfolk District Council,  
Holt Rd  
Cromer  
Norfolk NR27 9EN

**Ref No TPO/18/0950 Trees at Manor House , Salhouse**

Dear Mr Case,

I am writing to you about the trees at Manor House, Salhouse.

I am a farmer with my yard on the opposite side of the road to the trees in question.

Consequentially I have to pass the tree (T1 ) nearest the road several times a day with machinery, trailers, tractors , sometimes cattle . The tree is so large it obstructs the road making this difficult .

About 10 years ago during a gale a limb of this tree came down across the road just as I was passing it on a tractor . I feel fortunate that I was not injured or indeed worse.

I am therefore writing to support the felling of this tree which I understand is diseased . I remain fearful that part or all of it may come down in a future storm and that next time I or anyone else going up or down the road might not be so lucky.

Yours sincerely,

A handwritten signature in black ink, appearing to read "A. Gray". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Gray

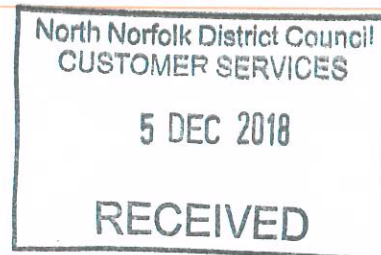
## DAN YEOMANS

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5 December 2018

Simon Case  
Landscape Officer  
Conservation, Design and Landscape Section  
North Norfolk District Council  
Council Offices  
Holt Road  
Cromer NR27 9EN



Appeal to recent making of NNDC TPO (Salhouse) 2018 No.8 Ref TPO/18/0950

The following points are made to revoke, or decide to not confirm, the above order. I would consider it appropriate that due to some of points raised, it be dealt by someone other than Simon Case, Landscape Officer.

Two trees are included in the Order which is a result of a Section 211 Notice to facilitate recommended tree work. The Council has made this Order because of; time constraints, personal vendetta resulting in discrimination, a lack of application of Government guidelines and an inaccurate tree inspection. Correspondence backing these claims can be supplied with this appeal and a formal complaint has been made with reference to the discrimination shown to myself and in turn my client.

### Objections;

- The council has stated that the TPO was made because of time constraints, previous alleged historical unwillingness of the agent giving the Notice of behalf of the tree owner, details on the Notice being incomplete, and a replacement tree cannot be requested without a TPO. Correspondence backing these claims can be supplied with this appeal and a formal complaint has been made with reference to the discrimination shown to myself and in turn my client.
- In my professional opinion; there is **extensive decay** in the base of the holm oak tree, making it **borderline dangerous** in the short-term. Tree is about 9 metres in height with a crown spread of 14 metres. This tree has clearly not been competently inspected and borne out by the most recent correspondence Ref TW/18/0486 dated 20/11/2018, describes the tree has having "good resistance with healthy bark growth". **Rudimentary inspection** shows two gandomera fruiting bodies that have been present for at least 10 years. The declining growth of these strongly suggests a diminished food resource. This is further enforced

Tree Work and Surveys Limited Company Registration Number 10140753  
VAT Registration Number 238 9977 35

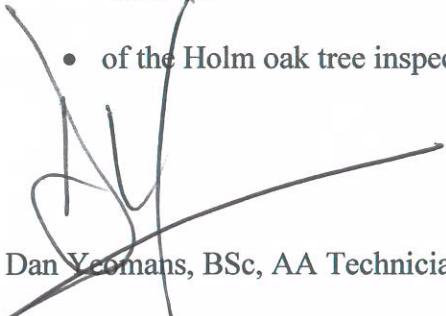


with the **MASSIVE cavity** that a small child could hide in. Measured at approximately over 120° and far extending halfway, and over 0.5m below ground level. The majority of the weight and leverage of the tree is opposite to the cavity, which makes this area all the more critical for structural integrity.

- Under the ISA TRAQ assessment failure of the tree within the next two years is very likely causing extensive damage to a 10' high old flint wall, there is less chance of it causing injury to occasional road users.
- The excuse that a replacement tree cannot be required under Conservation Area Notice, is wholly incorrect, and in fact planting would've happily been confirmed if asked.
- Damage to surrounding walls. There is clear evidence that the proximity of the tree in relation to the walls that surround the tree – touching at one point and a maximum of 0.5m away at the other two points, is causing the damage to these flint walls. This damage will need to be repaired and can't be done with the tree there.
- Shading to the bungalow opposite is considerable
- Crown of the tree is under the guidance for highway clearance.
- The trees are only visible from a minor road, and landscape amenity is at best an average contribution to Cross Street and negligible to the area
- Holm oaks do not “provide habitat for many species” as stated in the TPO Formal Notice
- The proposed work to the lime is unopposed so the purpose of the TPO on this tree is not expedient or justified.

The Council despite a repeated request for information has not given details;

- of how, as per Government guidelines, the process of “how best to demonstrate that they have made their decisions at in an even-handed and open manner” is achieved
- of the Holm oak tree inspection,

  
Dan Yeomans, BSc, AA Technician  
Consulting & Practising Arborist,  
City & Guilds Trainer & Assessor

City & Guilds  
NPTC



Tree Work and Surveys Limited Company Registration Number 10140753  
VAT Registration Number 238 9977 35



*Dr Nathaniel & Mrs Sally Ann Cary*

*Little Crankham, Cross Street, Salthouse, NORFOLK NR25 7XH*  
**Tel: 01263 741418**

Mr Simon Case  
Landscape Officer  
Conservation, Design and Landscape Section  
North Norfolk District Council  
Holt Road  
CROMER NR27 9EN

5<sup>th</sup> December 2018

Dear Mr Case

**Ref: TPO/18/0950 – Land at Manor House, Cross Street, Salthouse**

With regard to the above we strongly object to the tree preservation order made by North Norfolk District Council prior to an intention to fell the tree.

**In general terms:-**

The Holme Oak's top canopy of leaves and branches are 'top heavy,' resulting in an unstable structure.

Due to our coastal location, high winds are prevalent, sweeping up and down and across Cross Street.

Cross Street often has large lorries and most days large farm equipment passing up and down the road. The front tree overhangs the road considerably and could be damaged by the heavy vehicles and therefore be left in an unstable state. This would not only put us at risk but any other vehicular traffic or indeed pedestrians. In the past a large branch snapped off from the main trunk and almost landed on a pedestrian walking past.

**Our specific objections to this are:-**

1. We live directly opposite Manor House and should the tree or a large branch fall down it is likely cause damage or loss of life to one or both of us as our office is almost in direct line of the fall.
2. Should the tree or a large branch fall, it is likely to cause damage to one or both of

our cars parked in our drive opposite the tree.

3. Should the tree or a branch fall it is likely to damage to our garden at the front of our property. This contains vegetable beds, fruit trees and hedges indigenous to this coastal area.

We are not convinced, on balance, that your reasons for preserving the tree ~~are~~ outweigh ours and others' objections for reducing or removing it.  
We put NNDC on notice of the real risks/dangers arising from the continued presence of the tree.

Yours sincerely



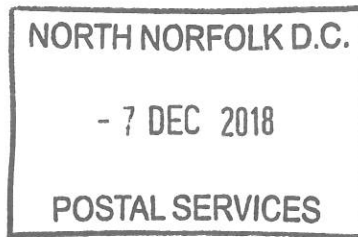
Dr Nathaniel Cary



Mrs Sally Cary

Manor House  
Cross Street  
Salthouse,  
Holt,  
NR25 7XH  
5<sup>th</sup> December 2018

Mr Simon Case,  
North Norfolk District Council,  
Holt Rd ,  
Cromer,  
Norfolk NR27 9EN



**Ref No TPO/18/0950**

Dear Mr Case,

We are writing to formally object to the decision to apply for a permanent tree preservation order (TPO) on the Holm Oak which stands at the entrance to our property Manor House. Our reasons for applying to fell this tree are as follows:

- 1) The tree is diseased with obvious fungal bodies and a hollow trunk. Some years ago a large limb fell resulting in major damage to a wall and just missing a passer by who was lucky to escape serious injury or death.
- 2) The tree is causing damage to the perimeter wall of our property which is cracking and bowing outwards .
- 3) The tree is causing obstruction to drivers of large and agricultural vehicles passing by on Cross Street. The tree also obstructs our drive which can only be entered by cars or small vehicles.
- 4 ) We have received complaints from our neighbours directly opposite us because it is causing obstruction and because they are fearful that a further fall may occur putting them or their property at risk.

We are concerned that the decision to initially impose a temporary TPO was made without any inspection or discussion with us and then the decision to apply for a permanent TPO has been made not on objective criteria but because the council officer Mr Simon Case ( yourself) has had previous issues with the arborist (Dan Yeomans) whose advise we had sought . Evidence for this is in the email exchanges between you both which we have seen. We thus would ask that the decision re felling the tree be referred to an independent expert who will make a recommendation based on the facts of the matter.

If a decision is made to confirm a permanent TPO despite warnings from a qualified arborist that the tree is diseased and potentially could fall or shed a limb, then should that happen ,causing damage to property or injury to persons then we would presume that you and the council would be liable.

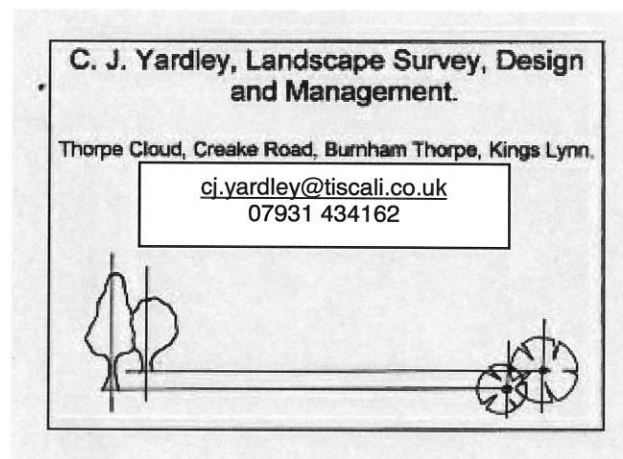
We look forward to receiving your response

Yours sincerely ,

Dr Sarah and Dr John Rex Dawson

Copies to David Young District Councillor, Sarah Butikofer

**Tree Survey for Tree Health and Safety**  
**at land at The Manor, Cross Street, Salthouse**



December 2018



## Contents

Introduction

Assessment of the tree

Amenity Contribution of the tree

Recommended Works

## **1. Introduction**

1.1. This report is intended to assess the condition (structural and physiological) of a single tree to the frontage of The Manor, Cross Street, Salthouse for health and safety purposes. The tree has recently been the subject of a Tree Preservation Order served by North Norfolk District Council

1.2. This report is based upon a detailed ground level inspection of all the trees on the site. This report is not a full climbed inspection report and does not include any form of invasive or non-invasive decay detection using sonic type or similar equipment.

1.3. The report will indicate where visually identified problems exist, suggest suitable remedies and will make informed judgements on the future development of the trees (where relevant) in relation to existing structures or uses of the site.

1.4. If works identified in the report are not carried out, no liability for future failure of the tree/s due to faults which have been identified but not rectified / ameliorated can be accepted. Similarly, this report is valid for the period stated FOR EACH TREE. However trees are living organisms which have the ability to change their condition very quickly as a result of damage sustained by wind / other forces and or disease and decay. If there is any noticeable change or concern which could affect the health and safety of any tree, it is strongly recommended that a further survey is carried out to identify any problems. If such a survey was not carried out, the results of this survey could be invalid for indemnity purposes.

**Time of survey** (11<sup>th</sup> December 2018). The survey was carried out by Chris Yardley for the North Norfolk District Council and is a consideration of the trees at that time

**Tree Species** (as annotated on table)

**Area of Survey.** The instructions communicated to C. J. Yardley by North Norfolk District Council were to carry out a survey of the Holm Oak (T1 in the Tree Preservation Order) sited to the frontage of The Manor, Cross Street Salthouse. No other trees were included in the survey.

### **Tree Numbering**

The tree numbers used in the survey relate to the tree plan shown in the appendix at the end of this report and in the table of trees in this report. The tree is not tagged.

## Assessment of tree T1 at The Manor, Cross Street, Salthouse

### 1. Structural Condition.

1.1. The tree demonstrates extensive decay to the lower and mid trunk area from below ground level (within the buttress area) to a point approx. 1.4m above ground level where a main lateral bough to the south east emerges. There may be decay areas extending up into the south west and western main boughs for a distance but this could not be assessed from the external appearance of the tree.

1.2. The upper end of the decay area of the trunk emerges as a void in the trunk at the point where the south east lower lateral develops.

1.3. Similarly there are openings in the trunk where decay has emerged or entered the trunk (it is not possible in all three cases to tell which would have occurred first except in the case of the northern (largest) decay opening which extends from ground level to approx. 1.2m and is clearly formed where a main bough failed and broke out of the trunk possibly around 20 years ago (estimated from callousing to the wound area).

1.4. The interior of the trunk was probed where this was accessible from outside the tree to ascertain the extent of the decay and the extent of the remaining sound timber. The diagramme below shows a schematic section through the trunk (not to scale) at the 'most decayed point' on the trunk (approx. 0.7m from ground level) where there are three openings in the trunk and the largest amount of decayed timber.

1.5. The wall thickness of sound timber (as probed) varies between approx. 150mm and 300mm. The outer cambium of the remaining circumference of trunk appears to be in generally reasonable condition and this is supported by the full canopy development (the canopy does not demonstrate deficiency in leaf size or density in any particular quarter which might indicate that the cambium (beyond what is clearly missing) is substantially deficient in its ability to transmit nutrients and moisture to and from the canopy.

1.6. Two fruiting bodies of *Ganoderma* sp (either *applanatum* or *adspersum*) were noted to the base of the south and west openings in the trunk. Both appeared to be of some age and to be of low vigour - suggesting that they had exhausted the supply of wood they were feeding on - this would be likely as the areas are extensively decayed and suggests *applanatum* is more likely to be the species concerned as *adspersum* tends to infect live areas of timber more effectively and extensively. The tree appears therefore to have managed to compartmentalise these decay forming organisms to a reasonable degree - all be it late in the decay process of the tree as a whole.

1.7. Further inspection of the mid and upper crown revealed the following issues;

1.8. The trunk divides at 1.4m to the south east - this bough has been shortened (possibly about 12+ years ago judging by limited reaction growth of around 90mm dia) to 1.5m (it is approx. 400mm dia) to address the decay issues from the hollowing of the trunk and the decay which appears to have extended into the lower part of this bough around the trunk union area.

1.9. Two other boughs emerge from the trunk at approx. 1.6m to the south and North West. The southern bough carries a significant canopy as does (but to a lesser extent) the north western bough. The condition of the both boughs at this point appears to be acceptable but we could not probe into the area near the union from within the decayed zone of the trunk to be sure.

1.10. The southern bough divides again at approx. 3.5m into a south west and south eastern bough form - the former being the larger - the union appears to be a complex form of combination union with the lower part demonstrating features of compression forking and the upper part appearing to show some form of fusion which appears to demonstrate features of a tension fork. The lower compression fork has however developed a split which extends through the upper tension fork section and further into the eastern bough and to a second union approx. 500mm away, thus significantly compromising this structure. The remaining south western (larger and more upright) bough appears normal.

1.11. The north western bough divides again at 2.2m - the northern bough from this union appears (we could not see properly from ground level) to be significantly decayed on its upper side from near the union to approx. 3.5m from ground level.

1.12. The canopy appears to have been fairly extensively reduced approx. 12+ years ago with the lower and mid-south eastern boughs shortened significantly to address the structural issues mentioned above. The southern and western canopy appears to have been reduced more moderately. Both have resulted in reaction growth of a form typical to holm Oak (several secondary boughs developing as budded forms from the cut end area). The regrowth appears to be normally vigorous.

## **2. Physiological Condition**

2.1. The physiological condition of the tree appears to be good. The canopy density is normal and the leaf size is normal. The degree of decay and damage to the trunk area would suggest that vigour would be lower than normal but the trunk appears to be sufficiently large to give enough cambium surface area to support a dense, healthy canopy. The effects of the decay forming organisms of *Ganoderma* sp similarly do not appear to have adversely affected canopy health significantly.

## **3. Other Factors**

3.1. The tree is close to the minor lane of Cross Street and separated from it by an older type flint and brick wall - both may have acted as a partial barrier or constraint on root development - but the age of the tree would suggest that it predates the surfacing of the road and that it is probably contemporary with or predates the wall so we would expect roots to be present under the roadway. Similarly the driveway to the south may have restricted some root development but the size of the tree suggests that roots will have developed well beyond this gravelled surface. The tree is partnered by another tree (T2) to the west - an old but not particularly large Lime tree about 8m away. The two trees will naturally compete to an extent but both appear to be in harmony with each other and the canopy development of the Lime and Holm Oak do not demonstrate features which suggest that either is overly dominated by the other.

## Amenity contribution

3.2. T1 is located in a prominent position in the street scene of Cross Street. The tree is one - if not the - main tree feature of this roadway as it projects outwards due to the line of the site boundary and its position close to the roadway. It has an attractive and well-formed canopy shape which frames and sets the views up and down the lane. It also separates and gives relief to the built forms of cottages to either side of the roadway and emphasises the quiet rural and older vernacular character of this part of the Conservation Area of the village. It is partnered on the eastern side of the roadway by a mature Pine tree in the farmyard. The two trees work in harmony to present a framed and staged view of the street. Removal of one or other would significantly diminish the amenity of the area. The tree T2 is a good accompaniment to T1 but does not have the presence in the street scene that the former has - particularly as seen from the south, but is of itself a strong feature tree in this area of the village where larger mature trees are not in abundance.

## 4. Recommendations for management

4.1. The structural condition of the tree makes some form of **intervention to reduce stress on the lower trunk and main limb areas essential and urgent - works should be completed within 1 month of this report.**

We have considered a variety of options. Our two favoured options are:

4.2. To pollard the tree to points just above the southern main bough union at 3.5m (or just below it if when removing the boughs it becomes apparent that the union structure is decayed or otherwise more structurally compromised than at first considered and described above) and remove entirely the decayed north western bough back to the union with the main bough at 3.5m. Similarly to remove regrowth (re-pollard) the two south eastern limbs. Remove the lower epicormic growth (some of which is around 100mm dia). In effect pollard and clean out the canopy of the tree to encourage the tree to develop a new small round headed canopy from the points at 3.5m from ground level and from the two shorter south eastern laterals which will then form to around 6 - 7m. The canopy will require periodic reshaping during this process to steer it around the overhead wires and to give clearance along the roadway for vehicles. It would be expected that this should give the tree another 10 -15 years of useful lifespan at least. The tree would need to be resurveyed in 3 years time to check on decay / structure and regrowth issues

4.3. The alternative would be to fell the tree and replace it with another Holm Oak - of reasonable size at time of planting. The contribution that this tree makes to the street scene is important and the maintenance of a functional tree of this species in this location is a significant asset to the Conservation Area.

## Simon Case

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**From:** Russell-Grant, Tom <tom.russellgrant@norfolk.gov.uk>  
**Sent:** 17 December 2018 15:01  
**To:** Simon Case  
**Cc:** Crotty, Anne; Griffith, Iestyn  
**Subject:** Holm Oak at The Manor House, Salthouse.

**Follow Up Flag:** FollowUp  
**Flag Status:** Completed

Hi Simon,

As requested I have inspected the Holm Oak at The Manor House, Cross Street, Salthouse, Holt, NR25 7XH with respect to the proposed work to reduce the height of the tree to 4.5 – 5m in height.

I visited the site on Thursday 13<sup>th</sup> December and visually inspected the tree from ground level to assess if the tree, after the proposed works, will represent an unreasonable risk to users of the highway.

The tree has basal and branch decay with associated *Ganoderma* sp fungal fruiting bodies. This appears to be longstanding condition and not a sudden process of decay. Branches within the crown have previously been reduced, particularly on the road side of the tree. The tree has produced vigorous re-growth from this tree work with columns of regrowth within the main stem and branches.

Provided that the tree is reduced as proposed and that re-growth is subsequently managed to both limit loading on the main stem / branches and also to reduce any growth from obstructing the highway then I do not consider that this tree will represent a significant risk to users of the highway.

Please get in contact if you would like to discuss further.

Regards,

Tom

**Tom Russell Grant, Arboricultural and Woodland Officer**  
Natural Environment Team  
Tel: 01603 224027 | Mobile: 07789 615382

 Norfolk County Council   



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