

Ref: GA/RW/02019/L0008

4 December 2020

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By E-mail

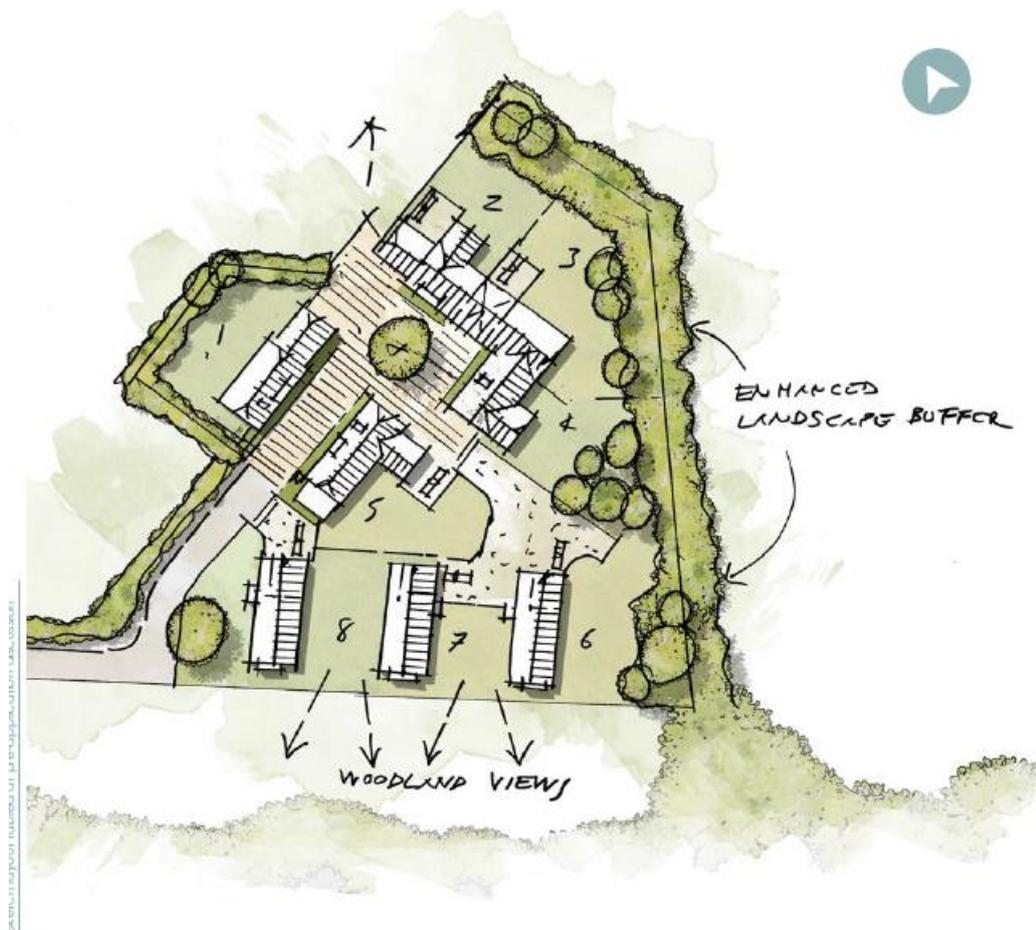
Dear Jo

**Kelling Park, Holgate Hill, Kelling
Planning Application by Kelling Estate LLP – NNDC Ref. PF/20/1056**

On behalf of Kelling Estate LLP, I write to respond to the comments made in relation to the above application from the Council's Landscape Officer, who also provides comments on ecology and those from the Conservation and Design Team.

As recorded in my last letter dated 23 October 2020, the applicant has sought to engage with the Council in a coordinated and meaningful way in bringing forward development proposals on the Estate. The application proposals for Kelling Park have evolved through the Kelling Estate Masterplan with detailed proposals for this site put forward under pre-application enquiry reference IS2/19/1316, which was confirmed as valid on 21 August 2019.

As part of the pre-application discussions we met on 28 November 2019. As recorded at page 14 of the submitted design and access statement (extract image below) a scheme layout was tabled and discussed at that meeting. By way of response you expressed reservations that this represented a traditional approach based on replacing a farmyard typology layout and traditional vernacular buildings.



The views firmly expressed at that meeting invited a more contemporary approach. The comment received, following an officer site visit, was that the site was highly contained with little visual interaction with surrounding built form, noting the most prominent neighbouring buildings to be large format commercial buildings at Holt Garden Centre. The site therefore offered the opportunity to accommodate a contemporary, innovative design solution, unencumbered by the need to follow traditional vernacular design.

The views are consistent with those expressed by Norfolk Coast Partnership in relation to the submitted application. They observe that the site is brownfield, adjacent to an existing business and that the site area is well screened.

A revised scheme, which is consistent with that now under consideration was submitted as part of the pre-application enquiry in January 2020. The submission included a computer-generated 3D animated fly through of the scheme to provide a thorough understanding of the design intent.

Despite repeated requests for a meeting no further feedback was received, such that in June 2020, the decision was taken to proceed on the basis of the submitted scheme.

It is against this background that we now find ourselves in the hugely disappointing position of responding to objections made in respect of landscape, ecology and design, which are completely out of step with the discussions held previously and which are considered to be both ill-conceived and unjustified given the nature of the site and its characteristics.

As a major landowner in the area our clients have sought to engage with the Council on numerous projects in a genuine and meaningful way. Regrettably on this occasion the standard of service received and the strength of unjustified objection to the application from Council consultees is such that unless a more constructive dialogue can be established they consider they will have no option but to lodge an appeal against non-determination.

Notwithstanding the above the consultee comments on landscape, ecology and design which have been received have been reviewed by the design team. This single response incorporates the comments of Aspect Landscape, Aspect Ecology and Thrive Architects. The NNDC consultee comments are shown in *italics*, with our response below, as follows:

Landscape

The proposal for 8 new market dwellings ranging from one to two storeys will significantly alter the character of this site by introducing hard landscape in the form of roads, plot division and lighting, as well as increased vehicle movements and external domestic elements such as refuse areas, cycle stores and external parking provision. Despite retention of the mature boundary hedge vegetation, light and noise pollution would be significantly increased compared with that of the consented use for the existing set of buildings....

The site is located within the Norfolk Coast AONB, however it is:

- A brownfield site;
- Offers very limited landscape interest;
- Is highly contained;
- Contains few elements or features that contribute to the special qualities of the wider AONB setting;
- Contains a large-scale unused care home property with areas of hard-standing which is of no architectural merit and detracts from its immediate setting.

Against this background the application proposals would signal change, but **not** negative change due to enhanced landscaping and architectural components, which will **improve** the character and appearance of the site.

It is simply not the case that vehicular movements, light and noise pollution would be significantly increased. The lawful use of the site as a C2/C3 residential care home for around 22 young adults plus 27 staff would be more intensive than that which is proposed.

Any activity at the site should be considered against this background and the activity at the neighbouring Holt Garden Centre which is open throughout the year open 7 days a week to the general public.

On this basis we strongly refute the claim that proposals will reduce the perceived sense of tranquillity within the immediate setting of the site, nor the perception of remoteness that is associated with areas that are more typical of the Norfolk Coast AONB and Rolling Heath and Arable Landscape Type.

Two particular qualities that would be impacted are 'Diversity and Integrity of Landscape, Seascape and Settlement Character' which is based on maintaining the diversity of landscape character types and reinforcing settlement patterns within each type and the 'Sense of Remoteness, Tranquillity and Wildness.' The Norfolk Coast AONB Integrated Landscape Character Guidance (RHA p.6) cites the very prominent garden centre, ad hoc horsiculture, gentrified barn conversions and recent forestry

plantations on former heathland in the Salthouse and Kelling Area (RHA2) as some of the introduced features that erode this otherwise wild and remote characteristic and are jarring features of this ecologically and visually important rare heathland landscape. It is the undeveloped character which contributes to the wild, remote sense of this part of the AONB. The Guidance warns that new developments, particularly outside of established settlements can erode this wild remote characteristic that is part of the inherent sensitivity of this area, unless they are well integrated into the landscape. Screening the development as proposed does not integrate it into its landscape setting and it is therefore not compatible with the AONB guidance and fails to reinforce or enhance the defined special qualities of the AONB.

The site does **not** reflect the remoteness and wildness characteristics which are mentioned. It is highly contained by surrounding built components, extensive woodland, equestrian paddocks and existing mature hedgerows. There would be no undermining or erosion of the valued characteristics of the wider landscape.

Within this context, the proposals are **not** considered to threaten the 'integrity' or 'diversity' of the localised landscape, with the high quality architectural and landscape proposals considered to enhance the existing detracting components that characterise the site and immediate setting referred to within the Integrated Landscape Character Guidance, noted above.

The strategic landscape proposals have incorporated guidance set out within the councils adopted Design Guide SPD (December 2008) which in relation to existing planting states:

The careful use of existing planting can be the difference between buildings being successfully integrated into their landscape or not. Indeed, where established hedges and mature trees already exist, they should be retained to provide buildings with a natural link to their surroundings. By preserving a sense of continuity in this way, new developments are also more likely to be accepted locally....

In this respect the retention of the positive boundary hedgerows is not considered to relate to any negative requirement of 'screening' of poor design, but represents an opportunity to take on board adopted local planning guidance and to positively integrate the proposed development within the surrounding agricultural landscape and visual environment.

New planting will incorporate a simple, naturalistic style, that reflects the local heathland settings and rustic, contemporary architectural vernacular expressed within the proposed built form. The planting palette incorporates locally valued species that are prevalent within the neighbouring heathland, utilising a similar approach that was advised by the council within the submission for the adjacent garden centre renovation. In this respect the proposals are considered to be fully compatible with the Design Guide SPD, which actively promotes the use of locally prevalent native plant species.

This application represents a **very positive** opportunity to improve the character and appearance of the site and its immediate setting.

The layout results in little public amenity space, where planting can be specified and maintained, as opposed to planting within private gardens which cannot be controlled. There are token pockets of planting at the site entrance and adjacent to parking bays. Whilst species selection may be reflective of the surrounding habitats, as indicated on the Landscape Masterplan, there is no integration of the

site into its landscape setting (as purported in 6.11 of the LVIA) due to the intention to maintain the high hedged boundaries to screen the development and thereby limit its visual impact. The need to make the development acceptable by visually divorcing it from its landscape setting is a clear indication that the rural location is unsuitable for this type of development and incompatible with the prevailing landscape character.

The landscape proposals form an integral part of the proposed development, with structural native tree and hedgerow species and more naturalistic lower level heathland planting, acting as key focal points and features in their own right that will assist with both physically and visually integrating the proposed built form within the site and its setting.

New planting will incorporate a simple, naturalistic style, that reflects the local heathland settings and rustic, contemporary architectural vernacular expressed within the proposed built form. The proposals are therefore fully compatible with the Design Guide SPD, which actively promotes the use of locally prevalent native plant species.

The LVIA relies on its assessment of the landscape immediately around the site as being of low/medium value and low sensitivity, yet acknowledges the wider landscape is of Very High Sensitivity (5.15). The impacts of the development will extend beyond the immediate setting into this higher value landscape. The new development will incur more landscape and visual impact than the centrally located existing building cluster by virtue of the significant increase in two-storey elements of built form and by placing the two storey units all around the site and closer to the boundaries. It is therefore disputed that the Magnitude of Change will be Negligible to None (5.15) and that there will be No Significance of Effect on the localised and wider visual environment (5.20).

The sensitivities of the site and its localised landscape setting are considered to have been accurately assessed within the submitted LVIA and reflects the baseline conditions of the site's immediate setting, where a clear sense of reduced tranquillity is experienced, in contrast to the wider AONB agricultural and heathland settings where a heightened sense of ruralness and remoteness is evident. **The baseline assessment has followed standard practice and a methodology, that incorporates guidance laid down by the Landscape Institute within its GLVIA3 guidelines and forms the basis of the LVIA in assessing the potential impacts on the receiving landscape and visual resource.**

The proposals do not exceed the roof heights of the existing care home facility, with the individual properties set out and carefully spaced to allow for a high quality landscaping scheme to be incorporated that will visually break up and reduce the perceived scale and massing of the proposed built form in contrast to the singular large scale massing of built form that is currently present on site.

The proposed development has not been screened, as is suggested within the above comments, but does take advantage of its highly contained nature, established by a mature vegetation structure and adjacent built form.

The LVIA has assessed **positive beneficial landscape effects** within the site and are **not** considered to cause any significant harm to the key characteristics of the Rolling Heath and Arable (RHA) LT or Salthouse and Kelling sub-character area as defined within the adopted 2009 Landscape Character Assessment. This reflects the reduced sensitivity of the site and its immediate setting and the limited inter-divisibility of the proposals with the localised landscape and visual setting.

Ecology

The proposals are likely to result in disturbance to the qualifying features of the Habitats sites. The applicant will need to provide supporting information in order for the Council to undertake an HRA. This information should use information on recreational visitor pressure and mitigation measures in Norfolk, which is currently within the emerging Green Infrastructure and Recreational Avoidance Mitigation Strategy being prepared on behalf of the Norfolk Strategic Partnership.

As clearly set out within the submitted information, the site is located within an identified Impact Risk Zone associated with the North Norfolk Coast SAC/SPA/RAMSAR designation. As such, it is necessary for the Council to undertake a Habitats Regulations Assessment (HRA) in order to ensure compliance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) as competent authority in granting any planning permission for the site.

The first stage of a HRA is a screening exercise, whereby it is necessary to examine if the proposals will result in any 'likely significant effect' on the internationally important features of the European site, either alone or in combination with other plans or projects. EC guidance recommends that key indicators should be used to determine the significance of effects.

"If it can be objectively concluded that there are not likely to be significant effects on the European site, no further assessment is necessary and permission should not be refused under the assessment."

If any 'likely significant effects' are identified or where it remains unclear whether effects will be significant the assessment procedure should follow on to further stages of the process (Appropriate Assessment).

As set out within the submitted information, the site is located approximately 2.6km from the North Norfolk Coast designation such that it is clear that the proposals will not result in any land-take, physical disruption or direct disturbance effects on the designation, nor are there any potential direct hydrological links that could result in effects on water quality. Accordingly, it is clear that likely significant effects in regard to these impact pathways can be screened out.

The proposals are for residential development (comprising the construction of 8no. new residential dwellings) and as such it is relevant to further consider potential for recreational impacts due to an increase in new residents visiting the relevant designations. Assuming an average occupancy of 2.4 persons per dwelling (in line with standard guidance and national occupancy rates), the proposals would therefore be anticipated to support a total of 19.2 residents, who may therefore be anticipated to visit the North Norfolk Coast designations. In this context it is necessary to consider the proposals in the context of the existing permitted position in order to establish if this would represent an increase in recreational pressure (and thereby potential to result in likely significant effects on the designations).

As set out within the previously submitted information, the existing permitted use of the site, following planning permission PF/11/1094 and as subsequently implemented at the site is for mixed C2 (residential care) and C3 (residential dwellings) use made up of 9 self-contained apartments (comprising 7 no 1-bed and 2 no. 2-bed apartments) and a further 11 one-bed residential units for residents making use of shared facilities (i.e. a total of 20 individual residential units providing accommodation for 22 residents). Further, it is understood that the facility provided rehabilitation for people with mental health problems rather than old-age care and as such residents would not be anticipated to be particularly infirm or less likely to visit the coastal areas due to age or mobility, as could be assumed of old-age care. Accordingly, on this basis it is not anticipated that the proposals would result in any increase in the number of residents at the site over the existing permitted position, such that no increase in recreational visits to European sites would be anticipated to be generated by the proposed development over the existing permitted position and accordingly, likely significant effects (either alone or in combination with other plans or projects) can similarly be screened out.

On this basis, it is considered that under the first stage of a formal HRA process, likely significant effects on the North Norfolk Coast designations as a result of the proposals can be screened out and there would appear to be **no** basis for the officer's unsubstantiated assertion that the proposals will result in increased recreational pressure on the North Norfolk Coast designations.

It is considered the conclusions drawn in the Ecological Appraisal, with regard to bats, are not sufficiently evidenced or justified, therefore it is not possible to identify suitable mitigation measures or conclude whether an EPSM Licence will be granted. As such the application fails to accord with Local Plan policy EN9 as sufficient evidence has not been presented to assess the impact of the development on protected species and apply the mitigation hierarchy. The Council would not be complying with its statutory duties with respect to a European protected species if it were to grant planning permission on the basis of the information currently submitted.

Notwithstanding the need to limit survey activities during the 2020 survey period due to COVID-19 considerations, in order to minimise risk of transmission and avoid unnecessary requirements for overnight accommodation and increased surveyor interactions, the surveys included emergence survey work undertaken during the appropriate seasonal period specified within the guidance for maternity and summer roosts (May to August).

The survey work has confirmed without doubt the presence of Soprano Pipistrelle (through observed emergences), Brown Long-eared Bat (through direct observation, droppings and DNA confirmation) and Common Pipistrelle (through droppings and DNA confirmation) roosting within the existing building at the site. Further, the number and location of droppings in relation to Brown Long-eared and Common Pipistrelle bats (as described within the reported information) provides clear information in regard to the numbers of individuals and likely nature of use afforded by these species. Nonetheless, emergence survey work was undertaken in order to further confirm the position, which has identified the additional presence (along with numbers and further detail such as access locations) of Soprano Pipistrelle bats roosting within the building.

The guidance sets out that "*If the presence of bats has been confirmed, then roost characterisation surveys may be required (depending on how much information on species, numbers, access points, roosting locations, timing of use and type of roost has already been collected),...*" Further, in relation to Roost Characterisation surveys the guidance is clear that these.. "*...include emergence/re-entry surveys. They also include the collection of information about the physical characteristics of the roost and surrounding area.*"...in order to inform the impact assessment and design of mitigation measures. Given the confirmed presence (and species identity) of bats at the site, the level of survey work undertaken is considered **appropriate** in order to inform the impact assessment and mitigation design at the current stage.

It is clear that the proposed redevelopment of the site will result in the loss of the existing building, such that the loss of the existing bat roosts cannot be avoided under the proposals and as such the extent of impact is evident. Accordingly, appropriate mitigation measures and compensation (in the form of a purpose-built bat roost building, the precise construction details of which could be suitably secured under a planning condition) is proposed, which will (as set out) also require licensing to be obtained from Natural England prior to any commencement of works at the site. Any such licensing process would necessarily require further, up to date survey information at that time (NE typically require survey information from the most recent available survey season prior to granting any licence for works), along with detailed mitigation and compensation information.

Standard guidance, including as set out within Natural England guidance note WML-G24 is clear in that the licensing and planning processes are separate and that the level of information required by Natural England in relation to licensing will be higher than that ordinarily required in the planning consent process. It is clear that appropriate mitigation measures and compensation (in the form of alternative,

bespoke roost provision) are available (and proposed) at the site, such that (in line with the requirements for consideration by The Council, including as set out within R(Morge) v Hampshire County Council (2011) it is **not unlikely** that a licence would be granted by Natural England in relation to the proposals.

Design

At the outset it is noted that the NNDC consultee comment confirms the:

- Buildings on site have been stripped of any architectural or historic interest;
- That there can be no conservation and design objection to the wholesale demolition of the existing buildings; and that
- The general principle of redeveloping the site cannot be challenged from a built environment point of view.

Notwithstanding the above a number of concerns have been expressed which are repeated below in *italics* with our response provided below, as follows:

The care home has a sprawling footprint but is concentrated mainly in the NW corner of the site sat behind existing residential and garden centre buildings. The proposed buildings would be spread more liberally across the site and potentially create a more instant passage from the built into the natural environment.

The proposed development is smaller in both floorspace and volume terms than the existing built form on-site. As confirmed through the submitted landscape assessment work the site is highly contained and the enhanced architectural and landscape components proposed will deliver improvements to the character and appearance of the site in an improved immediate setting.

Plots 1-4 have been laid out in a row which features similar spacing and orientation. Given they would also support similar and near-parallel built forms and subdivision, there is a rhythm to these dwellings which surely speaks more of regimentation and formality.

Plots 1-4 have been orientated to be south facing and maximise solar gain. They are not however formally laid out, rather they are fanned to follow the sun's path, so we consider the description of 'regimentation' to be unfounded. From ground level they ensure an active frontage to the lane and appear in a shallow curve.



The proposed buildings exist in isolation and do not feature the kind of additive and incremental 'collisions' so often seen in rural locations. If we also then factor in the hammerhead turning circles, delineated footpaths and the (in part) repeating on-plot parking spaces, the overriding impression is of a suburban undercurrent running through the scheme.

This is a new scheme and the houses are contained to keep the massing as compact as possible. The accidental collisions referred to usually take place over time and obviously this is a new build. Inventing collisions to look accidental would be contrived and contrary to the honest approach taken whereby the

houses respond to orientation, aspect and opportunities for outward views. The proposed buildings do have ground floor projections, the ends of which are articulated.

As outlined at the start of this letter, we were encouraged through the pre-application process to prepare a contemporary scheme for this site, which nevertheless still draws on local identity.

These two-storey buildings are also certainly not without their design merit and feature visual interest and innovation in equal measure. However, they are not structures which one would immediately associate with our particular District.

The buildings are designed in a contemporary idiom and the justification for this is set out clearly in the submitted DAS. As long as the design and detailing is carried out with rigor and thoroughness and appropriate conditions are applied to the approval there is no reason why this should not be an exemplar scheme and of its time.

The roofscape may appear rather one-dimensional by virtue of (presumably identical) standing seam being used on all two storey plots.

There is a possibility that this could be varied by either varying the direction of the standing seams or using an alternative sheet material or finish. This could be agreed pursuant to an appropriate condition.

The large areas of glazing proposed are not necessarily best suited to a dark skies area.

There will be opportunity to address this issue at the detailed design stage by the careful specification of appropriate glass or using a system that has a blind between the sheets of glass.

Conclusion

For the reasons explained above I hope you can understand the reasons we strongly disagree with the comments received which we consider to be at odds with the officer advice previously received in relation to the proposals and the encouragement given to follow a contemporary approach, which we were advised need not follow a traditional design approach given the highly contained nature of the site and the commercial nature of the neighbouring built form.

As has always been the case through the pre-application and application process we remain keen to engage in a dialogue with the Council which reflects the positive onus which national policy places on making best use of previously developed land. In this regard I would welcome the opportunity of discussing this case at the earliest opportunity.

As outlined above in the event that this does not occur we will be forced to consider lodging an appeal against non-determination.

Yours sincerely



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