

Parish:	Holme next the Sea	
Proposal:	Change of use from agricultural including the demolition of the existing barn and the replacement with five new dwellings	
Location:	Eastgate Barns Eastgate Holme next The Sea Norfolk	
Applicant:	MILLTHORNE DEVELOPMENTS LTD	
Case No:	21/01947/F (Full Application)	
Case Officer:	Richard Byrne	Date for Determination: 20 January 2022 Extension of Time Expiry Date: TBC

Reason for Referral to Planning Committee – At the request of the Assistant Director and contrary to the comments of the Local Highway Authority.

Neighbourhood Plan: Yes – Holme next the Sea

Case Summary

This application is for the change of use of land, demolition of the existing buildings on the site and the subsequent erection of five dwellings arranged with the frontage facing inwards forming a central courtyard with the rear facing private garden spaces on the outer edge of the site.

The majority of the site falls into a land allocation for residential development. Policy HNTS 15: Site Allocation at Eastgate Barn of the Holme-next-the-Sea Neighbourhood Plan, sets out the criteria for development within the allocation and thus forms the basis of determination of this planning application.

Key Issues

The key issues relating to this application are:

- * Principle of Development
- * Compliance with Policy HNTS 15: Site Allocation at Eastgate Barn;
- * Impact on the Highway, Access and parking;
- * Impact upon Neighbour Amenities;
- * Effect on AONB;
- * Impact on ecology and protected sites;
- * Contamination and Air Quality;
- * Drainage;
- * Other material impacts
- * Conclusion and planning balance

Recommendation

REFUSAL

THE SITE AND SURROUNDINGS

The application site is located on the easterly side of Eastgate with built form to the south, west and northern side. The site is short distance along Eastgate to the south which junctions with the A149. Beyond the site to the east is a small parcel of land which, with the exception of Greenacres which accesses the A149, leads out into the countryside.

The site is currently occupied by an agricultural barn complex with a boundary hedge and access leading onto Eastgate. The building is tightly wrapped by hardstanding enabling access into the building and turning spaces.

THE PROPOSAL

Planning permission is sought for the demolition of the existing agricultural building and the subsequent erection of five dwellings.

Access would be taken from the existing entrance off Eastgate which would lead into the central area where the proposed dwellings would face inward to create a courtyard. The area would be used for access and vehicle manoeuvring punctuated with access paths and soft landscaping.

The proposed building to the north is single storey and would be used as a car port for six vehicles. Plot A and B are to the southeast and are one and a half storey. The semi-detached pair comprise three bedrooms on the first floor with habitable accommodation on the ground.

Moving clockwise to the south, Plots C and D would be two storey comprising three bedrooms and an office on the first floor with accommodation on the ground with integral car port.

The property on the westerly side adjacent to Eastgate would be a two bedroomed single storey dwelling with integral car port.

The proposed dwellings would have private garden spaces with the hedge along Eastgate shown to be retained. An access track has been retained to the north enabling a route through to the easterly field from Eastgate.

The buildings would be constructed using a combination of red brick, stone infill and clay pantiles.

SUPPORTING CASE

The applicant has provided additional comments to support the application which relate to the Holme next the Sea Neighbourhood Plan and to the Highway Authority comments.

Holme next the Sea Neighbourhood Plan

We have engaged 2 consultants to address the size of housing, not ignoring the Neighbourhood Plan but assessing not only the supply but the demand of housing in the area.

The proposal allows a mix of housing sizes that could work well as retirement type dwellings, allowing family, grandchildren, friends from “back home” to visit and stay. But equally, the

provision we have identified would also work as smaller family type units. This would allow a couple to have a home that would allow for growth into a family home, not having to move on and indeed find it difficult to remain in the village.

As per the submitted report by Triptych PD and referencing the report commissioned by Savills:

“Eastgate Barns have been designed to be well-equipped and sustainable for young families who are searching for a home in a rural location that has the space to grow, work and play, and remain part of the local community for a long period of time. Savills’ professional and researched view is that the desired size range in the Neighbourhood Plan for this allocated site (80 sq m – 120 sq m) is too small for prospective purchasers seeking a principal residence, in a rural location”

I would strongly encourage anyone who is to assess and evaluate this application to give serious consideration to the submitted reports by professionals advising and working in the current housing climate.

Something that general housing space standards miss is the space for storage – the user that may need a little extra space; somewhere for a pushchair, for a walking frame or wheelchair – something that sometimes you may not expect to need and when you do you need to consider moving from your home to a new house.

I have designed starter units that allowed one bedroom and a second “room” – that would work for a single bed or a work from home space. These were 77m². Adjacent I was asked to design a family unit with 3 good bedrooms and a similar additional room, small bedroom 4 or work from home space. These houses are 130m². 10m² more than the Holme Neighbourhood Plan specific limit. These homes are within walking distance of most services and with good transport links of King’s Lynn. It should be noted that the wider policy in the NP (HNTS 14) is a range of 80 sq m to 150 sq m and the proposed houses, on average, are only 8% above the limit for this policy.

King’s Lynn & West Norfolk Housing Needs Assessment (March 2020) actually shows (in Table 6.3) a future need for larger houses in the Borough with 3- and 4-bedroom dwellings required for families and the biggest requirement being for larger houses. 51% requirement for 3 bedrooms and 31% for 4 bedrooms. That is 82% need for 3 and 4 bedrooms and 18% for 2 bedrooms.

The word that must ultimately be considered in our application is rural – rural village, rural setting, rural living. Sustainable provision must be key to providing good homes and a good quality of living, by providing good sized homes. The NP plan states that there are not enough young people in the village. Without the right size provision, how will there ever be? Designating these principal homes will encourage such diversity but only if the houses are designed and sized appropriately.

Norfolk County Council Highways

I take this opportunity to refer to the submitted report and recently submitted summary response to the NCC Highways comments and concerns - by Patrick Lanaway, Technical Director, Highways & Transportation Planning, SLR. “As set out in the submitted TS, by virtue of the type of vehicles to be removed from using the site, and the new layout of the site including the limited access to any residual land, as a result of the redevelopment, both Eastgate and the A149 junction will be relieved of such agricultural and commercial type vehicles. There is, as set out in the TS, therefore, a significant highway gain from the proposed redevelopment. The proposed redevelopment of the site is forecast to result in just

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2 additional vehicular movements compared to the site's existing use, but in contrast, the great majority of that new traffic will be domestic in character, and hence have far less impact on this road and the associated A149 junction. There is no retained agricultural use proposed or allowed for; the road and junction benefit from the removal of such; this site is designated for 5 houses in the Neighbourhood Plan.

PLANNING HISTORY

22/00090/TREECA – S211 Tree Application, Row 1 - sycamore. Fell. Outgrowing location. Replant with a set back hedge. No objection, decision issued 07 Jun 2022

RESPONSE TO CONSULTATION

Parish Council: OBJECTION on the following grounds (summarised):

Given the importance of this development to the local community the PC held an open meeting to discuss the application (14/12/21). This was attended by the Agent who was given the opportunity to support the proposals and respond to comments. Whilst nobody objected to the principle of development a large number of concerns were voiced by parishioners who attended this meeting and these are reflected in our comments below.

The majority of concerns stem from the fact that the application diverges in three main ways from NDP policy HNTS 15 Site Allocation at Eastgate Barn:

1. The proposed development extends beyond the Site Allocation boundary
2. Four of the five dwellings are substantially larger than the size range indicated in the policy
3. The proposal includes an additional building (a substantial 6 bay cart shed/garage) over and above the single garages allowed for by the policy.

As a result, the application fails to comply with both the NDP and the Core Strategy (CS02, CS09 and DM3). Furthermore, it is absolutely clear that building houses of this size, with the lavish specifications suggested and the amount of parking proposed will result in the diametrically opposite outcome to that intended by HNTS15. It flies in the face of the most basic objectives of the NDP which strongly reflect the preferences of the local community in accordance with the Localism Agenda. Not only does the community have no need for houses of this size and specification it is clear that they are damaging its social sustainability by excluding groups of the community for whom a modest home is the only realistic choice.

Whilst the PC acknowledges that the proposed design and materials of the development appear pleasing and consistent with HNTS 15 (criterion c) the application in its current form is not generally policy compliant and unless it is revised substantially should not be permitted.

Design and materials

The mix of one and two storey detached, semi-detached and linked detached houses of vernacular style with pitched roof, clay pantiles and chalk/flint is consistent with NDP policy and the NDP Style Guide. The PC considers the basic features of the design to be pleasing and a good fit with neighbouring properties in the Conservation Area particularly those referred to in HNTS 15(c).

Landscaping and Ecology

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With the exception of a map in the Ecology Report (below right) no specific landscape plans have been made available for the Allocation Site. The Report describes both mitigation and biodiversity enhancement measures to support the proposals. It is assumed that these, along with the map presented, showing the location of trees and bird boxes, represent the landscaping measures proposed. Unfortunately, the report is replete with errors and inconsistencies which limit its value.

There is no coherent description of on-site impacts, so it is not possible to identify which trees and hedgerows are to be removed, retained or enhanced in accordance with HNTS 15(d). The landscape features on the plan bear little resemblance to the most recent Google Earth image of the site. This is particularly true of the western boundary with Eastgate where there are mature shrubs and TPO'd Trees of significant biodiversity value

The 6 bay cart shed/garage block is not shown on the plan which instead shows hedging/trees in its place. The row of birch trees along the northern boundary is not shown on the plan.

As a result of the increase in scale and intensity of the development proposed, the environmental impacts are much greater than envisaged in HNTS 15. It is impossible to see from the Ecology Report how the proposal could meet planning policy requirements for biodiversity net gain and the PC objects accordingly (NPPF 174, CS12, HNTS 7 and 22).

Other impacts (surface water drainage, sewerage and light pollution)

The site is raised above the level of the road and the neighbouring properties to the north. Without an effective SUDS the development will contribute substantially to this surface water flooding.

Similarly, the assumption is made that sewage disposal will be achieved by connecting to the mains sewer on Eastgate. However, during the last two years, the pumping station at the northern end of Eastgate has suffered increasing problems of failure and overload resulting in offensive odours and raw sewage spills on Eastgate/Marsh Lane.

Further, NPPF 185(c) and Policy HNTS20 AONB Landscape Quality identify the importance of limiting the impact of pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. HNTS 20 indicates specific conditions to be applied in respect of external lighting with a view to protecting Holme's Dark Night Skies whilst acknowledging the need for pragmatism in the interests of public safety and security. The issue is identified in the Ecology Report but is not fully addressed in the proposals.

The PC believes that these 'other impacts' could be resolved by appropriate conditions attached to any consent but feels that it would be unhelpful to approve any scheme in this very sensitive location (even with conditions) until adequate solutions have been identified and consulted on.

Conclusion

The allocation site lies in a particularly sensitive location within the AONB, Holme Conservation Area and just 300m from internationally renowned Conservation Sites. The divergence of the application from the requirements of policy HNTS15 has tipped the delicate planning balance that justifies the site allocation, weakening the arguments in favour of its social and environmental sustainability in favour of the greater economic gains to be made from the development of larger, high specification houses`.[HWH1]

Local Highway Authority: OBJECTION on the following grounds:

'The Highway Authority objects to the proposed allocation of Land at Eastgate Barn for 5 dwellings. Eastgate Lane is unsuitable as it is narrow road with no footway provision and the junction of with the A149 is substandard. Furthermore, the settlement has no primary education provision.

The site cannot meet the requirements often highway authority, will not be deliverable and should be removed from the plan in order for it the Neighbourhood Plan to be in compliance with the Development Plan and Basic Conditions'

In response to an informal enquiry in March 2021, my response was; 'Whilst the agricultural activity to the barn would cease, this would be likely to continue at another location, which would need to be considered as part of any formal application.

The site access is acceptable but the junction with the A149 has restricted levels of visibility in both directions, as such, I would only be able to consider proposals which do not increase the levels of vehicle activity from the site, as such it may be the case that 5 dwellings would be inappropriate unless accompanied by adequate justification.'

Norfolk Coast Partnership: OBJECTION on the following grounds:

* No objections to the location, layout, design and materials, however it is considered to not be compliant with HNTS15. In particular points a, and b. Interpretation of the Neighbourhood Plan was for the village to redress the fact that many of the new houses were out of reach for young people wanting to stay in the village or young families and people wanting to downsize. The proposed houses are not going to solve that particular issue although no objection is raised to their appearance.

* In order to make this policy compliant the houses need to be reduced in size to more modest and affordable 2 to 3 beds as stated in the policy.

Environment Agency: NO OBJECTION

'The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination, which can be found here: <https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>

Infiltration Sustainable Drainage Systems (SuDS) The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. If the use of deep bore soakaways is proposed, we would wish to be re-consulted. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13 which can be found here: <https://www.gov.uk/government/collections/groundwater-protection>. In addition, they must not be constructed in ground affected by contamination`.

CSNN: NO COMMENTS received.

Environmental Quality: Informative recommended.

Historic Environment Service: NO COMMENTS received.

Natural England: NO OBJECTION subject to a condition.

`We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:

- North Norfolk Coast Special Area of Conservation
- North Norfolk Coast Special Protected Area
- North Norfolk Coast Ramsar
- North Norfolk Coast Site of Special Scientific Interest
- Holme Dunes National Nature Reserve
- The Wash and North Norfolk Coast Special Area of Conservation
- The Wash Ramsar
- The Wash Special Protected Area
- The Wash Site of Special Scientific Interest

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- A financial contribution of £55 per dwelling to the Borough Council's of King's Lynn and West Norfolk Monitoring and Mitigation Strategy in line with Policy DM19.
- Adherence to the ecological enhancements suggested in section 8.1 of the Ecological Survey Report

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below`.

Conservation Officer: OBJECTION on the following grounds:

- The site lies outside but adjacent to the Holme next the Sea Conservation Area. Therefore consideration needs to be provided upon the impact upon the setting of the conservation area. The current agricultural buildings are of modern appearance, large scale and constructed of poor quality materials. These buildings do not contribute positively to the setting of the conservation area.
- The demolition and redevelopment of the site provides therefore the opportunity to improve the setting of the conservation area. On balance from a conservation perspective the layout is acceptable, although I note the proposed garden land does extend further to the east, but views from the east of the conservation area should not be harmed.
- The appearance of units C and D seem at odds with the appearance of the other units and will impact upon views from the adjoining properties within the conservation area, especially 1 and 2 the Square. The two houses have more of a suburban post war feel, and I would have preferred to have seen the design ethos of the other units utilised here too. This would have improved rather than harmed the setting to these important buildings within the conservation area. More information re materials and joinery would have been helpful.
- The existing hedge to Eastgate is just within the conservation area and contributes strongly to the conservation area's significance. Any application therefore needs to ensure that this landscape feature is both preserved and enhanced, which the current

plans do not. Damage to this feature will cause some harm to the significance of the conservation area.

- A successful scheme is possible here with betterment to the setting of the CA. The current scheme whilst removing detracting elements also causes some harm as described above. Given that a scheme is possible without this harm, I do not see that the public benefits outweigh the harm caused in the proposal's current format.

Arboricultural Officer: OBJECTION on the following grounds:

- There are a number of trees, including some with Tree Preservation Orders (TPO) and no tree data, in the form of a full tree survey to BS 5837:2012, has been supplied. This makes it difficult to assess the application. It is worth noting that some of the TPO trees are in third party ownership.
- Concerns with the proximity of plot E to a healthy, young Ash beside the proposed access; the proposals will either call for the removal of this tree, which is something I cannot support, or, upon first occupancy, pressure could be put on this young tree for either removal, or inappropriate pruning. A full tree survey is needed.
- Whilst a tree work application, 22/00090/TREECA, raised no objection to the removal of three (3) young Sycamore, I have concerns regarding the remaining hedgerow; inappropriate pruning or wholesale removal of this hedge would spoil the street scene, as mentioned before, there is no data to assess this, and any tree survey of the site should include this hedge.

Housing Officer: NO OBJECTION

I can confirm as the site area is under 0.5ha and 5 units are proposed an affordable housing contribution will not be required.

REPRESENTATIONS

10 OBJECTIONS have been received and their objections are summarised below:

- Design (dwellings to large and exceed size)
- Access issues
- Over development of the site
- Light pollution
- Type of housing (not small market housing)
- Drainage

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS07 - Development in Coastal Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 – Transport

CS12 – Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM3 - Development in the Smaller Villages and Hamlets

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NEIGHBOURHOOD PLAN POLICIES

Policy HNTS24: Water Resource Management

Policy HNTS2: Holme Village Zone

Policy HNTS5: Countryside Zone

Policy HNTS10: Overall Form and Pattern of Settlement

Policy HNTS14: New Homes

Policy HNTS15: Site Allocation at Eastgate Barn

Policy HNTS25: Traffic and Car Parking

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. As such, the issues to be considered with regard to this application are set out below.

- Principle of Development
- Compliance with Policy HNTS 15: Site Allocation at Eastgate Barn;
- Impact on the Highway, Access and parking;
- Impact upon Neighbour Amenity;
- Effect on AONB;

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- Impact on ecology and protected sites;
- Contamination and Air Quality;
- Drainage;
- Other material impacts
- Conclusion and planning balance

Principle of Development

The application site is located on the east side of Eastgate road and is known as Eastgate Barn. The site was formally in agricultural use and is occupied by agricultural buildings. The application site is located outside the village boundary and within the Countryside, as defined within the Holme-Next-The-Sea Neighbourhood Plan 2021. It is also acknowledged the site lies adjacent the boundary of the Conservation Area and is within the AONB.

Holme-next-the-Sea is defined as a Smaller Village and Hamlet by CS02 of the Core Strategy 2011 where new development will be limited to that suitable in rural areas.

The application site has been identified for housing within the Holme-Next-The-Sea Neighbourhood Plan (NP) 2016-2036 under Policy HNTS 15: Site Allocation at Eastgate Barn. Taking into account the allocation, the proposed residential built form of the application is considered acceptable in principle, subject to the provisions within the NP which will be further accessed within this report.

Land to the east of the Neighbourhood Plan Allocation

The application site for this proposal includes additional land to the east which is outside the Neighbourhood Plan allocation and also outside the development boundary and therefore is located in the countryside.

The easterly boundary of the land allocation follows a natural continuation of the easterly boundary of No. 2 The Square. When looking at the current interior of the site, the NP land allocation would include the existing building and a narrow strip of informal hardstanding which encircles the footprint for access purposes. Beyond the allocated land to the east, it can be gleaned from satellite imagery and seen from visiting the site that the land is part of the parcel of land, not necessarily forming the curtilage of the existing building.

It is therefore considered the easterly side of the application site beyond the Neighbourhood Plan allocation would represent an encroachment into the countryside.

It is noted that the land beyond the allocation would be retained in a semi-natural state with a limited impact on the appearance of the countryside. Nevertheless, the land, once changed to garden land could be further manicured and its character changed more substantially, without the need for planning permission, even if permitted development rights are withdrawn (i.e. to prevent the erection of a shed and the like). It is considered the proposed formal change of use would change the character of the land and undermine the fringe of the village and the rural character beyond. There is no special justification of the encroachment into the countryside and the development could still be implemented within the allocated area. As such the proposed encroachment would put the proposal at odds with the development plan which aims to protect the countryside from inappropriate development.

Compliance with Policy HNTS 15: Site Allocation at Eastgate Barn

The purpose of the housing site allocation is to provide small homes suitable for younger families and occupants looking to downsize opportunity to live in the village. Policy HNTS 15 contains a specific set of criteria to ensure the objective of the policy is fully satisfied. The

five points that form the criteria of Policy HNTS15 form the main consideration taking into account other relevant Local Plan policies, the comments from the Parish Council, the representations and the applicant's supporting statement.

Criterion a. Five small market homes of approximately 80 – 120 m2 gross internal floor area plus single garage, to be accessed from Eastgate

The proposal would provide 5 dwellings which would have the following internal floor areas:

Dwelling 1 (plot a) = 169sqm

Dwelling 2 (plot b) = 159sqm

Dwelling 3 (plot c) = 185sqm

Dwelling 4 (plot d) = 185sqm

Dwelling 5 (plot e) = 91sqm

The square metres of four out of the five dwellings would exceed the 80 – 120 sqm range indicated within policy HNTS15 of the NP. As such, the proposal would fail policy HNTS15 (a).

The applicant has submitted a design statement which accepts the proposed sqm exceeds standards, however, `... the GIAs quoted in the policies are near the minimum acceptable standards as contained within the Department for Communities and Local Government's 'Nationally Described Space Standard ...'. The applicant has also outlined their reasoning for larger dwellings. Additionally, the applicant states, `... living and working has evolved in the last 15+months often to the benefit of the home environment – it seems counter-intuitive given what we know now to impose such stringent space standards onto families in a rural setting where space is not at the premium that it is elsewhere within the UK. These homes will accord with every other aspect of the applicable policies, and it is upon an assessment of balance that planning decisions must be made...`.

Whilst the comments from the applicant have been acknowledged, it is also recognised a market report has been submitted by the applicant which concludes `... we believe the desired sqm range in the Neighbourhood Plan for this allocated site (80 sqm – 120 sqm) to be too small for prospective purchasers seeking a principal residence, in a rural location, in the current market ...`.

Taking into account the applicant's further supporting comments it must be noted that the Neighbourhood Plan has been through a thorough adoption process where a clear evidence base was established which then informed the policies and subsequent land allocations.

In review, with one exception, the dwellings exceed the upper end range of policy HNTS15 by between 33% and 54%. Although policy HNTS15 supporting text recognises that a small degree of flexibility may be needed to accommodate an appropriate mix and choice of dwellings, it is agreed with the Parish Council that the proposal substantially exceeds the bounds of flexibility in which the applicant is seeking, and in this instance is not considered acceptable.

In combination with the increase in site area to accommodate the larger dwellings it is considered the proposal would run at odds with HNTS15 in providing a size of accommodation which is policy compliant.

Criterion b. Offering a choice of two and three bedrooms arranged as either single or two storey and including a choice of semi-detached and/or terraced properties.

It is also noted the development is arranged around a courtyard. The dwellings comprise one two bedroomed bungalow, two three-bedroomed one and half storey dwellings and two linked detached dwellings each shown to be three bedrooms and an office.

Notwithstanding the absence of terraced properties, it is considered difficult how the scheme would fully satisfy Criterion b. It is noted that the submitted plans show plots C and D to be three bedroomed, however, it is noted that the office on the first floor could easily be converted to be used as a bedroom without the need for planning permission given there would not be significant external and internal work. Should this be implemented this would push the scheme above the maximum number of rooms required by criterion B.

Taking into account the conversion of the office into a bedroom can easily be implemented and in the absence of terraced properties it is considered the proposal would not be in the spirit and would not meet the provisions within HNTS15 (b).

Criterion c. Traditional design and materials reflecting the character of the neighbouring, converted agricultural buildings at the Old Dairy and Manor Court and sympathetic to the Conservation Area setting.

The mix of dwellings designs for plots a, b and e, and their vernacular style is consistent with NP policy and the NP Style Guide. It is considered the basic features of the design to be appropriate and befitting within the locality.

It is noted the site is immediately adjacent to the eastern boundary of the Holme next the Sea Conservation Area and as such would have an effect on its setting. It has been acknowledged by the Conversation Officer that the current building does not positively contribute towards the setting of the conservation area which is further supported by NP Policy HNTS 15.

Nevertheless, it has been identified whilst the overall design does have positive merits and is a betterment in terms of appearance when compared to the current building that occupies the site, it does however have drawbacks.

Plots C and D have a slightly different design ethos to other properties within this part of the Conservation Area, especially 1 and 2 the Square. However, an alteration to Plots C and D would have improved the overall design rather than resulting in harm to the conservation area.

The existing hedge along Eastgate is considered to contribute strongly to the conservation area's significance. Damage or removal of the hedge will cause some harm to the significance of the conservation area. Taking into account the comments from Council's Arboriculture Officer it is unclear if the hedge would be subject to any inappropriate pruning or wholesale removal of this hedge due to the proposed development. Although there is a separation with the side of plot D, plot E draws particularly close and with the relatively narrow garden width may place future pressure on the hedge for its removal.

In conclusion it is acknowledged that the scheme does have positive merits which contribute towards satisfying Criterion C. However, given the difference in design with plots C and D with the unclear position on the retention of the hedge which contributes to the appearance and setting of the Conservation Area along Eastgate it is considered the proposal does not meet the provisions within HNTS15 (c) and policy CS12 of the Core Strategy and DM15 - Environment, Design and Amenity.

Criterion d. Trees and hedgerows to be retained where possible and supplemented with landscaping incorporating native species.

It is noted that the application has not been accompanied with a Tree Survey and an Arboricultural Impact Assessment. It is advocated that that the trees will be retained within the site.

There are concerns however with the proximity of plot E to a healthy young Ash which is adjacent to the site entrance. Taking into account the proximity of the groundwork and the extent of the built form, in the absence of Arboricultural Impact Assessment, there will be pressure placed on this tree for removal. This would be unacceptable given the permanent position in the streetscene and on the edge of the Conservation Area.

Works have been approved under 22/00090/TREECA for the removal of three sycamore trees only on the boundary with Eastgate. However, given the extent of the proposed development, there are concerns regarding the retention of the hedgerow that is adjacent to Eastgate. It is unclear from the supporting information that the hedgerow will not be damaged or pressure for it to be removed to facilitate certain parts of the development.

Turning to the north of the site the Parish Council have identified that the silver birch trees are not shown on the proposed site plan which cast doubt on the trees being retained with the proposed development. In the absence of a robust tree survey and arboricultural impact assessment it is unclear if the affected trees and hedgerows will be retained and if work is in close proximity if they will be protected and retained.

As such the proposal would not meet the provision within HNTS15 (d).

Criterion e. Subject to all other policies in the NDP with the specific exception of access arrangements which may be varied to allow for a single point of access in order to reduce the impact on the Conservation Area or to satisfy highways requirements`.

One access point from Eastgate Barns is proposed. In the absence of an objection from the Highway Authority in respect of the one point of access it is considered that HNTS15 (d) has been partly satisfied.

In conclusion the proposed scheme has addressed several parts of HNTS15, however, it is considered that the favourable factors have not outweighed the objective of size of dwellings. Given the site area has been increased in size, which in itself is unacceptable, this further adversely compounds in how the scheme addresses HNTS15 (a).

Overall, it is considered the scheme has not satisfied HNTS15.

This assessment will now turn to the other matters of the scheme.

Impact on the highway, access and parking

Core Strategy Policy CS11 requires new development to reduce the need to travel and promote sustainable forms of transport appropriate to their location. SADMPP Policy DM15 requires that development proposals should demonstrate that safe access can be provided and adequate parking facilities are available. SADMPP DM17 refers to parking provision within new development.

The Neighbourhood Plan has been through a formal adoption process with the Eastgate Barn allocation selected for a proposed housing allocation following a rigorous process of consultation and assessment using the accepted HELAA methodology. Whilst the objection

from the Highway Authority is noted the concerns stem from the junction with the A149 and not the site itself.

Paragraph 111 of the NPPF states:

'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.'

A significant factor in the determination of this application is that Eastgate is currently being used by existing residents and visitors for access onto the A149 which also serves and connects to Kirkgate from the north.

The applicant has submitted a Transport Statement which advocates the following:

- The overall accessibility of the site has been assessed in detail with respect to pedestrian, cycle and public transport access to demonstrate that the site offers opportunities for residents at the site to travel by modes other than private car.
- Accident data confirms that a single slight severity accident occurred within the accident study area, on the A149 approximately 100 metres east of the Eastgate/A149 crossroads junction. The contributory factor was driving whilst under the influence of alcohol and there is no evidence of a historical accident problem which could be exacerbated by the proposed development or vehicle activity associated with it.
- The report considered the application in transport terms, including a forecast of traffic movements associated with the proposed development. The trip generation assessment concludes that the proposed development will result in just 2 additional vehicle movement when compared to the previous grain store use of the site. Based on existing fluctuations in the daily traffic supported by Eastgate, the additional movements are likely to be imperceptible and can be accommodated without any impact on the operation or safety of Eastgate or the Eastgate/A149 junction.

Therefore, taking into account the land allocation, the existing use of Eastgate and that the access into the site is acceptable it is considered it would be difficult to sustain a refusal on the scheme having a severe highway impact on the A149.

SADMPP DM17 sets out the standards for car parking for new development.

The development comprises 1 two bedroomed property, two three bedroomed properties and two three/four bedroomed properties (a bedroom is shown as an office but could be used as a bedroom). Using the NCC parking standards 10 spaces or 12 spaces are required (dependent if the office is used as a bedroom).

The enclosed spaces are not considered to fall within the dimension requirement of being a garage as they are open sided and it is clear that they hold no other purpose other than accommodating a vehicle.

Therefore, the proposed development would provide garaging/parking spaces for up to 18 vehicles which includes the six-bay cart shed/garage block in the north section of the site. Notwithstanding the provisions of the Neighbourhood Plan the provision for car parking has been achieved on the site.

The proposal therefore complies with Policy SADMPP DM17 insofar as access and parking arrangements.

Impact upon Neighbour Amenity

It is considered the proposed development would not significantly harm the level of amenity for the properties to the north and west of the site in terms of a reduction in daylight sunlight and the presence of the built form (overbearing).

Turning to the south of the site there are residential properties which face the site in close proximity to the boundary, namely, 1 and 2 The Square. A further property, Redwings (2 Eastgate) is further to the south and as such would not be significantly affected.

In terms of 1 and 2 The Square the development is to the north of the neighbouring properties and as such given the separation distance there would not be a significant loss of light or outlook to the neighbours. The rear of the dwelling occupying plots D is 19.6 metres from the north/rear side of 1 and 2 The Square. It is proposed to insert a window at first floor to serve a bedroom facing south i.e. towards the neighbouring property. The separation distance is on the cusp of acceptability, however, taking into account there is one rear first floor window which is positioned in a slight offset position and the proposed tree line there are sufficient factors to balance against a significant loss of privacy. Although the ground level of the site is slightly higher than surrounding, a topographical survey submitted by the applicant shows the neighbouring property to have a cill height of 13.58 metres (AoD) with an eaves height of 14.43 metres and a ridge of 18.19 metres. The height of the neighbouring property would be a similar to the proposed plots C and D (13.62 m AOD to the neighbouring cill).

It is therefore considered the proposed development is acceptable in regard to the impact on the amenity of the surrounding properties and the proposal therefore complies with SADMPP Policy DM15.

Effect on AONB

Notwithstanding the accommodation size and encroachment of the site into the countryside, it is considered the proposed built form would represent an enhancement compared to the existing building which occupies the site. No objection has been received from Norfolk Coast Partnership in respect of the proposed layout, design and materials.

However, the change of character of the easterly side of the site would bring the balance into a neutral position in terms of the overall impact to the AONB.

In respect of dark night skies and in line with NP Policy HNTS 20 the control of any external lighting can be controlled by planning condition. Similarly, any light transmission from within the proposed dwellings can be minimised by planning condition which would control glazing materials to reduce light output.

Impact on ecology and protected sites

Policy CS08 requires developments to provide green spaces to safeguard wildlife and CS12 seeks to protect and enhance biodiversity in addition to creating new features to enhance the potential for wildlife within a site.

Due to the close proximity of the proposal to designated sites and the sensitive nature of the sensitive sites, there could be a likely significant effect to the features that cannot be ruled out. Impacts from additional recreational pressure in causing disturbance to pathways are a consideration for this application. In accordance with the Habitats Regulations, to mitigate potential impacts it is recommended that a financial contribution of £55 per dwelling (application submitted before 1 April 2022 and hence the lesser fee) is made to the Borough

Council to contribute towards the monitoring and mitigation strategy as in line with Policy DM19. This has been paid by the applicant and would mitigate the combined effects of recreational disturbance to designated sites.

The application has been supported by an Ecological Assessment comprising an Extended Phase 1 Habitat Survey and building inspection, identifying the site contains a limited range of habitats, consisting of areas of semi-improved grassland, ruderal and ephemeral vegetation and substantial, species-poor hedgerows. The building footprint will occupy previously built ground, bare earth and some areas of short ephemeral grassland.

In terms of protected species, the report identifies:

Reptiles - realistic risk that the proposed development works could result in harm or mortality to reptiles, if conducted insensitively.

Bats - built structures on site provide no suitable bat roosting features and consequently have negligible bat roost potential. Trees on site are due to be retained, and therefore there will be no direct impacts to potential tree roosts as a result of the proposal.

Nesting Birds - The hedgerows and trees on site are suitable for common nesting bird species, and evidence of nesting birds was found in the buildings

Natterjack Toad - It is anticipated there is the potential for impacts to the local population of natterjack toads from the occupation of the new dwellings, principally associated with the risk of toads being killed or injured by pets.

Badgers - likely to occur in the local area and it is possible that the species will transit occasionally around the site. However, no evidence of badger was found on the site and it is likely that badgers would actively avoid the construction site, meaning they would not be at risk of impacts.

Great Crested Newts - There is suitable refuge habitat within the site, but the site is over 100 metres from the nearest pond and separated from this waterbody by unfavourable habitat comprising housing and roads.

Water Vole - no suitable habitat on or directly around the proposed development site.

Priority Species, such as brown hare and hedgehog are common in the local area and may occur on site, as well as other small terrestrial animals. Without mitigation a short-term, minor negative impact to populations of these animals is possible as a result of direct harm/mortality, habitat loss and disturbance.

The report continues by setting out a mitigation hierarchy and strategy to avoid an adverse impact on the protected species and habitats.

It is considered the best practice measures advocated in the report are acceptable and afford suitable protection for species.

The ecological enhancements purported provide sufficient levels to ensure the scheme is consistent with the Local Plan. The measures can be secured by planning condition.

The proposal therefore complies with Policy CS08, CS12 and NP Policy HNTS7.

Contamination and Air Quality

It is reported by the Environmental Quality Team that the information in regard to the contamination of the land is brief but it does include an asbestos survey report. Taking into account the scale of the development, it is considered that a suite of planning conditions requiring a ground investigation and remediation scheme would ensure the safe development of the site.

In terms of impacts on air quality it is considered the change in traffic flows as a result of the development is unlikely to be sufficient to warrant the need for an assessment of the traffic emissions and therefore unlikely to lead to a build-up of emissions approaching the air quality objective for NO₂ due to poor air dispersion.

In regard to vehicle charging electric or hybrid-electric powered vehicles, such vehicles currently form a small percentage of the total number of vehicles on the road. However, electric/hybrid vehicles will become more popular, as further advances in technology are anticipated, and the likelihood is that these vehicles will become less expensive. Together with future development of Government policy in this area, it is possible that a significant percentage of vehicles will be electric or part electric powered in the near future. A key theme of the NPPF is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) re-charging, should be provided.

The Building Regulations were amended in June this year to ensure that new residential buildings are provided with infrastructure for the charging of electric vehicles. As such the Building Regulations have been brought into line with the NPPF and the Government's policy in respect of the increase in the use of electric or part powered electric vehicles. Taking into account the recent change to the Building Regulations the imposition of a planning condition to require an EV charging scheme would duplicate regulatory requirements. As such the imposition of a planning condition would fail the tests as set out in the NPPF and national planning guidance.

It is therefore considered the scheme in satisfying the amended building regulation would provide EV charging and is no longer necessary to control under this application.

The proposal therefore complies with Core Strategy Policy CS08 and SADMPP DM15.

Drainage

The applicant indicates that surface water will be disposed by a soakaway within the site and the foul sewage by main sewer although it is unknown if there will be a connection to an existing drainage system.

The Parish reports given the height above the road level and the properties to the north that surface water flooding will occur. Furthermore, it is reported that the pumping station at the northern end of Eastgate has suffered increasing problems of failure concerned that the proposed development would exacerbate the problem.

In the absence of comments from CSNN it is considered, given the scale of the development, that an appropriate means of drainage can be secured by planning condition. The EA raises no objection to the scheme.

Insofar as drainage, the proposal, subject to satisfactory drainage conditions would be in accordance with Policy CS08.

Other material impacts: Yes.

Taking into account the area of the site and the number of proposed units an affordable housing contribution would not be required.

CONCLUSION AND PLANNING BALANCE

There are matters which weigh against and in favour of the proposed development. On one hand the provision for modest housing underpins policy HNTS15 of the NP which would contribute towards the local economy from the initial construction and over the longer term with occupiers supporting local shops, services and facilities. The removal of the existing barn on the site would represent a betterment in appearance for the edge of village site and of the Holme next the Sea conservation Area.

Whilst there are benefits to the current scheme the proposal does not represent a form of modest housing and would be at odds with the general objectives of Policy HNTS 15: Site Allocation at Eastgate Barn, which strongly reflect the preferences of the local community in accordance with the Localism Agenda.

The scheme would not satisfy criterion a and b. Taking into account the information shown on the plans and in the absence of a tree survey would not fully satisfy c and d. The overall layout respects the setting of the Conservation Area and the majority of the design from a heritage perspective is acceptable. However, plots C and D do not represent any improvement to the setting and as such it is considered that this adds further weight against Policy HNTS 15 and the planning balance.

It is noted the proposed access is considered acceptable, however, the impact on the junction with the A149 draws an objection from the Highway Authority. Carefully considering the site benefits from the housing allocation and that Eastgate is currently used by residents and visitors with one recorded road accident the impact on highway safety is considered to not represent a severe cumulative impact to withhold permission. Therefore with the parking provision in mind and the single point of access favourable weight can be applied in terms of the impact on the local highway network. Similarly, favourable weight can be applied in terms of an acceptable impact on residential amenity and for an appropriate drainage scheme which can be secured by planning condition.

Notwithstanding NP Policy HNTS15 the overall impact of the built form to the AONB is acceptable and the scheme would not adversely harm protected species with best practise measures put into place

However, the area of the application site is greater in size than the housing allocation and would represent an encroachment into the countryside adversely changing its character. Although the parking on site would provide adequate spaces to satisfy the parking standards it is substantially greater than that set out in HNTS15 which limits development to 1 single garage per dwelling. This over provision of car parking on the site will increase traffic generation beyond that anticipated by the policy. When combined with the scheme exceeding the floor space and type of dwellings set out in NP Policy HNT15 it is clear that all these factors which weigh against the scheme show the proposed scheme is not in general accordance with the objectives of the Neighbourhood Plan.

Therefore, taking into account the merits of the scheme it is considered the benefits of the scheme are outweighed and as such would not represent a sustainable form of development.

As such it is recommended the application is refused.

RECOMMENDATION

REFUSE, for the following reasons:

- 1 The proposed residential development by reason of the internal floor space and the dwelling type and the number of bedrooms would be at odds with the Holme next the Sea Neighbourhood Plan. The objective of the housing allocation in the Neighbourhood Plan is to support new homes in the village to on the basis of the localism agenda, local preferences, strengthening the dwindling resident community and restoring balance in the housing stock toward smaller dwellings. Whilst there is a small degree of flexibility to accommodate an appropriate mix of dwellings that provide some choice for prospective purchasers, the proposed dwellings are in excess of this flexibility and would represent an untoward form of development that would be contrary to Policy HNTS15. There are matters which weigh in favour of the proposal, however, these do not outweigh the harm of the increased size of dwellings which is a sustainable form of development for the village. As such, the proposal would conflict with Policy HNTS15: Site Allocation at Eastgate Barn of the Neighbourhood Plan 2016-2036, Policy CS01 and CS06 of the Core Strategy 2011, Site Allocations and Development Management Policies Plan Policy DM3 and the NPPF paragraphs 78 - 79.
- 2 There are trees and a hedgerow within the site which currently contribute to the character and appearance of the streetscene and the Holme next the Sea Conservation Area. The trees and hedgerow are in close proximity to the proposed built form and it is not clear that they will be retained following the development of the site. The applicant has failed to support the application with a tree survey to identify the trees and hedgerow and a subsequent arboricultural impact assessment to demonstrate how the trees and hedgerow would not be damaged or influenced by the proposed built form. The application would therefore fail to satisfy criterion d of Neighbourhood Plan Policy HNTS 15, Core Strategy Policies CS08, CS12 and the Site Allocations and Development Management Policies Plan Policies DM2 and DM15.
- 3 The application site includes land which is not within Policy HNTS15 Housing Land Allocation. The parcel of land on the eastern side of the application site would therefore represent an encroachment into the countryside with a residential use. It is considered the proposal would change the character of the land and undermine the fringe of the village and the rural character beyond. There is no special justification for the encroachment into the countryside and the development could still be implemented within the allocated area without the change of use. As such the proposed encroachment would put the proposal at odds with Core Strategy Policies CS01, CS06, CS08, CS12 and the Site Allocations and Development Management Policies Plan Policies DM2 and DM15.