

AGENDA ITEM NO.9/1 (d)

Parish:	Holme next the Sea	
Proposal:	To cover and enclose existing seating area to permit use during inclement weather and allowing the same to use the toilet facilities and connection between the restaurant areas.	
Location:	Eric's Pizzas In The Yurt 7 Drove Orchards Thornham Road Holme next The Sea PE36 6LS	
Applicant:	Eric's Pizza Ltd	
Case No:	24/02124/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 14 February 2025 Extension of Time Expiry Date: 12 May 2025

Reason for Referral to Planning Committee – Cllr Jamieson has an interest in the land at Drove Orchards.

Neighbourhood Plan: Yes

Case Summary

The application site relates to Eric's Pizza (restaurant) located within the grounds of Drove Orchards, Holme-Next-The-Sea.

Full planning permission is sought to cover and enclose an existing outdoor seating area to the south of the restaurant in between the existing WCs and the farm shop.

Drove Orchards is located within the Countryside and National Landscape.

Key Issues

- Principle of Development
- Visual Impact
- Highway Safety
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site relates to Eric's Pizza (restaurant) located within the grounds of Drove Orchards, Holme-Next-The-Sea.

Full planning permission is sought to cover and enclose an existing outdoor seating area to the south of the restaurant, in between the existing WCs, Eric's Fish and Chips and the farm shop, in order to protect patrons from all weather.

The covered area will continue to serve both restaurants (Eric's Pizza and Eric's Fish & Chips) and does not increase the floor space of these premises.

The area proposed to be enclosed measures approximately 28m in length by 5m in depth, with an extra 1.6m in depth including the lobby area to the eastern end, totalling approx. 149 m². It would have a pitched roof design, measuring approx. 4m to its ridge and 2.4m to its eaves. Materials are proposed to match the existing materials on the site, including timber boarding, glazing and a metal sheet profile roof with five rooflights.

The details within the application state that there would be no increase in seating, as this already exists in the area proposed to be covered, but there would be an increase from 8 to 10 employees.

SUPPORTING CASE

No supporting case has been submitted with the application.

PLANNING HISTORY

There is extensive planning history across the wider site but the most relevant is as follows: -

24/02233/F: Pending Consideration: - RETROSPECTIVE -Erection of a 4 x 8 metre heavy duty tent. Main construction is based on connected steel poles covered with a heavy duty made to measure tarpaulin and positioned on a concrete pad. There is access at each end of the tent. - 10F Drove Orchards

24/00264/F: Application Permitted: 07/08/24 (Delegated – Committee Approval) - The addition of five holiday lodges to the existing glamping provision plus associated car parking. - Wild Luxury - The Wild Glamping Company

22/00202/F: Application Permitted: 06/05/22 (Delegated) - VARIATION OF CONDITION 2 OF PLANNING PERMISSION 21/00173/F: Extension on to retail unit (Use Class A1) for restaurant area (Use Class A3), storage and WCs including parking and drainage - Gurneys Fish Box, 1 Drove Orchards

21/00173/F: Application Permitted: 03/09/21 (Delegated) - Extension on to retail unit (Use Class A1) for restaurant area (Use Class A3), storage and WCs including parking and drainage. - Gurneys Fish Box, 1 Drove Orchards

20/00857/F: Application Permitted: 20/11/20 (Delegated) - Change of Use of part of a mixed-use former Grain Store from agriculture / mixed-use to uses that relate to agriculture and / or tourism only and comprise: retail, financial services, professional services (other

Planning Committee
6 May 2025

than health or medical services), estate agents, employment agencies, and research and development of products that relate specifically to agricultural or tourism. - Drove Orchards

19/00285/F: Application Permitted: 24/01/20 (Delegated) - Conversion of Dutch Barn to mixed use comprising Micro-brewery, retail and light industrial; change of use of grain barn to mixed use comprising agriculture, light industrial and retail; change of use of Polytunnel to dog training; erection of Café in lieu of that approved pursuant to 14/00193/F; new WCs and amended vehicular access. - Drove Orchards, Thornham Road, Holme next The Sea

17/00978/F: Application Permitted: 02/08/17 (Delegated) - Siting of small pergola, decking, porch and bar/ice cream hut; associated with existing A3/A1 unit. - Eric's Fish & Chips Norfolk, Drove Orchards

14/00193/F: Application Permitted: 15/04/14 (Delegated) - New retail unit, change of use of the land for siting of tea room and extension to existing farmshop - Drove Orchards

13/00757/F: Application Refused: 18/07/13 (Delegated) - Erection of 4no retail units within the existing commercial part of the orchard - Drove Orchards

12/00835/F: Application Permitted: 18/07/12 (Delegated) - New retail unit on A3 class designated land - Drove Orchards

09/01281/CU: Application Permitted: 08/12/09 (Delegated) - Change of use from agricultural land to siting of a 'yurt' tent and ancillary structures to be used as a restaurant - The Yurt Restaurant, Drove Orchards

RESPONSE TO CONSULTATION

Parish Council: CONCERNS, summarised as follows: -

- Significant area.
- Views into the site would be improved from the entrance.
- But the scale and character is not in keeping with rural surroundings.
- Impact on National Landscape, contrary to HNTS6.
- Introduce urban feel to the area.
- Unclear if an extension to the existing restaurant or a replacement for the number of existing covers.
- Number of restaurant covers needs to be clear for traffic implications.
- Highway safety.
- Ongoing concerns regarding the outstanding access improvements works.
- Piecemeal approach to the Drove Orchards development.
- Clarity over operating hours in respect of the use of the WCs on site.
- Large number of rooflights causing light spillage, contrary to HNTS20.
- The development as a whole would benefit from soft landscaping and biodiversity net gain.

Highways Authority: NO OBJECTION conditionally –

Whilst this may simply allow customers who may eat in their cars when rainy to use what was outdoor seating, it would inevitably increase patronage throughout the year.

As noted, the site is now served by two formalised bus stops, NCC would see a practical improvement to cater for increased patronage during poor weather by connecting the

Planning Committee

6 May 2025

Northside stop to the site along the highway verge, improving the connectivity with the site whilst providing a landing area to the dropped kerbs on the south side.

Whilst NCC is aware that there have been issues around this access point with a number of applications relating the alternative provisions, NCC would hope that all parties would be amenable to this request.

REPRESENTATIONS

None received.

KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040

LP06 - Climate Change (Strategic Policy)

LP07 - The Economy (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP14 - Parking Provision in New Development

LP16 - Norfolk Coast National Landscape (Strategic Policy)

LP18 - Design & Sustainable Development (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

NEIGHBOURHOOD PLAN POLICIES

HNTS 1: Principle of Sustainable Development

Policy HNTS5: Countryside Zone

Policy HHNTS6: Drove Orchards

Policy HNTS8: Sustainable Travel and Tourism

Policy HNTS20: AONB Landscape Quality

Policy HNTS25: Traffic and Car Parking

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are as follows: -

- Principle of Development

Planning Committee
6 May 2025

- Visual Impact
- Highway Safety
- Other Material Considerations

Principle of Development

The application site lies within the countryside where countryside protection policies apply.

Nationally, the overarching NPPF supports a prosperous rural economy through sustainable growth and expansion of all types of businesses in rural areas; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities (para. 88).

Local Plan Policy LP07 (The Economy) also promotes opportunities to improve and enhance the visitor economy, including tourism opportunities in rural areas.

Neighbourhood Plan Policy HNTS 6 relates specifically to Drove Orchards, which states that 'new development will be permitted where it is directly related to the agricultural use of the site or is for tourism related uses which are compatible with and related to the special characteristics of the AONB and the important habitats of the North Norfolk Coast'.

The Policy sets out criteria for development at Drove Orchards, which will be covered in detail in the relevant sections of the report.

It is considered that the proposed structure over the existing outside seating area is acceptable in principle in accordance with the Development Plan as it relates to an existing business, subject to other relevant planning policy and material considerations.

Visual Impact:

The proposed structure is relatively modest and would barely be visible from the public domain as it would infill a narrow area in between existing buildings on the site. The enclosure would 'blend in' with surrounding buildings on Drove Orchards as materials are proposed to match those on adjacent buildings, including timber cladding and metal profile sheeting.

The Parish Council's concerns regarding the appearance of the proposed structure not being in keeping with the rural character of the site is noted. However, there are a mix of structures and buildings on the wider Drove Orchard site, varying in scale, design and materials. Its overall character is therefore somewhat commercial. As such, it is considered that the scale and appearance of the proposed development 'would not be visually intrusive and the materials would respect the character of the area', as set out in criteria (ii) of Neighbourhood Plan Policy HNTS 6 (Drove Orchards).

Given that the proposed structure would be sited amongst existing buildings within the Drove Orchards complex and relates to their scale, appearance and use of materials, it is also not considered to cause any harm to the wider landscape character of the area, and in particular would cause no adverse impact upon the National Landscape designation, in accordance with criteria (i) of Neighbourhood Plan Policy HNTS 6.

The Parish Council raise concerns regarding light pollution from the proposed rooflights, which is covered in NP Policy HNTS 20. The LPA would not consider that the proposed development is likely to cause a material increase in light pollution to the extent that would

significantly impact on inherent local dark skies due to the fact that the seating area already exists, which may have external lighting currently, and the structure is small scale, surrounded by buildings, thus mitigating any adverse impact. Furthermore, the restaurant closes at 8:30pm which again, reduces any impact.

Accordingly, it is considered that the proposed development complies with Neighbourhood Plan Policies HNTS 6 and HNTS 20; Local Plan Policies LP16, LP18 and LP21; and the general provisions of the NPPF.

Highway Safety:

Whilst the Local Highway Authority (LHA) raises no objection to the proposed development, they have recommended a condition requesting off-site highway improvement works, on grounds that the proposal is likely to increase the number of patrons visiting the site.

Although there may be a slight increase in traffic as a result of patrons being able to utilise the space in all weather conditions, the LHA fundamentally raises no objection to the proposal on highway safety grounds. As such the LPA does not consider that Highway's request is proportionate to the scale and nature of the proposal, given that the outside seating area already exists on the site. The structure would not increase the number of covers, it would simply provide a dry area for the existing tables associated with an established business on the site.

Additionally, any further extension for outside seating at the site is likely to require planning permission, therefore there is control over any future increases in the numbers of patrons.

On the basis of the above, it is not considered that the recommended condition would meet all of the six tests as set out in the NPPG, in terms of it being necessary; relevant to the development to be permitted; and reasonable in all other respects.

In regard to criteria (iii) and (iv) of Neighbourhood Plan Policy HNTS 6, given that any increase in traffic would be limited, it is not considered that there would be a material impact upon the ample parking available on the site, neither would it affect pedestrian circulation. The LHA has not raised any highway safety objections and therefore it is not anticipated that any limited increase in the volume of traffic would interrupt the free flow of vehicles on the A149 Corridor of Movement and thus would not have a serious impact on highway safety.

In conclusion, it is not considered that the proposal would cause an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe, in accordance with para. 116 of the NPPF, Neighbourhood Plan Policies HNTS 6 and HNTS 25; and Local Plan Policies LP13, LP14 and LP18.

Other Material Considerations:

BNG:

This application is exempt from having to provide the mandatory net gain as the existing area which the proposed structure would cover is an existing gravelled surface and as such has no biodiversity baseline value.

Parish Council Comments:

The Parish Council concerns have been noted and mostly addressed in the report above.

Planning Committee
6 May 2025

With regards to the operating hours / opening times in relation to the WC facilities on the site, the Agent has confirmed that both of the restaurants on the site have their own WCs.

In respect of opening hours relating to the proposed development, the original application (Ref: 09/01281/CU) for 'the siting of the yurt and ancillary structures to be used as a restaurant' applied no conditions to the permission restricting hours of use. As such it would not meet the test for reasonableness to condition opening hours for this part of the facility alone.

Climate Change:

LP06 (Climate Change) requires all development to recognise and contribute to the importance of future proofing against the challenges of climate change to support the transition towards meeting the Government target of becoming a net zero economy by 2050.

Taking the Policy's criteria into consideration, the proposed development is located in an existing commercial complex and would be associated with an existing established business, which brings economic benefits to the rural area, as supported by Local and National Planning Policy. The proposal would maximise solar gain through the layout and design of the structure; the site is located within a low flood risk zone and the site constraints show no surface water flooding; and the structure would be constructed in a traditional manner with minimal emissions, in accordance with LP06 and LP18.

Crime and Disorder:

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

CONCLUSION:

The proposed development involves the provision of a covered and enclosed area over existing outside seating so that patrons of the existing restaurants can utilise the tables in all weather. The structure would be modest in scale and situated in between existing buildings in the middle of the Drove Orchards complex where it would have limited to no visual impact on the character of the area or wider Landscape designation.

Whilst the proposal does not intend to increase the number of tables / covers, there may be a slight increase in the number of patrons being able to utilise the site, but this would be limited given that the seating already exists. In turn, it may result in a limited increase in traffic generation to and from the site, however, the Local Highway Authority raises no objection on highway safety grounds. Additionally, there is ample parking provision available on the site to cater for any increase in parking demand.

Any further extension to the outside seating area is likely to require planning permission and would therefore be controlled, in terms of increased numbers of visitors etc.

In terms of the planning balance, it is considered that any potential highway issues would be outweighed by the economic benefits that the proposed development would provide, when taking into consideration the increase in two new employees and the fact that it would contribute towards a thriving rural business, as encouraged by the NPPF and Local Plan.

Overall, it is considered that the proposed development accords with Neighbourhood Plan Policies HNTS 1, HNTS 5, HNTS 6, HNTS 8, HNTS 20 and HNTS 25; Local Plan Policies LP06, LP07, LP13, LP14, LP16, LP18 and LP21; and the general provisions of the NPPF.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out using only the following approved plans:
 - 757-01 – Site and Location Plan
 - 757-11 – Proposed Plan
 - 757-12 – Proposed Elevations
 - 757-13 – Proposed Views
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.