

**AGENDA ITEM NO. 9/2(f)**

<b>Parish:</b>	<b>Sedgeford</b>	
<b>Proposal:</b>	<b>Phased development including demolition of existing buildings and construction of 8No. dwellings</b>	
<b>Location:</b>	<b>Sedgeford Tennis Centre Ringstead Road Sedgeford Hunstanton</b>	
<b>Applicant:</b>	<b>Mr Ian Mason</b>	
<b>Case No:</b>	<b>23/01873/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination: 21 December 2023 Extension of Time Expiry Date: 5 July 2024</b>

**Reason for Referral to Planning Committee** – *Called in by Cllr Jamieson and Officer Recommendation is Contrary to Parish Council Recommendation*

**Neighbourhood Plan:** Yes

**Case Summary**

Full planning permission is sought for the construction of 8no. dwellings following demolition of existing buildings on the site.

The site is largely rectangular in shape and currently accommodates four substantial buildings pertaining to previous uses on the site. The site was a former tennis centre and included a manager's flat. However, following failure of the business the use of the site was changed to agriculture.

The site lies well outside of the development boundary for Sedgeford in land designated as countryside. The site is located with the North Norfolk National Landscape (formerly known as the Area of Outstanding Natural Beauty.)

Access to the site is from Ringstead Road to the east.

The site does not lie in any designated flood risk area and is some 700m to the north of Sedgeford Conservation Area.

Additionally, the site lies adjacent to the Former Sedgeford Railway Station which is listed in Sedgeford Neighbourhood Plan as a building of local historic interest.

**Key Issues**

- Principle of Development
- Form and Character and Impact on the North Norfolk National Landscape
- Residential Amenity
- Highway Issues
- Housing Mix
- Loss of Employment Use
- Drainage
- Ecology, Biodiversity and Protected Sites

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S106 Considerations  
Crime and Disorder  
Other Material Considerations

**Recommendation**

**REFUSE**

**THE APPLICATION**

Full planning permission is sought for the construction of 8no. dwellings following demolition of existing buildings on the site. The current planning use of the site is agriculture following failure of the previous leisure business on the site and consent to change the use.

The site lies outside of the development boundary for Sedgeford (a Rural Village as classified in the Settlement Hierarchy of the Local Plan) and therefore countryside in planning terms.

The site currently accommodates four substantial buildings pertaining to previous uses on the site and it is proposed to demolish these buildings and erect 8no. dwellings. One dwelling (plot 1) would be an affordable rent property.

The dwellings would be two storey and comprise:

- Plots 1 and 2 - a pair of semis, plot 1 being 4-bed and plot 2 being 3-bed,
- Plots 3 and 4 - a pair of 3-bed semis,
- Plot 5 - a detached 5-bed dwelling,
- Plots 6 and 7 - a pair of 4-bed semis, and
- Plot 8 a 3-bed detached dwelling.

The proposed materials are:

- Plots 1, 2, 3 and 4 – antique red brick with carrstone infill and brushed steel or aluminium rainwater goods,
- Plot 5 – antique red brick with chalk infill and black uPVC rainwater goods,
- Plots 6, 7 and 8 - antique red brick with carrstone infill and black uPVC rainwater goods,
- Where provided detached cart sheds (plots 5 and 8) would be timber under a pantile roof, and garages (plots 2-4 inclusive) would be brick under a pantile roof. Plots 6 and 7 have integrated cart sheds,
- All the dwellings would have red clay pantile roofs and cream uPVC flush casement window frames.

In terms of ridge heights:

- Plots 1 – 4 inclusive – main ridge height 7.5m, eaves height 4.1m,
- Plot 5 – main ridge height 8.1m, eaves height 5.3m,
- Plots 6 and 7 – main ridge height 8.5m, higher eaves height (rear) 5.2m; lower eaves height (front) 2.5m, and
- Plot 8 – main ridge height 8.5m, higher eaves height (front) 5.3m; lower eaves height (rear) 2.6m.

The existing western buildings have ridge heights of 8.4m and eaves heights of 5.3m, whilst the apex of the domed building is 9.6m.

There is an approximate change in levels between the western and eastern part of the site of 2m, and 1.5m change south to north.

Outer boundary treatments (around the perimeter of the site) comprise mesh weld fence enclosing hedgerows, whilst internal treatments include tapered close boarded timber fencing, post and rail fencing and low-level native hedging. All existing trees would be retained except for a group of Leyland Cypresses in the southwest corner of the site; 37 new trees are indicatively shown on the Proposed Boundary Treatment and Indicative Landscaping Plan.

The site lies within the North Norfolk National Landscape.

Access to the site will be from the existing access from Ringstead Road to the east.

## **SUPPORTING CASE**

*Background:* Anyone who has visited or has knowledge of this site within recent years will know that it has been an active target for vandalism and anti-social behaviour ever since the closure of the Tennis Centre in April 2011. Following the closure, the applicant advertised the premises for sale in hopes of a potential commercial purchaser but unfortunately no contacts were made which has left the applicant with an unoccupied commercial premises.

The large buildings are currently part-used for storage of farm machinery, following a 2014 permission for change of use although it is clear to see that the buildings as they stand are not ideally suited for this use and thus not a sustainable or long-term solution.

*Proposal:* The proposals submitted are for 8No dwellings, four of which are two pairs of semi-detached cottages which are to reflect farm workers cottages in association with a farmyard setting. The rest are of barn conversion appearance to reflect the local characteristics of a rural environment.

All materials proposed are to reflect a traditional barn or cottage by utilising red facing brickwork with carrstone infills, rustic red clay pantiles, cream uPVC windows and black guttering/downpipes fixed to corbelled eaves. These materials proposed will blend into the environment, together with the proposed landscaping, compared to the current industrial style, steel framed buildings with bright white metal sheeting, which catch light, together with the wholly incongruous green tennis dome.

*Planning Policy:* It is recognised that the site lies north of the development boundary of Sedgeford. However, it should also be recognised that this site comprises of a brownfield development opportunity on a derelict site that is currently attracting anti-social behaviour. There is support locally for these proposals to secure its long-term viable future.

The proposals meet the requirements of paragraph 83 in promoting sustainable development in rural areas to maintain and enhance the vitality of rural communities.

Policy CS10 looks to retain employment uses but the former tennis centre has not been in use for some 13 years now, demonstrating a lack of demand. The location of the site further means that commercial use and employment are unlikely. This would also generate significantly greater vehicle movement than a residential use, which would not be welcomed. A residential development would be more financially viable and provide much-needed new homes to meet the identified housing demand, including an affordable housing contribution.

With the aforementioned design considerations, the proposals are therefore considered to be in accordance with Section 12 of the Framework and Policy DM14, CS08 and relevant parts of H4 as they will protect and enhance the amenity of the wider environment – creating a high quality, biodiverse and sustainable development.

Although this planning application has been considered against the current development plan, it is considered that there is no conflict with the Framework and that there are benefits to the scheme that outweigh any limited degree of conflict with the development plan.

*AONB:* The current state of the site makes an extremely limited contribution, and subsequently is detrimental to the AONB. The proposals presented provide an enhancement by removing height, massing, and breaking down the long expanses of out of character bright white clad industrial buildings.

*Public Engagement:* Throughout the course of this application great efforts have been made to maintain clear communication with the local community. Meetings with the Parish Council along with invitations to view the site were undertaken. The applicant also provided a contact number for local residents to discuss the proposals and/or visit the site themselves.

Attention should be brought to the fact the planning application has received nine public comments; seven of which are in support, one which is neutral (although this was more of an informative) and one which was an objection. The significant amount of support for this application should imply that that the local community are also in favour of this development.

One neighbouring objection was received which was addressed through direct communication with the neighbour to alleviate all their concerns via amendments to the plans. Subsequently their objections were removed, and it is noted that they supported the development in principle.

With all of the above considerations taken into account, we strongly believe that planning permission be granted.

## **PLANNING HISTORY**

14/01207/F: Application Permitted: 22/05/15 - Change of use from D2 assembly and leisure to agricultural use for agricultural storage. Delegation Decision.

2/00/0187/F: Application Permitted: 20/06/00 - Squash court and fitness suite extension and construction of covered tennis court together with associated car parking. Committee Decision.

## **RESPONSE TO CONSULTATION**

**Parish Council:** Following the submission of amended plans, Sedgeford Parish Council retains its **SUPPORT** for this development.

Sedgeford Parish Council stands by its original full support for the development of this derelict, unattractive brownfield site.

The current dilapidated buildings, together with the disused tennis dome, have been a blot on the landscape for a number of years and do not in any way complement the surrounding area.

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The site has regularly attracted vandalism, which is a cause of great concern for village residents.

Following proactive consultation from the developers with the local community the design and plans have been adapted to meet the aesthetic of the village and local landscape with a priority on protecting and enhancing wildlife habitats.

The Parish Council welcome the changes to design which take account of earlier comments and strongly urge the Committee to agree to these plans.

**Highways Authority (NCC): NO OBJECTION** The proposal would see the replacement of all buildings on site with 7 new dwellings, served from the existing point of access, which allows adequate visibility onto the Ringstead Road, which does not benefit from any formal pedestrian provision for around 500m south towards the village core.

Whilst it is likely that the site had the propensity to generate vehicle traffic, the habitual 42 daily vehicle movements, pedestrian footfall and School transport demand attributable to the 7 proposed dwellings would not be generated by the agricultural use of the site and has not been detailed in relation to the racket sports uses.

It is considered that the residential use would engender increased vehicular activity, reliance upon private cars, contrary to sustainability objectives and introduce further demands on the public purse, however, there are no highway safety reasons to resist the proposal, given the existing access arrangements.

However, a reduction in overall property numbers to 5 would be more comparable to the likely traffic patterns of the existing use and would balance my transport sustainability concerns in relation to the lack of pedestrian facilities and educational transport implications.

**Housing Team (BCKLWN): NO OBJECTION** subject to securing affordable housing. In this instance 20% is required which is 1.6 units which should be provided as 1 no. onsite unit for rent and a commuted sum of £36,000 (£12,000 for each 0.2 of a unit) by S106 Agreement.

**Protected Landscapes Manager (Norfolk Coast Partnership): OBJECT** This proposal is within the Norfolk Coast Area of Outstanding Natural Beauty (AONB), which is distinguished from other places by a combination of key qualities which make the Area unique and worthy of designation. Further information on the character of the area can be found in the National Character Area profiles produced by Natural England, the 2019-24 Norfolk Coast AONB Management Plan and the Integrated Landscape Character Guidance for the AONB.

- The proposed development is sited outside of the development boundary for Sedgeford as depicted in the Local and Neighbourhood Plans. It can therefore be considered to lie within the countryside, where new residential accommodation is generally limited to dwellings essential for a rural enterprise, which does not appear to be the case here. We understand and are supportive of the need for sustainable rural economies and recognise farming as a key industry for the AONB. However, we believe this proposal exceeds what would be required for housing for a farm manager.
- We appreciate that the design is intended to replicate the nucleated layout of traditional farm buildings, however the location, size and scale of the proposal is likely negatively impact the settlement pattern of this area and the intrinsic character and beauty of the countryside.
- This proposal is close to Internationally, European and nationally designated sites, and within one or more SSSI Impact Risk Zones. The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs

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should not normally be permitted. The impact of the proposed development on nearby SSSIs has not been fully explored, the impacts have not been assessed and no potential mitigation measures have been outlined. The planting schemes proposed are very limited and do not offer any meaningful enhancement or improvements to habitat connectivity in the area, and do not secure any significant net gain for biodiversity or the wider environment.

- The design of the dwellings proposed contain large amounts of glazing, with no consideration or mitigation of the light pollution this is likely to cause to the surrounding area. This location is outside of the village boundary and surrounded on three sides by open agricultural land. The impact of light emitted from these new dwellings is therefore likely to have significant negative visual impacts and will also negatively impact biodiversity in this area.

We do not believe that this proposal will conserve or enhance the AONB in any way, in accordance with NPPF 172, and consequently do not support it.

**Conservation Officer (BCKLWN): NO OBJECTION** Some minor alterations have been made to the fenestration which have improved their appearance and the site plan has been amended to show an L shaped arrangement of barns to the rear of the site instead of a linear line. This is more in keeping with a barn style development in a rural context.

Plot 5 retains a brick chimney which is entirely out of keeping with an agricultural barn and is more akin to a rather standard housing development found anywhere. It would be preferred if this could be removed as it impacts upon the success of this plot to integrate into the barn aesthetic of the site.

The amended plans are an improvement on the previously submitted scheme but the success of the scheme will be in the detail and the removal of the chimney on plot 5.

We therefore consider that with a minor tweak to the removal of the chimney, the scheme could be considered acceptable.

If you are minded to approve, please consider conditions relating to the following:

- Joinery details
- Rooflight details
- Sample panel
- Details of all external materials
- Vents ducts and flues
- Rainwater goods
- Hard and soft landscaping.

**Environmental Quality (BCKLWN): NO OBJECTION** The proposal is to demolish the former Tennis and Fitness Centre buildings and associated structures, and to build new homes. The applicant has submitted several documents that refer to the previous uses of this brownfield site:

Planning Statement, Sept 2023

Design and Access Statement, Sept 2023

Contaminated Land Screening Assessment, Sept 2023

These buildings include former tennis courts and associated facilities including offices, described generally of a pitched roof and steel construction. The current use is for storage of agricultural machinery in line with the most recent planning permission 14/01207/F.

The information provided provides details from historical maps which confirms that the land has been in agricultural use, followed by commercial and then for storage of agricultural

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vehicles and machinery. The site is reported to be alongside the converted former Sedgeford Station and closed railway line. Reference to historical maps shows a tank present on the former agricultural buildings. The screening assessment says that chemicals were not stored on site. It is not known whether this is the case for the earlier agricultural use, or if the former tank was for fuel.

The screening assessment states that no contamination is suspected. However, there are potential sources which have not been considered, so further investigation will be required to ensure that the site will be suitable for its proposed use taking account of ground conditions and any risks arising from land contamination as required by NPPF para 189. In order to require this safeguard I recommend the full suite of contamination conditions be appended to any permission granted.

The screening assessment states that asbestos material is not suspected in the current buildings, however due to the age of the commercial buildings (pre-2000) and also the previous agricultural buildings, asbestos materials may be present. I therefore recommend a suitable informative be appended to any permission.

**Community Safety and Neighbourhood Nuisance (BCKLWN): NO COMMENTS TO MAKE**

**Internal Drainage Board:** The site in question lies outside the Internal Drainage District of the King's Lynn Internal Drainage Board, the proposed application is classed as a minor development and does not meet our threshold for commenting. Therefore, the Board has **NO COMMENTS TO MAKE.**

**Anglian Water:** There is no connection to the Anglian Water sewers, we therefore have **NO COMMENTS TO MAKE.**

**Sport England:** I can't see a reason for opposing this application because the site is in need of redevelopment. This being the case, Sport England does not wish to raise an objection and offers its **SUPPORT** to this application.

**Natural England: NO OBJECTION** subject to securing appropriate mitigation which in this instance should be the GIRAMs payments.

The submitted Habitats Regulations Assessments (shadow appropriate assessment) is of a standard that can be adopted by the Local Planning Authority as competent authority, and Natural England agrees with its conclusion that securing appropriate mitigation (GIRAMs payment) will mean that the development would not result in adverse impacts on protected sites as a result of recreational pressure.

**Senior Ecologist (BCKLWN): NO OBJECTION** I am pleased to see that the recommended enhancements have been included on the Proposed Boundary Treatment Plan and Indicative Landscaping Plan. I have no issues with these proposals and recommend that they are secured in accordance with this document. The location of these features should also be transposed on to the elevation drawings where possible to ensure constancy across project documents.

Details of the type of boxes to be used for bats and birds should be agreed with the LPA prior to installation. I recommend that all boxes be either Schwegler or woodstone boxes which typically have a higher longevity than traditional wooden boxes.

If you are minded to grant consent please still consider conditioning lighting and adding an informative in relation to site clearance and nesting birds.

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**Arboricultural Officer (BCKLWN):** I have **NO OBJECTION** in principle to this proposal, and the applicant has demonstrated that existing trees can be successfully retained in the development. Conditions relating to tree protection and hard and soft landscaping will be required.

**Norfolk Fire and Rescue: NO OBJECTION.** A fire hydrant will need to be secured by condition to be provided at the developer's expense.

**Norfolk Constabulary: SUPPORT** No additional comments to make following submission of amended plans, and I would recommend that the agent considers applying for full Secured by Design Gold Award.

**Emergency Planning Officer (BCKLWN):** The site does not lie in an area at risk of flooding. I therefore have **NO COMMENTS TO MAKE.**

**Conservation Area Advisory Panel (BCKLWN): NO OBJECTION** Following the submission of amended plans.

## **REPRESENTATIONS**

**SEVEN** letters of **SUPPORT** have been received. The reasons for support can be summarised as:

- The current site attracts vandalism and is an eyesore,
- New housing would be better than the existing buildings,
- A residential development would greatly enhance the village both visually and provide much needed new housing for families,
- The present buildings are visually intrusive and cause harm,
- The development should have some homes that are designated for local people and not second homeowners,
- The AONB officer has clearly never visited the site and whilst her comments may have been valid in relation to development of a greenfield site the site is not a greenfield site. How can 50 years of trains, lorries, tractors, factories working 24/7, and people community to the gym / playing tennis have less impact on SSSI's than seven dwellings?

**ONE** letter of **OBJECTION** has been received. The reasons for objection can be summarised as:

- Impact on the AONB
- Impact on nearby residential properties.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS10** - The Economy

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**CS11** – Transport

**CS12** - Environmental Assets

**CS13** - Community and Culture

**CS14** - Infrastructure Provision

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

**DM19** - Green Infrastructure/Habitats Monitoring & Mitigation

## **NEIGHBOURHOOD PLAN POLICIES**

Policy H3: Infill development within the Development Boundary

Policy H4: Development outside the development boundary

Policy H5: Housing Mix

Policy H8: New Housing as Permanent Dwellings

Policy E5: Conservation Area and buildings of historical interest

Policy E6: Dark Skies

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **PLANNING CONSIDERATIONS**

The main considerations are:

Principle of Development

Form and Character and Impact on the North Norfolk National Landscape

Residential Amenity

Highway Issues

Housing Mix

Loss of Employment Use

Drainage

Ecology, Biodiversity and Protected Sites

S106 Considerations

Crime and Disorder

Other Material Considerations

### **Principle of Development:**

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise (para 2, NPPF.)

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The development plan comprises the Core Strategy, 2011 (CS), the Site Allocations and Development Management Policies Plan, 2016 (SADMP) and the Sedgford Neighbourhood Plan, 2019.

The proposal represents development outside of the development boundary for Sedgford as shown both in the SADMP and Sedgford Neighbourhood Plan. The development would therefore be on land designated as countryside.

The current permitted planning use of the site is agriculture by virtue of implementation of consent for change of use to agricultural use for agricultural storage granted under application 14/01207/F. However, it is acknowledged that not all the buildings were converted to agricultural storage and some buildings retain features of their past recreational use. It should be noted that 'agriculture' does not fall within the definition of previously developed land given in 'Appendix 2: Glossary' of the NPPF. As a starting point therefore, the site is not a brownfield site / does not constitute previously developed land.

Notwithstanding this, new residential development in the countryside is generally resisted at both national and local level unless essential for agriculture or forestry to ensure the protection of the intrinsic character and beauty of the countryside (Development Plan Policy CS06) or is subject to other enabling policies as outlined in Development Plan Policy DM2.

Development Plan Policy CS06 states *Beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs.*

*The strategy will be supportive of farm diversification schemes and conversion of existing buildings for business purposes in accordance with Policy CS10 providing any proposal:*

- *meets sustainable development objectives and helps to sustain the agricultural enterprise;*
- *is consistent in its scale with its rural location;*
- *is beneficial to local economic and social needs;*
- *does not adversely affect the building and the surrounding area or detract from residential amenity.*

*Conversion to residential use will only be considered where:*

- *the existing building makes a positive contribution to the landscape;*
- *a non-residential use is proven to be unviable;*
- *the accommodation to be provided is commensurate to the site's relationship to the settlement pattern; and the building is easily accessible to existing housing, employment and services.*

In relation to these policy requirements, the development is not essential for agricultural or forestry needs, does not represent farm diversification and would not retain the existing buildings which it is acknowledged later in this report do not make a positive contribution to the landscape.

Development Plan Policy DM2 states *The areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan, including:*

- *farm diversification (under Core Strategy Policy CS06);*
- *small scale employment (under Core Strategy Policy CS10);*

- *tourism facilities (under Core Strategy Policy CS10);*
- *community facilities, development in support (under Core Strategy Policy CS13);*
- *renewable energy generation (under Policy DM20 of the rural economy or to this Plan);*
- *rural workers' housing (under Policy DM6 of this Plan); and*
- *affordable housing (under Core Strategy Policy CS09)*

The proposed development does not represent any of these enabling criteria.

Neighbourhood Plan Policy H4 states *Outside the village development boundary new housing development will only be supported in accordance with Local Plan and national policies for development in the countryside, including, where there is clear evidence of local need, the development of affordable housing, to be retained as such in perpetuity on rural exception sites. Development proposals outside the development boundary should demonstrate that:*

- *They are adjacent to the development boundary,*
- *They would not be intrusive in the countryside, particularly the AONB,*
- *They would not have an unacceptable detrimental impact on the living conditions of neighbouring residents...*

The proposed development does not represent a rural exception site, is not adjacent to the development boundary, and would be intrusive in the countryside, particularly the AONB.

The proposed development would therefore result in residential development in the countryside that is contrary to the overarching aims of directing development to the most sustainable locations and does not fall within any of the enabling policies for development in the countryside and is therefore contrary to the NPPF in general and specifically to paragraph 2 of the NPPF and Development Plan Policies CS01, CS02, CS06, and DM2 and Neighbourhood Plan Policy H4.

However, in this instance there is a material consideration that needs to be weighed in the planning balance, and that is that the existing built form on the site is considered by some to detract from the visual amenity of the locality and in particular the Designated National Landscape. This is the basis for support of the Parish Council and third-party representatives and the reason for the call-in by Cllr Jamieson.

### **Form and Character and Impact on the North Norfolk National Landscape:**

#### *National Landscape and Design Matters:*

The site lies within the designated North Norfolk National Landscape.

Paragraph 180 of the NPPF requires planning decisions to contribute and enhance the natural and local environment by protecting and enhancing valued landscapes...and recognising the intrinsic character and beauty of the countryside.

Paragraph 182 goes on to states *Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

Paragraph 183 continues by stating *When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be*

*demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

In relation to the definition of major development, the NPPF states, at footnote 64, *For the purposes of paragraphs 182 and 183, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*

Therefore, whether the development is major development [to be defined by the impact it would have on the National Landscape] has a significant bearing on whether the application should be refused other than in exceptional circumstances.

Natural England makes no mention of the North Norfolk National Landscape in their response and, as national custodians of these designated areas, this lack of comment suggests that they do not consider that the development would result in harm to the designation.

However, the Norfolk Coast Partnership did object to the initial submission although they have not made further comments in relation to any of the amendments. However, their initial comments do not specify how they believe the proposed development would result in harm to the National Landscape other than in terms of light pollution which could be suitably addressed by lighting and glazing conditions if permission were granted.

Your officers do not therefore consider that the development is major development for the purposes of the NPPF.

Notwithstanding this, the LPA is still required to give great weight to conserving and enhancing landscape and scenic beauty in the National Landscape designations and ensure that the scale and extent of development within these designations is limited.

In this regard, as previously mentioned, the Parish Council and several third parties consider that the existing built form on the site is harmful to the National Landscape and that the replacement of the existing buildings with the proposed residential development would be an improvement and enhance the National Landscape.

In terms of scale and mass the proposed development would be no taller and would have less mass than the existing buildings, and it could be argued that the red pantile roofs that would be seen in distant views would appear less alien than some of the existing buildings, especially the green domed building.

Additionally, the proposed dwellings would have a smaller combined footprint than the existing buildings and the development would provide biodiversity net gain in the form of native hedgerows, additional trees, and areas of pollen rich flower beds, and rich grassland mix planting as well as garden lawns.

However, conversely there would be increased activity associated with the site and general residential paraphernalia. The site would be occupied 24/7 given the principal dwelling

occupancy requirement in Neighbourhood Plan Policy H8 that would be secured by S106 Agreement if permission were granted.

Members therefore need to carefully consider whether the existing type of built form and activity associated with the site is more harmful to the National Landscape than the proposed residential use and activity.

Your officers consider that the scale and extent of the proposed development is acceptable given the existing built form on the site, and that the development would conserve / have a neutral impact on the National Landscape by replacing one type of built form and activity with another type of built form and activity.

Paragraph 135 of the NPPF states *Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

This is reiterated in Development Plan Policies CS08 and DM15.

Sedgeford Neighbourhood Plan does not have a policy that relates to general design considerations for development other than infill development within the development boundaries, of which this development does not fall. However, it is reasonable to assume that the general guidance given for how development should integrate into its surroundings within the development boundary could equally be attributed to this proposal. In that regard Neighbourhood Plan Policy H3 states... *development of individual or small groups of dwellings will be supported where:*

- They would relate well to the neighbouring development in terms of height, scale and impact on the street scene, and, where applicable, would preserve or enhance the character or appearance of the Conservation Area, and*
- They would not have an unacceptable detrimental impact on the living conditions of the occupants of neighbouring property, and*
- The provision of a vehicular access would not have an unacceptable detrimental impact on to highway safety and on-site parking can be provided in accordance with NCC standards.*
- Dwellings should maintain adequate spacing and not appear cramped on the plot or in relation to neighbouring dwellings and their footprint should not normally exceed 40% of the plot area;*
- The development does not conflict with other development plan policies.*

It is considered that the scale, mass, design, materials and density of the proposed development is acceptable given the existing built form on the site.

There are other examples of small enclaves of residential dwellings within the countryside and in this respect, given the existing built form on the site, it is considered that the proposed development would be visually attractive, sympathetic to local character, establish a strong sense of place and offer a high standard of amenity for future occupiers of the new dwellings whilst not resulting in unacceptable impacts on occupiers of existing neighbouring dwellings.

*Heritage Assets:*

Whilst the Conservation Team were consulted on this application, and their comments have been incorporated into amendments made by the applicant, the distance from the site to the nearest part of the Conservation Area (approximately 700m), together with the means of obstruction by virtue of the topography of the land, means it would be difficult to suggest that either the existing or proposed developments would have a material impact on Sedgford Conservation Area.

The site lies to the north of the Former Sedgford Railway Station which is listed in Neighbourhood Plan Policy E5 as a building of local historic interest. Policy E5 states *New development should respect the built heritage of Sedgford and proposals for development within the Conservation Area will be required to demonstrate that they have taken the Sedgford Conservation Area Character Statement (draft) of 1990 into account.*

*Development that would affect the buildings listed below and shown on Map 9 which do not have a formal heritage designation should take account of their historic interest and character.*

1. King William IV Public House
2. Former Sedgford Railway Station
3. The Primary School.

In relation to this, a brief reference is given to the railway station that lies to the southeast of the site in the Design and Access and Planning Statements. The applicant considers that the proposed residential use of the site would have no greater impact on the setting of the former railway station than the existing adjacent uses. Your officers tend to agree with this.

*Summary:*

For the reasons outlined above, it is therefore considered, in relation to Form and Character and the Impact on the North Norfolk National Landscape, that the development is in general accordance with the NPPF and specifically with paragraphs 135, 180, 182, 183 of the NPPF, Development Plan Policies CS08 and DM15 and Neighbourhood Plan Policy H3.

**Residential Amenity:**

Policies outlined previously in this report under the section Form and Character (paragraph 135 of the NPPF, Development Plan Policy DM15 and Neighbourhood Plan Policy H3) require development to take account of residential amenity and require consideration to be given to overlooking, overbearing and overshadowing impacts to ensure a high standard of amenity for both existing and future occupants.

Access to the site is via the existing access from Ringstead Road to the east and the existing track and new access road will be replaced with a porous asphalt access road which having a harsh appearance in this rural setting should not result in any material noise impacts. If permission were granted the materials of the access road could be suitably conditioned to ensure the impact is not too harsh.

The development would result in an increase in nighttime activity and domestic noise and lighting associated with the proposed development. However, a residential use is not generally considered to be a 'nuisance neighbour'. Furthermore, the closest residential dwelling (Station House) lies to the southeast of the site and would be approximately 90m away from the closest proposed dwelling (plot 1) although is relatively close to the access.

The Community Safety and Neighbourhood Nuisance Team raise no concerns with the proposed development in terms of noise.

It is therefore considered in relation to residential amenity that the development accords with the NPPF in general and specifically to paragraph 135 of the NPPF, Development Plan Policy DM15 and Neighbourhood Plan Policy H3.

### **Highway Issues:**

Paragraphs 114, 115 and 116 of the NPPF relate specifically to sustainable transport, safe and suitable access for all, the design of streets, highway standards and parking provision. These issues are reiterated in Development Plan Policies CS11, DM15 and DM17 which require development to, amongst other things, reduce the need to travel (by providing development in sustainable locations), provide safe and convenient access for all modes and provide parking in line with residential parking standards which require 1 space for a 1-bed unit, 2 spaces for 2 and 3-bed units and 3 spaces for 4 or more-bed units.

Paragraph 116 of the NFF states *applications for development should:*

- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

The site is located some distance from the settlement proper of Sedgford and the road is not particularly wide, has no footpath and is not lit. This, coupled with the topography of the land, suggests access to the site for those with disabilities and reduced mobility or those with infants and small children are likely to find any method of transport other than the private car less favourable. In terms of sustainable transport, the site does not offer priority to users other than those using private vehicles and therefore the development is contrary to the paragraph 116 of the NPPF and Development Plan Policy CS11.

Paragraph 104 of the NPPF requires planning decisions to protect and enhance public rights of way and access. A public right of way runs to the south of the site (Sedgford BR3) but is unaffected by the proposed development.

Parking provision has been shown to be in accordance with NCC parking standards and therefore accords with Development Plan Policies CS11 and DM15 and Neighbourhood Plan Policy H3.

The Local Highway Authority (LHA) raised concerns when the proposed development only sought 7no dwellings. Further comments have not been received from them in relation to any of the amended schemes. Notwithstanding this, the LHA also made it clear in their initial response that they did not believe that they could sustain an objection on highway safety grounds.

Whilst the site access itself with the wider road network can provide suitable and safe access and parking provision is in accordance with parking standards, the site is not in a sustainable location in terms of transport with the chance of using other modes of transport than the private car slim and certainly not prioritised as required by paragraph 116 of the NPPF or Development Plan Policy CS11. It is therefore considered that in terms of sustainable transport the development is contrary to the NPPF in general and specifically to paragraph 116 of the NPPF and Development Plan policy CS11.

### **Housing Mix:**

Paragraph 60 of the NPPF states, in relation to delivering a sufficient supply of homes *The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.*

This is reiterated in Neighbourhood Plan Policy H5 that states *Proposals for new residential development of two or more houses should demonstrate how the housing mix reflects the identified need for two and three-bedroom dwellings, or the need identified by the most up to date published information on housing need, having regard to the characteristics of the site.*

The proposed development is for:

- 1 x 5-bed dwelling
- 3 x 4-bed dwellings
- 4 x 3-bed dwellings
- 0 x 2-bed dwellings.

It is acknowledged that the housing team requested one of the proposed 3-bed dwellings was altered to a 4-bed dwelling to meet the affordable housing need. However, no further justification has been given as to why no 2-bed dwellings are provided or why 50% of the units have four or more bedrooms when only 1no. 4-bed dwelling is required to meet an identified need.

In relation to housing mix it is therefore considered that the development does not accord with paragraph 60 of the NPPF or Neighbourhood Plan Policy H5.

### **Loss of Employment Use:**

As previously stated, the site and buildings fall within agricultural use following implementation of a change of use application granted permission in May 2015 under application 14/01207/F and is not therefore classed as *previously developed land*.

Agricultural uses are considered employment uses and Development Plan Policy CS10 seeks to retain employment land and states *The Council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that:*

- *continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or*
- *use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or*

- *an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council's regeneration agenda.*

In relation to the rural economy, paragraph 88 of the NPPF states *Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character*
- d) of the countryside; and*
- e) the retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

The applicant covers the loss of the employment use in their planning statement and the following summarises the points made:

- There is a clear lack of demand for a leisure use,
- The location of the site means that further commercial and employment generating uses are unlikely to be suitable and would generate significantly greater vehicle movements than the proposed residential use,
- The agricultural permission was only part implemented and the majority of the buildings are not readily available for agricultural storage due to internally comprising abandoned tennis courts and associated facilities including changing rooms and bar,
- Likewise, the buildings could not easily be converted to rural offices,
- There is no demand for agricultural storage from their client's perspective,
- There has been no demand for commercial use of the space in the lengthy period the site has remained vacant and given the significant costs and challenges for conversion, a developer would not undertake this at risk for a speculative commercial use with no end-user identified.

Whilst the summary above sounds reasonable at face value, it is not based on any quantitative information; the site does not appear to have been advertised and no information has been submitted from local agents to confirm there is no known local demand for any of the uses dismissed by the applicant.

It is therefore considered that insufficient justification has been given for the loss of the existing employment use or consideration of alternative employment uses that would support the rural economy. The development is therefore contrary to the NPPF in general and specifically to paragraph 88 of the NPPF and Development Plan Policy CS10.

### **Drainage:**

Paragraph 175 of the NPPF requires major developments to incorporate sustainable drainage systems (SUDS) unless there is clear evidence that this would be inappropriate. This is reiterated in Development Plan Policies CS08 and CS12. However, as previously ascertained the development is not classed as major development. Notwithstanding this, soakaways are a form of SUDS.

Both Anglian Water and the IDB have confirmed they have no comments to make, and the proposed drainage, which shows surface water drainage is via either shared or individual soakaways and foul water drainage via individual sewage treatment plants, accords with the drainage hierarchy.

Ultimately drainage will be controlled under building regulations. However, it can be concluded that drainage has been suitably addressed, and, in this regard, the development accords with the NPPF in general and Development Plan Policies CS08 and CS12.

### **Ecology, Biodiversity and Protected Sites:**

Paragraph 180d) of the NPPF requires planning decision to *minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*

This is reiterated in Development Plan Policy CS12.

The LPA's Senior Ecologist agrees with the findings of the Ecology Report that accompanied the application (no likely impacts other than in relation to breeding birds which could be covered by an informative if permission were granted, and no further surveys required) and confirms that the proposed ecological enhancements, that are shown on plans, are acceptable. A condition is requested specifying the type of bat and bird boxes to be installed prior to their installation and in relation to external lighting. A lighting condition would also address Neighbourhood Plan Policy E6 that deals with dark skies.

In relation to European protected sites Natural England has confirmed that the shadow Habitat Regulations Assessment (sHRA) submitted with the application is of a standard that can be adopted by the LPA as competent authority. The conclusion of the sHRA is that there would be no direct impacts and that indirect impacts can be mitigated by payment of the GIRAMS fee in line with Development Plan Policy DM19. This would be secured within the S106 Agreement if permission were granted.

It is therefore considered that ecology, biodiversity, and protected sites can be suitably dealt with either by condition or within a S106 Agreement. Therefore, in this regard, the development accords with the NPPF in general and specifically to paragraph 180d) of the NPPF, Development Plan Policies CS12 and DM19 and Neighbourhood Plan Policy E6.

### **S106 Considerations:**

If permission were granted a S106 Agreement would be required to secure:

- 1 no. affordable on-site unit and a £36,000 commuted sum,
- dwellings to be occupied as principal residencies as defined in the Neighbourhood Plan, and
- £221.17 per dwelling GIRAMS fee
- £500 per clause monitoring fee.

### **Crime and Disorder:**

There are no specific crime and disorder issues arising from the proposed development, and the designing out crime officer suggests the applicant apply for the full Secured by Design Gold Award if permission were granted.

### **Other Material Considerations:**

Contamination, materials (including access track), lighting, glazing, fire hydrant(s), tree protection and landscaping, could be suitably conditioned if permission were granted.

It is not considered that there are any other material considerations or representations that have not been covered in the main body of this report.

## **CONCLUSION:**

The proposal represents development outside of the development boundary of a site that is not previously development land as defined in the NPPF and is therefore in conflict with development plan policies that seek to restrict residential development to sites within the development boundary.

Furthermore, the development would result in the loss of an existing employment use and insufficient justification for that loss has been supplied.

Additionally, the housing mix proposed (1no 5-bed unit, 3no 4-bed units, 4no 3-bed units and 0no 2-bed units) does not accord with the Neighbourhood Plan which seeks to provide two and three-bedroom dwellings. However, the development would provide 1no affordable 4-bed dwelling.

Furthermore, the site is not in a sustainable location and occupiers of the site could not easily meet their day-to-day needs other than by the private car.

The above report has shown that the development is likely to result in a neutral impact on the character of the North Norfolk National Landscape.

However, this is not sufficient to outweigh the fact that the site is not considered an acceptable site for residential development either in the Development Plan or Neighbourhood Plan, does not meet the principles of sustainable transport, would result in the loss of an existing employment use, and does not accord with the housing mix sought in the Neighbourhood Plan.

In this instance it is not considered that there are material considerations that suggest the development should be determined contrary to the development plan, and it is therefore recommended that this application be refused for the following reasons.

## **RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 Reason: The proposed development would result in residential development in the countryside that is contrary to the overarching aims of directing development to the most sustainable locations and does not fall within any of the enabling policies for development in the countryside contained within the Development Plan. The development is therefore contrary to the NPPF in general and specifically to paragraphs 2 and 116 of the NPPF and Development Plan Policies CS01, CS02, CS06, CS11 and DM2 and Neighbourhood Plan Policy H4.
- 2 Reason: The proposed housing mix does not accord with the requirements of the Neighbourhood Plan by virtue of the amount of 4-bed+ dwellings and lack of any 2-bed dwellings. The development is therefore contrary to the NPPF in general and specifically to paragraph 60 of the NPPF and Neighbourhood Plan Policy H5.
- 3 Reason: Insufficient justification has been given for the loss of the existing employment use or consideration of alternative employment uses that would support the rural economy. The development is therefore contrary to the NPPF in general and specifically to paragraph 88 of the NPPF and Development Plan Policy CS10.