

<b>Parish:</b>	<b>Pentney East Winch</b>	
<b>Proposal:</b>	<b>Change of Use of Woodlands to Holiday and Recreational Site; Including the Siting of Portable Eco Holiday Lodges; Woodland Centre and Reception, Health and Wild Swimming Centre, Car Parking and Associated Works</b>	
<b>Location:</b>	<b>Pentney Woods Common Road Pentney Norfolk PE32 1LE</b>	
<b>Applicant:</b>	<b>Forestscape Ltd</b>	
<b>Case No:</b>	<b>21/01824/FM (Full Application)</b>	
<b>Case Officer:</b>	<b>Lucy Smith</b>	<b>Date for Determination: 4 February 2022 Extension of Time Expiry Date: 8 December 2023</b>

**Reason for Referral to Planning Committee** – called in by Cllr Moriarty & Cllr Devulapalli, and the recommendation is at odds with the views of both Pentney and East Winch and West Bilney Parish Councils

**Neighbourhood Plan:** No

**Case Summary**

The application seeks full planning permission for the siting of 36 holiday lodges, a reception area and car park and a health centre and wild swimming facility on land north of Pentney Lakes, known as Pentney Woods. The site is plantation woodland with self-seeded trees spanning approximately 11.7ha and is accessed via the existing Pentney Lakes holiday site, adjacent to the existing restaurant and bar.

The part of the site within the Pentney Lakes boundary (the car park and reception buildings) is within the County Wildlife Site however is not within any SSSI SAC or SPA.

The site is outside of any defined development boundary and within the wider countryside for the purposes of planning policy.

**Key Issues**

- Principle of Development
- Asset of Community Value & Community Facilities
- Impact on Landscape, Form and Character
- Arboricultural Implications
- Ecology & Biodiversity
- Drainage
- Highway Safety
- Other material considerations

## Recommendation

**A. APPROVE** - subject to completion of a s106 legal agreement to control the provision and management of all communal facilities (the Reception buildings and Health Centre and Open Water Swimming Centre (Plots 9 & 10), open spaces and landscaped areas, the leasehold arrangements for each holiday lodge, the current GIRAMS fee, and the associated monitoring fees. If the agreement is not completed within 4 months of the committee resolution, but reasonable progress has been made, delegated authority is granted to the Assistant Director/Planning Control Manger to continue negotiation and complete the agreement and issue the decision.

**B.** If in the opinion of the Assistant Director/Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the committee resolution, the application is **REFUSED** on the failure to secure appropriate control of the holiday lets and the management of communal facilities.

## THE SITE AND APPLICATION

The proposal is for the change of use of the area of woodland for the siting of 36 holiday lodges falling within the definition of a caravan, alongside reception buildings and a health and open water swimming centre and the construction of a car park. All lodges would be car free, with the car park providing spaces for each plot to the south of the site, adjacent to the existing restaurant at Pentney Lakes.

The application site is an irregular shaped parcel of manmade woodland totalling approx. 11.7 hectares. The woodland is primarily pine trees and self-sewn silver birch trees however other specimens are existing, including a row of large oak trees along the north boundary. The trees on site are protected by a group Tree Preservation Order.

The site is bordered by wider countryside to the north, to the west is West Bilney Woods (approx. 270 acres of woodland managed by the forestry commission) and to the south is the existing tourism and recreational leisure park known as Pentney Lakes.

The site features a large pond that runs along part of the southern boundary and is fed by a ditch which also connects the pond to the series of fishing lakes to the south. This pond is proposed to be utilised for open water swimming, whilst nature walks & new pathways using natural materials will be provided across the site. New bridges would be constructed over the pond to provide additional access points to the County Wildlife Site and towards Pentney woods.

The site would be split into a total of 37 plots, 36 for residential holiday lodges and one larger plot, towards the centre of the site to be utilised as the health and wild swimming centre (wellness centre). To the south of the site, the reception area and car parking facilities would be situated adjacent to the existing Pentney Lakes restaurant.

An EIA screening has taken place during the course of this application under Part 12(c) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which determined that this application is not EIA development.

The holiday lodges are intended to be car free, with visitors parking in the dedicated parking area at the entrance to the site. An emergency access is provided straight to Common Lane,

for emergency vehicles only, and internal one-way roads are proposed to allow for maintenance and cleaning etc. The roads would also encompass underground services and utilities, with the central biodigester located in the southwest corner of the site.

Each plot would be sold on a long lease, in order to allow long term management company control and responsibility over the site. Plot owners would be expected to design lodges to a strict performance specification and the accommodation would be controlled to be occupied for holiday purposes only and shall be made available for rent or as commercial holiday lets.

## **SUPPORTING CASE**

None received at time of writing.

## **PLANNING HISTORY**

23/00353/CAMP: CAMP NO Objection: 15/03/23 - CONSULTATION FOR AN EXEMPTED CAMP SITE - Land N of Pentney Lakes

22/01721/AG: AG Prior Approval Approved: 24/11/22 - Prior Notification: Office, workshop and storage building for forestry use - Land N of Pentney Lakes

15/00456/CU: Application Withdrawn: 11/06/15 - Change of use (forestry) to standing of 20 large camper vans and caravans with own facilities. For the period April - October each year to support the water-based activities already provided by Pentney Lakes - Land At Common Road West Bilney

## **RESPONSE TO CONSULTATION**

### **Consultations:**

**East Winch And West Bilney Parish Council: OBJECT**, with the following comments:

'Make the following observations having met with the applicant for discussions.

Rather than seeing this as a holiday and recreation site, Council is concerned that it will turn into another residential development with potential for unchecked growth.

Any such development here would lead to loss of woodland, increased level of traffic, be an additional disproportionate development relative to the size of the local community and would set precedents for further woodland loss in the immediate locality.

Without serious enforceable occupancy restrictions, the likelihood of it becoming another permanent residential site, such as Pentney Lakes, is high. This, in itself, will lead to additional pressure on local services to supervise any such controls which may be introduced. Self-regulating measures by the management of the site would need to be supervised by the local authority if it was to be in any way plausible.'

**Pentney Parish Council OBJECTION**, on the following grounds (summarised):

1. Impact on current infrastructure including foul drainage into the River Nar
2. The impact of local wildlife including loss of habitat and creeping urbanisation, impact on the River Nar chalk stream
3. The environmental impact from removal of trees and increased light pollution.
4. The lack of amenities for example no village shop.

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5. Out of character with the village
6. Unsustainable location with low water pressure, no mains gas, limited bus services, no mains sewage, no shop and no mention of how rubbish will be collected.
7. Archaeological implications
8. Noise, Odours and Light Pollution
9. Scale of proposal is overdevelopment and would overprovide holiday accommodation
10. Safety of Common Lane & adjacent footpaths for all users and lack of public transport
11. Impact on Asset of Community Value
12. Flooding and drainage impacts and flood risk
13. Effect on listed building the Grade II Listed Pentney Abbey
14. Impact on Crime and Disorder, landscaping and lighting schemes should enhance security and natural surveillance
15. Requesting consideration of Pentney's Emerging Local Plan

**Local Highway Authority: NO OBJECTION**, summarised as follows:

- The existing access is acceptable for the proposed use
- The increased traffic along Common Road would not substantiate an objection on highway safety grounds
- Recommended conditions relating to the upgrading of the emergency access gateway.

**Ecologist: NO OBJECTION** in principle, provided detailed advice on the submitted ecology reports & recommended conditions relating to CEMP, LEMP and Ecological Design Strategy.

**Arboricultural Officer:** Recommended conditions, with summarised comments as follows:

- The additional information does not include details of the many new service runs that will be required for foul sewerage. Service runs should be routed to avoid the RPAs of trees. If this is not possible, special techniques must be employed to place the services within the RPA of the trees.
- Detailed information should be secured preferably as part of the application, but if not then at least by condition before any work commences on site.

**Environment Agency: NO OBJECTION** in principle, an EA permit would be required.

**LLFA: NO OBJECTION** to additional information, provided detailed comments on the suitability of proposed drainage strategy and impacts on water quality.

**CSNN: NO OBJECTION** in principle, defer to relevant consultees on drainage. Raised concern over ongoing management of tree roots near drainage systems.

**Environmental Quality - Land:** - requested phase 1 addendum

**Environmental Quality - Air:** - recommended car charging conditions.

**Norfolk Wildlife Trust:** Provided detailed comments, neither supporting nor objecting to the application however recommending consideration of a CEMP and LEMP if the development is to be approved & controls over non-native species planting. The NWT raised concern over the scale of the development in the open countryside and potential for impacts on habitats, in particular the habitat disturbance of an area of grassland and heathland in the south west corner of the site, which should be safeguarded.

**Internal Drainage Board: NO OBJECTION** - subject to the Board's Byelaws being complied with.

**Natural England: NO OBJECTION** - referred to GIRAMS tariff and need for a Habitats Regulations Assessment to rule out recreational impacts.

**Historic Environment Service: NO OBJECTION** subject to standard archaeology conditions

**Norfolk Fire and Rescue: NO OBJECTION** - the application should comply with Building Regulations in regards to access/facilities etc.

**Designing Out Crime Officer:** Provided advice regarding secured by design and cycle storage options.

**Open Spaces Society: OBJECTION**, on the grounds of impacts on countryside, walking routes in area, raising concern over wildlife and safety along Common Road.

## **REPRESENTATIONS:**

**NINETY-ONE** letters of **OBJECTION**, from four consultation periods.

- Impact on traffic movements along Common Road
- Impacts on habitats and wildlife, directly and through increased disturbance (Otters, Birds, Bats, Badgers, Reptiles, Water Voles, Deer, Invertebrates etc). Concern over quality of ecology reports submitted.
- Controls unlikely to be complied with, as per Pentney Lakes
- No need for additional tourism uses
- Insufficient infrastructure to cater for new uses
- Loss of woodland which is an Asset of Community Value and is important for the local community
- Impacts on the countryside and rural character
- Noise and disturbance
- Drainage and Impacts on water quality
- Lack of engagement with surrounding community at Pentney Lakes or living along Common Lane
- Light pollution
- Concern of impacts on retained trees during construction and need for more detailed plans
- The application does not comply with Biodiversity Net Gain (Note – the application was submitted before BNG became mandatory)
- Site abuts a County Wildlife Site and is within a SSSI Impact Risk Zone
- Impacts on existing bar garden and car park
- No historic planning consent for camping and static caravan use
- Concern over practicalities of wild swimming use
- Unsustainable location with no formal footpath routes to villages/services
- No benefits to the local community
- Impacts during construction
- Lodges are unlikely to truly be eco-friendly
- No need for second homes
- Loss of trees

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** – Transport

**CS12** - Environmental Assets

**CS13** - Community and Culture

## **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

**DM11** – Touring and Permanent Holiday Sites

**DM15** – Environment, Design and Amenity

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

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **PLANNING CONSIDERATIONS**

The key issues are:

Principle of Development

Asset of Community Value ·& Community Facilities

Impact on Landscape, Form and Character

Arboricultural Implications

Ecology ·& Biodiversity

Drainage

Highway Safety

Other material considerations

## **Principle of Development:**

The site lies outside of any development boundary and thus in the countryside for planning policy purposes. As such Policy CS10 of the Core Strategy 2011 and Policy DM11 of the Site Allocations and Development Management Policies Plan 2016 (SADMPP) apply, supporting new holiday accommodation provided certain criteria, including an acceptable impact on the landscape, heritage assets, highway safety etc. are met.

The Core Strategy when read as a whole seeks to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife. It is therefore important to ensure that there is a correct balance between encouraging tourism and other policy aims of controlling development in the countryside.

The proposal for 36 holiday units, with associated health centre/wild swimming facilities and reception buildings would provide economic benefits through tourism, supported by Policies CS08 and CS10 of the Core Strategy (2011) and is located immediately adjacent to an existing large holiday park site and would therefore be viewed as an extension to an existing use.

An appeal decision on the Pentney Lakes site in 2014 (13/00281/F) supported the principle of additional holiday accommodation on site, stating that the Planning Practice Guidance notes that there are some occasions where development for tourists is sought at locations where it is difficult to meet the objectives of access by sustainable modes of transport due to the location being determined by a functional need. In this case, the woodland setting and the open water facilities, as well as how these relate to the existing water activities at Pentney Lakes facilitates a need for the development to be in this position.

Considering the support from the PPG in regard to supporting tourist and visitor facilities in appropriate locations as well as the scale of the adjoining use which would be expanded by this proposal, it is considered that the principle of holiday accommodation in this position would be acceptable.

The application has been supported by a business plan which illustrates how the holiday lets are intended to be managed and controlled and the local opportunities for future visitors.

Whilst countryside protection policies such as Policy CS06 and CS08 of the Core Strategy (2011) apply and must be considered alongside and balanced against policies CS10 and DM11, it is considered that the principle of new holiday accommodation in this location is acceptable. Impacts on the landscape, highway safety, ecology, trees & heritage are discussed and considered in more detail throughout this report.

### *mechanism for controlling the proposed use*

In planning law a dwelling remains within Use Class C3 whether it is occupied as a principal residence, as a second home or is let as a self-catering holiday home.

In cases where holiday accommodation is to be permitted in an area where normal housing would be restricted, some form of condition, or in this instance a S106 legal agreement, preventing conventional year-round occupation is necessary. If no controls were applied, a later change from holiday accommodation to permanent accommodation would not be a material change of use and thus controls are necessary to ensure that the development remains in a tourism-led holiday let use which accords with the Local Plan's spatial strategy and avoids homes in the countryside in areas remote from services. Considering the scale of this development and the position of the site in the wider countryside as well as the stated intention to individually lease plots, it is considered that a S106 is the most appropriate way to ensure that the site is occupied and utilised as approved.

The LPA consider that a s106 agreement would be necessary to control both that the plots are sold as leasehold units as per the proposed business plan and management plan and that the communal spaces (the health centre, wild swimming centre, reception, open spaces, and landscaped areas) are provided for and maintained as available throughout the lifetime of the development.

Conditions would be applied to ensure that the holiday lets are short stay accommodation only and not any persons' sole or main place of residence, in line with Policy DM11.

### **Asset of Community Value and Community Facilities**

The woodland was recently designated as an Asset of Community Value as a result of an application by East Winch and West Bilney Parish Council. In accordance with section 88(1)(a) of the Localism Act 2011, it is considered that the primary current use of the land furthers the social well-being of the local community. It is noted that the Agent has requested a review of this status, however assessment of this application has taken place based on the current designation as an ACV. The request for review is understood to be ongoing with no decision made as of the date of writing this report.

The ACV status simply means that prior to the sale of a community asset (the woodland in this case), that the owner does not have the ability to dispose of the site without the community having the 'right to bid' for the site. The ACV status lasts for 5 years.

It is important to state that the ACV status is not a planning policy to protect against change of use, rather local authorities can use their local plan or an Article 4 direction to do that. Furthermore, in the determination of planning applications it is for the decision-making authority to determine the weight given to an ACV status.

There is no clear direction in case law as to the amount of weight given to Assets of Community Value in the planning balance. In the case of R(OAO Loader) v Rother DC (2015) EWHC 1877 (Admin) Mrs Justice Paterson said 'planning applications have to be determined in the normal way in accordance with the development plan unless material considerations indicate otherwise.'

The status of an Asset of Community Value recognises that the community places value on the use of the land as a community asset, which is supported by the number of objections received from local residents as well as the Open Spaces society.

Community facilities are protected by policy DM9 of the SADMPP which states:

'The Council will encourage the retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth. Development leading to the loss of an existing community facility will not be permitted unless it is demonstrated that either:

- a) the area currently served by it would remain suitably provided following the loss, or if not
- b) it is no longer viable or feasible to retain the premises in a community facility use'

The proposed scheme would alter the current use of the woodland by adding holiday units to the site, which would increase visitor numbers. Whilst this alteration in use would increase the number of people utilising the site, and impact on parts of it through the siting of lodges, parts of the application site are proposed to be set aside as habitat zones & as no works zones which limits the intrusion into the woodland to a degree. Secondly, as per Policy DM9, the area currently served by the woodland would be suitably provided for by alternative woodlands and open spaces in the immediate locality.



It is not therefore considered that the status of the land as an Asset of Community Value would outweigh the planning policies which support the development of new economic drivers and tourism uses in the location, as discussed above. The change to the community facility is considered to comply with the overarching aims of Policy DM9 of the SADMPP (2016).

### **Impact on Landscape, form and character**

The stated intentions are for each lodge to be a uniquely designed unit which follows a certain design remit to allow a sense of cohesion across the site but allows bespoke designs and architectural features. The holiday lodges would conform to the definition of a caravan provided by the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act (as amended) and this can be conditioned and defined within the S106 legal agreement.

The design and access statement provided as part of this application sets out a plot design brief which includes reference to the Caravan Act requirements (max dimensions 20m x 6.8m, with an internal height of 3.05m), use of sustainable materials, building to Passivhaus standards, restrictions of decking areas to no larger than the footprint of the lodges etc. The documents also sets out that no electric hot tubs or gas heating will be allowed, and sets out specific distances which must be met – at least 10m from the water's edge & no more than 45 from service road for fire engine access. A more detailed design code or brief would be controlled via condition. Piling foundations would be used to avoid the use of large expanses of concrete foundations on site.

Conditions are recommended to ensure that a design code is submitted prior to works above slab level, in order to ensure that appropriate designs come forward which are suitable for the character of the area and the intentions of the site. The design code should also control boundary treatments, hardstanding etc.

For the avoidance of doubt, separate conditions are suggested to control the external finish of the proposed reception offices and the central health centre/open water swimming centre.

The proposed use would be visually linked to the existing development at Pentney Lakes which limits its overall impacts on the landscape and the countryside. Furthermore, the ecological reports submitted include proposed additional hedgerows and planting which would soften the views of the site from within. The plots are proposed positioned set back from site boundaries and therefore, the majority of viewpoints of the holiday lodges would be well-screened and softened by the existing mature vegetation.

Conditions are recommended to control external lighting across the site to ensure that visual impacts of lighting are adequately considered.

Impacts on the woodland and loss of trees are considered in additional detail below.

Subject to conditions, it is considered that the proposed siting of holiday lodges and associated infrastructure would not lead to adverse impacts on the countryside and subject to aforementioned conditions controlling a detailed design code etc. the proposal would comply with Policies CS06, CS08, DM11 and DM15 of the Local Plan in regards to visual impacts on the countryside setting and general design.

### **Arboricultural Implications**

A total of 87 woodland trees are proposed for removal (category C and U, primarily Pine trees with smaller numbers of Rowan, Spruce, Birch, Pine and Cypress), this represents a small proportion of the total number of trees previously agreed for removal as thinning by the

Forestry Commission in the Felling Licence prior to the serving of the TPO. The trees earmarked for removal are primarily within the central part of the site and therefore their loss would not impact on the wider landscape setting.

Minimal excavation techniques are proposed for the construction of the foundations for the lodges, with ground screws and mini-piles used in place of traditional foundations. Each lodge is to be individually designed and any trees that would be affected that are not shown in this report would require individual consent and consideration and can be dealt with under the supervision of an arboricultural consultant in consultation with the council's Arboricultural Officer on every occasion. Conditions are recommended to ensure that the Applicant is aware that this application grants consent only for the removal of trees specifically outlined on the approved plans.

There is a service road proposed for cleaning and maintenance purposes along which the services infrastructure is to be laid. The retained trees along the rides will be avoided so that there is no encroachment into the Root Protection Areas (RPAs) of the retained trees. Roads will be permeable 'grasscrete' road surface for maintenance and fire access only which is considered appropriate given the limited distances between the road and RPAs of adjoining trees.

The row of oak trees along the northern boundary and the broadleaved trees along the frontage of Common Road would be protected from direct works. Furthermore, there would be a large area of unaffected retained woodland and an ecological protection zone to the east of the site and along boundaries, as well as retained grassland to the west of the site, which would be managed by the retained arboricultural and woodland consultant for the continuous improvement of its biodiversity and habitat. These areas total around 4.2ha out of the 11.7ha site, around one third of the site.

Whilst it is acknowledged that the proposal would lead to loss of a number of trees, to allow the siting of the holiday lodges and the creation of the access track, the overall impact on trees given the scale of the application site is limited. It is considered that suitably worded conditions can adequately control the development to ensure that access tracks, service runs, soakaways and foundations can be constructed with minimal amounts of damage to the woodland as a whole. The proposal therefore complies with the requirements of the NPPF and Local Plan in regards to impacts on trees, in particular paragraph 180 of the NPPF and Policies CS08 and CS12 of the Core Strategy (2011).

### **Ecology and Biodiversity:**

The application was submitted before biodiversity net gain became mandatory and the BNG Requirement for 10% gain does not therefore apply.

The ecological information has been updated throughout the course of this application to reflect in-depth surveys which took place after submission. The information provided within the ecological surveys and reports resulted in changes to the site layout, retaining a 'habitat zone', a vegetation buffer zone and a dark wildlife corridor on site to provide for benefits to the overall biodiversity of the site.

#### *Protected Sites*

The woodland as existing is well-connected to other valued habitats and the proposed car park and main access point are within the Pentney Lakes County Wildlife Site, a non-statutory protected site designated mainly due to the system of lakes which are spring fed. The protected site contains areas of marshy and dry grassland and abundant aquatic flora.

These habitats are not present within the woodland or pond onsite and therefore no impacts on these habitats are predicted.

The River Nar SSSI is a statutory protected site located approximately 1.1km south and is designated for its chalk stream and East Anglian fen features. The application site is within the Impact Risk Zone for this SSSI, however due to the lack of suitable habitat for the bird species within the SSSI any significant direct impacts on those species are unlikely. Although some increased visitor pressure could be expected, it is unlikely to be at a scale which would cause adverse impacts. There are numerous available walks around the site and in adjoining woodland which would limit the number of visitors specifically to the River Nar.

The applicant would also be expected to pay the current GIRAMS fee as part of any approval and this can be controlled via the S106 agreement. The River Nar SSSI is not scoped into that study, however the GIRAMS fee would cover in combination recreational impacts on the following habitats sites:

- Breckland Special Protection Area (SPA) and Special Area of Conservation (SAC)
- North Norfolk Coast SPA, SAC and Ramsar
- The Wash and North Norfolk Coast SAC
- The Wash SPA and Ramsar
- Roydon Common and Dersingham Bog SAC
- Roydon Common Ramsar
- Dersingham Bog Ramsar
- Norfolk Valley Fens SAC

### *Protected Species*

The Council's Ecologist and the Case Officer have visited the site to confirm the scope for the submitted ecological surveys and in October 2024 to verify results in regard to Otters following additional neighbour representations. The submitted protected species reports are considered to adequately address the key issues and set out suitable mitigation and enhancement opportunities. The council's ecologist has confirmed that they do not object on the grounds of protected species or habitats, subject to conditions.

Otters and Water Voles - The Ecology Report sets out that Otter and Water Vole surveys took place on site and within 200m (where accessible), with surveyors searching for otter spraints and potential holts. The length of river was also searched for water vole burrows, feeding remains and

latrines as well as other signs such as footprints. Five trail cameras were deployed in suitable habitat for two-week intervals in April, June and August 2023.

Some fish/clam remains and a potential holt were identified through the field survey. A camera trap was set to observe the potential holt but no otter activity on these or any of the other camera was recorded. These results accord with what the Council's Ecologist noted within their walk over survey in October 2023.

Otter holts are protected. Whilst no holts were encountered on the survey, it is evident that there are otters in the surrounding locality and the mitigation and enhancements set out within the ecology survey are considered suitable to control harm to this species as a result of the development. The ecology survey's precautionary approach has been applied to ensure that, in the event that holts are existing within the site boundaries, the ecological mitigation works are sufficient to prevent adverse impacts.

Reptiles – Seven reptile surveys were conducted between April 2022 and May 2023. Artificial refuges, consisting of 63 felt mats, were set out across the site in locations that were deemed suitable for reptiles. A maximum count of one grass snake and one slow worm were identified, with no signs of adders or common lizards.

A precautionary method statement is outlined for this group and must be included within the Construction and Ecology Management Plan to be controlled via condition.

Bats – Bat activity surveys took place and transect surveys resulted in a total of 601 bat passes, with eight different species recorded foraging or commuting in close proximity (Common Pipistrelle, Soprano Pipistrelle, Brown Long-Eared, Myotis Species (Most likely Daubenton's and Natterers), Noctule, Barbastelle, Serotine).

The report concludes that the woodland is primarily used by common species of bats (common and soprano pipistrelle) with rarer species only occasionally passing through. The results did not indicate large roosts within close proximity. However, the north and east of the site were identified as important for commuting bats and providing a connection to adjacent woodland habitat. The lake was also highlighted as a foraging resource for myotis.

The report outlines lighting requirements and wildlife corridors which would maintain connectivity across the site and to adjoining woodland. The planting of new hedgerows would enhance connectivity and provide additional commuting and foraging habitat for bats.

Badgers – Two walkover surveys were undertaken between 16th January and 6th February 2023 to identify evidence of badger. Setts were monitored between January and March 2023 and evidence was additionally collected during bat walk over transects in May.

One main sett, one annex sett, one subsidiary sett and one outlier sett were identified. Evidence of badger digging under the rabbit poof fencing to the east of the site and snuffle holes were also found.

Upgrading of the footpaths and direct mortality during construction activities were identified as potential impact pathways. Other impacts through loss of foraging habitat are also noted.

As a result of the findings, plans have been amended to reduce the numbers of cabins, removing those within the sett footprint. A habitat buffer zone has been recommended and is reflected within the proposed plan.

A preconstruction badger check is required to provide an up-to-date assessment of where setts are prior to any works taking place.

Other species – neighbour comments referred to the site being important for Invertebrates (Important Invertebrate Area). The acid grassland, which is perhaps of particular interest for invertebrates is being protected as part of the scheme. Whilst no specific invertebrate surveys have taken place as part of the proposal, the mitigation and compensation measures set out within the survey, controlled via this condition, would avoid, mitigate, and compensate for harm against invertebrates on site. This approach has been agreed by the council's Ecologist.

#### *Licensing requirements*

A license would be required from Natural England for any works within 30m of a badger sett. Whilst the plans have been amended to provide a separation between the lodges and known setts, the internal road will be positioned within this radius and therefore, the tests of

derogation are required to be undertaken to ascertain whether Natural England would be likely to grant a license for the proposed works.

1 - There is an overriding public interest.

The proposal is considered to comply with this test. The application complies with the policies of the development plan, providing tourism/economic benefits in line with Policy CS10 of the Core Strategy (2011).

2 - There is no satisfactory alternative.

The application has been amended to reposition the proposed lodges and minimise, where possible, direct impacts on the badger setts. There are no more suitable alternatives that would allow the development to take place.

3 - The resulting permitted actions will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status within their natural range.

The proposal is unlikely to be detrimental to the maintenance of the species, with the works having been appropriately planned and designed to mitigate impacts.

It is the LPA's opinion that an EPS license is likely to be granted on the above basis. The development complies with the NPPF (2021) and Policies CS08 and CS12 of the Core Strategy (2011).

#### *Ecological Mitigation and Enhancements*

The Ecology Reports set out various mitigation to avoid impacts on habitats. This includes the information shown on an associated Biodiversity Landscape Plan, including the retention of a dark wildlife corridor, the deciduous woodland along the west boundary, the tree line along the north boundary, the creation of a no works zone in an area of heathland, and retention of an eastern habitat zone to limit disturbance on associated species.

Conditions are recommended to ensure that all ecological works take place in line with best practice and the recommendations of the associated reports. This includes the erection of Heras fencing around habitat and buffer zones prior to the commencement of works and limitations on storage of materials, as well as a scheme for informing visitors of the site's sensitivities. A Construction Environmental Management Plan, a LEMP and an Ecological Design Strategy would also be controlled via condition in order to control specific impacts on ecology both throughout construction and for the lifetime of development.

Subject to conditions, it is considered that direct impacts on ecology during construction, and impacts as a result of the proposed use can be adequately controlled and would not substantiate a reason for refusal of this application. The proposal is considered to be in line with Paragraph 180 of the NPPF (2023) in regards to protected sites & species and biodiversity, Policies CS08 and CS12 of the Core Strategy (2011) and Policy DM19 of the SADMPP (2016).

#### **Drainage**

Paragraphs 173, 175 and 180 refer to flooding and preventing adverse risk from flooding and surface water drainage etc which must be appropriate for the lifetime of the development.

Various amendments were made to the proposed drainage scheme during the course of this application to meet the requirements of the LLFA, the EA and Natural England. The proposed approach includes the installation of two package treatment plants to serve the site and this has been agreed as the most suitable option by the EA and Natural England due to the lower maintenance risks. An environmental permit would be required under separate legislation.

Each lodge would be provided with its own geo-cellular soakaway system for surface water drainage, positioned in close proximity to the lodge to prevent undue impacts on the surrounding RPAs. The drainage statement has been compiled based on indicative plans showing the maximum possible footprint of the holiday lodges (as per the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) and therefore would be considered suitable to cater for the proposed uses.

The application is considered to comply with the NPPF and Local Plan in regards to flood risk and providing satisfactory drainage, in particular Paragraph 173 of the NPPF and Policy CS08 of the Core Strategy (2011). Conditions are recommended to control the completion of the foul and surface water strategy as approved.

### **Highway Safety**

Access to the site is proposed via Common Road through the existing Pentney Lakes entrance. The loosely surfaced existing car parking area for the restaurant would be used for car parking for the proposed uses and this has not drawn objections from the Local Highway Authority. A secondary access for emergency vehicles only would be provided direct to Common Road and this has also been agreed.

Norfolk fire and rescue raised no objection with regard to access for emergency vehicles.

Overall, the highway implications of the development are considered acceptable. Whilst the proposal may result in an increase in use of Common Road, the application has not drawn objections from the Local Highway Authority and the principle of development is therefore acceptable and accords with Paragraph 110 of the NPPF (2023) and Policies CS11 and DM15 of the Local Plan. Conditions are recommended to ensure the development is carried out in accordance with the agreed details.

### **Other material impacts**

Lighting – Conditions are recommended to control details of external lighting. This is considered necessary to control off-site light pollution as well as impacts on sensitive protected species, including bats as discussed above.

Residential Amenity – separation distances to adjoining uses are sufficient to limit adverse impacts on the nearest unrelated residential occupiers. As each lodge is intended to be custom designed, this provides a degree of flexibility per plot, however within the site, each plot is also sufficiently positioned to mitigate adverse impacts in regard to overlooking, overshadowing, or overbearing.

Archaeology - The proposed development lies within an area rich in archaeological finds and remains. In 1959 a Bronze Age gold torc was found within the proposed development area. The proposed development area also lies partly within an area where a significant amount of Roman pottery has been found in 1935, c.1960 and 1975, suggesting Roman settlement in the immediate area. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance will be affected by the proposed development. Conditions are therefore recommended to

ensure that archaeological works take place in accordance with agreed schemes as part of this development, in line with the requirements of Paragraph 206 of the NPPF and Policy CS12 of the Core Strategy (2011). In this instance, the recommended works include monitoring of ground works, which would not have an impact on the ecological or arboricultural implications discussed above.

Pentney Abbey – Pentney Parish Council objected to this application and amongst their concerns was the impact on the setting of Grade II Listed Pentney Abbey. The proposal is located a minimum of 1km from Pentney Abbey, with the main Pentney Lakes complex positioned in between the application site and the abbey. Whilst the proposal is development in the countryside, the overall setting of Pentney Abbey will not be impacted by this proposal and no demonstrable harm to the setting of any heritage asset is likely to occur as a result of this proposal.

Neighbourhood Plan – Pentney Parish Council also commented in regard to the Neighbourhood Plan, requesting that those policies are applied to this scheme. The Neighbourhood Plan currently is not at a sufficient stage of submission or consultation to have any weight in planning decisions.

Neighbour Objections – the majority of points raised within neighbour representations have been discussed in depth within this report. Whilst comments on the suitability of adjoining infrastructure to cater for additional uses are noted, the proposal is considered to comply with the development plan in regard to the location of tourism uses. As a holiday let site, there would be very limited impact on surrounding facilities such as schools or doctors surgeries and the road links themselves have not drawn objections from the Local Highway Authority on highway safety grounds.

In relation to the practicalities of the wild swimming use, this is part of the proposal set out by the Applicant as part of the facilities to be provided on site. It is for the applicant to determine the practical arrangement for such a use.

Whilst comments surrounding impacts on the existing bar garden and car park are noted, it is considered that sufficient parking is available on site to negate any impacts from reuse of the existing car parking area. The footprint of the restaurant/bar will not be impacted by this proposal.

Landscaping details – conditions are recommended to ensure that details of bin storage, cycle parking and EV chargers are provided via condition. This will ensure that these details are appropriate for the character of the area and not detrimental to the visual amenities of the locality and will also ensure consideration is given to the detailed comments from the Designing Out Crime officer in regard to secure cycle storage.

## **Conclusion**

The NPPF reiterates the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed holiday lodges would be positioned on land which is within the wider countryside for the purposes of planning policy, however it is considered that given proximity to the existing Pentney Lakes holiday site as well as the short distance along Common Road to the A47, the location of the development would comply with the locational criteria for holiday lets set out within Policy DM11 of the SADMPP and the economic policies set out by

Policy CS10 of the Core Strategy (2011). The location of the development is considered to accord with the overarching aims of the NPPF and Local Plan in regard to sustainable development.

Controls are recommended in the form of both a S106 legal agreement and appropriately worded planning conditions in order to ensure that the lodges are used for short term holiday let purposes only, providing economic benefits to the wider area, without becoming a typical permanent housing estate in the countryside which would be at odds with the requirements of the local plan. The s106 will control the leasehold arrangements as well as ongoing maintenance and provision of the communal facilities and spaces.

The Local Highway Authority raise no objections on highway safety grounds. Issues such as arboricultural and ecological impacts on the woodland have been addressed during the course of this application to ensure that all impacts can be appropriately mitigated, and the use of appropriate conditions can ensure that the recreational impacts on the ecological features on site can be mitigated throughout the lifetime of the development. The ecological survey in particular sets out parameters, no work zones, habitat zones etc to prevent direct damage to habitats.

Subject to appropriately worded conditions relating to the submission of a detailed design code for each holiday lodge, compliance with appropriate ecological and arboricultural mitigation mechanisms and other associated conditions, the proposal is considered to comply with the overarching aims of the NPPF (2023) and in particular, Policies CS01, CS02, CS06, CS08, CS10, CS11 and CS12 of the Core Strategy (2011) and Policies DM1, DM2, DM11 and DM15 of the SADMPP (2016).

## RECOMMENDATION

**A. APPROVE** - subject to the imposition of the following conditions and completion of a s106 legal agreement to control the provision and management of all communal facilities (the Reception buildings and Health Centre and Open Water Swimming Centre (Plots 9 & 10), open spaces and landscaped areas, the leasehold arrangements for each holiday lodge, the current GIRAMS fee and the associated monitoring fees. If the agreement is not completed within 4 months of the committee resolution, but reasonable progress has been made, delegated authority is granted to the Assistant Director/Planning Control Manger to continue negotiation and complete the agreement and issue the decision.

- 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 in accordance with the following approved plans:
  - P2102-SP02 Revision L
  - P2102-SP Rev C
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.



- 3 Condition: Notwithstanding the details submitted in support of this application, no works above slab level shall occur on any holiday lodge shown on dwg No. P2102-SP02 Revision L until a detailed design code has been submitted to and approved in writing by the Local Planning Authority. The design code should include:
- Details of the proposed material palettes to be used for each holiday lodge
  - Details of fenestration
  - Details of proposed plot boundary treatments, to accord with Page 4 of the Preliminary Ecological Appraisal by Greenlight Ecology dated 23 April 2021.
  - Details of any external decking/hard surfacing materials and how these will be designed around existing trees
  - Details of how each holiday lodge will meet the definition of a caravan provided by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (As amended) and how PassivHaus standards will be incorporated into each design.
  - Detailed design of the Health Centre, Wild Swimming Centre and Reception Buildings

The development shall be carried out and each lodge shall be sited on the land in full accordance with the agreed design code and retained as such thereafter.

- 3 Reason: For the avoidance of doubt and in the interests of proper planning, to ensure a suitable final external appearance of the scheme in line with Policies CS08 and DM15 of the Local Plan.
- 4 Condition: No works that impact badger setts shall in any circumstance commence unless the Local Planning Authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or;
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
- 4 Reason: The Habitats Directive requires a system of 'strict protection' for certain protected species. It is a criminal offence to consciously harm European protected species without a licence, which would only be issued if the statutory licensing body is satisfied that the derogation criteria are met. However, the risk of criminal prosecution might not prevent harm from taking place. This condition therefore helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardise the protected species, before the species is harmed. This condition can be enforced by a temporary stop notice or by injunction. This condition ensures that the Local Planning Authority is complying with its statutory obligations with respect to the Habitats Regulations. In the interests of protecting protected species in the locality in accordance with Paragraph 180 of the NPPF and local planning policy CS12.
- 5 Condition: Prior to the first use of the development hereby permitted, full details of a scheme providing information regarding the importance of the environmental sensitivities of the site and surroundings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of a leaflet to all site guests regarding:
- The correct disposal of litter
  - Due regard to breeding birds
  - Prohibition of entering fenced off areas
  - Information on the local wildlife and how to minimize disturbance

- Restrictions on off-lead dog walking on site, due to potential conflicts with local species
- information on water quality impacts from open water swimming

The details should also include provision of permanent signage in suitable locations on site to inform visitors of the requirements.

5 Reason: In the interests of protecting ecologically sensitive features of the locality in accordance with Paragraph 180 of the NPPF and local planning policy CS12.

6 Condition: No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of `biodiversity protection zones`.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction ;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communications;
- The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs, in particular around all habitat zones and no works zones; for the duration of works
- Details proposed lighting strategy for the construction phase of the development

The approved CEMP: Biodiversity shall be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless agreed in writing by the local planning authority.

6 Reason: In the interests of protecting ecologically sensitive features of the locality in accordance with Paragraph 180 of the NPPF and local planning policy CS12.

7 Condition: No works shall commence on site until a Landscape and Ecology Management Plan and Ecological Design Strategy document has been submitted and approved by the Local Planning Authority. The document should include the following:

- Details of any habitat proposed to be created, enhanced or protected, in line with the submitted Ecological Surveys, in order to provide measurable biodiversity gains.
- How the aforementioned habitats will be managed, maintained, and monitored for the lifetime of the development.
- Details of barriers to be constructed around the lowland acid grassland no-works zone in order to prevent recreational use.
- No non-native species shall be used in any planting on site.
- Details of proposed lighting strategy for the lifetime of the development

The agreed details shall be completed as approved prior to the first occupation of any plot and retained and maintained as such thereafter.

7 Reason: In the interests of protecting ecologically sensitive features of the locality in accordance with Paragraph 180 of the NPPF and local planning policy CS12.

- 8 Condition: The holiday lets shown on dwg No. P2102-SP02 Revision L hereby approved shall be used for short stay accommodation (no more than 28 days per single let) only and shall at no time be occupied as a person's sole or main place of residence. The owners shall maintain an up-to-date register of lettings/occupation and shall make the register available at all reasonable times to the Local Planning Authority.
- 8 Reason: The site lies within in an area in which the Local Planning Authority would not normally permit permanent residential development. This permission is granted because accommodation is to be used for holiday purposes only in accordance with the NPPF and supported by Policy DM11 of the SADMPP (2016).
- 9 Condition: Plots 9 & 10, as shown on dwg No. P2102-SP02 Revision L shall only be utilised for communal purposes as a health centre and open water swimming centre and shall at no time be used for residential purposes.
- 9 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF and Policy DM11 of the SADMPP (2016).
- 10 Condition: Notwithstanding the detail provided with the Arboricultural Report and Method statement submitted in support of this application, prior to the commencement of works, full details of the proposed position of service runs on each plot as well as below the access track hereby approved shall be submitted to and approved in writing by the LPA.

The details shall include routes of the service runs to avoid any root protection areas wherever possible and where necessary, which alternative techniques will be put in place to place services without damage to retained trees. The detailed plans should be produced in conjunction with an arboriculturist and include allowance for the space needed for the installations, as well as details of levels. The information should be plot specific and identify the individual trees likely to be impacted by the proposed development.

The development shall be completed wholly in accordance with the details agreed.

- 10 Reason: To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site in accordance with the NPPF.

This needs to be a pre-commencement condition given the potential for trees to be lost during development.

- 11 Condition: The development shall be carried out in full accordance with the recommendations and mitigation measures proposed within the Arboricultural Report, written by BH Trees and Woodland dated 13th May 2024. In particular, the report states:
- No construction activities should take place within identified root protection areas, except as indicated in the method statement unless written approval has previously been granted under Condition 10
  - Protective measures as outlined in the method statement must be in place prior to any ground or construction works taking place.
  - Any overground services including CCTV must also be positioned to avoid the need for any regular or detrimental pruning to the trees.

- The movement of plant in proximity to retained trees should be conducted under the supervision of a banksman to ensure adequate clearance from the branches of the trees. Hydraulic cranes, forklifts, excavators or piling rigs (other than small rigs used for mini piling) must be avoided in the immediate vicinity the crown of the trees.

- 11 Reason: To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site in accordance with the NPPF.
- 12 Condition: The development shall be built in accordance with the submitted Drainage Strategy (Surface Water Drainage Statement | Pentney Woods, Common Road, Pentney, Norfolk, PE32 1LE | BLI Consulting Engineers Ltd | Report Ref: BLI.2022.10 | Rev: 02 | Dated: 25 October 2023) and the following additional supporting documents:
- Flood Risk Assessment for Recreational Development at Common Road, Pentney | Ellingham Consulting Ltd | Ref: ECL0553 | Rev: N/A | Dated: August 2021
  - Surface & Foul Water Drainage Statement Addendum | Pentney Woods, Common Road, Pentney, Norfolk, PE32 1LE | BLI Consulting Engineers Ltd | Report Ref: BLI.2022.10 | Rev: 02 - Addendum | Dated: May 2024

The schematic drainage layout adopted must be that demonstrated in the final submitted drainage strategy drawing (Surface Water Drainage Layout / Strategy (Sheets 1 to 3) | BLI Consulting Engineers Ltd | Project No.: BLI.2022.10 | Drawing No.: PL 06 | Rev: P3 | Dated: 27 May 2024).

The approved scheme will be implemented prior to the first use of the development.

- 12 Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 173, 175 and 180 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development and to ensure that drainage from the sewage from the site is treated and discharged appropriately and to minimise impacts on the local environment, in accordance with the NPPF (2023) and Policies CS08 and CS12 of the Core Strategy (2011).
- 13 Condition: Prior to the commencement of the use hereby permitted the 'Pentney Woods (to be emergency use only) vehicular access' indicated for improvement on Drawing No. P2102-SP02 Revision L shall be upgraded, widened and gated in accordance with the Norfolk County Council Field Access construction specification for the first 5m metres as measured back from the near channel edge of the adjacent carriageway and in accordance with details to be agreed in writing by the Local Planning Authority. The upgraded access shall only be used in the case of emergencies.
- 13 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement in accordance with the NPPF (2023) and Policies CS11 and DM15 of the Local Plan.
- 14 Condition: Prior to the first use/occupation of the development hereby permitted, full details of both hard landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surface

materials, refuse or other storage units, street furniture, structures and other minor artefacts including cycle parking, bin storage and EV charging points.

- 14 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF and Policy DM15 of the Local Plan.
- 15 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation
- 15 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF and Policy DM15 of the Local Plan.
- 16 Condition: Prior to the first occupation/use of the development hereby permitted the proposed access/on-site car parking areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 16 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement in accordance with the NPPF (2023) and Policies CS11 and DM15 of the Local Plan.
- 17 Condition: No trees other than those expressly noted for removal within the Arboricultural Report, written by BH Trees and Woodland dated 13th May 2024. shall be removed unless otherwise approved in writing by the Local Planning Authority.
- 17 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 18 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 18 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF.

- 19 Condition: No more than 36 holiday lodges should be positioned on the site outlined in red on dwg No. P2102-Sp Rev C at any one time. Each caravan shall be positioned within its associated plot as indicated on the approved plan, dwg No. P2102-SP02 Revision L only and in full accordance with the design code which is to be agreed under Condition 3.
- 19 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF and Policy DM11 of the SADMPP (2016).

Or **B.** If in the opinion of the Assistant Director/Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the committee resolution, the application is **REFUSED** on the basis of failure to secure appropriate control of holiday let usage.