

**Land Off Overstrand Road, Cromer - PO/23/0596 - Erection of up to 118 dwellings and up to 60 units of specialist elderly care accommodation with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point (Outline with all matters reserved except for access) at Land Off Overstrand Road Cromer for Gladman Developments Ltd.**

**Major Development**

**Target Date:** 15<sup>th</sup> June 2023

**Extension of Time:** 29<sup>th</sup> December 2023

**Case Officer:** Russell Williams

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**EXECUTIVE SUMMARY TO THE REPORT**

- a. This is a major outline planning application for development on the edge of Cromer. The application includes 'the means of access' but all other matters are reserved to a later stage in the process (in the event of outline approval being issued).
  - b. The application is for up to 118 dwellings and up to 60 units of specialist elderly care accommodation. A main vehicular access is proposed to Overstrand Road and an emergency vehicle and pedestrian / cycle access is proposed to Northrepps Road. The proposal makes provision for 45% of the dwellings to be affordable housing and the applicant is prepared to contribute towards a range of other planning obligations including to health, libraries and provision for Policing.
  - c. Two rounds of consultation have taken place – one at the time of the receipt of the application and one in September / October 2023 following the receipt of a revised package of information from the applicant.
  - d. The site is within an Area of Outstanding Natural Beauty and is in the area defined as Countryside within the adopted Core Strategy. As such the application has been advertised as a 'departure from the development plan'.
  - e. The site is allocated for housing in the draft Local Plan (Policy C16). The Local Plan Examination is due to take place in the New Year and issues associated with Cromer are scheduled for discussion in mid-February.
  - f. The main issues impacting on whether or not the application should be approved that are considered within this report are:
    - (i) Whether the proposal is acceptable – in the event that all other issues covered within (iii) are acceptable – due to the sites status as part of an Area of Outstanding Natural Beauty (AONB)
    - (ii) Whether the fact that the Council cannot currently demonstrate a 5-Year Housing Land Supply impacts on the application.
    - (iii) Whether the proposal is acceptable in detail – in the event that this scale of development within the AONB could be determined positively in principle.
  - g. The report concludes by recommending that permission is granted subject to the prior completion of a Section 106 Obligation (including the provision of 45% affordable housing) and a suite of planning conditions (including conditions relating to the access and delivery of biodiversity net gain).
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## RELEVANT SITE CONSTRAINTS

Norfolk Coast Area of Outstanding Natural Beauty  
Countryside (as defined by the Core Strategy)  
Undeveloped Coast (as defined by the Core Strategy)  
Landscape Character Area – Coastal Shelf  
Within GI RAMS Zones of Influence  
Mineral Safeguarding Area  
Contaminated Land

## RELEVANT PLANNING HISTORY

Application reference: PF/07/1331

Description: Creation of Golf Academy and Formation of Practice Range, putting green and sensory garden.

Decision: Approved with conditions

Application Reference: PF/11/1224

Description: Variation of conditions 2 and 4 of planning permission reference 07/1331 to permit relocation of golf academy building and practice greens

*Note: The site was used as a golf driving range although it is not clear whether either of the above applications were implemented. It is estimated – from aerial photograph evidence - that the use of the site for that purpose ceased approximately 20 years ago – but it was certainly taking place around the turn of the millennia.*

## ABBREVIATIONS / ACRONYMS

A number of abbreviations / acronyms are used throughout the report. These are:

AONB	Area of Outstanding Natural Beauty
BNG	Biodiversity Net Gain
CEMP	Construction Environmental Management Plan
CPTED	Crime Prevention Through Environmental Design
DMRB	Design Manual for Roads and Bridges
EcIA	Ecological Impact Assessment
EGI	Enhanced Green Infrastructure.
FTE	Full Time Equivalent
GIRAMS	Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy
HRA	Habitats Regulations Assessment
ICS	Integrated Care System
LCA	Landscape Character Assessment
LEMP	Landscape and Ecological Management Plan
LLFA	Lead Local Flood Authority
MMP-M	Materials Management Plan – Minerals
NHS	National Health Service
NNDC	North Norfolk District Council
NPPF	National Planning Policy Framework
OHMP	Outline Habitat Management Plan
PRA	Preliminary Roost Assessment
SAC	Special Area of Conservation

SPA	Special Protection Area
SPD	Supplementary Planning Document
5YHLS	Five Year Housing Land Supply

**Note:** Due to the scale and complexity of this application and the report – paragraph numbers will be used from here on in.

## THE APPLICATION

1. The application was submitted in March 2023. It is an ‘outline planning application’ that seeks approval for development in keeping with the description (above) and which seeks detailed approval for the ‘means of access’. All other elements would be held for approval as part of future ‘reserved matters’ applications – e.g. the appearance, layout, scale and landscaping associated with the development would follow within future application(s).
2. An extensive range of documentation was submitted with the application and included (but was not limited to):
  - Development Framework Plan
  - Flood Risk Assessment
  - Planning Statement
  - Statement of Community Involvement
  - Area of Outstanding Natural Beauty (AONB) Assessment
  - Minerals Assessment
  - Design and Access Statement
  - Preliminary Ecological Assessment
  - Landscape and Visual Assessment
  - Transport Assessment
  - Breeding Bird Survey
  - Biodiversity Net Gain Assessment
  - Arboricultural Assessment.

Note: All the documentation is available on the Council’s website.

3. The original proposal included a single vehicular access / exit onto Overstrand Road.
4. It is understood that the applicant undertook some ‘pre-application’ engagement in late 2022 including leafleting local properties, held an exhibition and engaged with Cromer Town Council. There was no ‘pre-application’ submission to the District Council and the District Council was not involved with the pre-application engagement that did take place. It is understood that the main change to the proposal following that engagement was to ‘drop’ an original proposal for a second vehicular access to the site onto / from Northrepps Road in response to the comments received.
5. Following receipt of consultee responses and public comments, the applicant considered their position and submitted a revised pack of information in mid-September 2023 – and agreed an ‘Extension of Time’ for the determination of the application to 1<sup>st</sup> December 2023. They have recently agreed an extension of time until 29<sup>th</sup> December.
6. The Council readvertised and reconsulted on the new pack of information and with two minor exceptions – it is that September pack that the Committee is asked to consider whether to approve or not.

7. The main changes introduced by this September submission are summarised by the applicants' letter dated 19<sup>th</sup> September 2023 which is available on the Council website. These include:
  - An increase to the affordable housing proposal – from 35% to 45%;
  - A detailed response to Norfolk County Council (Highway Services) consultation response – including the introduction of an emergency and pedestrian / cycle access to Northrepps Road and proposals in relation to enhancements on Overstrand Road;
  - Introduction of 'bike enhancement' measures;
  - Commitments to enhance Fearn's Park play area;
  - Further information on Biodiversity Net Gain – including potential off-site provision at Holt Road, Cromer; and
  - A commitment to limit the scale of housing / development adjacent to Northrepps Road.
8. In addition further survey work was submitted (e.g. to address comments about ecology).
9. The two areas where there have been further changes related to:
  - (i) Amendments following on-going dialogue with Norfolk County Council (Highways) to the visibility splays to the Overstrand Road access point; and
  - (ii) Clarification – as a consequence of (i) – to some tree issues following dialogue involving the Council's Arboricultural officer.
10. There are a small number of areas identified within the report where it is anticipated that 'updates' will be provided verbally to Committee.

## **REASONS FOR REFERRAL TO COMMITTEE**

11. This application has been referred to the Development Committee at the request of the Director of Place and Climate Change - due to the scale of the proposal and the fact it is a departure from the development plan (related to development in the Countryside and specifically an Area of Outstanding Natural Beauty).

## **CONSULTATIONS**

12. The responses below are split into four groups:
  - (i) Those from external (to North Norfolk District Council (NNDC)) organisations;
  - (ii) Those from within NNDC;
  - (iii) Town and Parish Councils; and,
  - (iv) Elected Representatives.
13. The below provides a summary of each response – and are listed alphabetically by organisation. The full responses are all available on the Council's website.

14. Each representation also makes it clear whether the comment was received as part of the first 'Round' of consultation or whether it was received following the submission of additional information and re-consultation (i.e. from September 2023 onwards). The terms 'Round 1' and 'Round 2' are used to indicate these two phases.

### **Group 1: External Consultations**

15. **Anglian Water** (Round 1): Recommends a number of informatives in the event that an approval is issued. Observes that there is available capacity for connections to their systems relating to both wastewater and used water. Confirms submission is acceptable to them in relating to surface water drainage proposals and advocates relevant drawings are referred to within any approval.
16. **Anglian Water** (Round 2): Confirmed that they have no additional comments to add to their Round 1 response.
17. **Cadent (i.e. relating to gas services / infrastructure)** (Round 1): Generic response advising that they should be contacted prior to any digging starting.
18. **Natural England** (Round 1): Notes that the application could have potential significant effects on:
- Norfolk Valley Fens Special Area of Conservation (SAC)
  - Overstrand Cliffs SAC
  - Greater Wash Special Protection Area (SPA)
19. It may also affect additional European designated sites scoped into the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy (GIRAMS). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.
20. Advises that the Council should undertake a Habitats Regulations Assessment (HRA) and record your decision regarding the assessment of the development with respect to recreational disturbance. Without this information, Natural England may need to object to the proposal. Seeks re-consultation when HRA drafted.
21. Detailed advice given on above two issues (GIRAMS and HRA) and also on a number of other issues – including the sites Area of Outstanding Natural Beauty (AONB) status – and in that regard highlights the need for an assessment relating to paragraph 177 of the National Planning Policy Framework (NPPF).
22. **Natural England** (Round 2): Natural England have submitted two representations as part of Round 2 – initially they confirmed that they had no additional comments to add to their Round 1 response. Then following receipt of the draft Habitat Regulations Assessment they advised that they had no objection to the application subject to appropriate mitigation being secured – i.e. the GIRAMS contribution(s). Further general (i.e. not site specific) advice on other landscape and natural environment matters was also provided.

23. **Norfolk and Waveney Integrated Care System** (ICS) (i.e. part of the National Health Service (NHS)) (Round 1): A developer contribution is sought to assist mitigating the impacts of this proposal. The ICS Strategic Estates Workstream estimates the level of contributions required, in this instance to be £545,083, across the health sectors listed as:
- Primary & Community Care Capital Cost;
  - Acute Care Capital Cost;
  - Mental Health capital Cost; and,
  - Intermediate Health capital Cost.
24. **Norfolk and Waveney Integrated Care System** (Round 2): Confirmed that they have no additional comments to add to their Round 1 response.
25. **Norfolk Coast Protected Landscape** (i.e. Local AONB Partnership Body) (Round 2): Observes that major development should be considered in line with the provisions of the AONB. Points out that there are seven key qualities / objectives in the AONB Management Plan quoted at paragraph 110 below, and that three should be given special consideration, namely:
- Diversity and integrity of landscape, seascape, and settlement character. Key quality is based on maintaining diversity of character types rather than uniformity across the area, including landscapes and seascapes, settlement pattern, building materials and styles.
  - Exceptionally important, varied and distinctive biodiversity, based on locally distinctive habitats. Recognised by a range of national and international designations. Coastal habitats are particularly important and most famous for birds, supporting iconic species. Inland habitats and species are also important, particularly lowland heath.
  - Sense of remoteness, tranquillity, and wildness. A low level of development and population density for lowland coastal England, leading to dark night skies and a general sense of remoteness and tranquillity away from busier roads and settlements and, particularly for undeveloped parts of the coast, of wildness.
26. Comments cross-refer to both Natural England comments and NNDC Landscape comments (above and below). Concludes by observing that in the event that the application is approved then a Landscape and Ecological Management Plan condition (LEMP) should be imposed.
27. **Norfolk Constabulary** (Round 1): Very disappointed that in a development of this scale that the Design and Access Statement does not reference any crime prevention through environmental design measures, although can see from the indicative plans provided that there has been some Crime Prevention Through Environmental Design (CPTED) principles included. Advocates revisions to incorporate relevant Secure by Design standards.
28. **Norfolk Constabulary** (Round 1) (Submitted on their behalf by NPS): Refers to an Arup study from June 2020 suggests that on a per new house basis, the cost to policing to maintain current levels is £168 (based on the four elements identified as relevant to Section 106 and planning requirements (i.e. additional floorspace, additional police and police staff, vehicle fleet and mobile policing equipment. In this case, Norfolk Constabulary have not identified any immediate need for a significant extension to existing buildings (which Arup's work suggested represented approximately two thirds of the infrastructure need costs). Therefore, it is considered that the contribution towards

staffing infrastructure, vehicle provision and equipment would therefore be approximately £55 per dwelling. They observe that that 2020 figure should be index linked.

29. **Norfolk Constabulary** (Round 2): Confirmed that they have no additional comments to add to their Round 1 response.
30. **Norfolk County Council (Highways)** (Round 1): Notes that the site in question has been allocated for development within the draft plan. Confirms that the Highway Authority has no objection to the principle of development on this site. Notes that the Transport Assessment shows residual capacity in all of the measured junctions when taking into consideration the impact of this development and therefore, no mitigation beyond the immediate site frontage is required.
31. However, the Highways Authority identified some areas of concern with the proposal, and suggested that amendments were needed in order to gain the Highway Authority's support for this outline application. In summary, the amendments identified relate to:
  - The need for a development of this scale should be served from two access points;
  - Concern around the exact location of the current access point on Overstrand Road;
  - A need for speed surveys – and then potential impact on visibility splays;
  - The need for a 3m shared pedestrian footway / cycleway along the entire frontage;
  - The need for frontage footway/ cycleway to connect to the existing footway that runs along the southern side of Northrepps Road;
  - The need for a pedestrian refuge on Overstrand Road; and
  - Bus shelter provision on Overstrand Road.
32. **Norfolk County Council (Highways)** (Round 2): Two representations were made at Round 2 (the initial one effectively an interim position as discussions continued with the applicant) and the second the final position which is summarised here.
33. The Highway Authority notes that on drawing 0301 P05 the visibility spay to the east has been increased to 120m - as requested - in accordance with Design Manual for Roads and Bridges (DMRB) standards, and appropriate for the recorded percentile speeds. The visibility splays will need to be dedicated as highway and secured in perpetuity to ensure that visibility when emerging onto Overstrand Road from the development is achieved. Therefore, with this issue now addressed, the highway authority has no objection to this planning application and would recommend conditions in the event that permission is granted. 11 conditions are recommended (and some informatives). The recommended conditions cover the following points:
  - detailed plans of the roads, footways, cycleways, foul and surface water drainage;
  - agreed works to be done before final dwelling occupation;
  - road standards before first occupation;
  - visibility splays;
  - construction worker parking;
  - Agreement of a Construction Traffic Management Plan;
  - Construction in accordance with agreed Construction Traffic Management Plan;
  - Detailed agreement of off-site highway works;
  - Completion of off-site highway works;
  - Travel Plan; and
  - Travel Information Plan.

34. **Norfolk County Council (Historic Environment)** (Round 1): Disagree with the conclusions of the Heritage Statement. Notes that the eastern approximately 40% of the site was a former a clay extraction pit in the late 19th century. Observes that the potential for archaeological remains of earlier periods remains is ill-defined and that there is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains) to be present within the current application site and that their significance would be affected by the proposed development. If planning permission is granted, ask that it be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2021), Section 16: Conserving and enhancing the historic environment, para. 205. In that regard, recommends three conditions.
35. **Norfolk County Council (Historic Environment)** (Round 2): Confirmed that they have no additional comments to add to their Round 1 response.
36. **Norfolk County Council (Lead Local Flood Authority)** (Round 1): Welcomes the submission of a Flood Risk Assessment (FRA) and Drainage Strategy for the proposed development. Has some concerns in relation to the proposed drainage provision including insufficient evidence to justify the discharge location hierarchy proposed by the applicant. However has no objection to the proposal subject to conditions being attached to any approval. And recommend a detailed condition and an informative.
37. **Norfolk County Council (Lead Local Flood Authority)** (Round 2): Confirmed that they have no additional comments to add to their Round 1 response.
38. **Norfolk County Council (Minerals and Waste)** (Round 2): Comments refer to Policy 16 of the Minerals and Waste Local Plan and Paragraph 212 of the NPPF. Disagrees with the conclusion of the Minerals Resource Assessment around the extent of historic minerals workings.
39. Seeks a revised Minerals Resource Assessment and objects to the planning application (on the grounds of minerals resource safeguarding) unless:
- “1. the applicant carries out investigations/assessment across the site including particle size distribution testing to confirm the viability of the resource for mineral extraction, and*
- 2. if the mineral resource is proved to be viable, the applicant assesses whether it could be extracted economically prior to development taking place.”*
40. Observes that if there is a viable minerals resource on site then there should be a ‘Materials Management Plan – Minerals’ and that that should be secured via condition attached to any grant of planning permission.
41. **Norfolk County Council (Planning Obligations)** (Round 1): Wishes to be re-consulted in event decision is issued more than 6 months after consultation response (inflation / index linking issue). In terms of Section 106 Contributions seeks the following – in the event of an approval:
- (i) Monitoring Fee - £500 per Obligation; and,
- (ii) Libraries - £8,850.
42. In addition, a need for fire hydrants within the development is identified and numbers are specified within response. This could be controlled by condition in the event that permission is granted.



43. Note: No contribution sought for education as there is sufficient space at all the local schools.
44. **Norfolk County Council (Planning Obligations)** (Round 2): Observed that the Round 1 response remains valid.
45. **Norfolk Wildlife Trust** (Round 2): Objects to the proposal due to non-compliance with Policy EN9 of the NNDC Core Strategy. Further comments made on: Biodiversity, survey levels / quality, bats and the need for a Landscape Ecological Management Plan (LEMP) (in the event of approval).
46. For the avoidance of doubt, the following organisation was consulted and didn't provide any comments / response:
  - Norfolk Fire and Rescue Service (although relevant comments are provided within the Norfolk County Council (Planning Obligations) response set out above.

### **Group 2: Internal NNDC Consultations**

47. **Conservation and Design** (Round 1): No objection as, with 'access' being the only matter for consideration as part of this outline submission, Conservation & Design (C&D) input at this stage will inevitably be limited. Notes that the proposed development would not affect any designated heritage assets, and, that the Development Framework Plan does not give rise to any 'in principle' concerns,
48. **Economic Development** (Round 1): Keen to support application on economic grounds due to the - potential economic benefits that would be derived by such a proposal, including employment generation of up to 172 Full Time Equivalent (FTE) direct construction jobs, and 187 FTE indirect jobs in associated industries available for local workers over the build-out period.
49. **Landscape** (Round 1): a 'holding' objection to the application on grounds of:
  - Tree loss / lack of detail in arboricultural submission;
  - Impacts of works associated with highways changes;
  - Impact on broader woodland area and connectivity;
  - Whilst the team concur with the suite of protected species surveys recommended within the application and that would be taken forward to be addressed in the Ecological Impact Assessment (EiA), the conclusion that there would be no impacts upon designated sites is considered incorrect (see also response from Natural England). Detailed comments are provided on this element(s). This includes need for further work in relation to the ponds and great crested newts, invertebrate surveys and further bird survey works.
50. Also some observations which don't amount to objections (at this stage) e.g:
  - around potential for re-use of establishing trees within the development;
  - the need for a Preliminary Roost Assessment (PRA) of trees to be undertaken to account for potential impacts upon roosting bats;
  - various areas are suggested for conditions (e.g. swift bricks);
  - the Landscape masterplan includes such areas and the links to surrounding Public Rights of Way are reasonable. However, additional considerations which would improve connectivity include:

- An additional footpath link to Northrepps Road opposite Park Road. This would provide easier access to the recreational area on Station Road/Park Road.
- Removal of the footpath link to Cromer Road to be replaced with a path connecting to the Public Right of Way to the south of the site. This would increase the distance available for circular walks.

With the above changes, the Landscape section consider there would be sufficient Enhanced Green Infrastructure (EGI) integrated into the scheme to help mitigate for any adverse recreational impacts which may arise, even though these are unlikely to significantly affect the integrity of nearby Habitats Sites.

- The EclA recommends habitat enhancements are secured via condition through the requirement for a Landscape Ecological Management Plan (LEMP). The Landscape section agree a LEMP should be conditioned in the event the application is approved.
  - In relation to Biodiversity Net Gain, it appear unfeasible that the current scheme design would be able to achieve no net loss of habitat units.
51. In relation to the AONB the team notes that the undeveloped site of the former golf practice ground) lies just within the boundary of the Norfolk Coast AONB. The emerging Local Plan allocates this site for mixed use residential and elderly care. Policy C16 addresses the site location within the AONB and the Coastal Shelf Landscape Type, as defined in the North Norfolk Landscape Character Assessment (LCA) (2021 Supplementary Planning Document (SPD)). Both the AONB Integrated Landscape Guidance and the LCA set out that new development in this landscape setting should be well integrated into the landscape and should not form a harsh edge. Retention of existing mature planting on the site and an emphasis on strong landscape design within the site is therefore key to a successful design layout hat achieves this.
  52. The Landscape section agree with the AONB Assessment from the applicant that the site does not typically exhibit the defined key qualities of the AONB, and consider that its value is in providing separation between the settlements of Overstrand and Cromer. The separate identity of the coastal settlements provided by the small areas of farmland, woodland and other semi-natural habitats is highlighted as a valued feature of this Landscape Type in both the AONB guidance and the LCA. Retention of the vegetated character of the site and accommodation of built form amongst a strong green infrastructure throughout the site is essential to retaining this valued characteristic.
  53. The Landscape and Visual Appraisal (Feb 2023) concludes that the immediate landscape context has the capacity to accommodate a high-quality residential development with a green infrastructure emphasis and that the mature robust vegetated boundaries and flattish landform will contain any adverse wider visual impact, such that there will be no long term harm to the designated landscape of the AONB. The Landscape section would agree with this conclusion, so long as the layout really does have robust green infrastructure as a key design principle that is carried through to detailed design.

54. The Development Framework Plan takes development too close to the north boundary with Cromer Road, such that the vegetated green approach into the town will be lost. This requires revision, so that ample space is allowed for retaining and enhancing the tree and shrub belt all along the site boundary with Cromer Road. Policy C16 in the emerging Local Plan requires that existing woodland on the site is protected and that the layout includes a landscaped buffer along the north and west boundaries.
55. The green infrastructure needs to be more robust within the site, allocating space for tree planting in groups, rather than just in linear form alongside streets. There should be more retention of existing vegetation, as advised in the Trees section of this response, particularly in the area to the north around the attenuation basin.
56. This outline application seeks to secure access only. There is currently insufficient information to clarify how much vegetation will require removal alongside Cromer Road to facilitate the required visibility splays. This needs certainty to determine if the proposed access location is acceptable and to ensure that a sufficient landscape buffer is provided.
57. The Framework Plan shows on-site circular pedestrian routes that are appropriate. Off-site pedestrian linkage could be improved to deter residents from adding to visitor pressure on the identified designated sites to the north. This could include links into and through the woodland to the south and improving connectivity west to the formal play provision within Suffield Park. This should include a pedestrian route along the west boundary from the attenuation basin to the proposed access in the south-west corner (and potentially an additional access opposite Park Road).
58. **Landscape** (Round 2): The landscape and arboricultural update indicates positive progress and concludes that appropriate landscape and arboricultural conditions would be required in the event of an approval being issued in order to secure the necessary details as part of the Reserved Matters application.
59. There is though, a query around the potential status of the Development Framework Plan within any approval – with a focus on the Overstrand Road frontage.
60. In terms of ecology and designated sites, the team comment that the revised layout incorporates an additional footpath link to Northrepps Road and recreational routes of 2.7km have been proposed which would aim to draw impacts away from Overstrand Cliffs SAC and other sensitive receptors in the local area. They consider that - in combination with payment of the GIRAMS tariff – that this would be sufficient to mitigate for both alone and in-combination recreational impacts arising from the development, particularly as recreational impacts are not a recognised threat/pressure upon Overstrand Cliffs SAC or Norfolk Valley Fens SAC.
61. They also reiterate that the EclA recommends habitat enhancements (which contribute to the provision of informal, semi-natural areas at the site) are secured via condition through the requirement for a LEMP.
62. The team are content with the additional information provided on bats and great crested newts – subject to condition(s) being added to any approval around external lighting.

63. Detailed comments are provided about the impact on birds. They conclude “*There are pros and cons upon breeding birds which would result from the proposed development with the balance leaning towards negative residual impacts in the short term. However, in the long term, these adverse impacts are likely to be less than significant subject to the successful implementation of the proposed habitat creation and management both on- and off-site.*

*In order to ensure the long-term interests of breeding birds are safeguarded in the local area, the Council must secure the proposed onsite and offsite habitats as a minimum, and provision of the recommended onsite enhancements. Onsite enhancements will be secured through the previously mentioned condition of a LEMP, whereas offsite compensation/enhancements will require a legal obligation.”*

64. Likewise, lots of comments are made about invertebrates that conclude: “*In terms of mitigation for impacts upon the most important species recorded, the invertebrate report recommends the provision of shallow scraped areas in the substrate and to be surrounded by natural grassland with flower-rich nectaring and pollen resources nearby. Mown amenity grassland and gardens would not satisfy the natural habitat requirements of the target species. Area C (as noted above) is highlighted as an area where this mitigation could be provided through removal of scrub and pine plantation to increase grassland cover and allow rabbit grazing to persist. Provision of wetland, removal of bracken and not using wildflower seed mixes would also be considered beneficial.*

*The above recommendations do not appear to have been taken into consideration within the Onsite Outline Habitat Management Plan (OHMP) or Development Framework plan. It is not clear what the plans are for the south-east corner of the site identified as Area C in the Invertebrate Report. Although the Addendum to the EclA makes reference to these recommendations being made in the detailed landscape design, the Onsite OHMP does not include details for this area. Additionally, if this land is considered to be part of the ‘Other Neutral Grassland’ provision, this specifically recommends the sowing of wildflower mix which should be avoided. No details of scraped substrates are provided. Whilst the finer details can be secured within the subsequent LEMP, it is considered an important part of the mitigation for reducing impacts upon the most important invertebrate species recorded at the site and therefore must not be subsequently overlooked at the Reserved Matters stage.”*

65. In terms of Biodiversity Net Gain (BNG), the team note are satisfied the proposed access amendments would still allow a minimum of 10% gain in hedgerow units. They also note that the proposed compensation for the -41.40% loss in habitat units at the site includes creation of scrub and neutral grassland in an existing arable field to the west of Holt Road, Cromer. They consider that whilst the provision of grassland would help compensate loss of grassland at the application site, this land is more isolated from similar habitats and is therefore unlikely to have functional connectivity to sites with similar faunal assemblages which would most benefit from the grassland creation.
66. Whilst the block form of the proposed habitats (i.e. scrub to the west, grassland to the east) is evidently designed to meet the criteria of the BNG Metric, this isn’t though to optimise function of the site for biodiversity gain. Mosaics of habitats provide a range of microclimates suited to a wider variety of species and which can affect use across the year. Pockets of scrub and/or standard trees could sit within the grassland habitat, and the provision of features suitable for invertebrates (e.g. shallow scrapes/bare ground) could be implemented.

67. Additionally, they observe that given the large blocks of woodland to the east/south of Holt Road, and further to the west of Holt Road, it feels like the currently proposed habitats would represent a missed opportunity to provide woodland connectivity across the arable landscape. The tree line along the south-east boundary could be reinforced with additional planting into a tree belt, as could the north and/or west hedgerow boundaries. The southern boundary of the land parcel could be demarcated with a new mixed-species hedgerow with standard trees. The use of trees would provide a much longer-term gain than the provision of only grassland and scrub habitats.
68. It is recommended the standard Biodiversity Net Gain Plan condition (as worded in the Environment Act 2021) is secured within any approval to ensure the necessary information is provided at the Reserved Matters stage.
69. In their conclusion, the Council's Landscape team state that they are generally satisfied with the additional information submitted and the recommendations provided within. They observe that whilst the proposed development would inevitably lead to habitat loss and minor adverse impacts upon some species, the recommended mitigation and compensatory habitat creation are viewed (objectively and with regard to relevant best practice guidance) to provide a satisfactory solution.
70. They believe it would be prudent to secure a Construction Environmental Management Plan (CEMP) to ensure the avoidance and mitigation measures recommended within the various reports are incorporated into a standalone document which can be kept onsite and referred to/provided to contractors where necessary.
71. They states that *"Whether the proposed development could fully comply with policy EN9 of the Council's adopted Core Strategy and paragraph 174 of the NPPF remains uncertain due to the baseline conditions and strategic/ecologically desirable location of the site (e.g. adjacent to woodland, connected to Overstrand Cliffs SAC and coastal habitats). However, making the above recommended amendments to improve the off-site compensatory/enhancement habitat provisions would be seen to improve the existing ecological network in that area, and tree planting would increase resilience to future pressures for development outside of the current settlement boundary."*
72. Their final observation states that they do "not feel (they) can either support or object to the proposed development on ecological grounds." They recommit a number of condition in the event the application is approved (all referred to above).
73. **Planning Policy** (Round 1): Commented on the site's status within the Emerging Local Plan and specifically on the comments received to the proposed allocation – i.e: *"the allocation .... is supported by the applicant in the local plan process however the during the Regulation 19 Consultation, the proposed allocation received four representations of objection and two of support (including those submitted by the landowner). These objections were centered around the site's previous inability to be developed over recent years, and preference towards another alternative site."*
74. Also provided comment on the quantum of housing being less than envisaged in the draft Local Plan and the affordable housing amounts.

75. The Policy Officer also comments that *“The site lies within the Norfolk Coastal Area of Outstanding Natural Beauty and only limited consideration should be given towards Policy ENV1 of the emerging Local Plan and Criterion 1 of the site-specific policy, C16. The site will need to be tested against Policy EN1 of the Core Strategy, which states that ‘proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm and the benefits of the development clearly outweigh any adverse impacts.’*

*This requirement has not been demonstrated throughout the application’s supporting documents and is therefore contrary to this policy. The Local Plan’s site allocation process cannot be used as test against this criterion of the policy and the emerging Local Plan is not yet adopted or afforded weight by the Council. However, the Policy Team do consider the site can be in accordance with Policy ENV1 and Policy C16 Criterion 1 in the emerging Local Plan but suggest the applicant should wait until the Plan is adopted to ensure their application can be appropriately considered against the most up to date policies.”*

76. Comments were also provided about compliance with the Policy for the site in the Emerging Local Plan (C16) and concluded with a statement that: *“The application generally complies with the relevant policies in the Emerging Local Plan but as the Plan is yet to be adopted, the proposal must be tested against the policies set out in the Core Strategy, including Policy EN1 and the required supporting information and assurances provided in order to be relied upon as a material consideration.”*
77. **Planning Policy** (Round 2): The Policy Team have reviewed the application’s letter from the agent in regard to the amended application and now raise no objection to the reduction of dwelling capacity from 150 to 118 - as it is expressed that this is needed in order to effectively deliver the other requirements laid out in Policy C16 along with ambition of delivering an above (draft) policy level affordable housing i.e 45% ((emerging) policy compliance would be 35%)
78. **Strategic Housing** (Round 1): Seeks confirmation that the proposal would meet Policy HOU8 on the new Plan around accessible and adaptable homes. As proposal seeks less than the adopted Local Plan 45% affordable housing provision then a viability assessment justifying a lower threshold should be sought. Also provides observations relating to the emerging local plan requires new homes to meet the nationally described space standards (policy HOU9) and local need levels – including for specialist elderly care accommodation.
79. **Strategic Housing** (Round 2): Reiterates many of the Round 1 responses but welcomes the increase to 45% affordable housing. Currently awaiting a view from the Council’s viability assessment consultant on the matter. That view will be reported to Committee.
80. For the avoidance of doubt, the following parts of the Council were consulted and didn’t provide any comments / response:
- Climate and Environmental Policy
  - Environmental Health
  - Sport and Countryside

### **Group 3: Town and Parish Councils**

81. **Cromer Town Council** (Round 1): In relation to safe highway access considers it astonishing that given the scale of the application, no offsite highway improvements are proposed and refers to access to existing play areas, schools, the GP Surgery and Happy Valley. A number of comments about provisions for pedestrians and concludes with view that pedestrian access issues have not been dealt with at all as part of this application and therefore cannot be supported. Also notes the view that speed and traffic calming measures are needed along Overstrand Road. Concern expressed in respect of the existing parking issues around the immediate vicinity of the site on Overstrand Road and close to the junction of Station Road and notes that there are no offsite parking plans in the proposals.
82. In relation to biodiversity considerations where there is an indicated loss of >41% biodiversity, members are concerned that the benchmark being used is that taken after the clearance of the site. Members ask that an independent assessment of the impact takes place. Members note that a member of the public has submitted information re the loss of biodiversity and also note that 69 species of bird have been observed at the site by a member of the public. As it stands, the application does not appear to be able to demonstrate 10% biodiversity net gain, and the baseline for their assessment appears to be wrong.
83. There is also concern in respect of any possible reduction in screening around the site and the loss of trees and hedging.
84. The Town Council objects to the impact on the AONB and damage to the ecological value of the site. These considerations are key to determining this application.
85. The Town Council needs to understand the method of disposal for the sewerage which will be processed at Middlebrook Way Water Treatment Works. There is already an issue with the combined network on Station Road and resulting damage to the infrastructure and road following previous incidents and a number of internal flooding incidents have occurred impacting on residents' houses. The Town Council seeks reassurance in respect of the sewerage dispersal route and method.
86. In relation to Surface Water Drainage the Town Council asks for a thorough investigation in respect of the water infiltration on the site and the underground springs which are understood to run through the site. The site needs to be considered within the constraints of the emerging Local Plan which has some understanding of the need for the developer to demonstrate that surface water drainage is adequate for the site to be delivered.
87. It is understood by Cromer Town Council that the risks around unexploded ordinance need to be studied before such an assessment is able to take place.
88. In terms of access to Green Space and Play facilities, if the District Council is minded to give consent for this application, the Town Council asks that a contribution is made to play and open space provisions at Fearn's Park and Happy Valley.
89. Members of the Town Council are concerned at the impact on the local health and dental services and have advised that they will be writing separately to the National Health Service (NHS England) and the Integrated Care Board to ask how they will cope with the increased number of houses, the care facility and the need to recruit more staff.

90. **Cromer Town Council** (Round 2): Additional detailed comments on highway / pedestrian matters especially on Overstrand Road – particularly around narrow pavement widths. Concerns around possible impact of visibility splay on landscaping AONB matters and effectiveness / reliability of emergency access bollard. Also further comments on highway safety parking, AONB and biodiversity matters raised within the Round 1 comment.
91. **Northrepps Parish Council** (Round 2): Observes that as an adjoining parish, this development will have an impact on the highways surrounding Northrepps and also the infrastructure such as medical facilities, dental services and schools all of which are used not only by residents of Cromer but also by the neighbouring parishes.
92. Appreciate the need for elderly care accommodation and housing and that the affordable housing element will be at 45%, raised the following concerns:
- impact on the GP surgery;
  - impact on dental services;
  - impact on the schools;
  - impact on the care service (including whether the elderly care accommodation will be able to recruit staff);
  - impact on utilities - can the current systems cope - in particular the drainage from the site;
  - loss of biodiversity for wildlife and impact on the boundary with the old railway track which is regularly used by walkers;
  - impact on the highways.
93. **Overstrand Parish Council** (Round 2): Opposes the proposal due to several concerns:
- Loss of biodiversity. The land is a corridor of a wide range of flora and fauna and removal of this should not be encouraged. In addition, the landscape falls within the AONB which must be considered.
  - Carrying capacity – infrastructure services are already under extreme pressure in the local area including schools, medical services, dentists, roadways, and shops. Whilst OPC accept the need for elderly care accommodation, this would add even more pressure on already critically strained services.
  - Access – only one entrance to this large site would be of concern along with the increased traffic that is bound to affect Overstrand as a neighbouring village.
  - Flooding risk – with the installation of concrete and other impermeable surfaces, there is a high risk of flooding to the area.
  - Air pollution needs to be considered due to the increased amount of traffic.
  - Footpath – the footpath proposed around the exit point to the North/East of the development would appear to open directly onto the roadway (Cromer Road) with no plans to extend the footpath to accommodate the ingress/egress of pedestrians.



#### **Group 4: Elected Representatives**

94. **County Councillor Adams** (Round 1): A series of observations covering:
- The intended status of the internal roads – i.e. are they to be made up to a standard for adoption by the Highways Authority
  - In respect of Fire and Libraries - no specific comments to make as long as necessary assessments are made in respect of additional needs arising from the development.
  - Notes fluctuating school rolls and issues at both Suffield Park Infants and Cromer Academy with students safely accessing the school on foot and concern about additional pressure on access to schools in this respect.
  - In respect of access to green infrastructure, has some significant concerns. The application appears to demonstrate at least -40% biodiversity, whereas the requirement is for +10% biodiversity gain. This presents a significant challenge in terms of access to green infrastructure generally. The site is in nearby proximity to green open spaces including Fearn's Park and Happy Valley. It is hoped locally that any development would commit contributions to play and green space improvements at both of these sites. Notes that the access to the Happy Valley site to the North and North-West and many nearby public rights of way is particularly poor.
  - There are no details of any highways improvements on Overstrand Road to enable safe access for pedestrians across this road e.g. suggests contributions should be sought for a crossing refuge, and a 30mph limit along the length of the site towards the Overstrand Parish boundary. Notes the particularly narrow footway/pavement between Cromer Country Club and the Catholic Church which does not appear to have been assessed as part of this outline proposal for access only and reserved matters.

#### **REPRESENTATIONS**

95. Like the 'Consultee Responses' the public representations received fall into two groups. Those in Round 1 and those in Round 2.
96. In total **31** responses were received in Round 1. The details are set out in **Appendix 1**. Of the responses received **30** were **objecting** to the proposal and **1** was a **neutral** comment. The topics raised in the objections can be summarised as:
- (i) Development in the Area of Outstanding Natural Beauty;
  - (ii) Quality of survey work (habitats, wildlife, bird and highways);
  - (iii) Impact on landscape;
  - (iv) Building on greenfield;
  - (v) Roads and access matters;
  - (vi) Foul and surface water drainage;
  - (vii) Flooding and underground springs;
  - (viii) Overlooking, light and noise from care home;
  - (ix) Keeping Overstrand and Cromer separate;
  - (x) Impact on local services (health and education); and
  - (xi) Availability of alternative sites.

97. In total **19** responses were received in Round 2 (although 2 were effectively a duplicate of the same one). The details are set out in **Appendix 2**. Of the responses received **18 objected** to the proposal and **1** was **neutral**. The topics raised in the objections can be summarised as:
- (i) The need for a 5G mast;
  - (ii) Impact on local services – health and education;
  - (iii) The permeability of the southern boundary of the site and the need for a boundary fence;
  - (iv) Impact on ecology and wildlife and connectivity to adjacent sites;
  - (v) Loss of woodland and green space;
  - (vi) Highways;
  - (vii) Drainage and flooding;
  - (viii) Development in the AONB;
  - (ix) Conflict with the adopted development plan (including policy SS 3 relating to the Undeveloped Coast)
  - (x) Impact on walking routes to school;
  - (xi) Habitat Regulation Assessment matters;
  - (xii) Safety of pedestrian access onto Northrepps Road;
  - (xiii) Quality / accuracy of bird survey work; and
  - (xiv) Comments on off-site mitigation to achieve Biodiversity Net Gain targets.
98. In total 50 representations (one of which was a ‘group’ submission) have been received from 49 different addresses – and objections from 47 different addresses. Note: some people commented – understandably – during both rounds of public consultation. The issues flagged in the two preceding paragraphs are either addressed within the main thematic sections of the ‘Officer Assessment’ from paragraph 120 to 213 – or, if they are not, they are addressed within a separate section at paragraph 215 and 216.

## **HUMAN RIGHTS IMPLICATIONS**

99. It is considered that the proposed development may raise issues relevant to:
- Article 8: The Right to respect for private and family life.
  - Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.
100. Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

## **CRIME AND DISORDER ACT 1998 - SECTION 17**

101. The application raises no significant crime and disorder issues. The Constabulary have commented on the application and their comments are either recommended to be addressed via inclusion in the proposed Section 106 Agreement or via the reserved matters stage – and highlighted via a suggested Informative that is recommended to be attached to any approval granted.

## LOCAL FINANCE CONSIDERATIONS

102. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

## RELEVANT POLICIES

### Development Plan

103. **North Norfolk Core Strategy (adopted 2008):**

Policy SS 1	Spatial Strategy for North Norfolk
Policy SS 2	Development in the Countryside
Policy SS 3	Housing
Policy SS 4	Environment
Policy SS 6	Access and Infrastructure
Policy SS 7	Cromer
Policy HO 1	Dwelling Mix and Type
Policy HO 2	Provision of Affordable Housing
Policy EN 1	Norfolk Coast Area of Outstanding Natural Beauty and The Broads
Policy EN 2	Protection and Enhancement of Landscape and Settlement Character
Policy EN 3	Undeveloped Coast
Policy EN 4	Design
Policy EN 6	Sustainable Construction and Energy Efficiency
Policy EN 9	Biodiversity & Geology
Policy EN 10	Development and Flood Risk
Policy EN 13	Pollution and Hazard Prevention and Minimisation
Policy CT 2	Developer Contributions
Policy CT 5	Transport Impact of New Development
Policy CT 6	Parking Provision

104. **Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (adopted 2011)**

Policy CS 16	Safeguarding mineral and waste sites and mineral resources
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### Material Considerations:

105. **Supplementary Planning Documents and Guidance:**

North Norfolk Landscape Character Assessment (2021)

106. **Five Year Land Supply Statement (North Norfolk District Council) (September 2023)**

Confirms that the Council is only currently able to demonstrate 4.13 years of deliverable housing supply.

107. **Open Space Assessment Study (North Norfolk District Council) (February 2020)**

Outlines the approach to open space to support Policy CT 2 and sets out a 'calculator' in relation to potential contributions.

**108. National Planning Policy Framework (NPPF) (HM Government) (September 2023):**

Chapter 2 – Achieving sustainable development  
Chapter 4 – Decision-making  
Chapter 5 – Delivering a sufficient supply of homes  
Chapter 8 – Promoting healthy and safe communities  
Chapter 9 – Promoting sustainable transport  
Chapter 12 – Achieving well-designed places  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 – Conserving and enhancing the natural environment  
Chapter 17 – Facilitating the sustainable use of minerals.

**109. First Homes (HM Government) (December 2021):**

Provides further detail on First Homes and their implementation.

**110. AONB Management Plan**

Norfolk Coast Area of Outstanding Natural Beauty: Management Plan 2019 to 2024 (revised 2022)

**111. Draft Local Plan (Proposed Submission Version) (2022)**

Policy C16 - Former Golf Practice Ground, Overstrand Road

112. As this is a particularly significant application where 'in principle' policy considerations are central to determining whether or not a development of the site could be considered acceptable or not, it is considered that it is appropriate to set out the main policies in full. These are considered to be:

Adopted Core Strategy Policies SS1 and EN1

**113. Policy SS2 Development in the Countryside**

*In areas designated as Countryside development will be limited to that which requires a rural location and is for one or more of the following:*

- *agriculture;*
- *forestry;*
- *the preservation of Listed Buildings;*
- *the re-use and adaptation of buildings for appropriate purposes;*
- *coastal and flood protection;*
- *affordable housing in accordance with the Council's 'rural exception site policy';*
- *the extension and replacement of dwellings;*
- *extensions to existing businesses;*
- *sites for Gypsies and Travellers and travelling showpeople;*
- *new-build employment generating proposals where there is particular environmental or operational justification;*
- *community services and facilities meeting a proven local need;*
- *new build community, commercial, business and residential development where it replaces that which is at risk from coastal erosion, in accordance with Policy*

*EN12: Relocation and Replacement of Development Affected by Coastal Erosion Risk;*

- *development by statutory undertakers or public utility providers;*
- *recreation and tourism;*
- *renewable energy projects;*
- *transport;*
- *mineral extraction; and*
- *waste management facilities*

*Proposals which do not accord with the above will not be permitted.*

#### **114. Policy EN1 Norfolk Coast Area of Outstanding Natural Beauty and the Broads**

*The impact of individual proposals, and their cumulative effect, on the Norfolk Coast AONB, The Broads and their settings, will be carefully assessed. Development will be permitted where it;*

- *is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area;*
- *does not detract from the special qualities of the Norfolk Coast AONB or The Broads; and*
- *seeks to facilitate delivery of the Norfolk Coast AONB management plan objectives.*

*Opportunities for remediation and improvement of damaged landscapes will be taken as they arise.*

*Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm and the benefits of the development clearly outweigh any adverse impacts.*

*Development proposals that would be significantly detrimental to the special qualities of the Norfolk Coast AONB or The Broads and their settings will not be permitted.*

#### **Draft Local Plan Policy C16**

#### **115. Policy C16: Former Golf Practice Ground, Overstrand Road**

*Land amounting to approximately 6.4 hectares, as defined on the Policies Map, is allocated for development of approximately 150 dwellings, elderly care accommodation, public open space and associated on and off-site infrastructure. Planning permission will be granted subject to compliance with the policies of this Plan, and the following site specific requirements:*

1. *Careful attention to site layout, building heights and materials in order to minimise the visual impact of the development on the Norfolk Coast Area of Outstanding Natural Beauty;*
2. *Provision of convenient and safe vehicular access from Overstrand Road or Northrepps Road to include associated improvements, carriageway realignment and widening to a minimum of 5.5m, and provision of a frontage footway at the Northrepps Road access;*

3. *The submission, approval and implementation of a Transport Impact Assessment to assess the impact of the development on the strategic road network and identify areas where mitigation may be required and propose appropriate schemes;*
4. *On site delivery of not less than 1.31 hectares of multi-functional open space together with measures for its on-going maintenance;*
5. *Retention and enhancement of hedgerows and trees around the site, including the protection of existing woodland within the site and the provision of a landscaped buffer along the northern and western boundaries;*
6. *The submission, approval and implementation of a Surface Water Management Plan ensuring that there is no adverse effects on European sites and greenfield run off rates are not increased;*
7. *The submission, approval and implementation of a Foul Drainage Strategy, details of any enhancements and setting out how additional foul flows will be accommodated within the foul sewerage network;*
8. *Enhancement to sewerage infrastructure should be undertaken prior to the first occupation of any dwelling to prevent detriment to the environment and comply with Water Framework Directive obligations;*
9. *Delivery of comprehensive development in accordance with agreed phasing which ensures delivery of all aspects of the allocated uses including not less than 60 units of specialist elderly persons accommodation; and,*
10. *Appropriate contributions towards mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance & Mitigation Strategy (GIRAMS).*

*The site is underlain by a defined Mineral Safeguarding Area for sand and gravel. Any future development on this site will need to address the requirements of Norfolk Minerals and Waste Core Strategy Policy CS16 - 'safeguarding' (or any successor policy) in relation to mineral resources, to the satisfaction of the Mineral Planning Authority.*

National Planning Policy Framework Paragraphs 11, 176, 177 and 212.

116. Paragraph 11: *Plans and decisions should apply a presumption in favour of sustainable development: ....*

*For decision-taking this means:*

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>(7)</sup>; or*

- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Where <sup>(7)</sup> is defined as:

*The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.*

117. *Paragraph 176: 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 conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads<sup>(59)</sup>. 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.*
118. *Paragraph 177: When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development<sup>(60)</sup> 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.*
119. *Paragraph 212: Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.*

## **OFFICER ASSESSMENT**

120. At headline level there are considered to be three main issues to consider associated with this application:
  - (i) **Should the Council consider and determine this application now – i.e. in advance of the conclusion of the Local Plan production process?**
  - (ii) **Can the proposal be acceptable – in the event that all other issues covered within (iii) are acceptable – due to the sites status as part of an Area of Outstanding Natural Beauty (AONB)**

**(iii) Is the proposal acceptable in detail – in the event that this scale of development within the AONB could be determined positively in principle.**

121. Each of these three elements will be considered in turn – recognising that there will be ‘sub-sections’ with the consideration of (iii). As with the consideration of any planning application, that starting point is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which sets out a statutory requirement that, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF 2023) at paragraphs 2 and 12 restates this requirement.
122. Paragraphs 103 and 104 above set out the relevant Development Plan Policies and Paragraphs 105 to 111 set out a range of material planning considerations. These are set out in greater detail across paragraphs 113 to 119

**Can the proposal be acceptable – in the event that all other issues covered within (ii) and (iii) are acceptable – due to the sites status as part of an Area of Outstanding Natural Beauty (AONB)**

123. It is recognised that Paragraphs 176 and 177 of the National Planning Policy Framework are particularly important here – i.e. they are central to the question of whether or not this proposal can be acceptable as a matter of principle. Both paragraphs are set out in full within the Policy section of this report (see paragraphs 117 and 118).
124. The Local Plan Inspector has also highlighted the issue of compliance with paragraph 177 as a ‘Matter, Issue and Question’ he wishes to consider at the Local Plan Examination (see **Appendix 3**).
125. This section has been prepared with a view to it not just being relevant to this application but also to form the bulk of the Council’s submission to the Examination on that matter.
126. The first issue to consider in relation to the AONB assessment is whether or not the Council considers this a ‘major development’ in terms of paragraph 177 of the NPPF. In that regard, the NPPF observes that whether a proposal is ‘major development’ - in the context of the paragraph 177 - 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.”*
127. It is recommended that the Council should view this as ‘major development’ in the AONB. In that regard it should be noted that in most instances ‘major development’ is defined as ‘10 or more dwellings, residential development on a site having an area of 0.5 hectares or more,...or development on a site having an area of 1 hectare or more’.
128. Whilst the ‘normal’ definition on ‘major development’ does not prevent smaller development being considered ‘major development’ in the AONB, this proposal exceeds those ‘normal’ definitions by a long way. Added to that, it is a significant site and the second largest proposed housing site in Cromer. In the light of those facts, Officers consider it would be difficult to reach the view that this isn’t major development in the AONB.
129. This means that, in accordance with NPPF paragraph 177, permission should be refused unless exceptional circumstances apply and where it can be demonstrated that



it is the public interest. In addition an assessment needs to be made against criteria (a) to (c) of paragraph 177 of the NPPF. The section below seeks to fulfil that requirement:

(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'

130. The work that has been involved in the production of the North Norfolk Local Plan justifies both the overall quantum of development proposed for North Norfolk and the identification of Cromer as one of the districts three 'Large Growth Towns'. That status mirrors the status of the three locations within the adopted Local Plan. This site is adjacent to (i.e. on the boundary of) the current settlement boundary of Cromer.
131. In addition, the fact that North Norfolk cannot currently demonstrate a 5YHLS means that Paragraph 11(d) of the NPPF is relevant. That paragraph is also quoted above at paragraph 116. This is returned to in more detail in the next section of the Officer Assessment.
132. The areas or assets of particular importance – in relation to paragraph 11(d) of the NPPF - are stated as including Areas of Outstanding Natural Beauty (AONB). So Paragraph 11(d) is arguably not relevant if the AONB status of the site could be argued to justify a 'clear reason for refusing' the application. However, this possible protection from the implications of a lack of a 5YHLS isn't the case if the proposal 'passes' the tests within the paragraph – i.e. (a) to (c). This position is supported by a recent appeal decision which concluded that:

*"The Council cannot demonstrate a five-year housing land supply and therefore the policies which are most important for determining the application are out-of-date. Due to the scheme's compliance with Paragraphs 177 and 202 of the NPPF, the appeal site's location in the AONB and its impact on heritage assets do not provide clear reasons for refusing the proposal."*

Appeal reference: APP/M2270/W/21/3282908

Appeal decision date: 22<sup>nd</sup> March 2022

Council area: Tunbridge Wells Borough Council

133. The Council has considered carefully what sites to allocate to meet its housing need based policy target and has concluded that this site is appropriate to be redeveloped. It should also be noted that the allocation to Cromer is far lower (at 1,024 dwellings) than to either Fakenham (at 2,168) or North Walsham (at 3,011) – and that is a reflection of two main factors – the fact the sea is to the north of Cromer and the fact the southern side of Cromer is dominated by an extensive AONB designation (i.e. there is only one plausible alternative (see point b) below).
134. If the Council were to discount this site – e.g. due to its AONB status or for any other reason – then that would increase pressure on other sites that aren't allocated within the draft Plan (which means - by implication - the Council thinks them less appropriate for residential development than this site).

135. That potential increase in pressure would be due to the lack of demonstrable 5YHLS position. Approving this application would go some way to rectifying that position (i.e. it would increase the supply calculation by 0.25 years from 4.13 to 4.46 (using the September 2023 5 Year Land Report).
136. The local and national importance of housing and working to meet need is well recognised and is in the wider public interest so, moving forward on a site of this scale would make a significant contribution towards improving the Council's housing delivery position.
137. In addition, the development would have a positive impact on the local economy – as all housing developments of greenfield land are – by their very construction and via the service and trade roles they thereafter support. Some quantification of that is provided within the consultation response from the Council's Economic Development Team referred to above. Additional housing would also support the local economy by providing homes for people to live in that seek work within 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'
138. There is very little land in the Cromer area that might be available for development that is outside the AONB. In addition, and whilst acknowledging that this site is within the AONB it is on the very edge of it and has been used as a golf practice area as recently as around 20 years ago. It is recognised that there is an alternative site to the east of Cromer that might be suitable for development that is outside the AONB but that site was viewed as less suitable by the Council within the work leading to the publication of the draft Local Plan.
139. It is also worth recognising that the AONB Partnership didn't object to the site's inclusion for development within the Local Plan and haven't objected to the planning application. Also worth noting are the comments of the Council's Landscape team about the merits (etc) of this site in AONB terms – i.e. that it is of questionable AONB value.
140. It is considered that there are no preferable alternative ways of meeting the housing need – beyond potentially building at vastly higher densities thereby needing less land – but the development levels proposed within the Local Plan are considered to be at acceptable densities and there is not thought to be market demand for vastly higher densities.
- c) 'any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated'
141. The current site does not fulfil any recreational purpose and the development proposal would – as demonstrated by the Habitat Regulations Assessment (see paragraph 195 to 199 below) – actually enhance recreational opportunities in the local area. Via the applicant's commitment to a Biodiversity Net Gain Plan – including potentially via the off-site provision of enhancements in the local area – this could in itself result in a substantial improvement to the AONB in a more prominent location. In addition, the retention of significant areas of greenspace and landscaping within the site (including on the road frontages) – means it can be argued that the overall impact on the environment and landscape would be at worst neutral and could arguably be seen as positive.

142. The points raised by the 'AONB Partnership' at paragraph 25 above in relation to the three qualities suggested for special attention / consideration are noted. Whilst the relationship of this site to the built-up area of Cromer does need to be noted, the key qualities are considered to be addressed by the proposal, the incorporation of significant green space within the proposal, the retention of key features (e.g. ponds) and components of the proposal contained within the Habitats Regulations Assessment. Conditions recommended throughout the report (e.g. external lighting, landscaping and pedestrian route signage) will ensure appropriate mitigation and control of these components.

### AONB Conclusion

143. Overall – it is considered that – having regard to the need for new homes in North Norfolk – including an acknowledgement of the level of affordable homes proposed – that exceptional circumstances do apply and that the development of this site is in the public interest. The assessment required by paragraph 177 of the NPPF has been undertaken and isn't considered to result in a justification to refuse the application on grounds that show a clear rejection of the 'principle of development' of the site.

### **How does the fact that the Council cannot currently demonstrate a 5-Year Housing Land Supply impact on the application.**

144. The previous section effectively concludes that in NPPF terms the proposal can be acceptable in the context of it being development within the AONB. However, the adopted NNDC Core Strategy also identifies this land as 'Countryside' and 'Undeveloped Coast'
145. Policy SS 2 would suggest that this proposal shouldn't be permitted – as the use isn't within the list of development types permitted in the Countryside – see paragraph 113 above. Likewise Policy EN 3 would reach the same conclusion as it can be argued that a 'coastal location' is not required.
146. However, the Council does need to recognise that the Adopted Core Strategy is 15 years old and that the Council doesn't have a 5YHLS. As such the permissive nature of Paragraph 11 (d) of the NPPF is relevant.
147. The Council has though been successful at a number of appeals where the validity of relying on Policies SS 1 and SS 2 as a reason for refusal has been tested against the lack of housing supply and NPPF. However all those decisions have been for small (e.g. single home) developments and the Inspectors have tended to conclude that a small addition to the housing figures will have little impact on the 5 year supply figure (i.e. a 0.0008 increase in 5YHLS for a single additional dwelling) – whereas this proposal would have a 0.3292 increase in 5YHLS which would improve the situation from 4.13 years up to 4.46. This increase in 5YHLS is considered to be material and it is thought unlikely that the Council would successfully defend an appeal on protection of the countryside (using Policy SS2) when the housing supply issue is taken into account. The Council has no comparator cases to set this one against in terms of the scale of impact on the 5YHLS issue. The same generally 'out-of-date' Plan versus '5YHLS point' is also considered relevant to the consideration against Policy SS 3.
148. Effectively, the AONB consideration is thought to be the more significant of the two issues considered to date.

**Is the proposal acceptable in detail – in the event that this scale of development within the AONB could be determined positively in principle**

149. Just because the two previous sections of this assessment have concluded that the proposal shouldn't be rejected as either:

- Too early until the outcome of the Local Plan work is resolved; or
- Unacceptable major development within an Area of Outstanding Natural Beauty

doesn't automatically mean the application should be approved.

150. Site specific considerations remain important and consideration of them is important and necessary. It should though be remembered that this is an 'Outline Planning Application' with all matters 'Reserved' other than the means of access. The other matters are commonly referred to as 'Appearance', 'Landscaping', 'Layout' and 'Scale'.

151. Having regard to this and the issues raised within the representations received from consultees and the public, this section will be broken down into the following sub-sections:

- a. **Compliance with draft Policy C16 – including commentary on the draft Local Plan process**
- b. **Means of Access and Other Transport Matters**
- c. **Minerals Resource Safeguarding**
- d. **Affordable Housing**
- e. **Ecology, Landscaping and Trees**
- f. **Biodiversity Net Gain**
- g. **Habitat Regulation Assessment**
- h. **Open Space, Allotments, Play Areas (etc)**
- i. **Foul and Surface Water Drainage**
- j. **Health**
- k. **Education**
- l. **Other Planning Obligation Matters**
- m. **Consideration of Submitted Documentation (from the applicant)**
- n. **Other matters raised within the representations / consultation responses (including Secured by Design matters)**

152. After sub-section 'n' – an overall conclusion on the whole proposal will be made prior to the formal recommendations.

153. Dealing with each of the 14 sub-sections in turn:

- a. **Compliance with draft Policy C16 – including commentary on the draft Local Plan process**

154. Whilst recognising that it is a draft Policy, it is considered appropriate to test the proposal against Policy C16 of the draft Local Plan (see paragraph 115 above for the full text). That assessment concludes that:

- 1) The uses proposed within the application comply with the Policy – whilst noting that the number of dwellings proposed is less than (by at least 20%) envisaged within the Policy;

- 2) Due regard has been had to the AONB – as discussed above – and below within section (e) on ‘Ecology, Landscaping and Trees’;
  - 3) The access proposals are acceptable to Norfolk County Council as highway authority (subject to appropriate conditions in the event that permission is granted) and address issues associated with pedestrian improvements and safe access;
  - 4) More open space is provided on site than envisaged and on-going maintenance of it would be controlled by condition (within a LEMP) in the event that permission is granted;
  - 5) Matters associated with Surface Water, Drainage and Sewerage infrastructure have been addressed within the application and are considered – by the relevant statutory consultees – to be acceptable (subject to appropriate conditions in the event that permission is granted). As a consequence of the position of the statutory bodies, strict compliance with point 8 of the Policy is not thought to be justified within the provisions of this application. This point is considered further at (i) below;
  - 6) A phasing plan would be required by condition that would require the provision of the elderly care accommodation prior to the completion of the dwellings component of the development;
  - 7) GIRAMS contributions would be part of a Section 106 Agreement – in the event that permission is granted. This point is considered further at (g) below; and,
  - 8) A condition is recommended to cover the Minerals and Waste Core Strategy Policy CS16 – in the event that permission is granted. This point is considered further at (c) below.
155. It is therefore considered that the proposal is in broad conformity with the draft Policy and the limited areas where it arguably differs do not justify a recommendation for refusal (primarily as the relevant statutory consultees haven’t objected and / or the matter would be controllable via an appropriate planning condition.
156. It also needs to be remembered that Policy C 16 is part of the Draft Local Plan – and therefore isn’t part of the ‘Development Plan’ at this time.
157. Clearly this report and potential decision is being recommended at a time when the draft Local Plan is about to be examined and when this site is a matter the Local Plan Inspector is scheduled to consider at the Local Plan examination in February next year.
158. The fact that this site is allocated for residential development in the draft Local Plan counts as a material consideration that provides some ‘in principle’ support for the application. However, that support is limited by the fact that the Plan is only at draft stage.
159. The standard questions that have been set by the Inspector to be discussed for all proposed allocated sites within the Local Plan are set out in **Appendix 3**. Appendix 3 also sets out the more detailed questions associated with Cromer and this site. None of these raise any specific issues about this site – beyond the AONB matter addressed above.
160. It is also relevant that the Council is not expecting to get to adoption of the Local Plan (if the Inspector finds it Sound) till about September 2024.
161. From a certain perspective it could be a good option to just wait until the Local Plan process is concluded when it would, almost certainly, then be clear as to whether the site is allocated within the Development Plan or not.
162. For clarity purposes, the applicant has been asked whether they would prefer to – or be happy to - delay determination until the plan process has concluded. They have

confirmed that they would not and have justified this on the basis that they consider their development to be acceptable – especially in the light of the Council’s inability to demonstrate a 5 year land supply and the fact their site is not affected by matters associated with nutrient neutrality – and that they don’t believe that there is any policy / guidance backing for a possible argument that this decision would be ‘premature’ and therefore – not being a decision that the Council should make positively at this time.

163. The options for the Council are therefore to approve the application, refuse the application or delay determination – quite possibly for the better part of another year. Having considered the matter carefully, Officers view is that the application should be determined. This is largely due to the nature of local housing need and supply issues – and fundamentally it is not considered that there are any clear and justifiable reasons to not determine the application at this time.

**b. Means of Access and Other Transport Matters**

164. There have been a number of discussions with the County Council during the course of this application. Fundamentally these were to ensure that the applicant responded in an appropriate manner to the County Council’s ‘Round 1’ comments. Those comments focussed on matters associated with Overstrand Road and the access to / from the site onto it and the need for a second access to a development of this scale.
165. The revised proposal that was the subject of the ‘Round 2’ consultation has addressed the matters raised by the County Council to their satisfaction. This has included the provision of an ‘emergency and pedestrian and cycle access’ near the junction of Northrepps Road and Park Road. This access also has the added advantage of increasing permeability to and from the site to Park Road – and therefore to a number of local services including local schools, parks and medical facilities.
166. Considerable thought was given to the need to improve pedestrian and cyclist provision in the area. This has been addressed via the introduction of a combined pedestrian and cycle path on Overstrand Road between the boundary of the site and Northrepps Road and a widened footpath between the site access and its eastern boundary. A crossing refuge is also provided for the centre of Overstrand Road.
167. In addition, the applicant has offered two additional components that would benefit sustainable transport and cycling in particular – those being – funding to provide cycle stands at Fearn’s Park and in Cromer town centre and bike vouchers for the first occupants of each new home.
168. This package of proposals is considered acceptable and – subject to relevant conditions being imposed in relation to any approval – then, it is not thought that a refusal on this ground could be justified. The County Council has specified the conditions it considers acceptable.

**c. Minerals Resource Safeguarding**

169. The County Council (Minerals and Waste) team have objected to the application due to their view that the submission doesn’t accurately reflect the historic workings within the site – i.e. the application relies on a position that the whole site has had previous mineral working activity whereas the County’s evidence is that the previous works only affected part of the site. Their representation is set out at paragraphs 38 to 40 above.

170. Whilst it is considered that the County Council position is a material consideration and acknowledged that Policy CS 16 of the Minerals and Waste Core Strategy forms part of the 'development plan', the key issue for the Council to consider is whether that County Council position should either result in refusal of the current application, or, it should require a pause for further work to be done prior to determination, or, the matter can be controlled by a suitable condition(s), or, the matter isn't thought to be significant enough to effect the determination of the application or justify a condition.
171. Fundamentally, having regard to the NPPF, the Minerals and Waste Plan and the draft Local Plan, it is considered to be an issue that should be controlled / resolved in some manner. It is also noted that the County Council's response doesn't suggest that refusal would be warranted – or that the outcome of any further work to address the points in paragraph 39 above wouldn't be suitable to be controlled by condition. Therefore, it seems appropriate to attach a condition to any approval - that might be granted - that covers:
- The need for investigations / assessments across the site to confirm the viability of the site for mineral extraction, and,
  - The production and agreement of a Materials Management Plan – Minerals (MMP-M) that takes account of the outcome of those investigations / assessment; and,
  - The requirement for that Plan to thereafter be implemented as approved.
172. Discussions are taking place with the applicant and the County Council on the possible wording of such a condition(s). The Committee will be updated at the meeting with progress on those discussions.
173. Fundamentally though, it is the view of the Council's Planning Officers that a refusal or a delay on this ground would not be justifiable. It should also be noted that extensive minerals extraction(s) – if proposed within the MMP-M – might conflict with other elements of the scheme (e.g. ecological and landscape matters) but that is considered a matter that can be addressed within the relevant reserved matters submission.

**d. Affordable Housing**

174. The original submission proposed an affordable housing commitment of 35%. This was justified off the back of the fact that this is the draft Policy requirement for affordable housing in the Cromer area in the draft Local Plan.
175. This was queried within the consideration of the application – due to the fact that the adopted Core Strategy Policy (HO 2) sets a 45% requirement. The applicant has undertaken a viability assessment that concluded that 45% is deliverable on this site and 'up-graded' their proposal to 45%.
176. This is on the basis of the following tenure split:
- 25% First Homes
  - 15% Shared ownership
  - 60% Affordable rent.
177. Whilst the 45% proposal is in-line with adopted Policy – and therefore welcomed – the applicant has also submitted viability information that has been assessed by the Council's Strategic Housing team. They have concluded that it appears viable in relation to reasonable assumptions at this stage of the development process. Final detailed comments are awaited and will be reported at the Committee meeting.

178. In relation to the tenure mix set out above, this is in keeping with the Government's First Home Guidance referred to at paragraph 109 above – i.e. effectively top slice the 25% First Homes and then divide the other 75% on a pro-rata basis for the recognised local need. As that is 80/20 (affordable rent / shared ownership) that becomes the 60/15 within the proposal when spread across the 75% remaining after the First Home requirement.
179. It should be noted that First Homes are not required by national policy on rural exception sites but this site isn't such a site and therefore this current application is considered fully policy compliant in relation to affordable housing provision in relation to both national and local policy.

**e. Ecology, Landscaping and Trees**

180. The initial consideration of this area – within Round 1 of the consultation – raised quite a few concerns about the proposal and the information that underpinned it. The applicant sought to address those concerns within the information that they provided that led to the Round 2 consultation.
181. A number of the representations at Round 1 – both consultees and public – commented on the quality (etc) of the survey work that was done to support the application. The submission that led to the Round 2 consultation is considered to be far more comprehensive and acceptable – see the comments above from the Council's Landscape team set out at paragraphs 58 to 72 above.
182. Following further discussions with the Landscape team and the applicant, it is suggested that, in the event that permission is granted, a series of conditions should be imposed that cover issues including:
- The future reserve matters being in general accordance with the submitted Development Framework Plan;
  - Detailed proposals being put forward for a landscaping buffer along the northern (Overstrand Road) boundary of the site and of a quantum at least as wide as that shown on the Development Framework Plan;
  - Standard landscaping condition - supplemented by a requirement that provides for the translocation of the Austrian pine trees affected by the approved means of access drawing (i.e. onto Overstrand Road) and its visibility splay – and in a manner that will provide for the relocation to be undertaken at an appropriate planting density and pattern as part of the landscaping scheme for the Overstrand Road frontage; and,
  - Standard Construction Environmental Management Plan and Landscape and Ecological Management Plan conditions.

**f. Biodiversity Net Gain**

183. The applicant has indicated a preparedness to deliver a 10% uplift in Biodiversity as part of the application. This is in keeping with the direction of travel of both the Draft Local Plan and the national intention to move towards a requirement for developments to deliver on an (at least) a 10% uplift in the net biodiversity as a consequence of development proposals.
184. It is, though, important to note that that national requirement for Biodiversity Net Gain (BNG) is not yet enacted. It is currently scheduled to be introduced formally for major



planning applications received after an – as yet unspecified – date in January 2024 (and for all other relevant applications from some point in April 2024). The precise detail as to how this scheme will operate is as yet unknown (i.e. further details are awaited from the Government).

185. What is clear is that this will be a significant change for the planning system and that there will be new responsibilities for councils, applicants and others as part of this system. When the details of the new BNG system are clear, a briefing session will be held for councillors on the Committee and an explanation of the new system will be provided on the Council's web-site. However, the lack of clarity is not a reason for the determination of this application to be delayed.
186. It is considered a material consideration in the application's favour that a commitment to deliver 10% uplift is being made. It is also noted that quite a few of the representations (both from consultees and the public) comment on this area.
187. The Council's Ecologist has considered the submission from the applicant carefully and his comments are set out in some depth at paragraphs 58 to 72 above. At headline level, the development is estimated to have – without mitigation – a minus 41% impact on biodiversity but via a combination of on-site enhancements and off-site commitments this figure is moved to hit the +10% figure.
188. Effectively national advice is that where schemes need to deliver enhancements to get to +10%, these should be delivered on-site if possible, then off site by the applicant / developer (etc) (or via a scheme devised by them) and then – if still required – by the applicant / developer purchasing credits from a new national system.
189. All of this will lead to the introduction of new phrases, terminologies and bodies / contracts such as 'competent people' – who will assess submissions for the Council – 'conservation covenants' – which will set out how the Gains will actually be delivered and commit organisations to delivery – and 'responsible bodies' who will monitor the system and the delivery throughout the time period required (likely to be a 30 year commitment). At the outline planning stage the national advice is that this can all be controlled via an appropriately worded condition.
190. Having regard to the proposal within Schedule 14 of the Environment Act 2021 it is suggested that the wording of that condition should be:  
*"The hereby approved development may not be begun unless —*  
*(a) a Biodiversity Gain Plan has been submitted to the local planning authority; and,*  
*(b) the local planning authority has approved the plan".*

It is considered that there should also be a third element added to the condition – in the event of this application being approved - that says:

*"(c) The Plan will be carried out in accordance with the timetable that shall form part of the Plan."*

191. The Act also defines what a 'Biodiversity Gain Plan' is and what 'approval' means in relation to the proposed condition. In this instance it is also recommended that an informative be added to any approval making it clear that the reference to the 'Plan' and 'Approval' should be interpreted to have the meanings as set out in the 2021 Act. That

informative should also draw attention to the Council's Ecologists comments at paragraphs 65 to 67 above – in the event that the Holt Road site forms part of the Plan.

192. In this instance, the applicant has submitted a 'Memorandum of Understanding' that identifies an area of land to the north of Holt Road in Cromer (within the AONB) that could be the site where the off-site mitigation could be delivered. They are not making a commitment that that site will be the end alternative site but demonstrating that it is a valid and deliverable option and obtained the commitment of the site owner to that end.
193. The final issue that needs to be commented upon is the starting point for setting the base-line for assessment of Biodiversity Net Gain – in part because the topic is raised within representations. It is arguable as to how relevant this is to this application as the legal force of BNG isn't relevant to this proposal (as set out above) but when it comes into force nationally the key date will be 30<sup>th</sup> January 2020 – i.e. the condition of the site on that date can be taken into account and not any works that might have taken place prior to that date. In this instance, the applicant's calculations are thought to be reasonable. That is a national position and isn't one that the Council is considered to have any flexibility over.
194. Representations made during the application process have raised a specific concern that recent site management measures, including grass cutting, undertaken it is understood in September 2022, may have lowered the baseline biodiversity value of the site. The Applicant's have confirmed that the baseline assessment used for the Biodiversity Net Gain assessment pre-dated these works. The Preliminary Ecological Appraisal confirms that the baseline assessment work was undertaken in February 2022.

**g. Habitat Regulations Assessment**

195. An Appropriate Assessment, as required by the Habitats Regulations, has been completed for this proposal – e.g. as referred to within the Natural England 'Round 1' response. This is available online within the documentation associated with this application.
196. Natural England were consulted as part of the process and are content with the HRA process / contents.
197. Effectively it concludes that the impact of development is acceptable and concludes that:  
*“It is considered that the proposed contribution (GIRAMS) and additional measures around functional open space and pedestrian / dog / walking routes that are incorporated into the proposal is sufficient to conclude that the project will not have an adverse effect on the integrity of the above identified European sites from recreational disturbance, when considered alone or 'in combination' with other developments.”*
198. The GIRAMS contribution is (at 2023 prices) £210.84 per unit dwelling – approximately £37,530 (i.e. up to 118 dwellings and up to 60 units of specialist elderly care accommodation).
199. The provision of signage for the proposed 2.7 kilometre walking routes proposed would need to be controlled via condition in the event of planning permission being granted. These pedestrian routes comprise a mix of on and off-site components but the latter elements do not include walking to the cliff tops (i.e. so that walking to the Coast SPA / SAC is not encouraged).

#### **h. Open Space, Allotments, Play Areas (etc)**

200. The development proposed includes a substantial part of the site being retained as 'green space' and particularly to the south of the site, in the north west corner and the eastern end. This is more than was envisaged within the draft Local Plan Policy C16 (see paragraph 115 above). The balance of built space to open space is considered appropriate within the submitted Plans – and a commitment to the basic premise of the submitted Plans should be included within the conditions attached to any permission that is issued. This – and the proximity to Fearn's Park – mean that the proposal is considered to adequately address the Amenity Green Space, Parks & Recreation Grounds and Natural Green Space parts of the Open Space Assessment Study referred to at paragraph 107 above.
201. Turning to play areas, the options considered primarily related to 'on-site' provision or seeking improvements to either or both of the nearby play areas (Fearn's Park and / or Happy Valley). The latter approach is favoured by Cromer Town Council. Officers have discussed the matter with the applicant who is supportive of the approach to improving the facilities at Fearn's Park (which will be easily accessible from the site as a result of the emergency / pedestrian and cycle access to / from Northrepps Road) and in the amounts attributed to this element via the Council's published Open Space calculator. Of the two possible investments suggested by the Town Council, Fearn's Park has been preferred as it is closer, is more embedded in the existing residential community, a single investment will have greater impact – rather than one split between two sites – and the possible investment in Happy Valley site would encourage more people towards the SAC / SPA area – and would be contrary to the proposals within the Habitat Regulations Assessment (see section 200(g) above).
202. Likewise, investment in allotments should be sought – in keeping with the published Calculator. This has been agreed with the applicant. Using NNDC's online calculator and making assumptions about the potential reserved matters application (e.g. on size of dwellings and assuming an end scale of 118 and 60 units) the contribution could be in the region of £140,000 (with approximately a 60/40 split between play and allotments).

#### **i. Foul and Surface Water Drainage**

203. The two key consultees on this issue are Anglia Water and Norfolk County Council (Lead Local Flood Authority (LLFA)).
204. Anglian Water's position is set out at paragraph 15 above and basically suggests that there is spare capacity in the system and that they are content with the proposals put forward by the applicant. They recommend a number of 'informatives' are attached to any permission issued providing advice to the applicants. They also recommend that relevant documents are referred to in a condition to any permission issued.
205. The LLFA – as set out at paragraph 36 above – has no objection to the proposal subject to a condition – as suggested – being included within any permission granted. They also advocate an 'informative' be attached to any permission granted. The condition they recommend covers the following issues:
- Detailed infiltration testing and if necessary greenfield run off rates and discharge locations to be agreed;
  - Groundwater level monitoring to support surface water drainage strategy;

- Sustainable urban drainage systems including water quality, water quantity, biodiversity and amenity;
- Surface water re-use to be considered within the drainage strategy;
- Consideration of critical rainfall events;
- Emergency spillways in infiltration / attenuation basins;
- Finished floor levels to be above expected flood levels or 150mm above ground level – whichever is more precautionary;
- Management routes for any exceedances of surface water flow routes; and
- Detailed designs for relevant features and a maintenance and management plan.

206. It is recognised that a number of local people have expressed concerns relating to this area. However, with the two statutory agencies effectively endorsing the development and the strategy in this area within it, it is not considered that there are any substantive grounds to refuse the development. The topics covered by the condition suggested by the LLFA mean that much of the detail in this area would still require agreement prior to – or as part of – any future reserved matters application.

**j. Health**

207. The Integrated Care Board have responded to the consultation on this application – see paragraph 23 above. They have requested a Planning Gain contribution of £545,083 to cover a range of health service provision – i.e.:

- Primary and Community Care Capital Cost;
- Acute Care Capital Cost;
- Mental Health Capital Cost; and,
- Intermediate Health Care Capital Cost.

208. The applicant has indicated that they are happy to sign up to this requested Obligation within a Section 106 Agreement. It is considered an appropriate Obligation and therefore should be included within any Section 106 required in association with an approval – is one is issued.

**k. Education**

209. The County Council response on education (see paragraph 43 above) does not seek a contribution from this application because the County are satisfied that there is enough capacity in the local education system – i.e. there is sufficient spare capacity at:

- Suffield Park Infant and Nursery;
- Cromer Junior;
- Cromer Academy; and,
- The local early education sector.

210. As a consequence, it is not considered appropriate to seek any form of education contribution as a consequence of this development.

**l. Other Planning Obligation Matters**

211. In addition to the Planning Obligation matters covered in the above sections (i.e. affordable housing, cycling, health, play areas, allotments and GIRAMS) a limited

number of other Obligations have been suggested within responses received to the application. These can be summarised as:

- Provision for Libraries – amount per dwelling – total estimated in this case to be £8,850 in relation to the current ‘up to’ nature of the application.
- Provision for Policing - amount per dwelling (£55 at 2020 prices – or £66.77 using Bank of England CPI Calculator for 2020 to October 2023 uplift) – total estimated in this case to be £7,879 in relation to the current ‘up to’ nature of the application.
- Monitoring associated with the Section 106 Agreement – £500 per Obligation for NNDC and Norfolk County Council

212. In each case, the Section 106 Obligation, in the event of an approval, would be structured on a formulaic basis depending on the final Obligations included and the final dwelling numbers proposed / developed.

213. Officers consider the above proposal to be justified and appropriate.

**m. Consideration of Submitted Documentation (from the applicant)**

214. There are approximately 50 documents / reports etc that form part of this application. Most of the consultees have – understandably – focussed on a few of them (i.e. those relevant to their topic). In the event that the application is approved all of them will need to be itemised appropriately within any permission so that they frame and / or control the end development and / or the reserved matters submission(s) in an appropriate manner.

**n. Consideration of other matters raised within the representations / consultation responses (including Secured by Design matters)**

215. Of the 11 issues summarised as being raised in the first round of public engagement (see paragraph 96 above and **Appendix 1**), all bar two are considered to be fully addressed already. The remaining two – with commentary added - are:

- (i) Overlooking, light and noise from care home: The submission shows the ‘Care Home’ as being in the north-west corner of the site and this has led to concerns being expressed around the potential impact on the nearby properties to the west of Northrepps Road. The applicant has submitted information to illustrate this potential relationship and has agreed to a condition – in the event of permission being granted – that would limit the height of built development in that zone and nearest that boundary to no more than 2 storeys – plus possible accommodation within the roof space. The realistic potential for noise nuisance is considered to be limited and manageable within the standard requirement for further details of design and layout to come forward within a reserved matters submission; and
- (ii) Keeping Overstrand and Cromer separate: Whilst built development on this site would clearly result in a closure of the gap between Overstrand and Cromer along the main road there is a gap of in excess of 700 metres between the site and the first dwelling in Overstrand – and over 850 metres between the closest proposed new dwelling position and the first dwelling in Overstrand. Having regard to these facts it is not considered that this proposal would make result in the two settlements effectively merging – and, furthermore, the uses of the remaining land (predominantly either golf course or woodland means that there is no real likelihood of any further significant built development between the two settlements.

216. Of the 14 issues summarised as being raised in the second round of public engagement (see paragraph 97 above and **Appendix 2**), all but five are considered to be fully addressed already. The remaining six – with commentary added - are:

- (i) The need for a 5G mast: This is a broader issue than just this site and whether or not the applicant or land owner wishes to contact mast providers is a matter for them. The issue has been drawn to the applicant's attention but it is not a matter that is appropriate to be referenced within any decision notice;
- (ii) The permeability of the southern boundary of the site and the need for a boundary fence: The neighbouring Forest Park's concerns are noted – although it is also the case that a regularly used footpath (although one not on the formal Definitive Map) runs east / west between the sites. A boundary treatment condition is considered appropriate to respond to this concern but will need to have regard to movement of wildlife in addition to management of walkers – this condition should relate to the whole site and not just the southern boundary (whilst recognising that in many instances for this proposal landscaping will be an appropriate boundary);
- (iii) Impact on ecology and wildlife and connectivity to adjacent sites: Whilst the site is surrounded by roads on two sides – one with greenspace (primarily a golf course) on the opposite side – and one housing – the third side of the triangle is mainly woodland – with the Forest Park site within it. The Framework Plan retains significant green buffer areas and the condition suggested in response to the previous point (ii) should support wildlife connectivity;
- (iv) Impact on walking routes to school; This is a point that was raised by the student respondents from the Belfry School and is an important point. The scheme – with its formal access for pedestrian and cyclists to and from Northrepps Road should actually provide enhanced formal pedestrian and cycle routes east / west from Cromer to / from Overstrand. It will also enhance routes to and from schools in Cromer. Equally, the scheme doesn't impact on the main existing east / west route that runs along the former railway line within the woodland between the site and Forest Park – that route (also referred to in (ii) above) isn't impacted at all by the proposal; and,
- (v) Safety of pedestrian access onto Northrepps Road: The detailed design and delivery of this will be controlled via condition but it is recognised that visibility splays for such an access aren't needed to the same extent as required for a vehicular junction. There will need to be a balance between safety (which will be paramount) whilst limiting the impact on the hedgerow / tree line along that boundary.

217. In relation to the comments of the consultees, with two exceptions, all are considered to be adequately addressed above. The exceptions are – with commentary:

- (i) The comments by Norfolk Constabulary (paragraph 27 above) in relation to 'Secured by Design' matters: Whilst recognising the importance of the issue to the end development, it is the case that this is an outline application and that the issues raised are more relevant to the 'reserved matters' stage of the process. Therefore, in the event that permission is granted, it is proposed that an 'informative' be added to the decision to draw attention to the fact that the Council will expect the matter to be suitably addressed within the details of the scheme that should come forward at a later date.

- (ii) The comments by the Historic Environment team at Norfolk County Council (paragraph 34) above are considered relevant at this stage of the process – and therefore the suggested conditions should be part of a permission – in the event that one is issued.

## CONCLUSIONS

218. This is a major application on the edge of the built-up area of Cromer. Whilst a large number of issues have been considered during the course of this application – and are set out in this report – the main one's remain:

- The acceptability of developing in a designated Area of Natural Beauty;
- The balance between the fact this is also 'allocated Countryside' in the adopted Core Strategy (from 2008) and the fact that the Council cannot demonstrate a 5 year housing supply - and the fact that the Council has proposed it as an allocation in the draft Local Plan (which is due to be 'examined' early in 2024); and
- Whether the detailed proposal is acceptable in every respect and whether an appropriate package of conditions and Planning Obligations can be agreed with the applicant.

219. It is recognised that the application has evolved since it was submitted (hence the re-consultation) and that evolution involved amendments to the scheme and the provision of additional information that both sought to respond to suggestions to improve / make acceptable the proposal and to provide further information to justify those amendments and / or the original proposals.

220. Fundamentally, Officers concluding views are that the proposal can be justified as major development in the AONB, the details of the scheme are acceptable and not considered to raise issues that would justify a refusal and – crucially – the housing supply position is such (i.e not at 5 years) that national guidance tilts the balance clearly in favour of supporting this application.

221. That conclusion also has regard to the fact that the Local Plan examination is due to start shortly – but 'delay' to await that outcome is not thought to be justifiable and would expose the Council to increased pressure elsewhere to rectify the 5-year land position.

222. In the event of a Committee resolution to move towards granting a permission, it is understood that the applicant is committed to get to a signed Section 106 agreement without delay so as to enable a permission to be issued reasonably quickly. Due to its importance in 5-year land supply considerations, if matters do not progress reasonably quickly then the Director of Planning and Climate Change should consider whether circumstances might have changed to the point where Committee should reconsider the proposal.

## RECOMMENDATION

223. **APPROVAL - subject to the prior completion of a Section 106 Agreement – and, subject to appropriate conditions and informatives (all as set out below) - and any others matters subsequently considered necessary by the Director for Planning and Climate Change):**

Section 106 Agreement to cover:

- 1) Affordable Housing (45%)
- 2) Health (contribution to the Norfolk and Waveney Integrated Care Board)
- 3) Libraries (contribution to Norfolk County Council)
- 4) Off Site Contributions (Play Area and Allotments) (contribution to North Norfolk District Council)
- 5) GIRAMS (contribution to North Norfolk District Council)
- 6) Cycle Parking and Vouchers (contribution to either North Norfolk District Council or Norfolk County Council (still to be determined))
- 7) Police (contribution to Norfolk Constabulary)
- 8) Monitoring Obligations (contributions to Norfolk County Council and North Norfolk District Council)

Conditions to cover a range of issues including (in no particular order):

- 1) Timescales and Reserved Matters
- 2) Access and Travel Planning (and other conditions requested by Norfolk County Council (Highways))
- 3) Drainage
- 4) Archaeology
- 5) Fire Hydrants
- 6) Landscape Ecological Management Plan
- 7) Trees and Landscaping
- 8) Biodiversity New Gain
- 9) Boundary Treatments
- 10) External Lighting
- 11) Phasing Plan for the Development
- 12) Signage for Proposed Pedestrian Routes
- 13) General Compliance with Framework Plan
- 14) Construction Environmental Management Plan
- 15) Materials Management Plan - Minerals

Plus a number of 'informatives' to be added to the approval covering:

- 1) Secured by Design
- 2) Highways
- 3) Drainage and Flooding

**Final wording of conditions and informative notes to be delegated to the Director for Planning and Climate Change**

224. In the event that Committee resolve in line with the above, if the Section 106 Obligation isn't completed and the permission isn't issued within 4 months of the date of this Committee meeting then the Director for Planning and Climate Change will consider whether the application resolution remains appropriate and in doing so will take account of the likelihood of the Section 106 being completed and permission issued in the near future (i.e. within another month) and will consider whether there are any potential / defensible reasons for refusal at that time. If he reaches that view – i.e. that the application should potentially be refused - then the application would be reported back to Committee. It is also possible that he may resolve to report the matter back in the event of changes of circumstances (e.g. changes in the national or local policy position).



## Appendix 1

### Public Representations during Round 1

No	Address	Date Received	Summary of Comment
1	The Old Shippen, 3 Lodge Farm Barns, Norwich Road, Holt	30 <sup>th</sup> March 2023	Neutral: Comments about Gladman as much as about the application.
2	14 St Marys Road	4 <sup>th</sup> April 2023	Objects: building on green land
3	4 Arbor Road	6 <sup>th</sup> April 2023	Objects: AONB, roads, services and green spaces
4	Cromer Green Spaces	11 <sup>th</sup> April 2023	Objects: Needs a full habitats survey
5	22 Stevens Road	12 <sup>th</sup> April 2023	Objects: Wildlife, landscape and services. Questions local economic impact.
6	4 Alfred Street	13 <sup>th</sup> April 2023	Objects: Specialist elderly care and affordable housing proposals ambiguous. AONB and questions traffic survey.
7	107 Station Road, Cromer	5 <sup>th</sup> April 2023	Objects: Roads, environment, drainage, gateway issues
8	Leysdown, 16 Northrepps Road, Cromer	6 <sup>th</sup> April 2023	Objects: Overlooking, light and noise from Care Home, wildlife and highways issues.
9	1 Links Avenue, Cromer	13 <sup>th</sup> April 2023	Objects: Wildlife, wetland, drainage issues. If developed it should be public open space.
10	Flat 5, Linkside	15 <sup>th</sup> April 2023	Objects: Overlooking etc of Northrepps Road, natural environment and biodiversity. Keep Cromer and Overstrand separate, traffic, access and parking. Questions pre-application engagement,
11	105 Station Road, Cromer	15 <sup>th</sup> April 2023	Objects: Disagrees with Anglian Water view
12	1 Aldis Close, Cromer	16 <sup>th</sup> April 2023	Objects: Affordability, traffic and availability of care home staff issues.
13	58 Lynewood Road, Cromer	17 <sup>th</sup> April 2023	Objects: Highways including access and GP issues.
14	Poppy House, Northrepps Road, Northrepps, Cromer	17 <sup>th</sup> April 2023	Objects: (Pleased proposed Northrepps Road access deleted). Concerned re possible loss of affordable and greenspace from proposals, lack of access for local people, carbon issues, sewerage capacity, local flooding, traffic, infrastructure and wildlife / AONB issues.
15	111 Station Road, Cromer	17 <sup>th</sup> April 2023	Objects: Wildlife, highways, AONB, sewerage and health infrastructure issues.
16	16 Northrepps Road, Cromer	17 <sup>th</sup> April 2023	Objects: Wildlife, flooding, traffic and overlooking issues.
17	99 Overstrand Road, Cromer	17 <sup>th</sup> April 2023	Objects: Wildlife, separation of Overstrand and Cromer, health facilities, care home staff, traffic and lack of pedestrian crossing of Overstrand Road issues.
18	22 Northrepps Road, Cromer	17 <sup>th</sup> April 2023	Objects: wildlife, highways and flooding issues.
19	Beacon House, 12 Northrepps Road, Cromer	17 <sup>th</sup> April 2023	Objects: AONB, wildlife, flooding, drainage and traffic issues.
20	Woodville, 10 Northrepps Road, Cromer	17 <sup>th</sup> April 2023	Objects: Bird survey issues

21	134A Overstrand Road, Cromer	18 <sup>th</sup> April 2023	Objects: Traffic, AONB, wildlife, health services, drainage (linking to previous applications for site) and quality of life issues.
22	Valley Cottage, 70 Northrepps Road, Northrepps, Cromer	18 <sup>th</sup> April 2023	Objects: Access to Northrepps Road, accuracy of transport survey issues.
23	No address given	19 <sup>th</sup> April 2023	Objects: AONB, wildlife, biodiversity, flooding, highways, health services and better alternative site issues.
24	30 Northrepps Road, Cromer	19 <sup>th</sup> April 2023	Objects: AONB, biodiversity, flooding, highways, health services, alternative sites and overlooking issues.
25	The Red House, 8 Northrepps Road, Cromer	19 <sup>th</sup> April 2023	Objects: AONB, biodiversity, flooding, highways, health services, alternative sites and overlooking issues.
26	No address given	19 <sup>th</sup> April 2023	Objects: health, underground springs, biodiversity, safety at access.
27	12 Cliff Road, Cromer	23 <sup>rd</sup> April 2023	Objects: AONB, wildlife, drainage, health services, highways and pollution issues.
28	The Laurels, 140 Overstrand Road, Cromer	25 <sup>th</sup> April 2023	Objects: highways and flooding issues
29	124 Overstrand Road, Cromer	28 <sup>th</sup> April 2023	Objects: Climate Emergency, AONB, wildlife and highways issues.
30	Fieldside, Park Lane, Cromer	3 <sup>rd</sup> May 2023	Objects: loss of 're-wilded' land of ecological value, bird surveys, highways, health and education provision and alternative sites.
31	Flat 8, Linkside, 26 Park Road, Cromer	31 <sup>st</sup> May 2023	Objects: loss of AONB land.  Detailed 26 page report assessing much of application also submitted.

## Appendix 2

### Public Representations during Round 2

No	Address	Date Received	Summary of Comment
32	Silver Birches, 1 Pauls Lane, Overstrand	2 <sup>nd</sup> October 2023	Neutral: Need for a 5G mast in the area of this site.
33	22 Cromer Road, Cromer	2 <sup>nd</sup> October 2023	Objects: Health appointment challenges (doctors and dentists). Need for 5G mast in Overstrand area.
34	Forest Park Limited	4 <sup>th</sup> October 2023	Objects: Potential encroachment and nuisance caused by new occupiers to their site (to the south). Seek a boundary fence to the southern boundary of the site. Comments on the status of the land to the south of the site.
35	Student A at Belfry Primary School, Overstrand	6 <sup>th</sup> October 2023	Objects: Impact on woodland, forests and wildlife and queries about potential environmental positives within the development.
36	105 Station Road	7 <sup>th</sup> October 2023	Objects: Highways and pedestrian concern, ecology, drainage and natural beauty of area.
37	111 Station Road	10 <sup>th</sup> October 2023	Objects: Refers to previous objection. Quotes Cllr Adams and refers to Cllr Spagnola. Concerned about rat-running and speeding.
38	10 Grove Road	15 <sup>th</sup> October 2023	Objects: Impact on local services (especially health). Impact of traffic on local roads. Impact on woodland and the environment.
39	Student B at Belfry Primary School, Overstrand	16 <sup>th</sup> October 2023	Objects: Impact on woodland and wildlife. Lack of capacity in local services – health and education.
40	Student C at Belfry Primary School, Overstrand	16 <sup>th</sup> October 2023	Objects: Woodland and wildlife impacts.
41	Green Keepers Cottage, Cromer Road	16 <sup>th</sup> October 2023	Objects: Loss of green space, impacts of traffic, impact on services – schools and NHS.
42	Hilburgh, 4 Northrepps Road	16 <sup>th</sup> October 2023	Objects: Conflicts with development plan, increase risk of flooding (includes detailed assessment of the drainage submission).
43	10 Cromwell Close (on behalf of Student D at Belfry Road)	17 <sup>th</sup> October 2023	Objects: Deforestation, impact on animals and walking route to school.
44	Residents Objection (on behalf of 7 Northrepps Road addresses and 2 Park Road addresses) (6 of the 9 have also submitted individual representations included elsewhere in Appendices 1 or 2)	17 <sup>th</sup> October 2023	Objects: Notes that a number of the 9 made comments at Round 1. Objection relates to principle of development and refers to case law on the 5 year land supply matter. Refers to EN3 on Undeveloped Coast and the NPPF as it relates to the AONB (and case law in that regard). Reference to HRA and impacts on SSI / SAC and biodiversity and the proposal to leave mitigation to the reserved matters stage. Also comments on highways and flooding.
45	65 Links Avenue	18 <sup>th</sup> October 2023	Objects: Not in current development plan, in AONB, ecological and wildlife concerns, concerns around access to Northrepps Road and pedestrian safety.

46	Woodville, 10 Northrepps Road	18 <sup>th</sup> October 2023	Objects: Biodiversity impact and bird survey data, works undertaken to site and habitat potential of the site.
47	Student D at Belfry Primary School, Overstrand	23 <sup>rd</sup> October 2023	Effectively same representation as number 43 above (i.e. from same person / household).
48	Flat 8 Linkside, 26 Park Road	31 <sup>st</sup> October 2023	Objects: Refers to previous objection. Detailed comments covering: choice of site, biodiversity, habitat fragmentation, off-site mitigation, highways, cycling, Fearn's Park play area, bats, birds and invertebrates.
49	6 East Cliff Flats, Tucker Stret	1 <sup>st</sup> November 2023	Objects: Timing of surveys associated with biodiversity impact. Highlights ponds and adjacent wildlife areas and links to SSSI / SAC. Makes observation about mitigation area.
50	Royal Cromer Golf Club	1 <sup>st</sup> November 2023	Objects: Timing of surveys associated with biodiversity impact. Connectivity impacts in relation to links to other sites – SSI, SAC and golf course. Concern about surface water and suggests report inadequate. Safety around access point.

### Local Plan Examination: Matters, Issues and Questions

Matters, Issues and Questions that the Planning Inspector wishes to consider as part of the Examination. In relation to the application site the following facts are relevant:

225. The site is likely to be discussed during the week of 12<sup>th</sup> February 2023;

226. Standard questions have been set for each draft Local Plan allocation as follows:

- a) *Has the site been allocated previously or is it a new allocation? b)*
- b) *Does the site have planning permission and/or are there current applications under consideration? If so please list.*
- c) *Are any modifications suggested to the policy or text, or the site boundaries? If so, why, and are they justified or required for effectiveness?*
- d) *Have the impacts and effects of development been properly taken into account?*
- e) *Are the components of the proposal (number of dwellings, units of elderly care accommodation, amount of public open space etc) in the first sentence of the policy for the site justified?*
- f) *What form would the public open space take?*
- g) *Having regard to these components, is the estimate of site capacity justified?*
- h) *What is the land ownership position and is the site currently being promoted by a developer?*
- i) *Are the site-specific requirements for development of the site justified, consistent with national policy and would they be effective?*
- j) *Given the components of the proposal and the site requirements, would development of the site be viable?*
- k) *Overall, is the site deliverable within the plan period and is the expected timescale for the development of the site set out in the Council's updated housing trajectory realistic? Has the landowner/developer confirmed this?*

227. And then specifically for Cromer the following questions are posed:

5.2.1 *Are the detailed Settlement Boundaries for Cromer, and the boundaries of the various Policy Area Designations (listed in paragraph 9.1.6 of the plan) suitable and justified given their policy function?*

5.2.2 *Are the housing allocations for Cromer the most appropriate when considered against reasonable alternatives in the light of site constraints, infrastructure requirements and potential impacts?*

- *and then for the three proposed allocations in Cromer (noting that this application is site C16 and that the High Station site is not in the AONB):*

5.2.3 *Land at Cromer High Station, Norwich Road (C07/2) Standard Questions a) to k)*

5.2.4 *Former Golf Practice Ground, Overstrand Road (C16) Standard Questions a) to k) – and - Extra Question l) Does the proposal constitute a major development in the AONB, and if so does it satisfy the test set out in NPPF paragraph 177?*

5.2.5 *Land West of Pine Tree Farm, Norwich Road (C22/2) Standard Questions a) to k) – and - Extra Question l) Does the proposal constitute a major development in the AONB, and if so does it satisfy the test set out in NPPF paragraph 177?*