

OBJECTION TO PF/16/1251 Change of use of former tennis court/play area to public car park (48 spaces) with new access from Overstrand Road & conversion and alteration of former potting shed to form new public toilets.

It appears that North Norfolk District Council (NNDC) have submitted this planning application, without considering the Park as a whole, without addressing national planning policy and without addressing its own Core Policies. Furthermore, against the spirit of Localism and National Planning Policy, NNDC have put forward a proposal without consultation with the community.

There are a number of material planning considerations that are grounds for our OBJECTION to this application

Summary

In applying to itself for planning permission NNDC have not produced the validation requirements that any other developer would have to prepare.

The reports and surveys that are usually required to make an application valid are necessary so that the impact of the proposed development can be judged, so the public can understand the implications of the development and so the Planning Authority can make an informed decision.

Without assessing the impact it is impossible to determine whether these proposals would have a detrimental impact on the special character of North Lodge Park and the surrounding area.

We do not believe the application should have even been registered without an arboricultural impact assessment or an ecological survey. Moreover, the fact that in spite of the applicant being a member of North Norfolk District Council's property services team, at Part 8 of the application form the box that declares whether the applicant is connected with the Council has been ticked "no".

We are concerned that NNDC have been mis-representative with this proposal.

The Design and Access Statement and press release refers to the site as Brownfield Land. The National Planning Policy Framework specifically excludes parks from the definition of Brownfield Land.

The planning application form states the site is currently vacant. This is incorrect.

The site is still open and used by the public to learn to ride bicycles, skateboard and informal play. Earlier this year NNDC erected signs forbidding skateboarding. Part of the site has in recent years and continues to be used as a waste transfer station. Although no planning permission, Certificate of Lawlessness or Environment Agency permits exists for this use, NNDC have stated that it is permitted as it has been used for over 10 years. Part of the site is being leased to a Contractor for a construction site compound. It is not a vacant site.

If the area subject to this change of use application was not being used by a commercial waste operator and building contractors it could be more successfully used for recreational activities and events.

The application does not consider the designations that have been put in place by the Local Development Framework to protect this land

Rather than Brownfield Land the designations that are ignored in the Planning Application are the fact that it is Open Space, Public Realm and in a Conservation Area. There are a number of planning policies relevant to these designations and the application either contravenes or does not demonstrate compliance with 11 policies of NNDC's Core Policy and at least 9 clauses of the National Planning Policy Framework. These are examined in further detail below.

The design of the proposal is of low quality.

A plastic grid in-filled with an unspecified aggregate with plastic inserts, no specified kerbing and no margins or paths might be appropriate for an informal parking area but is not a considered formal design within a structured park and Conservation Area. No positions for signage, lighting, bins or street furniture have been proposed in the layout.

The proposal ignores the Council's own standards

As well as ignoring its own Design Guide recommendations the Council have ignored their own published parking standards resulting in more spaces in the area than it can comfortably accommodate. The proposed parking spaces are smaller than would be permitted on a commercial development and there is no parking for motorcycles.

We do not believe the justifications promoted by the applicant are material considerations

The dilapidated state of the existing area is being used as justification for this proposal on the basis that it is an improvement. The **National Planning Policy Framework** states that where there has been deliberate neglect, a state of dilapidation should not be taken into account in allowing permission for something that would otherwise be unacceptable.

Another justification promoted by NNDC is to increase the footfall to the East End of town but to achieve this a pedestrian entrance in the South West corner of the proposed car park would be required.

A surprising justification is to address a "wider concern that the town's Victorian North Lodge Park was suffering from declining numbers of visitors". The quality of the open space, its facilities and events attract visitors, and over the last 12 months the Park has been brought to life around the hub of the Café by the community which is currently being ignored by the District Council.

The Friends of North Lodge Park conducted a survey in March and April of 2015 that received 747 responses. The survey report concluded:

"The overwhelming view is that the special character of the Park as a beautiful, peaceful green space in the heart of Cromer should be safeguarded, and that the lawns and flower beds of North Lodge Park are an important asset to the town. Nothing should happen that is not in keeping with this special

character. Respondents often spoke passionately about their fond memories of the Park throughout their lives and how it provides an 'oasis of calm', particularly at times when the town is very busy during the summer months."

A further more detailed survey at the beginning of 2016 supported this conclusion

North Norfolk District Council know that introducing a car park into North Lodge Park is be an emotive subject with the Community and it is surprising that such a poorly documented and unsubstantiated application has been submitted that only addresses one aspect of the Local Development Framework and makes little attempt at addressing any material considerations that would justify a permission.

Any proposal for car parking in the Park needs to consider the Park as a whole, as a co-ordinated approach to this area of Public Realm and as a means of protecting and enhancing the recreational use of the Park.

The Council's adopted Core Strategy Document states: "*Applicants for planning permission should be prepared to demonstrate how the provisions of all relevant development plan policies have been taken into account*".

As the planning authority, NNDC's own planning department must consider the relevant development plan policies and the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

Set out below are the areas where we believe that the relevant policies have not been properly addressed with reference to the sections of the National Planning Policy Framework (NPPF) for sustainable development.

Building a strong competitive economy

The Park is an important part of Cromer's Tourist offering and there is a fear of many locals and visitors that the development of a car park would detract from the special environment that is in itself a tourist attraction. **NNDC's Core Policy SS5** requires that proposals should demonstrate that they do not have a detrimental effect on tourism. This has not been demonstrated.

The District Council suggest that the proposal will provide increased footfall through the Park and in turn support a wider revival of the Park but there is no published evidence to support this.

Ensuring the vitality of town centres

It is stated in the application that the car park will address the statement in NNDC's core policy that

"there is the perception that the vitality and viability of the eastern end of the town centre is adversely affected through a lack of parking in this part of the town"

There is no evidence of any research or study undertaken to determine whether a new car park will have a positive effect. When the core policy was written there were empty shops at the East End but presently it is fully let suggesting all parts of the town are enjoying economic success.

Nevertheless, **NNDC's Core Policy SS7 states**

"The car parking needs of the east of the town will be addressed by allocating an appropriate site that meets the needs of visitors to the town without damage to the town's environment"

The proposed site has not been allocated in the Local Development Framework for parking, rather it is designated as Public Realm, the quality of which is seen as essential to a Town's vitality. The same policy states that

"A Public Realm designation is defined to co-ordinate the use of areas where pedestrian access, informal recreation and appearance are crucial to the town's attractiveness to residents and visitors i.e. town centre, historic cliff top parks and Promenade"

It is not clear from the proposals whether the intention is to promote the proposed car park for long or short term occupancy. This decision would have implications on vehicle movements and footfall to the East End of Cromer which could materially affect the planning decision.

The pedestrian route to the corner of Overstrand Road and Church Street is circuitous, via the northern edge of the proposed car park and back to Overstrand Road; access to the East End shops would be easier if a pedestrian access was provided in the south-west corner of the car park otherwise the increased footfall that the East End shops are hoping for may not be realised.

The current proposal could not satisfy the policy requirement to provide a car park to the East of the Town without contravening the policy designating the Public Realm. Whilst it could be argued that a very high quality car park proposal could contribute to the Public Realm, the current proposal falls short of those high quality standards.

Promoting sustainable transport

There is always going to be contradictions in any proposals to serve the motor car with those promoting sustainable transport. However, this application makes no attempt to address **NNDC's core policy SS6** *"to reduce the impact of traffic on the urban environment, and by promoting public transport and sustainable tourism."*

There is significant concern of the potential effects of the traffic that this car park might cause on the Overstrand Road which already suffers a number of issues. There has been no consideration of how cars will find and approach this car park.

NNDC state that the car park will increase footfall in the Park and so a significant traffic increase might be anticipated. A 48 space car park would presumably create more than 100 movements per day in the summer months so in accordance with **Clause 32 of the NPPF** a traffic statement should examine this. There is no evidence this has been considered.

NNDC's policy CT5 requires planning proposals to be examined to ensure

"the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety."

There is no evidence that this has been demonstrated.

It is likely that street parking on Overstrand Road and Cliff Avenue will need to be restricted to facilitate vehicle movements to the proposed car park, reducing the amount of street parking currently available therefore reducing the additional parking space availability.

The proposals do not meet NNDC's own **policy CT6 for Parking Provision** with the following criteria not being met:

- *pedestrian routes should be clearly defined and not restricted by vehicular movement requirements;*

- *Parking for motorcycles, mopeds and scooters should be provided in all new non-residential developments at a rate of 1 space per 20 car parking spaces with a minimum of one space;*
- *Standard non-residential car parking spaces should be 5m x 2.5m.*

Requiring good design

Clause 66 of the NPPF states

“Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community”.

Unfortunately no such consultation has taken place.

In our view the design does not meet the requirements of *“establishing a strong sense of place”* or *“respond to local character and history, and reflect the identity of local surroundings and materials”* as required by **Clause 58 of the NPPF**.

Clause 64 of the NPPF states

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

We therefore think the ordinary and incomplete design is a grounds for objection.

In addition, the design does not meet NNDC’s own **policy EN4 on design**:

“All development will be designed to a high quality, reinforcing local distinctiveness... Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.”

Development proposals, extensions and alterations to existing buildings and structures will be expected to: *“..have regard to the North Norfolk Design Guide ... be suitably designed for the context within which they are set ... and enhance the public realm;”*

The proposal of a hard-standing of plastic grid in-filled with an unspecified aggregate with no demarcation apart from plastic inserts, no specified kerbing and no margins or paths might be appropriate for an informal parking area but is not a considered formal design within a structured Park and Conservation Area. No positions for signage, lighting, bins or street furniture have been detailed in the layout.

Moreover, the render, metal windows and “Sarnafil” roof of the toilet block is an ordinary solution that takes no reference from its surroundings nor its adjacency to the Grade II Listed North Lodge.

Policy EN4 also states that

“places and buildings are accessible to all, including elderly and disabled people.”

The floor level of the toilet block is 500mm above the car park level. Building Regulations and BS8300 require a 1:20 ramp to rise that level which would need to be 10m long. A Ramp of this length has not been considered on the drawings.

Policy EN4 further states

“Proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers.”

Many local residents are of the opinion that it will have a detrimental effect on them and there is no demonstration in the proposals that it will not.

Promoting healthy communities

The proposed site is part of the Open Space classification, the **NPPF at Clause 74** states

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss”.*

There is no evidence that any of these conditions have been satisfied and objection is further warranted by **NNDC Policy CT1** which states:

“Development will not be permitted except where it enhances the open character or recreational use of the land.”

In addition, the proposal does not meet the **NPPF** in its detail as required by **Clause 69** :

“Planning decisions.....should aim to achieve places which promote:.....safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.”

Moreover, there is concern of the potential effects of pollution through a proposal that encourages motor cars into open space. Location of the proposed car park adjacent to a public highway does not mitigate the need to adhere to **NNDC’s Policy EN15**

“All development proposals should minimise, and where possible reduce, all emissions and other forms of pollution, including light and noise pollution, and ensure no deterioration in water quality. Proposals will only be permitted where, individually or cumulatively, there are no unacceptable impacts on;

- *the natural environment and general amenity;*
- *health and safety of the public;”*

Similarly, additional vehicle movements generated by a car park raise a potential concern over noise affecting neighbouring properties, but there is no evidence this has been considered in the application.

Conserving and enhancing the natural environment

We are concerned of the impact of more car parking affecting the special nature of the Park and the **NPPF at clause 123** recognises the need for areas of tranquillity:

“Planning policies should aim to: ... protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”

The open space designation should protect the tranquillity of the whole Park. Furthermore, **Clause 125 of the NPPF** states,

“By encouraging good design, planningdecisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

There is no lighting assessment to determine the impact of any lighting in the proposed car park.

NNDC’s Policy EN2 Protection and Enhancement of Landscape and Settlement Character requires that Proposals for development should be

“...informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies.

Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance:

- *the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character)*
- *the setting of, and views from, Conservation Areas and Historic Parks and Gardens.”*

The proposals do not include any reference to the special qualities and local distinctiveness of the area and there is no evidence that this proposal will protect, conserve or enhance the Conservation Area.

There is no evidence of plans to negate the impact on adjacent trees where excavations will be necessary within their root zones.

NNDC’s Policy EN2 requires

“All new development will be required to demonstrate how it minimises resource consumption”.

The proposal does not include any such demonstration.

NNDC’s Policy EN9 states

“ Where there is reason to suspect the presence of protected species applications should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs.”

Bats are frequently seen in the Park, swooping down and drinking from the boating pond. The potential for roosts being present in the bandstand or trees adjacent to the proposal has not been examined nor the effect of the development on any potential protected species considered.

The essential planting that is proposed to soften the impact of the car park will require maintenance but NNDC have continually reduced their horticultural resource in the Park and no details are provided as to how the maintenance is to be provided.

Conserving and enhancing the historic environment

At **Clause 128, The NPPF** states

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”

The Design, Access & Heritage Statement submitted provides the listing details of North Lodge but does not address its setting or the historic character of the Park, the character of the Conservation Area, nor the many benefactors who have contributed to the Park over many years.

The car-parking proposal does not propose any materials recommended in **NNDC’s design guide** and it is difficult to understand how the plastic inserts used in a plastic grid for demarcation suit a conservation area.

The fact that the current area is an eyesore should not mean an inappropriate design should be permitted nor should it be taken as taken as a material consideration since the **NPPF states at Clause 130:**

“Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.”

NNDC’s Policy EN8 states:

“The character and appearance of Conservation Areas will be preserved, and where possible enhanced, and, in consultation with all relevant stakeholders, area appraisals and management plans will be prepared and used to assist this aim and to encourage the highest quality building design, townscape creation and landscaping in keeping with the defined areas.”

Moreover the **Policy SS4** on public realm reinforces the need for high quality design that is not included in this proposal.

Conclusion

Cromer Conservation Area Character Appraisal and Management Plan refers to North Lodge Park as:
“originally the private garden to the Grade II Lodge, is a vital area of greenery next to the seafront and beach that offers enormous potential for future enhancement and public use”

It goes on to say

“The District Council will work with other agencies, residents and land owners to ensure the public realm and open spaces continue to be maintained and enhanced”

It mentions North Lodge Park as being a

“key site which would benefit from enhancement in particular”

Any development of this part of the Public Realm in the Conservation Area should be considered in its whole context within an overall plan for the Park.