

Development Committee



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TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 9 October 2024

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 17 October 2024** at **9.30 am**.

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Please note that members of the public should not speak to Committee Members prior to or during the meeting.

PUBLIC SPEAKING:

Members of the public who wish to speak on applications must register **by 9 am on the Tuesday before the meeting** by telephoning **Reception on 01263 513811** or by emailing reception@north-norfolk.gov.uk Please read the information on the procedure for public speaking at Development Committee on our website or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed. Please note that this meeting is livestreamed:

<https://www.youtube.com/channel/UCsShJeAVZMS0kSWcz-WyEzq>

Presentations: If you wish to view the Officers' presentations for the applications being considered by the Committee please follow the following link:

<https://modgov.north-norfolk.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13644&path=0>

Emma Denny

Democratic Services Manager

To: Cllr P Heinrich, Cllr R Macdonald, Cllr M Batey, Cllr A Brown, Cllr P Fisher, Cllr A Fitch-Tillett, Cllr M Hankins, Cllr V Holliday, Cllr G Mancini-Boyle, Cllr P Neatherway, Cllr J Toye, Cllr K Toye, Cllr A Varley and Cllr L Vickers

Substitutes: Cllr T Adams, Cllr P Bailey, Cllr K Bayes, Cllr J Boyle, Cllr S Bütikofer, Cllr N Dixon, Cllr T FitzPatrick, Cllr W Fredericks, Cllr L Paterson, Cllr J Punchard, Cllr C Ringer, Cllr E Spagnola, Cllr E Vardy and Cllr L Withington

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

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A G E N D A

PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN
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PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. MINUTES

(Pages 1 - 16)

To approve as a correct record the Minutes of a meeting of the Committee held on Thursday 19th September 2024.

5. ITEMS OF URGENT BUSINESS

(a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

(b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

6. ORDER OF BUSINESS

(a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.

(b) To determine the order of business for the meeting.

7. DECLARATIONS OF INTEREST

(Pages 17 - 22)

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest. Members are requested to refer to the attached guidance and flowchart.

OFFICERS' REPORTS

8. NORTH WALSHAM PO/20/1251 - ERECTION OF UP TO 54 DWELLINGS (100% AFFORDABLE HOMES) WITH PUBLIC OPEN SPACE, NEW VEHICULAR ACCESS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE (OUTLINE APPLICATION WITH FULL DETAILS OF THE PROPOSED MEANS OF ACCESS ONLY. DETAILS OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING ARE RESERVED FOR FUTURE DETERMINATION)

(Pages 23 - 82)

9. **BINHAM - PF/24/0841 - FRONT AND REAR EXTENSIONS TO DWELLING, EXTERNAL ALTERATIONS AT BUNKERS HILL BARN, BUNKERS HILL, BINHAM, FAKENHAM, NORFOLK, NR21 0DF** (Pages 83 - 92)
10. **NNDC TPO (BACTON) 2024 NO.10 NORTH WALSHAM - TPO 24 1048 - LAND AT THE OLD RECTORY, EDINGTHORPE** (Pages 93 - 116)
11. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 117 - 120)
12. **APPEALS SECTION** (Pages 121 - 128)
13. **EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

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DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 19 September 2024 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present:	Cllr P Heinrich (Chairman)	Cllr R Macdonald (Vice-Chairman)
	Cllr M Batey	Cllr A Brown
	Cllr P Fisher	Cllr A Fitch-Tillett
	Cllr M Hankins	Cllr V Holliday
	Cllr G Mancini-Boyle	Cllr P Neatherway
	Cllr J Toye	Cllr K Toye
	Cllr L Vickers	

Substitute Members Present

Officers in Attendance:	Development Manager (DM)
	Principal Lawyer (PL)
	Senior Planning Officer (SPO)
	Senior Landscape Officer – Arboriculture (SLO-A)
	Democratic Services Officer – Regulatory Committees

Also in attendance:	Cllr A Fletcher
	Cllr T Adams
	Cllr J Boyle

54 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr A Varley.

55 SUBSTITUTES

Cllr L Paterson was present as a substitute for Cllr A Varley.

56 MINUTES

The minutes of the Development Committee meeting held on Thursday 22nd August were approved as a correct record.

57 ITEMS OF URGENT BUSINESS

None.

58 DECLARATIONS OF INTEREST

Cllr V Holliday advised she had been in receipt of lobbying with respect to item 10. The Chairman confirmed this communication had been circulated amongst the Committee.

59 BRISTON - PF/23/2048 - DEVELOPMENT OF EXISTING BARN COMPLEX TO

FORM 11NO DWELLINGS WITH ASSOCIATED CAR PARKING AND LANDSCAPING, INCLUDING GROUND MOUNTED PV ARRAY, MANOR FARM, 44 FAKENHAM ROAD, BRISTON, MELTON CONSTABLE, NORFOLK, NR24 2HJ

The SPO introduced Planning Applications PF/23/2048 and LA/23/2049 together, however, the applications were voted on separately.

The SPO outlined the sites' location and relationship with the local setting, and detailed existing and proposed floor plans and elevations for each of the proposed barn conversions, demolitions and replacements. It was noted that, where possible, existing features and openings would be retained for several of the barn conversions. Visualisations were offered as demonstratives to illustrate landscape and boundary treatments.

The SPO established the Class Q fall-back position, should the Committee be minded to refuse the applications.

The Case Officer confirmed the key issues for consideration and advised that the principal of development was supported through the re-use of appropriate buildings. With respect to the impact to associated heritage assets, character and design, the SPO advised that Officers considered there would be less than substantial harm resulting from the conversion of units 1 and 3, which would be limited to these units alone. Any harm arising must be weighed against public benefits, and whilst the scheme would not include provision of affordable housing (as established through the independent viability assessment), Officers were satisfied that the public benefits would outweigh heritage harm specifically in addressing the housing shortfall, reuse of existing buildings, enhancement of the site through demolition of inappropriate structures, and through S106 contributions.

Public Speakers

Sasha Edmunds (Agent) – Supporting

Local Member

The Local Member – Cllr A Fletcher – stated that Briston had a long history of being exploited through patchy and piecemeal development with no concomitant increase in services. He noted that the local primary school was at capacity, the GP surgery in Melton Constable was at risk of closure, and the predication of Google Maps and lack of pavements in the village made for perilous trips for pedestrians. He considered the applications would not bring public benefits to residents and suggested improvements to the scheme to make it agreeable.

The Local Member encouraged improvements to the junction between the proposed development and Fakenham Road, and through appropriate calming measures which would benefit the village as a whole. He considered the Highways estimates did not accurately reflect the busy nature of the road, nor the volume of parked cars on the road, especially at school drop off and pick up times. The Local Member

considered that the proposed development would exacerbate existing traffic problems without mitigation.

Cllr A Fletcher was critical of the absence of affordable housing offered through the development, and considered the £50,000 compensation figure to be insufficient, and unlikely to benefit the village.

The Local Member stated that residents were anxious that the dwellings would be used as second homes, and asked if anything could be done, or should be done, to ensure the dwellings were used as primary residences.

Members debate

- a. The Chairman asked Officers to clarify the access and traffic issues identified by the Local Member.
- b. The SPO advised no objection had been raised by the Highways Authority following submission of revised plans, and subject to conditions.
- c. The DM responded to comments made from the Local Member. With respect of affordable housing, he advised the independent viability assessment established that affordable housing would not be viable for this application, and therefore the policy requirement for affordable housing had not been satisfied. The Council had successfully negotiated a £50,000 affordable housing contribution which would be cascaded, with priority going first to development of affordable homes in the parish, before sites close to the parish were considered, and later within the broader district.
- d. Cllr A Brown asked the DM to clarify the Class Q fall-back position for the benefit of the public.
- e. The DM advised that Permitted Development allowed for the conversion of barns to dwellings, though some limitations applied. Permission could be obtained for an alternate scheme under Class Q. Officers considered that the proposals before Committee were better than the fallback position and would allow for betterment in heritage terms.
- f. Cllr L Paterson noted Class Q allowed for the development of up to 10 residential units.
- g. The DM reflected that the site was located within the Nutrient Neutrality catchment and would still need to satisfy habitat regulations, irrespective of Class Q.
- h. Cllr L Paterson did not consider the 11 proposed dwellings to be too many for the village and felt that the development would tidy up the site.
- i. Cllr J Toye noted asbestos was located on the site and sought assurances

that this would be handled appropriately. Additionally, he asked if there would be a time limit for the cascade of funds.

- j. The PL advised that the housing strategy team would consider what developments could utilise the funds, typically around when the development was near completion. If it were unlikely that the funds could be used in the near future in Briston, the cascade would be enacted. There was no set timeframe.
- k. The DM advised asbestos was covered by relevant regulations, though a condition could be added if the Committee were so minded.
- l. The Chairman noted that a construction environmental management plan would be in place.
- m. Cllr J Toye was satisfied for Officers to cover off the asbestos condition under the list of delegated conditions.
- n. Cllr V Holliday asked if any affordable housing was being built in Briston in the near future which the S106 monies could be used towards.
- o. The DM was unaware of schemes in the pipeline for Briston which would be suitable. He confirmed that the housing team would actively pursue sites.
- p. Cllr V Holliday asked if Nutrient Neutrality would be mitigated off-site.
- q. The SPO confirmed off-site mitigation was proposed, and noted both Natural England and the Council's Ecological Officer were satisfied with the proposal.
- r. Cllr V Holliday considered there would be heritage harm arising from the proposal but recognised this was somewhat offset though the benefits arising from conserving the barns. She noted the extensive glazing proposed and asked if reduced VLT glazing could be conditioned. Additionally, with respect to the Local Members comments, Cllr V Holliday asked if traffic calming measures could be conditioned and a principal residency condition imposed.
- s. The DM advised that the Highways Authority did not object to the scheme, and in the absence of a highway objection it would be difficult to justify asking for traffic calming measures. With regard to a principal residency restriction, the DM advised that under current local plan policy it would be unreasonable to impose second home requirement, given the Briston did not have the relevant neighbourhood plan policy (as was the case in Wells).
- t. Cllr A Fitch-Tillett noted the historic debate regarding traffic in Briston, and agreed the development would place additional pressures on the road network. She asked if the school had a crossing patrol in the area? Regardless, she was unable to support the scheme due to highways safety

concerns.

- u. Cllr L Paterson advised there were no footpaths on the other side of the road and therefore no crossing places in the vicinity.
- v. The DM confirmed the Highways Authority would have considered agricultural movements from the site based on existing permission, though noted operation had ceased in recent years.
- w. Cllr R Macdonald confirmed a school crossing patrol was in place.
- x. Cllr L Paterson stated that it was regretful there would be no affordable homes on site. However, on balance, he considered that the right balance was met, and so proposed acceptance of the Officers recommendation.
- y. Cllr A Brown thanked the Case Officer for his reports and presentation. He considered that there was much to appreciate with these applications, noting Nutrient Neutrality habitat regulations had been satisfied, the scheme proposed good landscaping and design, and that the site would see betterment through re-generation. However, he considered the proposals did not accord with the Council's corporate plan objectives for local homes for local people. Further, he was critical of viability assessments, which in his experience only ever justified applicants to reduce or eliminate affordable housing. He agreed with the Local Member that the £50,000 was insufficient, particularly given inflationary pressures, and suggested a % return may be better.
- z. Cllr V Holliday followed up on her earlier comments and asked if these would be conditioned.
- aa. The DM advised that whilst conditions regarding reduced VLT glazing could be imposed, this would be at a cost to the developer. He further argued that it may be challenging to justify such a condition in this location given the site was not located with a dark skies area or within the designated National Landscape.
- bb. The Chairman invited the Agent to answer questions from the Committee. The Agent confirmed no cost analysis had been undertaken with respect to reduced VLT glazing given the site was not located within the AONB. She confirmed that consideration could be given to VLT glazing, if this were conditioned, but that this may be at a cost to other elements of the scheme.
- cc. The DM advised that VLT glazing conditions would be subject to viability assessment given this would be a significant expense to the applicant. He stated that the Council could engage in discussions with the applicant, but cautioned against a stringent imposition of the suggested condition if it were to result in reduction of S106 monies.

- dd. Cllr L Paterson saw merit in reduced light spill for the roof lights, but not side glazing.
- ee. Cllr J Toye considered reduced VLT glazing in this location would be of limited benefit given existing light spill.
- ff. Cllr L Vickers supported comments made by Cllr J Toye, and agreed with the DM that a reduction in the limited S106 contribution should be avoided. Cllr L Vickers seconded the Officers recommendation.
- gg. The DM sought confirmation what additional conditions the Committee wished to impose, noting discussions regarding asbestos and reduced VLT glazing.
- hh. Cllr V Holliday asked that roof light conditions be imposed.
- ii. Cllr L Paterson was supportive of Cllr V Holliday's suggestion, and considered asbestos was covered by relevant legislation, and therefore concluded imposing a specific planning condition would not be necessary.

RESOLVED by 8 votes for, 1 against and 5 abstentions.

That Planning Application PF/23/2048 be APPROVED in accordance with the Officers Recommendation.

- 60 BRISTON - LA/23/2049- DEVELOPMENT OF EXISTING BARN COMPLEX TO FORM 11NO DWELLINGS WITH ASSOCIATED CAR PARKING AND LANDSCAPING, INCLUDING GROUND MOUNTED PV ARRAY, (LISTED BUILDING CONSENT) MANOR FARM, 44 FAKENHAM ROAD, BRISTON, MELTON CONSTABLE, NORFOLK, NR24 2HJ**

The Committee debated Planning Applications LA/23/2049 and PF/23/2048 together but voted on each of the applications separately. For the full minutes, please see the minutes for PF/23/2048.

Cllr L Paterson proposed acceptance of the Officers recommendation, Cllr L Vickers seconded the motion.

RESOLVED by 8 votes for, 1 against and 5 abstentions.

That Planning Application LA/23/2049 be APPROVED in accordance with the Officers recommendation.

- 61 WELLS-NEXT-THE-SEA- PF/24/1123 - ERECTION OF SINGLE STOREY SIDE EXTENSION; ALTERATIONS TO FENESTRATION; ADDITION OF 10NO. DORMER WINDOWS TO REPLACE ROOFLIGHTS; ADDITION OF SOLAR PANELS; CREATION OF POOL TO REAR AND ALTERATIONS TO LANDSCAPING/PARKING, YOUTH HOSTEL, ST NICHOLAS CHURCH ROOMS, CHURCH PLAIN, WELLS-NEXT-THE-SEA, NORFOLK NR23 1EQ**

The SPO introduced Planning Application PF/24/1123 and the Officers recommendation for approval subject to conditions. He confirmed that communication had been received following publication of the agenda, though noted the comments related to points already identified in earlier communication (detailed in the Officers Report).

The Case Officer outlined the site location, located within the Wells Conservation Area, and relationship within the local setting specifically the adjacent grade II listed Saint Nicholas Church. He confirmed the existing and proposed floor plans and elevations and provided images in and around the site.

Public Speakers

Roger Arguille – Wells Town Council
Tom Leahy– Supporting

Local Member

The Local Member – Cllr P Fisher - expressed his concern for the proposal, given the number of Wells residents who would be adversely affected. He shared in the concerns raised by Wells Town Council that the proposal would not accord with the Wells Neighbourhood Plan. Further, the Local Member was critical that the facility would not operate as a Youth Hostel and would not have an onsite manager to deal with any disturbances.

He noted that the site was located in the quieter area of the town, in a residential area, and was often used by visitors for parking, which made driving down the road difficult. Cllr P Fisher considered the proposal would have an adverse impact on the already congested highways network and argued that larger vehicles parking at the facility would likely overhang onto the footway.

The Local Member affirmed that the WI would be most adversely impacted by the development, and relayed the real concern that membership would be affected by consequence of the proposal.

Cllr P Fisher considered it naive to believe that the noise restriction proposed would be enforceable given there would be no on-site manager for the party house.

The Local Member asked, if the Committee were minded to support the application, that the application be deferred to allow a site visit to take place in the first instance.

Members Debate

- a. Cllr L Paterson sought clarification whether there would be a live-in manager.
- b. The SPO advised the application did not specify changes to the management arrangement or operational use, only to those proposed physical external alterations.
- c. Cllr M Hankins asked if the Wells Neighbourhood Plan had been consulted upon.
- d. The DM advised the Plan has been consulted upon and supported through a local referendum. The Plan had subsequently been made by the District

Council in recent months.

- e. Cllr M Hankins asked why the application was contrary to the Neighbourhood Plan.
- f. Cllr A Brown noted within the Officers report, planning balance and conclusion, that Officers expressed the view that the proposal was considered to be in general accordance with development plan policy considerations, including the requirements within the Wells Neighbourhood Plan, and provisions within the NPPF.

Cllr A Brown was mindful of the pressure which would be placed on the Environmental Protection Team if there were misuse or abuse of the facility. He suggested that a sui generis use class condition be imposed, ensuring that any amendment or infringement of the youth hostel use class designation, would generate a further planning application or certificate of lawfulness.

- g. The Chairman shared in the valid concerns raised that the facility may be used as a party house without condition.
- h. Cllr A Brown asked if it could be further conditioned that a record be maintained of occupancy, and these details be made available to the council when requested. Further whether single-sex large groups could be banned.
- i. The DM advised that the application did not propose a change of use, though pre-application advice was sought for a change of use. The DM noted that it was important to recognise the differences between a Youth Hostel and what was effectively a large dwelling being as a holiday let. He advised that the Council had been successful at appeal on dwellings with over 6 bedrooms being used for sui generis use. He confirmed that a Youth Hostel already had sui generis use, and that going to another use class would require planning permission. Should the Committee be so minded, it may wish to re-impose the class condition (which was not proposed to change by way of the application) for the avoidance of doubt. In the event there was a breach, this would become an enforceable matter.
- j. Cllr A Brown endorsed the imposition of a condition to reduce ambiguity both for the public and for the Councils environmental protection and enforcement teams. He proposed that should a condition be added.
- k. The DM suggested wording for such a condition, along the lines, 'use of the site shall remain for Youth Hostel purposes. Final wording of the condition to be delegated to the Assistant Director for planning.
- l. The Chairman invited the Applicant to speak again, and address comments made by the Committee. The Applicant stated that the existing use of the building was for single, large groups who would rent entire use of the building. He noted that there had not been an on-site manager for over 5 years, and that the YHA had allowed for single, large groups before relinquishing the building. He did not consider there would be a change of use and stated that he intended to do exactly the same thing as before, just to a slightly higher end of clientele. The Applicant outlined mitigations which would be in place to address issues on site but affirmed that he had not experienced issues elsewhere in the country because of the client base. The

Applicant confirmed the site may be used as a yoga retreat, or by multi-generational families, and that he had no desire to host hen/stag groups. He confirmed he may be agreeable to conditions regarding noise, but felt that any overly onerous condition, on a business which was already struggling, would not stand up to challenge.

- m. The PL was supportive of comments made by the DM, and agreed there was a distinct difference between a Hotel and a Youth Hostel, noting recent case law on the matter. The PL suggested a condition be imposed that the site be used as a Youth Hostel and not a Hotel, to try and distinguish the difference between the two, which had been raised as a concern by the Committee.
- n. The Chairman quired how enforceable such a condition would be.
- o. The PL advised the condition would be enforceable.
- p. Cllr J Toye seconded the proposed condition.
- q. Cllr K Toye thanked to the applicant for his clarification and agreed that Wells was not the preferred destination for hen or stag groups. Cllr K Toye stressed that younger people should not be demonised or perceived to be a problem for noise disturbances. She proposed acceptance of the Officers recommendation, though recognised pre-existing parking and highways issues in Wells were a problem.

The PL left the meeting.

- r. Cllr V Holliday confirmed the dictionary definition for a Youth Hostel, as a cheap place for young people to stay for short periods when travelling, and argued this did not align with what the applicant stated the facility would be used for, she was therefore critical that the proposal would conform with the Youth Hostel use class. Cllr V Holliday noted the principal residency restriction in the Wells Neighbourhood Plan and questioned if the application conformed with the Plan. Additionally, she considered the obscured glazing proposed would be insufficient, given it was a panel placed in front of the glazing as opposed to the glazing itself being obscured. Further, as the site was located within the Nation Landscape (formerly known as the AONB) she requested reduced VLT glazing.
- s. The DM confirmed it was for the Committee to decide whether to impose a reduced VLT glazing condition, and to consider if this was proportionate, as whilst the site was located within the National Landscape (formerly known as the AONB) it was also in a built-up urban setting. Should the use change from a Youth Hostel (which already had permission), and be used instead by large groups, this may trigger the requirements under the Neighbourhood Plan for a principal homes condition. The DM advised that the application did not propose a change of use, and therefore was not caught by the policy requirement.
- t. Cllr G Mancini-Boyle noted the 60 representations on page 55 of the Officers report, and asked if this was a fair representation of the views of the Town or reflected petitioning.

The PL returned to the meeting.

- u. The SPO advised the representations made weren't all submitted by local people and commented that there had been some form of petitioning.
- v. The DM advised that it was not simply the quantity of submissions which was important but the quality of the representations.
- w. Cllr G Mancini-Boyle agreed the quality of representations was most important.
- x. Cllr L Vickers noted that within the representations that the Youth Hostel had a quiet time when the noise level had to be kept to a minimum, she asked if the noise abatement rule would remain? Cllr L Vickers stated that before voting she wanted to be clear on the implications of the proposal.
- y. The SPO advised a noise management plan could be conditioned, given the likely increased use of the outside space.
- z. The DM recognised the concerns expressed locally about the use of the premises in the evenings and noted the proposed condition to limit usage hours of the outdoor space.
- aa. Cllr J Toye noted that a change of use was not proposed, and the Committee were only invited to vote on the proposed physical adjustments. In those terms, he welcomed the building being brought back to use. He was supportive of Cllr A Brown's comments, and the need to be unequivocal through the use of conditions. Cllr J Toye seconded the Officers recommendation for approval.
- bb. Cllr L Paterson reflected on the comments made by the applicant, and the inference the property would effectively be used as a large holiday let. He was critical of the applicants' comments that the price point would mean a lack of issues regarding noise.

RESOLVED by 9 votes for, 2 against and 3 abstentions.

That Planning Application PF/24/1123 be APPROVED in accordance with the Officers recommendation.

The meeting was adjourned at 11.07am and reconvened at 11.22am

62 CROMER - PF/24/0201 - ERECTION OF SINGLE-STOREY DWELLING WITH DETACHED BIKE/BIN STORE, THE GLASS HOUSE, FULCHER AVENUE, CROMER, NR27 9SG

The SPO introduced the Officers Report and recommendation for refusal. The Case Officer outlined the sites' location plan, relationship with existing dwellings and the adjacent railway line as well as proposed floor plans and elevations. Images in and around the site were provided to the Committee.

The SPO affirmed the recommendation for refusal based on the actual and perceived conflicts between the safety and amenity of future occupiers and the close proximity to the trees. This situation would increase the likely pressure for inappropriate management and removal of trees which would be more difficult to

resist with residential occupancy of the site. The proposed development would therefore harm the character and appearance of the site to the detriment of the local landscape and Conservation Area. The Proposal was considered contrary to Policies EN 2, EN 4, EN 8 of the adopted North Norfolk Core Strategy.

Public Speakers

Krzysztof Fijalkowski - (Supporting)

Local Member

The Local Member - Cllr T Adams – expressed his support for the proposal which he considered to be sustainable and represented a windfall development, which would positively contribute to environmental net-gain. The proposal was not objected to by the Highways Authority or by the Heritage team, further concerns regarding Nutrient Neutrality were not an issue at this site. Whilst he respected Officer opinion, he felt that an overly cautious approach to the trees had been taken, given a strict maintenance regime was already in place and would remain unaffected given the sites proximity to the railway line. A schedule for new and existing planting was proposed, indicating the applicants desire to retain and improve upon the site. Cllr T Adams reflected on the close proximity of trees to the Council Offices and other buildings, including overhanging, which was not considered to be an issue in these instances.

Cllr J Boyle – Local Ward Member – expressed her support for the application and acknowledged that house building in this area of Cromer was rare due to a lack of plot availability. She considered that the design of the new home would blend in well with the existing property and argued that much thought had gone into the design to ensure it was as environmentally friendly as possible. The Local Member noted that the ecological report suggested there was a low risk to wildlife by way of the development. Cllr J Boyle endorsed building local homes for local people, and noted this home would be occupied by a young Cromer resident. She disagreed with the Officers assessment with respect of trees, which were well managed and maintained, and would continue to be maintained to a high standard. Cllr J Boyle welcomed the application which she considered to be an innovative construction which would be in accordance with its surroundings.

Members debate.

- a. The Chairman asked if all the trees on site were subject to TPO's.
- b. The SLO-A advised that the Conservation Area rules protected all trees over 7.5 cm, as the trees in question being far larger than that, they were therefore afforded protection. Should work to the trees be required, the Council would need to be notified, and an application made to undertake works.
- c. The Chairman noted the boundary slope with network rail and asked if network rail had commented on the application, and if concerns had been raised regarding the embankment.
- d. The SPO advised that network rail had commented on the landscaping, with emphasis placed on the owner's responsibility to maintain the site to ensure avoidance of obstructing the railway line.

- e. Cllr P Fisher expressed his concern that the proposal may cause damage to the existing trees, noting they likely had extensive root system. He asked what would be done during the construction phase to avoid cutting and damaging roots.
- f. The SPO relayed details contained in the arboriculture assessment and advised that the applicant proposed to use micro-piling and take a cantilever approach to avoid direct impact to the root areas. Officers were primarily concerned about the effect of the heavy canopy over the proposed development and additional pressures of tree and landscape management.
- g. Cllr V Holliday asked if the applicant had contacted the network rail asset protection team, as recommended in the network rail comments.
- h. The SPO was unable to confirm if the applicant had approached network rail.
- i. Cllr A Brown anticipated that there would be covenants for support between the landowner and network rail, though concluded this was a civil matter, which should not be considered by the Committee.
- j. The PL advised that when building within 10m of an operational railway, there were some requirements regarding risk assessment, method statements, construction, design and management regulations.
- k. Cllr J Toye sought clarity if this was a planning matter, or a building control issue.
- l. The DM stated that how things were constructed would be a matter for building control. However, the impact of a dwelling on trees would fall within the planning remit.
- m. Cllr J Toye endorsed the proposal, provided it could be constructed in such a way as to avoid damaging existing trees. He recognised the proposal was for a smaller building, built to a high environmental standard, with great accessibility to services, and considered the application should be approved.
- n. The DM advised that Officers recognised that there was much in favour for this application, particularly with respect of sustainability, however Officers concluded that it was highly likely that there would be pressure in future to fell existing trees once residents had moved in, which weighed against the proposal. It was for the Committee to weigh to competing factors.
- o. Cllr J Toye was satisfied with the application as proposed and argued that the Committee could not speculate on what might happen in future.
- p. Cllr L Paterson proposed acceptance of the Officers recommendation.

- q. Cllr P Neatherway asked if a TPO could be applied to the trees.
- r. The Chairman noted that the existing Conservation Area granted the trees protected status.
- s. The SPO-A advised that an order could be served to preserve the trees, but a planning application would overrule any order.
- t. Cllr V Holliday seconded the motion.

THE VOTE WAS LOST by 4 votes for and 10 votes against.

- u. The Chairman invited a recommendation from the Committee.
- v. Cllr J Toye proposed acceptance of the proposal. He placed greater weight on the benefits on the proposal and was satisfied that the proposed mitigations would afford protection to the trees, given the outlined methods of construction and arboriculture plan.
- w. The DM noted comments made by the Committee, that they broadly considered the sustainability benefits of the proposal outweighed and potential harm to trees on the site.
- x. Cllr A Brown seconded the motion for approval. He asked than an advisory note be added for the applicant to work closely with Network Rail, and with the Councils Arboriculture Officer going forward. Cllr A Brown was satisfied that final wording of conditions be delegated to the Assistant Director for Planning.

RESOLVED by 10 votes for 4 votes against.

That Planning Application PF/24/0201 be APPROVED. Final wording of conditions to be delegated to the Assistant Director – Planning.

63 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

The DM introduced the performance report and spoke highly of the Councils performance record and appeal record.

The PL noted some applications had not been listed on the S106 appendix as they had been dealt with so swiftly. She updated the Committee on the appendix.

Cllr L Paterson declared an interest as the owner of agricultural barns.

64 APPEALS SECTION

The DM noted it had been a slow month for appeal decisions, however a couple enforcement cases had been decided. The enforcement decision at Gunthorpe had been quashed, with the Inspector disagreeing with the Councils allegation.

65 LOCAL VALIDATION LIST

The DM outlined the Local Validation List and its purpose. He advised that current Local Validation List required updating, as the current List was causing delays to decision making. The DM highlighted para 44 of the NPPF,

and the need for Local Authorities to be proportionate in their request for supporting information.

The DM introduced Appendix 1 – the proposed Local Validation list and highlighted some of the proposed changes. It was noted that the List would be subject to a period of public consultation (starting week commencing 7th October), and it was hoped that the List would be returned to Committee on 12th December for consideration and approval.

He advised that a raft of supporting information would be made available to applicants to help them navigate what was required of them, as it was appreciated that this could be a daunting process for applicants of small householder application who aren't familiar with the process.

- a. Cllr G Mancini-Boyle asked for details regarding the consultation.
- b. The DM confirmed it would be a full public consultation open to members of the public, parish councils, applicants and agents.
- c. The Chairman considered the proposed List to be comprehensive and endorsed having a single check list to aid householders who may not be familiar with the planning system.
- d. Cllr A Fitch-Tillett advised that there was a move for IDB's to become a statutory consultee, though noted conflicting information in the Guardian that the government may get rid of IDB's altogether.
- e. Cllr A Brown asked if the consultation process was discretionary or mandatory.
- f. The DM asked that the Council had previously gone out to public consultation, he understood it was a mandatory requirement.
- g. Cllr A Brown was surprised there was not a section on planning performance agreements on major developments, given this was an income stream to the Council. He asked if this had been considered and discounted. Cllr A Brown suggested links to Nutrient Neutrality defined boundaries be added to s.25 of the proposed list. He also welcomed communicating with applicants and agents of the emerging change as early as possible to avoid frustrating relations. Cllr A Brown shared in the view expressed by the Chairman that the process be simplified for householder applications. For the avoidance of doubt, he further suggested that it be noted that there was more than one Glaven Valley Conservation Area.
- h. The DM advised that Planning Performance Agreements (PPA) had not been details, though advised a suggested S106 obligations List was detailed. He confirmed PPA's typically occurred at the pre-application stage, and therefore could not see the relevance to the Local List, though welcomed further discussion on this matter. With respect to Nutrient Neutrality, he was happy to include the suggested amendments. Regarding communication, the DM advised that transitional arrangements would be in place, and those applications submitted before the 1st of January 2025 would be treated under the old Local List requirements. The DM confirmed a householder guide would be in place to support the validation process to make it as simple as possible.

- i. The Committee expressed their thanks to the DM and the Planning Service for their hard work to move things forward.
- j. Cllr J Toye proposed acceptance of the Officers recommendation.
- k. Cllr P Neatherway seconded the motion.

UNANIMOUSLY RESOLVED

That the Council undertake a six-week public consultation on the new Local Validation List.

After public consultation, the Local Validation List come into effect (with or without necessary modifications) after sign-off by the appropriate decision making body at North Norfolk District Council.

The meeting ended at 12.13 pm.

Chairman

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Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
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NORTH WALSHAM PO/20/1251 – Erection of up to 54 dwellings (100% affordable homes) with public open space, new vehicular access, landscaping and associated infrastructure (Outline application with full details of the proposed means of access only. Details of layout, scale, appearance and landscaping are reserved for future determination)

Major Development

Target Date: 14 December 2020

Extension of Time: 01 November 2024

Case Officer: Mr Phillip Rowson

Outline Planning Permission

BACKGROUND

This application was deferred by the Development Committee at its meeting of 21 October 2021. A copy of that report is attached at **Appendix 1**. For ease of reference, the new report is set out using a similar reporting template to enable easier cross reference.

Minutes from the meeting of 21 October 2021 are attached at **Appendix 2** and show that the application was deferred by members pending an independent study of highway impacts, consideration of drainage impacts, permeability of the site in terms of footpath access, appropriate consideration of climate change and an ecological assessment of the hedgerow.

Since deferral of the application the applicant has provided revised access plans and amended the housing tenure to be 100% affordable housing (45% previously proposed). Drainage capacity has been reviewed with Anglina Water, and a revised site access plan has been provided. The applicant has provided a detailed chronology for the use of the application site and a supporting statement relating to the reasons for deferral of the item from Committee. The applicant has confirmed agreement to the draft heads of terms to be incorporated into the proposed Section 106 agreement. Members are asked to not the reasons for no independent highway study been provided.

SITE CONSTRAINTS

Designated Education Allocation within the Site Allocations Development Plan Document

Designated Open Land Area within the Core Strategy

Within the defined Settlement Boundary of North Walsham

Contaminated Land

Mineral Safeguard Area - Underlain by Sand and Gravel (Policy CS16 of the Norfolk Minerals and Waste Core Strategy)

Gas Pipe Buffer Zone

EA Risk of Flooding from Surface Water 1 in 30

EA Risk of Flooding from Surface Water 1 in 100

EA Risk of Flooding from Surface Water 1 in 1000

SFRA - Areas Susceptible to Groundwater Flooding

SFRA - Risk of Flooding from Surface Water + CC

RELEVANT PLANNING HISTORY

PLA/2008/1351

Playing Field, Station Road, North Walsham

THE SITE

The site is situated to the south of North Walsham town centre, between the Bittern Line Railway and the A149 beyond, Station Road is to the south and the Victory Swim and Fitness centre adjoining the site to the east. In Planning Policy terms, the site is situated within the North Walsham Settlement Boundary, it is a designated area of Open Land Area and is allocated for educational use.

The site is an area of rough mown grassland, which is fenced off on all boundaries to prevent public access. The adjacent Victory Swim building is a local landmark, prominent in the street scene and set apart by its contemporary design, scale, and facing materials. To the south of the site lays a pedestrian link to the railway station and a group of commercial uses.

Existing low density residential development is located to the south and to the west of the site. The majority of the dwellings to the south are late C19/ early C20 traditional two-storey red brick, tile and rendered properties of relatively low density with larger plot sizes. Directly to the east of the site are bungalows which back directly on to the site itself. There are further single and two-storey properties to the northwest of the site.

North Norfolk District Council formerly held a lease agreement on part of the land immediately adjacent to this site the Options Agreement to extend this lease expired in 2022 and was not renewed.

THE APPLICATION

This application, as amended, is for the erection of up to 54 dwellings as 100% affordable homes, with public open space, new vehicular access, landscaping and associated infrastructure. This application is outline with full details of the proposed means of access, all other details (layout, scale, appearance and landscaping) are reserved for future determination.

The detailed plans show means of access is proposed from Station Road via a single means of access. The access proposals are amended by the site access plan FS-1000-001s which provides a 6m wide running surface, with 1.8m footways to either side and a 6m junction radii entrance and visibility splays measuring 2.4m by 43m. The proposals comply with tracking evidence previously submitted and demonstrate accessibility by all vehicles. Hedgerow removal is shown across the access and to a depth of 12m either side of the proposed access. The proposals require the removal of two mature pine trees to facilitate access. Additional planting is proposed to compensate hedgerow and tree loss on site.

The proposals are supported by draft heads of terms for a s106 agreement which will provide:

- 100% affordable housing on site
- A minimum of 16,346sqm. of Open Space on site which is inclusive of the following:
 - A Locally Equipped Area of Play (LEAP): Minimum of 1,000sqm.
 - A Local Area of Play (LAP): Minimum of 100sqm.
 - An Outdoor Gym: Minimum of 100sqm.
 - Formal Planting: Minimum of 750sqm.
 - Amenity Green Space: Minimum of 10,979sqm.;and

- Retained and enhanced scrub: Minimum of 3,417sqm.
- SPA/SAC visitor pressure monitoring and mitigation: £221.17 per dwelling
- Norfolk County Council Library provision: £4,050 (£75 per dwelling)
- £14,378 (£266.20 per dwelling towards the Weavers Way Trail, North Walsham Circular Walks and Weavers Way County Wildlife Site.
- £16,380 off-site open space contributions towards allotments
- £45,483 off-site open space contributions towards the provision of a new 3G football pitch or associated infrastructure at North Walsham Football Club

REASONS FOR REFERRAL TO COMMITTEE

This application was previously called in to Development Committee by local ward members, it is reported back following deferral.

CONSULTATION RESPONSES

Please view the Development Committee report of 21 October 2021 at **Appendix 1** for details of all consultation responses received prior to reporting in October 2021.

North Walsham Town Council (NWTC) – Object

Initial objection that the developers have not taken NWTC views into account following an engagement meeting. Concerns were expressed regarding the width of the road and the amount of traffic that will subsequently use the road if permission is granted.

Consultation July 2024 – North Walsham Town Council still holds the same objection to this application as dated 20th October 2020 and 31st August 2021.

Network Rail – No objection, subject to an informative note

See prior report, no further responses.

British Pipeline Agency Ltd – No objection

See prior report, no further responses.

National Grid (now Cadent Gas Ltd) – No objection, subject to an informative note

See prior report, no further responses.

Health and Safety Executive (HSE) – No objection

See prior report, no further responses.

Natural England – No comments made; refer to standing advice.

See prior report, no further responses.

Sport England – Objection (See full copy of response at **Appendix 3)**

Norfolk County Council (NCC) Highways – No objection subject to conditions

Original objection made on 11 December 2020 based on a lack of information and this was followed up with further comments and holding objections on the 19 January and 9 April 2021. Following the provision of further information, the objection was removed subject to conditions.

Consultation July 2024 - No objection subject to the Preliminary Site Access shown on drawing FS-10000-001 reinstating the 1.8m wide footways as previously proposed. No changes to the proposed conditions previously requested. (note provided by amended plan)

Norfolk County Council (NCC) Education – Children’s Services – No objection

See prior report, no further response.

Norfolk County Council (NCC) Historic Environment Officer – No objection subject to conditions

See prior report, no further responses.

Norfolk County Council (NCC) Lead Local Flood Authority (LLFA) – No objection subject to conditions

See prior report.

Consultation July 2024 - Confirmed no objection subject to conditions controlling specified finished floor levels together with adoption of on-site drainage features maintenance inclusive of a management plan being agreed.

Norfolk County Council (NCC) Planning Obligations Co-ordinator – S106 Obligations sought

See prior report.

Consultation July 2024 - Comments are valid for six months if undetermined in this time, then please return for refreshed comment. If approved the proposals will be required to agree a monitoring fee for NCC (£500 per trigger).

- Education- there is currently spare capacity within all education sectors in the North Walsham Catchment. Norfolk County Council will not seek contributions for this proposed development. -.
- Library provision – £75 per dwelling;
- 1 fire hydrant required by condition.
- £14,374.80 (£266.20 per dwelling) for mitigation works for the Weavers Way Trail, North Walsham Circular Walks and Weavers Way County Wildlife Site by means of necessary improvements.

Norfolk County Council (NCC) Public Rights of Way & Green Infrastructure – S106 Obligations sought

See prior report.

Consultation July 2024 - We have no objections on Public Rights of Way grounds as there are none in the vicinity. Case Officer note - Previous recommendation for an informal circular path encompassing the whole site and mitigation for Weavers Way addressed by S106 heads of terms.

Anglian Water – Comments made

See prior report.

Consultation July 2024 - The recent application amendments are not relevant to Anglian Water. There are no additional drainage documents since our last response, therefore we have no

further comments to add to our previous response. Please note Anglian Water will only comment on matters relating to drainage/surface water connections to our network.

Sports & Countryside (NNDC) – Comment

Officers agree that the local football club, North Walsham Town FC, based at Greens Road would be the right project to pursue should this go forward. A 3G pitch remains a strategic priority for the town and a project has been in the pipeline there for a number of years, with capital funding set aside by NNDC to try to deliver it. In addition, the clubhouse does require some significant improvements and support to deliver this would help the club to grow its membership and develop over all.

Conservation and Design Officer (NNDC) – No Objection made

See prior report.

Consultation July 2024 - Officers refer to the amended site access plan received by the Local Planning Authority on the 8th July 2024 and can hereby confirm that it does not alter the substance of the earlier Conservation & Design comments.

Landscape Officer (NNDC) Ecology – Advice given

See Prior Report / no further comments raised.

Landscape Officer (NNDC) Arboriculture – Objection

See prior report.

Consultation July 2024 - The amended plan will not overcome the objections previously raised by Landscape Officers and will still require the removal of two good quality pine trees

The loss of the important feature in the landscape is considered unacceptable and therefore the Landscape Section continues to object to the proposal as it is in direct conflict with Policy EN 4. It's not clear why the position of the site entrance can't be situated further west where an access would not require the removal of trees. Please could this be explored, or reasons given? If this cannot be overcome, suitable levels of compensation could be considered, any new tree should be set out in detailed landscape plans and contribute to the long-term amenity and appearance of Station Road.

(Note – condition now agreed to be imposed ensuring retention of T34 & 35 Pines)

Strategic Housing (NNDC) – Support

See prior report.

Consultation July 2024 - Flagship Housing have confirmed agreement with the Paston Foundation to bring the site forward as 100% affordable housing. The current Local Plan policy HO2 requires 45% of the homes should be affordable. so an increase in this figure is very much supported.

Housing Need - There are currently 1,261 applicants on the Housing List who have a housing need and would consider housing in North Walsham (which is the area of highest demand in the district).

Confirmed (if approved) as an early delivery site, expected reserved matters Jan/Feb, getting tendered and on site end of 2025 and starting to hand over 2026.

Economic Development (NNDC) – No objection

See prior report, No further comments.

Property Services (NNDC) – No objection

See Prior Report / No further comments.

Environmental Health (North Norfolk District Council) – No objection subject to conditions

See Prior Report / no further comments raised.

REPRESENTATIONS

Previously officers noted 19 representations were made during the initial formal consultation period. 18 were in **objection** whilst 1 general comment was made. The following are a summary of the points raised:

- Increased traffic and speed of traffic
- Open space / green field / play space needs to be retained
- Poor access, including those with disabilities
- The site is allocated for education/open space
- Not part of the Development Plan for North Walsham
- Local services and facilities and the infrastructure (in particular water) are stretched / limited / over capacity
- Wildlife – nearby pond in residential garden not assessed by the ecological report. Also sightings of wildlife including birds of prey, deer and bats.
- The pavement along Station Road is narrow
- Local Planning Authority should consult with Sport England
- The findings of the Open Space Study should be taken into consideration when assessing this application
- Proximity to gas storage tanks
- Covenant on the site
- Should be developing on brownfield land
- Clarification of the access of the development
- Little in the way of traffic analysis undertaken
- Concerns raised around boundary treatments
- Will the money benefit North Walsham
- Road infrastructure not adequate and would represent a safety risk
- Pavement is very narrow
- Site was left to the town as a recreation use
- Not earmarked for development in the Development Plan, designated for an education/open space use
- The traffic survey is now considered to be out of date
- Damage to wildlife
- Access should be through Victory swimming pool site
- Impact upon the value of properties

Consultation July 2024 - 8 further representations have been made which re-emphasise the concerns noted above. In addition, those recent objections include:

- conflict with the emerging local plan policy and note that the site is not allocated for residential development in the emerging local plan.
- failure to address highways safety concern through the amendment and inappropriate supporting evidence on highways matters.
- Adverse impacts on protected species and habitat from loss of open green space.
- Shortfall of amenity green spaces identified in the local plan.
- Inadequate foul water capacity.

LOCAL MEMBER CONTACT

The former Local Members for North Walsham called the matter to Development Committee. Members may also note that the matter is a departure from adopted plan policy with regard to the allocated education land and open space policy, as such it was considered that the application should be heard by Development Committee.

Local members have been updated that the matter is due to be referred to Development Committee, having reviewed the reasons for deferral.

HUMAN RIGHTS IMPLICATIONS

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the above matters, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity issues.

LOCAL FINANCE CONSIDERATIONS

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. However, Committee should be aware that North Walsham Town Football Club Clubhouse / land is owned by NNDC.

RELEVANT POLICIES

North Norfolk Local Development Framework Core Strategy (2008)

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 4: Environment
Policy SS 6: Access and Infrastructure
Policy SS 10: North Walsham
Policy HO 1: Dwelling Mix and Type
Policy HO 2: Provision of Affordable Housing
Policy HO 7: Making the Most Efficient Use of Land (Housing Density)
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 1: Open Space Designations
Policy CT 2: Developer Contributions
Policy CT 5: The Transport Impact of New Development
Policy CT 6: Parking Provision

North Norfolk Site Specific Allocations DPD (2011)

Policy ED 1: Paston College Relocation

Material Considerations

National Planning Policy Framework (December 2023)

Chapter 2: Achieving sustainable development
Chapter 5: Delivering a sufficient supply of homes
Chapter 8: Promoting healthy and safe communities
Chapter 9: Promoting sustainable transport
Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places and beautiful places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide (2008)
North Norfolk Open Space Assessment – Final Version February 2020
North Norfolk Landscape Character Assessment (January 2021)

OFFICER ASSESSMENT

Main Issues for consideration:

- 1. Principle of Development**
- 2. Housing Mix and affordable housing provision**
- 3. Highways**
- 4. Open Space Provision**
- 5. Landscape and Trees**
- 6. Ecology**
- 7. Drainage & Flood Risk &**
- 8. Climate Change**
- 9. Other considerations**
- 10. Section 106 Obligations**

11. Planning Balance and Recommendation

1. Principle of Development – updated

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

A significant change in material consideration has arisen since this case was last before the Development Committee for consideration. The council is unable to demonstrate a five-year or four-year housing land supply. The four-year housing supply position (set against the five year requirement) is 3.67 yrs and the five year position is 4.28. Whilst this proposal, when taken in isolation, cannot solve the housing supply shortfall, it is a notable addition to the housing stock and therefore attracts substantial weight in favour. Where the Council is unable to demonstrate a five or four -year supply of housing then, under NPPF (Framework) paragraph 11 d) the “titled balance” is applied.

In this instance these proposals would provide 54 affordable dwellings, i.e. more than 10% of one year’s housing supply in a location area identified as having the greatest need for affordable homes in North Norfolk. Affordable Housing is much needed within North Norfolk and will attract significant positive weight – See Planning Balance section.

Officers have previously identified that the site is located within the settlement boundary of North Walsham, it is defined as a Principal Settlement through Policy SS1 of the Core Strategy. North Walsham provides services and facilities to the residents of the town itself and performs a functional role to the wider rural community. It is the most sustainable location for growth within the defined settlement hierarchy. Policy SS 10 specifically allocates a strategic quantum of development to the town and identifies key strategic principles around public realm, education and ensuring no adverse impacts from major development on the Broads Special Area of Conservation (SAC).

Officers note that the application site is designated in the Site Allocations DPD, Policy ED1, for educational purposes. Further that the site is identified as an Open Land Area under Policy CT1 of the Core Strategy. These strategic designations remain fundamental to the consideration of this application, the site should be protected for these purposes unless material considerations demonstrate otherwise.

Education Allocation (Policy ED1)

The site is allocated through Policy ED1 of the Site Allocations Development Plan Document for educational purposes. The intention of the policy was to allow for Paston College, to re-locate its operations onto a single site (the proposed site for this application). An application (PF/08/1351) for the relocation of Paston College onto the site, in line with Policy ED1, was granted planning permission in 2013. However, the permission was not implemented and expired as long ago as 10th January 2018. There is no intention from the Site Owners to pursue a further application for educational use or to otherwise take up the allocation.

Norfolk County Council in their role as the Education Authority remain minded that there would be no need for education contributions from this proposal, and that the site itself is not required by the County Council for education purposes.

Officers would normally promote development on this site to be in conformity with the Adopted Policy ED1. However, in this case it can be demonstrated, in line with Paragraph 126 (b) of the NPPF, that where there is no reasonable prospect of an application coming forward for an educational use then alternative use proposals should be supported when contributing to meeting an otherwise unmet need for development.

Based on this evidence, there remains no change in circumstance since last reporting, i.e. no reasonable prospect of the site coming forward for the intended education use. Therefore, in line with Paragraph 126 (b) of the NPPF, Officers consider that this application is an acceptable departure from Policy ED 1 of the Development Plan.

Open Land Designation Policy CT1

Officers have previously advised that the site is also designated as an Open Land Area under Policy CT1 of the adopted Core Strategy. The policy sets out that “development will not be permitted on Open Land Areas except where it enhances the open character or recreational use of the land.” The policy seeks to protect and enhance the many valuable open spaces across North Norfolk. Important open spaces within settlements are designated to protect their current use and the visual and amenity contribution they make.

Since last reporting, the emerging Local Plan has passed through its first examination with hearing sessions held in February / March 2024. Officers consider that some weight can be given to Emerging Local Plan and Policy HC 2 (Provision & Retention of Open Spaces) but, at this time, only limited weight should be applied given the potential uncertainty regarding specific policy wording being accepted by the Inspector.

The emerging policy includes the modification as put forward at Examination in Public (EIP) as set out below:

Development on Formal Education & Recreation Areas (designated and non-designated facilities) will not be permitted unless:

- a. it comprises of development which enhances the functional use of the site for outdoor sport; or,*
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity, quality and local accessibility and the alternative provision is made available for use prior to the loss of the area of open space to be built upon; or,*
- c. It can be demonstrated that the sport and recreation facility is surplus to requirements within the settlement and that any proposed loss would not result in a current or likely shortfall during the plan period (taking into account alternative forms of open space, sport and recreation in the area).*

...Development on visually important open spaces including those designated as Open Land Areas and Local Green Spaces on the Policies Map will not usually be supported unless

- it enhances the open character and/or recreational use of the land; and*
- is surplus to requirements (taking into account all of the functions it can perform), or,*
- where provision of equal or greater benefit is provided in the locality*

NPPF para 103 sets out that: “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) 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
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”

The North Norfolk Open Space Assessment – Final Version February 2020 was produced to support the emerging local plan. The assessment has confirmed an undersupply of different open space types in North Walsham, as follows:

Parish	Allotments	Amenity Greenspace	Parks and Recreation Grounds	Play (Child)	Play (Youth)	Population (2016)
North Walsham	-7.20 ha	-9.75 ha	-5.14 ha	-0.17 ha	-0.67 ha	12, 645

The application site are is approximately 3.8 hectares (ha). The indicative site layout remains unaltered since last reporting with the total open space proposed remaining at 1.63ha to be secured via by a s106 obligation. The proposal seeks to retain the tree lined frontage along the southern boundary of the site with Station Road and open elements to the east and the north of the site. The proposal inevitably results in the loss of some open character; however, that loss should be accurately assessed against indicative site layout plan proposals which deliver lower density development and preserves approximately 48% of the application site area as open land.

In accordance with NPPF para 103, an under supply is identified for all categories of Open Space at North Walsham. As such all areas of identified Open Space should either be retained or otherwise their loss should be appropriately compensated for.

Sport England objection (see **Appendix 3**) :

An objection has been previously reported on this matter when the case was heard in October 2021. Notwithstanding the above Sport England (SE) have retained an objection in principle to the loss of existing open space, formally used as playing field. Sport England have their own “Playing fields policy and guidance” document which was last updated in December 2021.

The guidance from SE sets out that “Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions”.

Sport England are of the opinion that the proposals would not meet any of the five exceptions of set out in their Playing fields policy and guidance.

In response to SE concerns, the applicant's point out that the site is in private ownership, it is fenced off and signed to deter any public access to the open land. The applicant has provided a detailed chronology which states that the land has not been used for sports or recreational purposes since 2017. There are no intentions to bring the site back into sports use. It is not required to meet sports requirements of the Colleges curriculum.

When consulted upon the applicant's chronology and supporting information SE have confirmed that they consider the proposals relate to the redevelopment of a playing field that had not been recently used for sport, similarly to an appeal decision APP/U4610/A/12/2176169. This decision letter notes that there were no physical features preventing the site being unsuitable for outdoor sport, there is no distinction between public or private land in the relevant section of the NPPF, and that there is no definition of the term “existing” in relation to abandonment of the sports use.

In such circumstances then SE direct decision makers to the offsetting of playing field loss under SE policy / NPPF 103 towards mitigation of the impacts arising. The SE response of July 2024 sets out how the mitigation is calculated under their own guidance. The mitigation should equate to the current grass playing field or equate to a grass playing field of the same size.

The consultation section above details how SE calculated the figure based on 31,163 sq. m (3.12 ha) of the application site and then running through a costs multiplier to arrive at a figure of £554,382.22. The compensatory funding should be made available for use on a local project.

The Football Foundation and Norfolk FA advised SE on July 24, 2024, that North Walsham Town Football Club is located 2.5 miles away (Greens Road) from the proposed residential development and is identified within the North Norfolk Local Football Facility Plans (LFFP) as a strategic priority site for a 3G build and a pavilion refurbishment. This has historically been supported by elected members for North Walsham in their previous referral of this case to Development Committee.

The most recent representation from Sport England would only support a relaxation of the objection if a commuted sum of £554,382.22 were made available to support the delivery of a 3G pitch at North Walsham Football Club or other identified infrastructure for the Football Club.

Officers can confirm agreement with SE that the local football club, North Walsham Town FC, based at Greens Road would be the right project to pursue should this go forward. A 3G pitch remains a strategic priority for the town and a project has been in the pipeline there for a number of years, with capital funding set aside by NNDC to try to deliver it. In addition, the clubhouse does require some significant improvements and support to deliver this would help the club to grow its membership and develop overall.

The applicant remains committed to the provision of £45,483 to support infrastructure development at North Walsham Football Club. There was an apparent shortfall between SE expectations and the applicants of more than £500,000. No viability statement is available to support the applicant's position. Officers have previously reported on the contribution, accepting the commuted sum as part of a balanced mitigation to support a favourable recommendation in October 2021.

The projects at North Walsham have been identified as a strategic priority for North Norfolk District Council, the Football Foundation and Norfolk FA. As noted in the consultation section funding remains available for the delivery of the project identified by SE. The applicant's commuted sum would be available to support delivery of those benefits.

Once updated, SE have offered to assist with identification of further projects locally that may otherwise be funded by the mitigation sum (or part of the mitigated sum not otherwise required at Greens Road) to mitigate the loss of the application site, i.e. in addition to the delivery of the works at North Walsham Football Club.

The applicants propose that weight is given to the current nature of the site and that it is not accessible for recreational purposes, against the accessibility of the site once developed with the retained and improved elements of open space and provision of a commuted sum for North Walsham Town Football Club.

The proposals remain a departure from Core Strategy Policy CT 1 and would not accord with NPPF Para 103. Further there is a retained objection from Sport England which will require that, if the Committee are minded to approve this application, the decision will need to be referred to the Secretary of State, via the National Planning Casework Unit, in accordance with The Town and Country Planning (Consultation) (England) Direction 2024 (7(b)).

Summary of the Principle of Development

Core Strategy Policies (SS1 and SS10) will support housing development in a primary settlement. Further support and positive weight is added by the application of the "titled balance" under the NPPF para 11(d) NPPF, where by there is an identified shortfall in housing land supply.

The proposal represents a departure from Policy ED 1 of the Site Allocations Development Plan, but as demonstrated there is evidence to suggest that a proposal will not come forward for the intended educational use of the land. Therefore, in accordance with Paragraph 122 of the NPPF, a departure from the Development Plan is justified in this context.

However, the proposal also represents a departure from Policy CT 1 of the Core Strategy and NPPF para 103, in that the development of circa 2ha of an allocated Open Land area is lost from the wider allocated Open Land. Finally, that the application is subject to an Objection from Sport England regarding the loss of the land formerly uses as a playing field. These factors will attract significant negative planning weight.

Any departure from the Development Plan will need to be considered against any material considerations which might justify a departure from the Development Plan. These considerations are set out within the Planning Balance section of the report.

2. Housing Mix and Affordable Housing Provision

The comments contained previously in the officer's report relating to housing mix assessment under policy HO1 remain equally relevant to members consideration of the application as reported today. For confirmation, although presented in outline form the indicative details supporting the application demonstrate that the requirements of policy HO 1 can be met on site at the Reserved Matters stage.

Policy HO 2, relates to the provision of affordable housing. A significant material change has occurred since last reported. The proposals will deliver 100% affordable housing and are linked to a Registered Social Landlord - Flagship. The proposal increases provision of affordable housing on site by 55%, i.e. by thirty units from 24 units to 54. The provision will be at least 80% social rented to accord with policy.

Strategic Housing Officers have confirmed that local Housing Need identifies that there are currently 1,261 applicants on the Housing List who have a housing need and would consider housing in North Walsham. This is the single highest demand for any settlement in North Norfolk. It is understood that the project is earmarked for early delivery with the Flagship projects portfolio.

The provision of the affordable houses on site will be secured through a Section 106 legal agreement containing the Council's standard terms in relation to phasing of delivery, protection as affordable housing in perpetuity, recycling and nomination agreements. Subject to this Section 106 agreement being completed then the proposal will more than double the affordable housing yield previously proposed under Policy HO 2 of the Core Strategy. This will attract significant positive weight, given the highest level of affordable housing demand in the district being experienced at North Walsham.

The proposal is therefore considered to be in full compliance with Core Strategy Policies HO 1 and HO 2.

3. Highways (updated)

The application was deferred from determination by the Development Committee for a number of reasons, those included the instruction for officers to return the application once an independent study of highway impacts had been undertaken. The minutes from the meeting show that members wished to see monitoring of traffic flows, with reference to the "access only restriction", also traffic speeds in the road section running to the rail bridge, the safety of the proposed junction, the need for road widening, and finally the capacity on the local road network for the proposed increase in vehicle movements.

This report is not supported by independent study of highway impacts, rather it is considered that given the passage of time and changes in material circumstances (see conclusion) it is now appropriate to return the matter for members consideration once again.

Officers note the recent consideration of application PF/22/1784 Land South of Norwich Road, North Walsham, for a hybrid application for 343 dwellings, 7 self-build plots and an elderly care facility by the Development Committee on 25 January 2024. The point of access approved for that scheme is at Hornbeam Road, approximately 100m to the southwest of the site access proposed under this application. It would appear disproportionate and inconsistent to insist upon an independent study of highway impacts being a prerequisite to members consideration of this application.

Officers have previously noted the local residents' concerns arising from highways safety, however those further comments received have not raised new material grounds. Rather they amplify previous existing concerns and assert that those concerns have not been effectively addressed by the proposed amendments.

Point of access

The view of NCC Highways officers remains that the precise design of the access is acceptable as shown on the amended plans provided to support the proposals. The proposals will provide a 6.0m wide access road with 1.8m wide footways and a 6.0m junction radii, achieving visibility splays of 2.4m by 43m. The proposals are supported by a Transport Assessment and Road Safety Audit with vehicle tracking plans. The access is considered safe and accessible.

Highway Safety

Detailed measurements of Station Road have been provided demonstrating that the road is on average between 5.0m and 5.2m in width, with the narrowest part of the road being 4.9m. The footway along the northern extent of Station Road varies from 1.7m to 1.4m. NCC would typically require road widths to be a minimum of 6 metres but note the road in this area is straight and visibility is generally good. On this basis no objection is reported from NCC Highways.

Further improvements will be required to the junction of Station Road/Norwich Road. The proposed off-site highway improvements are to be secured by way of condition.

Sustainability

Policy CT 5 requires that proposals will need to be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location taking into account modes of sustainable transport, safe access to the highway network without the detriment of amenity or character of the locality; and whether the wider network can accommodate the proposal.

The proposal is situated within the centre of North Walsham and within close proximity to the North Walsham Train station and adjoins the Weavers Way Cycle Path. Links for pedestrian and cycle ways across the site will connect to Station Road and the Weavers Way Cycle Path. The Transport Assessment includes appropriate assessment of routes to school from the application site.

Car Parking

Policy CT 6 relates to parking provision. Based on the indicative housing mix the proposals would require a minimum of up 114 car parking spaces. As an outline application with indicative layout then there are no precise details provided at this stage. However, the indicative layout does show garages and/or driveways for most dwellings. Officers note that the developable area of the site otherwise has the potential to meet these standards. The subsequent reserved matters applications will need to demonstrate policy compliance. Conditions can secure future compliance.

The proposed access is considered to meet the highway safety requirements of NCC and our officers. Officers note that Norwich Road is narrow but is otherwise mitigated, there are no objections to increased movement on the local network, the application is supported by a proportionate transport statement, and finally that improvements to the B1150 / A149 traffic signal junction will be secured via other recent approvals. Officers consider that the position is materially different from a highway's perspective than in October 2021, the proposal will comply with policies CT 5: The Transport Impact of New Development and Policy CT 6: Parking Provision. An independent study of highway impacts is no longer required to determine this application.

4. Open Space Provision – updated

Officers previously reported that The Open Space Assessment 2019 calculator assessment for the site was:

- 10,979 sqm. (Amenity Green Space);
- 122.20 sqm. Play Space (Children).

Further that the calculator requires off-site commuted sums:

- £16,380 towards Allotments equivalent to 733.20sqm.
- £124,930 towards off-site Parks & Recreation Grounds equivalent to 1,344.20 sqm.
- £8,383 towards Play Space (Youth) equivalent to 114.34 sqm.
- £37,100 towards Natural Green Space equivalent to 1,833 sqm.

This proposal now provides a total of 16,346sqm. of Open Space, including:

- A Locally Equipped Area of Play (LEAP): Minimum of 1,000sqm.
- A Local Area of Play (LAP): Minimum of 100sqm.
- An Outdoor Gym: Minimum of 100sqm.
- Formal Planting: Minimum of 750sqm.
- Amenity Green Space: Minimum of 10,979sqm.;and
- Retained and enhanced scrub: Minimum of 3,417sqm.

The proposals would exceed policy requirements of Amenity Green Space (AGS), and the Parks and Recreation and Play Space (Children) requirements. As a result of the provision of Parks and Green Space and Play Space for children being met on site.

In addition, the following off-site contributions will be sought:

- £16,380 towards allotments
- £8,383 toward Play Space (Youth)
- £37,100 towards Natural Green Space

The total open space overall far exceeds the requirements of the Open Space Calculator. However, the proposals would inevitably result in a net-loss of open space due to the loss of the allocated open land area under policy CT 1 (see section 1). Members are requested to note, in the discussion above, the objection from Sport England (SE) on this matter and shortfall in funding from this development under SE policy for replacement facilities.

The proposal would result in the loss of a designated open land area and is therefore a departure from policy CT 1. Officers note that the open space is fenced off and not accessible for public use, its last low-key use as sports pitches was over seven years ago. However, both SE policy and policy CT1 continue to consider the site as open space. The proposal seeks to provide more open space on-site than is required by the Open Space Calculator and additional off-site improvements will be secured through a legal agreement. Developer contributions will be in accordance with Policy CT 2 of the adopted North Norfolk Core Strategy.

5. Landscape and Trees - Updated

Access is a matter for determination at this stage. Supporting plans and documents show the loss of Two category “C” Pine Trees and a 37.6m section of hedgerow to form the proposed access. The applicants have provided an amended plan which seeks to mitigate losses at the site access by planting hedgerows on either side of the proposed estate road, immediately adjacent to the proposed access point.

Officers consider that the loss of the important features in the landscape is generally unacceptable. Ideally revised access arrangements would be pursued further west, but alternative access in that location would create potential conflict with the adjacent Victory Centre with resultant highway safety concerns.

There is supporting evidence in the Arboricultural Impact Assessment and later addendum that suggest retention of the trees is possible at the proposed access. On this basis, the expectation will be for the two pine trees to be retained and for suitable method statements to be provided to demonstrate that the trees can be retained via crown lifting and suitable construction practice. Retention of the trees will be conditioned, if this cannot be delivered, then suitable compensation would be required for the lost features. New tree planting would be required to be specified in any detailed landscape plans which will otherwise contribute to the long-term amenity and appearance of Station Road.

The partial loss of hedgerow remains an integral part of the current proposals and safe access cannot be formed without some loss. The proposals seek to compensate for partial loss of the feature by replanting a greater length than that lost. In addition, it has been agreed that the two mature pine trees which stand on either side of the access will be retained. As such the proposals will either retain important features or compensate for their loss.

The indicative master plan shows a lower density development with 13,0723 Sqm amenity open space and 3,417sqm of retained scrub. With appropriate conditions and completion of a s106 agreement the proposals will retain key elements of the existing character and ensure compliance with Policies EN 2, EN 4 and EN 9 of the adopted North Norfolk Core Strategy.

6. Ecology

Amongst other matters Members deferred the application for an ecological assessment of the hedgerow. Immediately following the committee meeting Officers confirmed that the section of hedge to be removed is not regarded as important or classified under the Hedgerow Regulations 1997 due to the relatively poor species mix. A mixed species double line hedge would improve biodiversity and result in a more resilient natural feature. Conditions may be attached to any planning permission which will make sure the new hedge is acceptable as part of an improved a habitat mix. On this basis Officers consider that member concerns have been explored and that any potential adverse impact on ecology arising from hedgerow loss at the access can be offset and managed to offer a more diverse habitat.

Since reporting the case material changes have arisen around three key ecological areas GIRAMS, BNG and nutrient neutrality.

GIRAMS

The Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) is an agreed strategy agreed between the Norfolk planning authorities and Natural England. The Strategy enables growth in the district by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance

caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. It would result in the significant features of the sites being degraded or lost, and these internationally important areas losing significant important areas for birds, plants and wildlife generally and, therefore, their designations. All net new residential and tourism development is required to mitigate the effects of the development.

This Strategy recommends a tariff approach to ensure funds are collected and pulled together to deliver the Recreational Impact Avoidance and Mitigation (RAMS) package proposed. This reflects the entirety of Norfolk including all partner Local Planning Authorities and would see a common tariff amount for all net new dwellings in the county (£221.17). This has been calculated from the RAMS mitigation package to cover the lifetime of the Local Plans.

The site is located within the Zones of Influence (Zoi) of several nationally and locally designated sites and Policy SS4 requires the protection of, and enhancement of the natural environment including the conservation and enhancement of Sites of Special Scientific Interest (SSSI's) in accordance with the Wildlife and Countryside Act.

The site is located within the Zoi of the Broads sites, East Coast sites, North Coast sites and Norfolk Valley Fens (and the associated designated sites), which are all vulnerable to recreational activities.

The GI/RAMS mitigation strategy is now a material consideration, and a financial contribution would be payable before permission is granted. The required payment of £221.17 has not been received at the time of writing. However, officers note that this is an outline application for up to 54 Dwellings and that there is a commitment to ensure that this mitigation will be provided by suitable clauses in the s106 agreement (as detailed in the updated SHRA). The Local Planning Authority as the 'competent authority' has completed an Appropriate Assessment and concluded that subject to securing the GIRAMS financial contribution, the planning application would not have an adverse effect on the integrity of the European Sites identified above from recreational disturbance, when considered alone and 'in combination' with other development.

Consultation with Natural England is not considered to be necessary as the proposed development would be subject to the GIRAMS payment to offset potential impacts of an increase in recreational disturbance to nearby Habitat Sites.

Consequently, the proposal follows the requirements of Policies SS 4 and EN 9 of the North Norfolk Core Strategy and approval of the application would not conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

BNG

Biodiversity net gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. Under the Environment Act 2021, all major planning applications granted in England (with a few exemptions) had to deliver at least 10% biodiversity net gain from 12 February 2024. BNG is measured using Defra's biodiversity metric and all off-site and significant on-site habitats will need to be secured for at least 30 years.

Members will note that this application was initially made valid on 14 September 2020, the application substantively predates the introduction of mandatory controls on 12 February 2024.

As such the proposals are exempt from mandatory BNG provision. The supporting ecological assessment notes that proposed new planning and land management will be designed to encourage biodiversity. Despite encouragement from officers, no BNG matrix has been completed and no specific level of voluntary commitment to BNG over the application site is given.

Notwithstanding this, Officers consider that the development as proposed and, subject to the imposition of conditions, will accord with the aims of Core Strategy Policy EN 9.

Nutrient Neutrality

The site falls within the Broads SAC catchment, which has been identified by Natural England as being vulnerable to increased nutrient levels generated by new development.

Likely significant effects can be ruled out in respect of water quality (nutrients) as there is no input into any SAC/ Ramsar (designated site). Foul water from North Walsham discharges to the North Sea rather than the Broads SPA, thereby eliminating foul water as a nutrient neutrality concern.

Summary

Subject to conditions and a Section 106 obligation, as outlined above, the proposal is in accordance with Policy EN 9 of the adopted North Norfolk Core Strategy.

7. Drainage & Flood Risk

The minutes from October 2021 show members also deferred the application for consideration of drainage impacts. During debate members recalled that the area had historic floodwater issues and queried how drainage would be dealt with. Members indicated a wish to see SUDs drainage included as part of the on-site drainage strategy.

Previously it was reported that the site is within Flood Zone 1 and the nearest area of increased flood risk is situated approximately 2km to the northeast of the site. The Northwest corner of the site is susceptible to surface water flooding and the surrounding road network to the west and southwest of the site is particularly vulnerable to surface water flooding.

Subsequently, a technical note was commissioned by the applicant (February 2022) which considers Anglian Water's response to the outline planning application as a review for the concerns of members.

Anglian Water had confirmed *“there are no assets owned by Anglian Water or 17 February 2022 PB7742-RHD-ZZ-XX-NT-Z-0001 2/3 those subject to an adoption agreement within the development site boundary”*. Furthermore, Anglian Water indicate that the *“foul drainage from this development is in the catchment of North Walsham Water Recycling Centre that will have available capacity for these flows”*. The Anglian Water response is based on the applicant's Flood Risk Assessment¹ undertaken for the site and indicates that the *“sewerage system at present has available capacity for these flows”*. The drainage engineers noted that the lead Local Flood Authority raised no objections to the application.

As part of the review Anglian Water confirmed that *“AWS have no assets at the site, and that the assessment of foul drainage from the development being accommodated by the current sewer capacity remained unchanged.”*

The Anglian Water Operations Team confirmed that there have been three incidents of flooding reported to Anglian Water in the vicinity of the site. One incident was due to the build-up of scale on the pipes, which were jetted to clean the sewer pipe. The two other incidents of flooding reported related to private sewers and were the responsibility of individual property owners to resolve. The Operations Team concluded that none of these incidents were related to sewer capacity in the network.

Based on the information provided by Anglian Water, the consulting engineers concluded that it is unlikely that the proposed development on Station Road would result in capacity concerns on the sewer network.

The applicant's Flood Risk Assessment confirms that SUDs systems will be compatible with the application site, the preferred systems will be infiltration and permeable surfaces. The soil type on site rules out effective provision of permanent wet land. At this outline stage the proposed strategy is to discharge all surface water generated at the site by infiltration, the rate of flow off the site is expected to be zero litres per second. However, a detailed drainage strategy will be required by condition to ensure the reserved matters proposals comply with Policy EN 10.

8. Climate Change

When deferring this application member also queried the appropriate consideration of responding to a climate emergency in drafting these proposals.

In this respect the applicant / RSL have responded and confirm that:

“Flagship Homes places a great emphasis on developing homes which help to minimise their impact on the climate and benefit the local environment and community. Our approach aligns well with NNDC’s Environmental Charter, Net Zero Strategy, and biodiversity work.

- *Flagship Homes has a Biodiversity plan and Green Spaces Improvement Plan, which inform our site planning and greenspace allocation.*
- *We provide each home with a 7kw electric vehicle charger, to encourage residents to make the switch to electric vehicles.*
- *All of our new homes are equipped with air source heat pumps, therefore do not use gas or electric based heating systems.*
- *Commitment to exceeding the policy requirement for green open space along with outside play and gym equipment.*
- *Using Modern Methods of Construction (MMC) to minimise construction waste and make use of better construction techniques.*
- *Post-construction should the responsibility fall to us to maintain the open space, our Biodiversity and Land Manager will work with our arboricultural and grounds maintenance teams to maintain the landscaped environment, along with involving the local community in its maintenance, creating wildflower meadows and quality amenity spaces.*
- *Additionally, over 85% of our company car fleet is either EV or PHEV (working towards 100%) reducing the impact on the environment.”*

Policy EN6 requires all new development to demonstrate how it minimises resource and energy consumption compared to the current minimum required under Building Regulations.

Proposals should consider how the development will withstand the longer-term impacts of climate change. All developments are encouraged to incorporate on site renewable and / or decentralised renewable or low carbon energy sources.

All new dwellings are encouraged to meet relevant sustainable building requirements by consideration of:

- orientation to maximise solar gain.
- use of low water volume fittings and grey water recycling.
- high levels of insulation.
- Orientation to maximise solar gain, and
- adequate provision for separation and storage of waste for recycling

Recent decisions for major housebuilding developments have required development to include on-site renewable energy technology to provide for at least 10% of predicted total energy usage.

The applicant's commitment to sustainability by introducing elements such as electric vehicle chargers and air source heat pumps for each dwelling, together with Modern Methods of Construction will reduce waste and deliver greater energy efficiency and lower greenhouse gas emissions.

Subject to the imposition of a condition to require a minimum of 10% on-site renewable energy as measured against predicted total energy usage is recommended, the proposal would comply with Policy EN6 Sustainable Construction and Energy Efficiency.

9. Other material considerations

Since last reporting to members there have been no changes to the indicative layout details, matters of Design and Amenity remain as previously reported. The site area is 3.8ha of which 2 ha are considered developable. The proposals represent a density of 27 dwellings per hectare, as against policy H07 requirement of minimum density at 40dph. However, density of development should respond to local character (NPPF Para 116c), the proposal does reflect the lower density of the locality and is considered an acceptable on this basis.

Officers note the reasons for deferral required further consideration of site permeability in terms of footpath access. Concerns were raised over suitability of the existing local footpath network and potential for proposed linkages to be unattractive during dark hours. The applicants have committed to providing access to Weavers Way and will address wider issues of pedestrian safety via the submission of reserved matters details. Officers note no objections from NCC on this matter. Subject to a condition, the indicative layout and the elements proposed are in accordance with Policy EN 4 and the guidance set out within the North Norfolk Design Guide.

On matters of Environmental Considerations (Noise pollution, Light pollution, refuse and waste and water quality) there is no change in the proposals since last reporting. Officers note that detailed contaminated land reporting, an archaeological scheme of investigation and refuse strategy will be conditioned, along with a requirement for a Noise Impact Assessment to support reserved matters applications. Subject to the proposed conditions the proposal is in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

Anglian Water have confirmed that capacity exists at the North Walsham Water Recycling Centre and used water within the existing sewerage system.

The site is situated within a Major Hazard Zone – pipeline (HSE). However, no objections are raised by either HSE or Cadent gas. Further consultation with stakeholders will be undertaken as part of the reserved matters process.

Network Rail have issued a requirement for an informative note which will be addressed via the detailed submission of reserved matters.

On heritage matters, the North Walsham Conservation Area is situated approximately 150m to the north of the site. However, the rail line to the west of the site effectively screens the site from the conservation area. With limited intervisibility and a significant landscape buffer then these proposals are considered not to give rise to any significant impact upon the Historic Environment. The proposals will be in accordance with Policy EN 8 of the North Norfolk Core Strategy.

As previously noted, the site is identified as being situated within a Mineral Safeguard Area. The Norfolk County Council Minerals Core Strategy Policy CS16 'Safeguarding mineral and waste sites and mineral resources' is applicable. A condition will be required to ensure that a Mineral Resource Safeguarding Assessment is completed as part of the Reserved Matters application.

10. Planning Obligations

A Section 106 Obligation is to be required to secure the following:

Affordable Housing

- 100% affordable housing on site

On-Site Open Space

A minimum of 16,346sqm. of Open Space on site which is inclusive of the following (as set out on the parameters plan):

- A Locally Equipped Area of Play (LEAP): Minimum of 1,000sqm.
- A Local Area of Play (LAP): Minimum of 100sqm.
- An Outdoor Gym: Minimum of 100sqm.
- Formal Planting: Minimum of 750sqm.
- Amenity Green Space: Minimum of 10979 sqm.; and
- Retained and enhanced scrub: Minimum of 3,417sqm.

Off-site Open Space

- £16,380 off-site open space contributions towards allotment provision/enhancement within North Walsham
- £45,483 off-site open space contributions towards the provision of new sports facilities and/or associated infrastructure within North Walsham.

Norfolk County Council Obligations

- Norfolk County Council Library provision: £75 per dwelling
- Mitigation works for the Weaver's Way trail £14,374.80

GIRAMS Tariff (formerly SPA/SAC contribution)

- GIRAMS visitor pressure monitoring and mitigation: £221.17 per dwelling

Fire Hydrant

A single fire hydrant will be required at a cost of £921. However, this can be secured by way of planning condition rather than S106 Obligation.

Subject to securing the above S106 Obligations, the proposal would accord with Policy CT 2.

11. Planning Balance and Conclusion

Members reasons for deferral are answered in the body of this report. The requirement for an independent study of highway impacts is now considered disproportionate and inconsistent with recent decisions in the immediate locality. Consideration of drainage impacts has been undertaken in an updated report. Permeability of the site in terms of footpath access has been secured by the applicants supporting letter, s106 clauses and detailed design at Reserved matters. Appropriate consideration of climate change is undertaken in the report, and an ecological assessment of the hedgerow is completed.

In any event, the proposals are recognised to now be materially different from last consideration in October 2021, in regard to the following respects:

- 100% affordable housing (30 additional units) in a primary location with the greatest level of housing need in the district.
- Reduction in open space 1.8ha to 1.63ha, Amenity Open Green Space 1.3 ha to 1.1ha and Outdoor Gym 500sqm to 100sqm.
- A revised access plan is provided with hedgerow planting

In addition, the material considerations in the determination of this application have changed in that the council is now unable to demonstrate a five-year (4.28) or four-year (3.67) housing land supply, the NPPF requires that the tilted balance is applied in favour of sustainable development.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise. The proposal to provide 54 affordable dwellings on land designated as an Open Land Area and an Education Allocation represents a departure from the Core Strategy and is contrary to Policies ED 1 of the Site Allocations Development Plan and Policy CT 1 of the adopted North Norfolk Core Strategy. The proposals are subject to a standing objection from Sport England about the loss of playing fields (NPPF 103).

The application will deliver significant material planning benefits including:

- Up to 54 new dwellings, which will boost the supply of housing in North Norfolk.
- 100% (previously 45%) affordable housing for General Needs accommodation
- Open Space provision on site of 1.63 hectares
- Open Space contributions to be provided towards allotments and a 3G sports pitch at North Walsham Football Club and/or associated infrastructure
- Employment opportunities during the development of the site

- Support the services and facilities of North Walsham
- Making an inaccessible area of open space accessible to the public
- Highways improvement works to the junction of Station Road and Norwich Road.

Furthermore, the Paston Foundation (applicant's) have confirmed that approximately £75,000 per annum will be provided for secondary education in Norfolk from the development. Members may well note these aspirations of the Paston Foundation; but Officers cannot recommend that any weight is afforded to this element in the planning decision making, as the contributions cannot be linked or secured in any way within a sound planning obligation.

The deficit in local open space is acknowledged within this report. However, this site is not currently publicly accessible, and officers find that the proposals will enable publicly accessible open spaces (on site) and linkages to the wider open space / footpath and cycleway network in the locality.

The concerns of Sport England (SE) are explored in the report - this proposal will take place on land which SE policy considers to be a playing field, and it does not provide the £554,382.22 commuted sum requested by SE for other playing field projects that would otherwise off set the harm arising under SE policy. However, members may note that the strategic project for North Walsham Town Football Club at Greens Road is to be funded in part by this development but is otherwise secured from third party funding. No other project is currently identified or available in the locality to take up the surplus funding.

When weighed in the context of the tilted balance NPPF 11 (d), the presumption in favour of sustainable development leads officers to concluded that there are no individual or cumulative adverse impacts which significantly and demonstrably outweigh the benefits in this case to indicate that development should be refused.

Whilst the proposal represents a departure from the Development Plan, it is considered that the material benefits arising would indicate that a departure is justified.

RECOMMENDATION:

Part 1: Delegate authority to the Assistant Director of Planning to APPROVE subject to:

1) Referral of the application to the Secretary of State, via the National Planning Casework Unit, in accordance with The Town and Country Planning (Consultation) (England) Direction 2024 (7(b))

2) Satisfactory completion of a S.106 Planning Obligation to cover the following:

- 100 % affordable housing on site
- A minimum of 16,346sqm. of Open Space on site which is inclusive of the following:
 - A Locally Equipped Area of Play (LEAP): Minimum of 1,000sqm.
 - A Local Area of Play (LAP): Minimum of 100sqm.
 - An Outdoor Gym: Minimum of 100sqm.
 - Formal Planting: Minimum of 750sqm.

- Amenity Green Space: Minimum of 10979sqm.;and
- Retained and enhanced scrub: Minimum of 3,417sqm.
- GIRAMS visitor pressure monitoring and mitigation: £221.17 per dwelling
- Norfolk County Council Library provision: £4,050 (£75 per dwelling)
- £14,378 (£266.20 per dwelling towards the Weavers Way Trail, North Walsham Circular Walks and Weavers Way County Wildlife Site.
- £16,380 off-site open space contributions towards allotments
- £45,483 off-site open space contributions towards the provision of a new 3G football pitch at North Walsham Football Club

3) The imposition of the appropriate conditions to include:

1. Time Limit
2. Reserved Matters
3. Plans
4. Indicative layout
5. Hard and Soft Landscaping Plans
6. Contaminated Land
7. Noise Impact Assessment
8. Fire Hydrant
9. Construction Traffic Management
10. Construction Environmental Management Plan
11. Arboricultural Impact Assessment
12. Tree protection
13. Access and Arboricultural Method Statement
14. Highways – Detailed Plans
15. Highways – On-site parking for construction workers
16. Highways – Completion of highways works
17. Highways – Highways to binder course
18. Highways – Visibility Splays
19. Highways – Off-site highway works
20. Flood Risk
21. Archaeology
22. 10% renewable energy
23. Small mammal gaps
24. External lighting

And any other conditions considered to be necessary by the Assistant Director of Planning.

Part 2:

That the application be refused if a suitable section 106 agreement is not completed within 4 months of the date of resolution to approve, and in the opinion of the Assistant Director

of Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale.

Development Committee



Please contact: Linda Yarham

Please email: linda.yarham@north-norfolk.gov.uk Direct Dial: 01263 516019

TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 13 October 2021

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 21 October 2021** at **9.30 am**.

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Please note that members of the public should not speak to Committee Members prior to or during the meeting.

PUBLIC SPEAKING :

Members of the public who wish to speak on applications must register **by 9 am on the Tuesday before the meeting** by telephoning **Customer Services on 01263 516150** or by emailing customer.service@north-norfolk.gov.uk. Please read the information on the procedure for public speaking at Development Committee on our website or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mrs P Grove-Jones, Mr P Heinrich, Mr A Brown, Mr P Fisher, Mrs A Fitch-Tillett, Dr V Holliday, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Dr C Stockton, Mr A Varley, Ms L Withington and Mr A Yiasimi

Substitutes: Mr T Adams, Dr P Bütikofer, Mrs S Bütikofer, Mr C Cushing, Mr T FitzPatrick, Mr V FitzPatrick, Mr N Housden, Mr J Punched, Mr J Rest, Mrs E Spagnola, Mr J Toye and Mr E Vardy

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

Chief Executive: Steve Blatch

Tel 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005

Email districtcouncil@north-norfolk.gov.uk **Web site** www.north-norfolk.gov.uk

Former Sports Ground, North Walsham PO/20/1251 – Erection of up to 54 dwellings with public open space, new vehicular access, landscaping and associated infrastructure (Outline application with full details of the proposed means of access only. Details of layout, scale, appearance and landscaping are reserved for future determination)

Major Development

-Target Date: 14 December 2020

-Extension of Time: 28 October 2021

Case Officer: Mr James Mann

Outline Planning Permission

SITE CONSTRAINTS

Designated Education Allocation within the Site Allocations Development Plan Document

Designated Open Land Area within the Core Strategy

Within the defined Settlement Boundary of North Walsham

Contaminated Land

Mineral Safeguard Area - Underlain by Sand and Gravel (Policy CS16 of the Norfolk Minerals and Waste Core Strategy)

Gas Pipe Buffer Zone

EA Risk of Flooding from Surface Water 1 in 30

EA Risk of Flooding from Surface Water 1 in 100

EA Risk of Flooding from Surface Water 1 in 1000

SFRA - Areas Susceptible to Groundwater Flooding

SFRA - Risk of Flooding from Surface Water + CC

RELEVANT PLANNING HISTORY

PLA/2008/1351

Playing Field, Station Road, North Walsham

Erection of Sixth Form College

Approved 10/01/2013

THE SITE

The site is situated to the south of North Walsham town centre, between the Bittern Line Railway to the north with the A149 beyond, Station Road to the south and the Victory Swim and Fitness centre adjoining the site to the east. In Planning Policy terms, the site is situated within the North Walsham Settlement Boundary, is a designated Open Land Area and is allocated for educational use.

Existing residential development is located to the south and to the west of the site. The majority of the dwellings to the south are late C19/ early C20 traditional two-storey red brick, tile and rendered properties of relatively low density with larger plot sizes. Directly to the east of the site are a number of bungalows which back directly on to the site itself. There are further single and two-storey properties to the northwest of the site.

The site is currently characterised by open recreational space (playing fields). However, the site is in the private ownership of the Paston Foundation; there is currently no public access to the site. This is illustrated by the 'Private Property' signage around the periphery of the site.

North Norfolk District Council have a lease agreement on the site adjacent to this site with an Options Agreement for part of this site. As part of this process North Norfolk District Council were served notice due to the highways works forming part of this leased land (included within the red line boundary), during this consultation North Norfolk District Council stated that the Options Agreement expires in 2022 and that there is no appetite to take up this Options Agreement.

THIS APPLICATION

This application is for the erection of up to 54 dwellings (including the provision of 45% affordable dwellings – circa 24) with public open space, new vehicular access, landscaping and associated infrastructure. This application is outline with full details of the proposed means of access, all other details (scale, appearance, landscaping) are reserved for future determination.

REASON FOR COMMITTEE CALL IN

This application has been called in to Development Committee on grounds of the policy conflicts in regard to the education allocation and open space.

CONSULTATION RESPONSES

A consultation was held between 15 September and 6 October 2020. Following additional information and revised plans a further 21 day consultation was held between 10 August and 31 August 2021.

North Walsham Town Council – Object

The Town Council feel that the developers have not taken their views into account following a presentation made to the parish. The Town Council have concerns regarding the width of the road and the amount of traffic that will subsequently use the road if permission is granted.

Network Rail – No objection, subject to an informative note

Network rail raise concerns regarding the existing trees on the north of the site, and require demonstration that the underpass access can still be maintained.

Advice is given by Network Rail on a number of potential issues that may arise from development within close proximity to the rail network.

An Informative note is proposed to ensure that the issues are considered before the submission of any Reserved Matters application.

British Pipeline Agency Ltd – No objection

No pipelines apparatus falls within the vicinity of the site

National Grid (now Cadent Gas Ltd) – No objection, subject to an informative note

An informative note is required to set out what should be undertaken prior to any on-site works

Health and Safety Executive (HSE) - Do not advise against

Natural England – **no comments made, formal advice given**

Sport England – **Object, if minded to approve the application should be referred to the Secretary of State, via the National Planning Casework Unit.**

The loss of the open space does not meet any of the exceptions as set out by Sport England. The Norfolk FA would be supportive of an off-site financial contribution toward a 3G sports pitch at North Walsham Football Club.

In the response it quotes the Norfolk FA as saying that Station Road is currently used for recreational football activity and by the FE college. A subsequent comment from the FA stated that they are happy to be led by the college – in that no football activity has been carried out since 2017 – and confirm that there is no affiliated football being placed at the facility.

However, the application is still not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Local Highway Authority (Norfolk County Council (NCC)) – **No objection subject to conditions**

Original objection made on 11 December 2020 on the basis of a lack of information and this was followed up with further comments and holding objections on the 19 January and 9 April 2021. Following the provision of further information, the objection was removed subject to conditions.

Education – Children's Services (NCC) – **No objection**

Norfolk County Council as the Education Authority have no requirement for the site at the present moment in time, nor any medium-long term plans for the site.

Historic Environment Officer (NCC) – **No objection subject to conditions**

Conditions required to ensure that an archaeological written scheme of investigation is submitted and then carried out prior to the commencement of development.

Lead Local Flood Authority (LLFA) (NCC) – **no objection subject to conditions**

No objection subject to a condition in regard to the agreement of further details prior to occupation.

Planning Obligations Co-ordinator (NCC) – **obligations sought**

There is spare capacity in the Early Education sector and at Primary and High School levels - no contribution required.

Library provision – £4,050 (£75 per dwelling)

1 fire hydrant required at a cost of £921 by way of planning condition

£266.20 per dwelling for mitigation works for the Weavers Way Trail, North Walsham Circular Walks and Weavers Way County Wildlife Site by means of necessary improvements including, but not limited to:

- Enhancing surface treatments,
- Improvements to access points,
- Improved signage for/to the Trails network in the vicinity of the site
- Biodiversity measures within the Weavers Way County Wildlife Site.

Public Rights of Way & Green Infrastructure (Norfolk County Council) – obligations sought

Recommend an informal circular path encompassing the whole site to help alleviate the increased footfall and consequent impact on the adjacent Weavers Way long-distance Norfolk Trail and County Wildlife site.

Anglian Water – comments made

Assets – none affected

Wastewater – North Walsham Water Recycling Centre has capacity for these flows

Used Water – Sewerage system has capacity for these flows – informative required if connecting to an Anglian Water network

Surface Water- Preferred connection is via a sustainable drainage system.

Finance & Asset Management Team (North Norfolk District Council (NNDC)) – No comment made

Sports & Countryside (NNDC) – No comment made

Conservation and Design Officer (NNDC) – No Objection made

All matters reserved except access are reserved at this time.

Landscape Officer (NNDC) – No objection subject to conditions

Ecology

A significant portion of the site is currently amenity grassland (former playing field) surrounded by patches of scrub and rough grassland, and semi-mature to mature trees. It is adjacent to the Weavers Way, main railway line, and further greenspace to the north-east. Three sections of hedgerow exist on the site as well as a mature oak tree.

The Landscape Section consider that, contrary to the Ecological Assessment, the scrub areas of the site to north contain potential for foraging bats and that these areas should be protected and enhanced as important ecological corridors of movement. These should remain as scrub and not be gentrified through the development process. It is also considered that this area has biodiversity value and the loss would have a negative impact upon biodiversity.

There will also be an impact on the species able to utilise the site for foraging once developed due to the increased amount of artificial light pollution. As lighting is likely to be included as part of the development (both street lighting and external domestic lighting) then the suitability of the habitat for foraging bats will decrease dramatically.

Ability to establish biodiversity corridors limited due to the outline nature of the application.

Shadow HRA

A Shadow HRA has been completed for the application by Hopkins Ecology which states that the proposed development will not have an impact on the integrity of any International or European sites. The Shadow HRA has reached this conclusion on the assumption that a significant effect is not considered likely and an Appropriate Assessment has not been carried out.

The Landscape Section consider that a likely significant effect cannot be ruled out due to the in combination effects of recreational disturbance on the Broads, Norfolk Valley Fens, East Coast and North Norfolk Coast 'European Protected' sites according to the most up to date evidence gathered as part of the emerging Norfolk GI/RAMS project. This project has calculated that the Zone of Influence (ZOI) for recreational impacts arising from the in combination effects of residential development for the Broads is 25km, the Norfolk Valley Fens is 15km, the East Coast sites is 30km and the North Norfolk Coast is 42km.

Natural England have provided comment on the application and have not raised any objections, however the Local Planning Authority is the Competent Authority under the Habitats Regulations and is required to assess the application and the potential for likely significant effect on European Sites.

Natural England have provided interim advice to local authorities (dated 12th August 2019) regarding the emerging Norfolk GI/RAMS and the evidence based calculated ZOIs. NE anticipate that any new residential development within an identified zone will constitute a likely significant effect on the sensitive interest features of the identified designated site through increased recreational pressure, either when considered alone or in combination. The Landscape Section recommend that the Shadow HRA is amended to reflect the most recent and up to date evidence base and that if necessary mitigation is secured to reduce the impact to an acceptable level (no adverse effect in the integrity of the designated sites). This mitigation is likely to take the form of a developer contribution in line with the emerging Norfolk GI/RAMS, which is currently in the region of £200 per dwelling. A S106 would need to be prepared to reflect this expected requirement.

Landscape Impact and Landscape Design

Site designated under Policy CT 1 and forms, collectively with the Victory Leisure Centre and area to the east of the railway line, forms a composite area of open space. It is a notable area of open undeveloped land west of the A149 within the main town settlement, and performs an important function providing a green link between an established residential area and the town centre.

Given that this is an Outline application to determine access only, there can be no guarantee of the quality, or amount of open space that will ultimately be assigned within any future site layout, all of which is currently purely indicative.

Arboriculture

The removal of the hedge and the replacement of the hedge is considered to be acceptable.

A full Arboricultural Method Statement to cover the construction of the access road on to the site from Station Road is required to be submitted prior to the commencement of development.

Strategic Housing (NNDC) – no objection subject to conditions

24 of the 54 homes are proposed to be affordable, equating to the 45% required. There are 1,337 households on the council waiting list who want to live in North Walsham, 183 are in the top priority bands 1 and 2. In addition 12 include a wheelchair user.

If possible the developer should consider replacing some of the two and three-bed homes with one-bed homes and providing some homes suitable of meeting the needs of wheelchair users.

Space Standards - The developer proposes that the two-bed homes are suitable for four person occupancy and the three-bed homes are suitable for five person occupancy. This makes the homes suitable for four and five person households and allows flexibility of use for different household types.

Economic Development (NNDC) – no objection

No objection subject to all commercial and economic uses being explored on the site

Planning Policy Officer (NNDC) – objection, subject to further information

Proposal in conflict with Policy CT 1. Further information required in regard to the Open Land use of the site and whether or not this land is required within North Walsham.

Property Services (NNDC) – No objection

Whilst there is an option agreement on the land this expires on 30.09.2022 there is no appetite for the Council to take up this option agreement. The Leisure Facilities and Playing Pitch Strategy highlights the need for a 3G pitch but that this is to be provided at the Greens Road Site.

Environmental Health (North Norfolk District Council) – No objection subject to conditions

Contaminated Land - Full investigation and assessment into the presence of possible contaminants affecting the site shall be carried out in accordance with the land quality preliminary risk assessment conclusion, 7.1.7. No development of areas subject to possible contaminants until remediation work has been undertaken as agreed by the Local Planning Authority.

Noise - Noise Impact Assessment required

External Lighting - Details requires prior to the installation of any external lighting

REPRESENTATIONS

14 representations were made during the initial formal consultation period. 13 were in **objection** whilst 1 general comment was made. The following are a summary of the points raised:

- Increased traffic and speed of traffic
- Open space / green field / play space needs to be retained
- Poor access, including those with disabilities
- The site is allocated for education/open space
- Not part of the Development Plan for North Walsham
- Local services and facilities and the infrastructure (in particular water) are stretched / limited / over capacity
- Wildlife – nearby pond in residential garden not assessed by the ecological report. Also sightings of wildlife including birds of prey, deer and bats.
- The pavement along Station Road is narrow
- Local Planning Authority should consult with Sport England
- The findings of the Open Space Study should be taken into consideration when assessing this application
- Proximity to gas storage tanks
- Covenant on the site
- Should be developing on brownfield land
- Clarification of the access of the development
- Little in the way of traffic analysis undertaken
- Concerns raised around boundary treatments
- Will the money benefit North Walsham

A further 5 representations were made during the second 21 day consultation, all raised in **objection** on the following grounds:

- Road infrastructure not adequate and would represent a safety risk
- Pavement is very narrow
- Site was left to the town as a recreation use
- Not earmarked for development in the Development Plan, designated for an education/open space use
- The traffic survey is now considered to be out of date
- Damage to wildlife
- Access should be through Victory swimming pool site
- Impact upon the value of properties

LOCAL MEMBER CONTACT

The Local Members, Cllr. Lloyd and Cllr. Birch were consulted through the formal consultation period. Correspondence was sent on 15 March 2021 to update on the main considerations. Cllr. Lloyd on the 16 March set out that if a positive recommendation were to be made that in order to mitigate the loss of open space contributions should be sought towards North Walsham Football Club, Bradfield Cricket Club and/or North Walsham Rugby Club with a preference for North Walsham Football Club. A further email was sent to Cllr. Lloyd and Cllr. Birch on 5 August 2021 and given the policy conflicts in regard to open space and education land it was considered that the application should be called in to Development Committee.

HUMAN RIGHTS IMPLICATIONS

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.

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

The application raises no significant crime and disorder issues.

RELEVANT POLICIES

North Norfolk Core Strategy (2008)

SS 1: Spatial Strategy for North Norfolk
SS 4: Environment
SS 6: Access and Infrastructure
SS 10: North Walsham
HO 1: Dwelling Mix and Type
HO 2: Provision of Affordable Housing
HO 7: Making the Most Efficient Use of Land (Housing Density)
EN 4: Design
EN 6: Sustainable Construction and Energy Efficiency
EN 9: Biodiversity & Geology
EN 10: Development and Flood Risk
EN 13: Pollution and Hazard Prevention and Minimisation
CT 1: Open Space Designations
CT 2: Developer Contributions
CT 5: The Transport Impact of New Development
CT 6: Parking Provision

North Norfolk Site Specific Allocations DPD (2011)

ED 1: Paston College Relocation

Other Material Considerations:

National Planning Policy Framework (NPPF) (2019):

Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment

Supplementary Planning Documents (SPDs)

North Norfolk Design Guide (2008)
Landscape Character Assessment (2021)

OFFICER ASSESSMENT

Main Issues:

1. Principle of Development
2. Housing Mix and affordable housing provision
3. Highways
4. Design and Amenity
5. Open Space Provision
6. Landscape and Trees
7. Ecology
8. Flood Risk
9. Environmental Considerations (Noise pollution, Light pollution, refuse and waste and water quality).
10. Other considerations (Flood risk – Minerals and Waste – Archaeology)
11. Section 106 Obligations
12. Planning Balance and Recommendation

1. Principle of Development

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises the Core Strategy (2008) (CS) and the Site Allocations Development Plan Document (DPD) (2011). Although the development plan preceded the National Planning Policy Framework (NPPF) published in 2012 and updated in 2018 and again in 2021, the relevant policies are consistent with the NPPF. Furthermore, the Council can currently demonstrate a Five Year Housing Land Supply. As such, the policies within the development plan are considered to be up to date, and, therefore, should be given full weight in decision-taking.

The site as proposed, is situated within the settlement boundary of North Walsham, a town defined as a Principle Settlement through Policy SS1 of the Core Strategy (CS). Principle Settlements are considered the most sustainable locations for growth within the defined settlement hierarchy; North Walsham provides services and facilities to the residents of the town itself and performs a functional role to the wider rural community.

The site is designated as an Open Land Area under Policy CT1 of the Core Strategy and is also allocated through the Site Allocations DPD, Policy ED1, for educational purposes. These designations are fundamental to the consideration of this application and due consideration is set out as follows.

Education Allocation (Policy ED1)

The site is allocated through Policy ED1 of the Site Allocations Development Plan Document for educational purposes. The intention of the policy was to allow for Paston College, currently operating on two sites, to re-locate its operations onto one site (the proposed site for this application). An application (PF/08/1351) for the relocation of Paston College onto the site, in line with Policy ED1, was granted planning permission in 2013. However, the permission was not implemented and expired as of the 10th January 2018.

It is set out in the Supporting Statement for this proposal that following the grant of permission in 2013 for the relocation of Paston College, government funding was not forthcoming and that, combined with cuts in public spending, the plans for the relocation of the college were abandoned. The operation of Paston College was transferred to Norwich City College in 2017 and they have confirmed that they have no educational requirement for the land at Paston Park (this proposed application site).

The Norfolk Football Association (FA), quoted within Sport England's objection letter, stated that the site is used by the college to host curriculum based activity, but this is disputed by the applicant who affirm that the site has not been used since 2017. The FA do however confirm that no affiliated football is being played on this site.

Further to this, Norfolk County Council in their role as the Education Authority have set out that there would be no need for education contributions from this proposal and that the site itself is not required by the County Council for education purposes.

It must also be noted that the Paston Foundation have expressed that approximately £75,000 could go towards secondary education in Norfolk per annum as a result of the predicted sales from this development. This cannot be secured in any way through obligation nor can this be said to meet an identified need, therefore no weight is given to this, but it is important to highlight the aspirations of the Paston College Foundation.

In any event, any proposal on this site should be in conformity with the wording of Policy ED1 unless it can be demonstrated, in line with Paragraph 122 of the NPPF, that there is no reasonable prospect of an application coming forward for an educational use. Where this can be demonstrated, Paragraph 120 makes clear that Local Planning Authorities should support applications for alternative uses on the land where the proposed use would contribute to meeting an unmet need for development in the area.

On the basis of this evidence it is considered that there is no reasonable prospect in the site coming forward for the intended education use. Therefore in line with Paragraph 122 of the NPPF, this departure from Policy ED 1 of the Development Plan is justified.

Open Land Designation

The site is also designated as an Open Land Area under Policy CT1 of the adopted Core Strategy. Open land Areas are defined as: "*Areas of open space which make an important contribution to the appearance of an area or opportunities for informal recreation*". Policy CT1 states that development will not be permitted on Open Land Areas except where it enhances the open character or recreational use of the land.

An Amenity Greenspace Study review, commissioned by North Norfolk District Council to provide evidence for the emerging Local Plan, was undertaken in April 2019 and concluded that the site should continue to be designated as open space, specifically 'Amenity Green Space and Education/Formal Recreation Area'.

In terms of open character, this proposal is situated on a site totalling approximately 3.8 hectares and the total open space proposed equates to a minimum of 1.84 hectares (further detail in regard to open space provision is set out in Section 5 of this report). The proposal also seeks to retain the tree lined frontage along the southern boundary of the site with Station Road and retains open elements to the east and the north of the site. Whilst this proposal would result in the loss of open character, the provision of approximately one third of the site being retained as open space goes some way to compensate for this loss.

Further, in terms of recreational use, the site, at present, is locked and fenced. This proposal seeks to provide a significant amount of Parks and Recreation land on the site, which will be fully accessible to the public.

Notwithstanding that the site has not been accessible since 2017, Sport England raised objection to the loss of the designated open land, however, note that a financial contribution toward North Walsham Football Club would be supported by the Football Association. This is further expanded within Section 5 of this report.

Given the statutory objection from Sport England, this would not be considered to be in accordance with Policy CT 1 and would represent a departure from policy. However, weight is to be given to the current nature of the recreational value of the site and the monies that would be provided toward the Football Club in North Walsham. These material considerations are considered in the planning balance of this report.

Summary of the Principle of Development

The proposal represents a departure from Policy ED 1 of the Site Allocations Development Plan, but as demonstrated there is evidence to suggest that a proposal will not come forward for the intended educational use of the land. Therefore, in accordance with Paragraph 122 of the NPPF a departure from the Development Plan is justified. The proposal also represents a departure from Policy CT 1 of the Core Strategy in that the development of two-thirds of an Open Land area, would, by definition, result in the loss of an open land area.

This departure from the Development Plan is considered against the material benefits within the planning balance set out in the conclusion of this report (Section 12).

2. Housing Mix and Affordable Housing Provision

Although a reserved matter, Policy HO1 states that on schemes of five or more dwellings at least 40% of the total number of dwellings should be two bedroom dwellings and should not comprise more than 70sqm internal floor space and that 20% of dwellings shall be suitable or easily adaptable for occupation by the elderly, infirm or disabled.

In line with Policy HO1, a scheme for 54 dwellings would be expected to comprise of the following:

- 22 two bedroom dwellings, comprising not more than 70sqm internal floorspace

- 11 suitable or easily adaptable dwellings for occupation by the elderly, inform or disabled, such as to Lifetime Homes standards.

The Planning Statement in support of this application sets out that 25 of the 54 dwellings would be two-bedroom, which is well above the requirement within Policy HO1, further 12 of the proposed dwellings are bungalows. It is recommended that the applicant consider the inclusion of more one-bedroom dwellings and more wheelchair accessible homes as part of any reserved matters application. This would indicate that the policy requirements can be met on site at the Reserved Matters stage and is therefore in accordance with Policy HO 1.

Policy HO 2, states that proposals of 10 or more dwellings are required to provide at least 45% affordable housing on site, of which, 80% should be social rented accommodation. The affordable housing is expected to be provided on site in groups of not more than eight units.

This proposal seeks to provide 24 affordable houses on site, equating to the 45% affordable housing requirement. These would be for general needs houses and Strategic Housing have set out that there are 1,337 households on the Council's housing list (as of 8 April 2021) who want to live in North Walsham, of these 183 are in the top two priority bands 1 and 2.

Members should note that the Council's District Valuer has independently assessed the proposals and considers that 45% affordable dwellings can be delivered on the site.

The provision of the 24 affordable houses on site will be secured through a Section 106 legal agreement containing the Council's standard terms in relation to phasing of delivery, protection as affordable housing in perpetuity, recycling and nomination agreements. Subject to this Section 106 agreement being signed the proposal is considered to be in accordance with Policy HO 2 of the Core Strategy.

3. Highways

Policy CT 5 sets out that development will need to be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location taking into account modes of sustainable transport, safe access to the highway network without the detriment of amenity or character of the locality; and whether the wider network can accommodate the proposal.

Highway Access

This outline application includes details of access. The site is proposed to be accessed from Station Road via a single means of access. The access as shown the Preliminary Site Access Design plan (2 Feb 2021) provides a 6.0m wide access road with 1.8m wide footways and a 6.0m junction radii, achieving visibility splays of 2.4m by 43m. Additional tracking has been provided to show this will be accessible by all vehicles.

Subject to conditions to ensure the visibility splays remain in place and the highways works are undertaken in accordance with these plans it is considered that the access is considered to be acceptable and in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

Highway Safety

Norfolk County Council in their role as the Highway Authority initially had concerns regarding the width of Station Road, with a requirement for developments of this scale to typically be served by a 5.5m width road. Detailed measurements of Station Road were subsequently provided demonstrating that the road is on average between 5.0m and 5.2m in width, with the narrowest part of the road being 4.9m. The footway along the northern extent of Station Road is typically 1.7m narrowing to 1.4m toward Norwich Road. Notwithstanding that this is less than what the Highway Authority would typically require in this location, given that Station Road is relatively straight and has access to the wider highway network at both ends the Highway Authority have not raised an objection on these grounds.

Further improvements are required to the junction of Station Road/Norwich Road and this is within the same ownership, albeit currently leased to North Norfolk District Council. Notice was served on North Norfolk District Council, as the leaseholder of the land, and the red line boundary was subsequently amended to include this area of land. The proposed off-site highway improvements are to be secured by way of condition.

Subject to conditions, the proposal is considered to be in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy in regard Highway Safety.

Sustainable Transport

The proposal is situated within the centre of North Walsham and within close proximity to the North Walsham Train station and adjoins the Weavers Way Cycle Path. The indicative layout of the site demonstrates pedestrian and cycle ways across the site connecting Station Road and the Weavers Way Cycle Path. Norfolk County Council in their role as the Highways Authority initially raised concerns regarding the Transport Assessment as this did not provide an assessment of the route to school. However, this was included in a revised Transport Assessment and this is considered to be acceptable from a sustainable transport perspective.

Subject to a condition to ensure that the layout mirrors the principles set out within the indicative layout the proposal would be considered to provide for safe and convenient access on foot, cycle public and private transport and is therefore considered to be in accordance with CT 5 of the adopted North Norfolk Core Strategy.

Car Parking

Appendix C of the adopted Core Strategy provides the detail for Policy CT 6 in regard to quantum of parking. Based on the indicative housing mix of:

25 2-bed dwellings;
26 3-bed dwellings; and
3 4-bed dwellings.

Based on Appendix C this would require a total of 111-114 car parking spaces. 2 per 2/3-bed dwelling and 3 minimum to 4 maximum on the 4-bed dwellings. No detail has been provided of this, however, the indicative layout shows garages and/or driveways for most dwellings and the developable area of the site is considered large enough to provide the sufficient car parking requirements.

The layout is a reserved matter, but a condition will be sought to ensure that the layout will seek to address the minimum parking standards in line with the principles of the indicative layout. Subject to this condition, the proposal is considered to be in accordance with Policy CT 6 of the adopted North Norfolk Core Strategy.

4. Design and Amenity

This application is for outline only with all matters reserved, save access. The design comments relate to the high level principles of density and use of the land therefore in line with Policy EN 4 of the North Norfolk Core Strategy and the supporting guidance set out within the North Norfolk Design Guide.

Land use

A minimum requirement of 1.84ha will be secured by way of planning obligation through a Section 106 agreement and this is shown on the 'Parameter Plan – Open Space, Movement and Access'. The site totals 3.8ha and approximately 2 ha of the site comprise the developable area.

Policy HO 7 requires that in Principle Settlements, which North Walsham is defined as in Policy SS 1, that densities are not less than 40 dwellings per hectare. The National Planning Policy Framework in paragraph 122 emphasises that decisions should support development which makes efficient use of the land, specifically mentioning the desirability of maintaining an areas' prevailing character and setting.

On the basis of a developable area of approximately 2ha and the provision of up to 54 dwellings this would approximately translate to 27 dwellings per hectare. This would be well below the minimum of 40 dwellings per hectare as prescribed by Policy HO 7, but, given the current character and use of the site, the proposal would represent an efficient use of the land and is therefore in accordance with Paragraph 122 of the NPPF.

Layout

The indicative layout demonstrates that there is sufficient space to provide a suitable dwelling mix, with adequate gardens and room for parking provision. The indicative layout also seeks to maximise connectivity through the site linking to the Weavers Way Cycle Path immediately adjacent to the north of the site. This provides improved access from Station Road to the Weavers Way Cycle Path. The indicative layout is considered to be in accordance with Policy EN 4 and the guidance set out within the North Norfolk Design Guide.

A condition will be set out to ensure that the layout reflects the principles of the indicative layout.

Noise

Due to the proximity of the site to nearby railway line and the A149 to the north and the swimming pool to the east concerns have been raised regarding noise. The indicative layout and the proposed developable area are considered to be large enough to ensure that the necessary mitigation can be undertaken. However, a Noise Impact Assessment is required to be secured by way of condition to inform the layout of the proposal.

Residential Amenity

Policy EN 4 states that '*Proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity.*' The North Norfolk Design Guide in Paragraph 3.3.10 sets out minimum distances between dwellings looking at different types of elevation based on the living accommodation views that would be affected. Although this proposal is outline and the layout is indicative, it is imperative to ensure that the quantum of development can be delivered on this site without having a detrimental impact upon neighbouring residential properties and within the proposed site itself.

Existing Residential development

The properties to the south east of the site, situated on the north of Station Road are two-storey properties with large rear gardens. Based on the indicative layout, the proposal would be approx. 30m window to window, which is well in excess of the minimum distances required in the North Norfolk Design Guide.

The properties on the western boundary, along Oak Road are single storey bungalows with limited amenity space. The distances here would be approximately 22m which would be considered acceptable in

There is a standalone property off Oak Road, which is approximately 20m from the indicative layout, however, it is considered that any arising impact can be mitigated through careful consideration of layout at the Reserved Matters stage.

New Residential development

Some of the internal measurements between properties are below the distances set out within the North Norfolk Design Guidance. However, the layout is indicative and it is unknown at this stage the internal layouts of the dwellings. It is considered that this can be carefully designed to mitigate any impact upon residential amenity.

Summary

Whilst the development represents a departure from Policy HO 7 in regard to density of development, this is in accordance with the National Planning Policy Framework. Subject to a condition, the indicative layout and the elements proposed are considered to be in accordance with Policy EN 4 and the guidance set out within the North Norfolk Design Guide.

5. Open Space Provision

The Open Space Assessment 2019 calculator sets out that a scheme of 54 dwellings would be required to provide the following on site provision:

- 1,220.00 sqm. (Amenity Green Space);
- 122.20 sqm. Play Space (Children).

The calculator also requires an off-site contribution towards the following:

- £16,380 towards Allotments equivalent to 733.20sqm.

- £124,930 towards off-site Parks & Recreation Grounds equivalent to 1,344.20 sqm.
- £8,383 towards Play Space (Youth) equivalent to 114.34 sqm.
- £37,100 towards Natural Green Space equivalent to 1,833 sqm.

This proposal seeks to provide a total of 18,840sqm. of Open Space on site which is inclusive of the following:

- A Locally Equipped Area of Play (LEAP): Minimum of 1,000sqm.
- A Local Area of Play (LAP): Minimum of 100sqm.
- An Outdoor Gym: Minimum of 500sqm.
- Formal Planting: Minimum of 750sqm.
- Amenity Green Space: Minimum of 13,0723sqm.;and
- Retained and enhanced scrub: Minimum of 3,417sqm.

According to the definitions set out within Section 5.2 of the Open Space Assessment 2019 this open space would meet the requirements of Amenity Green Space (AGS), Parks and Recreation and Play Space (Children). As a result of the provision of Parks and Green Space and Play Space for children being met on site, the following off site contributions are to be sought:

- £16,380 towards allotments
- £8,383 toward Play Space (Youth)
- £37,100 towards Natural Green Space

The total open space overall exceeds the requirements of the Open Space Calculator, but would result in a net-loss of open space due to the loss of the allocated open land area. This has raised objections from Sport England who, despite the use of the land not being accessible to the public, object on the basis that this would represent a departure from Para 99 of the NPPF and that the proposal does not meet any of the exceptions set out within Sport England Policy. However, they also raise that Norfolk County Football Association are keen for monies to be directed toward a 3G Pitch in North Walsham.

The North Norfolk Open Space Study 2019 highlights that North Walsham has a significant deficit of all typologies of open space. Particularly Allotments (deficit of 7.2 hectares), Amenity Greenspace (deficit of 9.75 hectares) and Recreation Grounds (deficit of 5.14 hectares). This scheme is providing additional Amenity Greenspace and Parks and Recreation Space. It is important to ensure that off-site provision is made towards to allotments to meet this identified need. However, the remaining off-site open space contributions are proposed to be directed towards the provision of a 3G Pitch at North Walsham Football Club as follows:

- £16,380 towards allotments
- £45,483 towards the provision of a new 3G football pitch at North Walsham Football Club

Whilst the provision of this monies to the football club does not alleviate or overcome the objections raised by Sport England, the existing playing field is closed to the public and the on-site provision and the off-site contributions would provide a significant community benefit in regard to accessible open space.

Within Sport England's latest objection letter is a quote from the Norfolk Football Association which asserts that Station Road is used for recreational activity. However, Paston College have provided evidence to suggest that the site has not been used since 2017. The Norfolk Football

Association subsequently clarified their comments by confirming that no affiliated football is being played at the facility.

Sport England maintain their objection and if Members make a positive recommendation then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Whilst this proposal would result in the loss of a designated open land area and is therefore contrary to policy CT 1 (as established in Section 1 of this report), this proposal seeks to provide more open space on-site than is required by the Open Space Calculator and additional off-site improvements which can both be secured through a legal agreement. It is therefore considered to be in accordance with Policy CT 2 of the adopted North Norfolk Core Strategy.

6. Landscape and Trees

Policy EN 2 sets out that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the following relevant elements of the landscape:

- the special qualities of the distinctiveness of the area;
- distinctive settlement character;
- the pattern of distinctive landscape features, such as watercourses, woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife; and
- the setting of, and views from, the North Walsham Conservation Area.

The site, together with Victory Leisure Centre, forms a linear area of open space. It is a notable area of open undeveloped land west of the A149 within the main town settlement, and performs an important function providing a green link between an established residential area and the town centre. A total of a minimum of 1.84 hectares of the site will be retained as open space areas will be secured through a Section 106 Agreement. This will go some way to ensure that a significant area of the site is retained as open land and, furthermore, would ensure that the site is accessible and usable for recreational purposes.

Trees and hedgerow

The Trees along Station Road are worthy of a Tree Preservation Order. No trees are proposed to be removed as a result of this proposal and all will be retained and protected through the construction of this site. A total of 37.6m section of hedge will be replaced with a new mixed native hedge of the same length or greater.

Conditions will be required to ensure that no trees are lost through the construction of the access road and a no-dig solution is to be agreed with the Highway Authority prior to the commencement of the development.

Summary

Subject to conditions and the securing of the open space through a legal agreement, the proposals are considered to be in accordance with Policies EN 2, EN 4 and EN 9 of the adopted North Norfolk Core Strategy.

7. Ecology

Policy EN 9 sets out that development proposals should protect the biodiversity value of the land, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate.

Policy EN 9 also states that development proposals which will cause a direct or indirect adverse effect to nationally or regionally designated sites or protected species will not be permitted unless:

- They cannot be located on alternative sites that would cause less or no harm;
- The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and
- Prevention, mitigation and compensation measures are provided.

On-site ecology and biodiversity

The site proposed is currently amenity grassland, as a former playing field, surrounding by scrub and rough grassland and semi-mature to mature trees. Three sections of hedgerow exist on the site as well as a mature oak tree.

The ecological assessment as part of this site suggested that protected species, including great crested newt, roosting bats, reptiles, water voles, otters and badger are absent from the site due to the lack of suitable habitat. Notwithstanding the conclusions of the report, Landscape Officers (North Norfolk District Council) consider the site does contain the potential for bat foraging and that the scrub to the northern edge of the site is important ecologically. The report recommends a number of enhancement measures and mitigation, but this is not considered to be sufficient to mitigate the impact upon the potential loss of the shrub land.

As a result of this the applicant has sought to retain and enhance a minimum of 3,417sqm of scrub land and set this out on a parameters plan, which is to be secured through a legal agreement as a minimum provision for any reserved matters application on this site.

Direct and Indirect impact upon designated sites

Policy EN 9 goes on to set out that development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated areas, or protected species will not be permitted unless they cannot be located on alternative sites that would cause less or no harm; the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and prevention, mitigation and compensation measures are provided.

A Shadow Habitats Regulation Assessment has been completed for the application by Hopkins Ecology which states that the proposed development will have not have an impact on the integrity of any International or European sites. The Shadow HRA has reached this conclusion on the assumption that a significant effect is not considered likely and an Appropriate Assessment has not been carried out.

Landscape Officers (north Norfolk District Council) consider that a likely significant effect cannot be ruled out due to the in combination effects of recreational disturbance on the Broads, Norfolk Valley Fens, East Coast and North Norfolk Coast 'European Protected' sites according to the most up to date evidence gathered as part of the emerging Norfolk Green Infrastructure/

Recreational Avoidance Mitigation Study (GI/RAMS) project. This project has calculated that the Zone of Influence (ZOI) for recreational impacts arising from the in combination effects of residential development for the Broads is 25km, the Norfolk Valley Fens is 15km, the East Coast sites is 30km and the North Norfolk Coast is 42km.

Natural England have provided comment on the application and have not raised any objections, however the Local Planning Authority is the Competent Authority under the Habitats Regulations and is required to assess the application and the potential for likely significant effect on European Sites.

Natural England have provided interim advice to local authorities (dated 12th August 2019) regarding the emerging Norfolk GI/RAMS and the evidence based calculated ZOIs. Natural England anticipate that any new residential development within an identified zone will constitute a likely significant effect on the sensitive interest features of the identified designated site through increased recreational pressure, either when considered alone or in combination.

Following the comments raised by the Landscape Officers an updated Shadow Habitats Regulation Assessment has been submitted within sets out a developer contribution will be made towards the indirect impact upon European designated sites. This will be secured by way of a Section 106 legal obligation.

Summary

Subject to conditions and a Section 106 obligation, as outlined above, the proposal is considered to be in accordance with Policy EN 9 of the adopted North Norfolk Core Strategy.

8. Flood Risk

Policy EN 10 states that most new development should be located in Flood Zone 1, but that development that is surrounding by areas of Flood Zone 2 and 3 will be treated as if it is in the higher flood risk areas. Further, surface water drainage arrangements for dealing with surface water runoff will be required and the preference is for Sustainable Drainage Systems.

This proposal is situated within Flood Zone 1 and the nearest area of increased flood risk is situated approximately 2km to the north east of the site. The North West corner of the site is susceptible to surface water flooding and the surrounding road network to the west and south west of the site is particularly vulnerable to surface water flooding.

The Flood Risk Assessment submitted as part of this application sets out that a communal infiltration basin is to be proposed within the North West corner of the site and permeable paving and a filter trench will provide sufficient pollution control. The Flood Risk Assessment demonstrates that the area would be suitable for an infiltration basin with adequate infiltration rates being demonstrated through three tests. Further all new dwellings will be constructed 150mm above the surrounding ground level in line with best practice.

In regard to water quality, the site is located above a 'Moderately Productive Aquifer' indicating that the ground beneath the site could allow groundwater to move. The Flood Risk Assessment sets out that permeable paving and filter trenches will be used to ameliorate the pollution potential from hardstanding parking areas.

The Flood Risk Assessment establishes that in principle the proposal will be able to mitigate the increased surface run off from the development to ensure that there is no risk of flooding on site

or an increase in flood risk nearby. Subject to condition to ensure that detailed drainage proposals will form part of a reserved matters application, the proposal is considered to be in accordance with Policy EN 10 of the adopted North Norfolk Core Strategy.

9. Environmental Considerations (Noise pollution, Light pollution, refuse and waste and water quality).

Policy EN 13 sets out that all development proposal should minimise and, where possible reduce all emissions and other forms of pollution and ensure no deterioration in water quality.

Contaminated Land

As part of this application a Preliminary Risk Assessment was carried out in regard to contamination. This identified a number of potential plausible pollutant linkages that could represent an unacceptable risk to sensitive receptors (future property, construction workers, future residents and groundwater). The study concluded that the proposed use is a feasible use for the site assuming mitigation, management and good practice is employed.

As such, a condition is required to ensure that any future intrusive investigation should comprise the recovery of soil and groundwater samples as well as on-site ground gas monitoring via boreholes investigation targets at key locations. Following this a risk assessment should be undertake to establish if potential unacceptable risks to sensitive receptors are present at the site.

Noise Pollution

Due to the proximity of the site to nearby railway line and the A149 to the north and the swimming pool to the east concerns have been raised regarding noise. It is set out in Section 4 of this report that it is considered that when considering the site layout, developable area and size of the site this impact can be mitigated. However, a Noise Impact Assessment is required to be secured by way of condition to inform the layout of the proposal.

Light Pollution

No detail has been provided regarding external lighting, a condition would therefore be required to ensure that there would not be a significant detrimental impact as a result of light pollution.

Archeology

A condition is required to secure that an archaeological scheme of investigation is undertaken prior to the commencement of development to ensure that provision is made for the preservation of important archaeological remains in accordance with Policy EN 8 of the adopted North Norfolk Core Strategy.

Refuse and Waste

A condition would be required to ensure that a refuse and waste strategy is provided prior to the construction of the development.

Summary

Subject to the aforementioned conditions the proposal is considered to be in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

10. Other material planning considerations:

Wastewater and used water

Anglian Water have confirmed that they have capacity to take wastewater treatment at the North Walsham Water Recycling Centre and used water within the existing sewerage system.

Minerals and Waste

The site is identified as being situated within a Mineral Safeguard Area. The Norfolk County Council Minerals Core Strategy Policy CS16 'Safeguarding mineral and waste sites and mineral resources' sets out that the scheme should provide "*appropriate investigations carried out to assess whether any mineral resource there is of economic value, and if so, whether the material could be economically extracted prior to the development taking place*".

As such, a condition would be required to ensure that a Mineral Resource Safeguarding Assessment would be provided as part of the Reserved Matters application.

Major Hazard Zone

The site is not situated within a Major Hazard Zone as identified by the Health and Safety Executive, however the site is located within 250m of an existing COMAH (Control of Major Accident Hazards) (British Pipeline Agency) facility that could result in the nearby community being exposed to odour, noise, dust and pests.

However, the response from the Health and Safety Executive states that they do not object to the proposal. Cadent gas have also provided informative notes and raised no objection to the proposal. Subject to careful consideration of the informative notes proposed, it is not considered to result in an

Network Rail

Network Rail raised no comments through the original consultation period, but raised a number of 'issues' during the second consultation period. It is the opinion of Officers that these issues are largely generic and have been addressed through the negotiation period and can be resolved between the grant of outline planning permission and the Reserved Matters application. An informative note is proposed to ensure that the applicant address these issues prior to the Reserved Matters application being submitted. This will ensure that when Network Rail are consulted on the Reserved Matters application, all of their concerns have been addressed.

Heritage:

It should be noted that the strict '*no harm permissible*' clause in Policy EN 8 is not in strict conformity with the guidance contained in the National Planning Policy Framework (NPPF). As a result, in considering any proposal for the site the Local Planning Authority will need to take into consideration Section 16, paragraph 199 of the NPPF. This requires that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, including any contribution made by its setting, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The site is situated within close proximity to the North Walsham Conservation Area (approx.. 150m to the north of the site). However, the North Walsham rail way line runs between the site and the Conservation Area. This is raised and provides a clear separation between the site and Conservation Area, both visually and the morphological development of the Town. There would therefore be no impact upon the Historic Environment and is therefore in accordance with Policy EN 8 of the North Norfolk Core Strategy.

11. Planning Obligations

A Section 106 is to be required to secure the following:

- 45% affordable housing on site
- A minimum of 18,840sqm. of Open Space on site which is inclusive of the following:
 - A Locally Equipped Area of Play (LEAP): Minimum of 1,000sqm.
 - A Local Area of Play (LAP): Minimum of 100sqm.
 - An Outdoor Gym: Minimum of 500sqm.
 - Formal Planting: Minimum of 750sqm.
 - Amenity Green Space: Minimum of 13,0723sqm.;and
 - Retained and enhanced scrub: Minimum of 3,417sqm.
- SPA/SAC visitor pressure monitoring and mitigation: £185.93 per dwelling
- Norfolk County Council Library provision: £4,050 (£75 per dwelling)
- £14,378 (£266.20 per dwelling towards the Weavers Way Trail, North Walsham Circular Walks and Weavers Way County Wildlife Site.
- £16,380 off-site open space contributions towards allotments
- £45,483 off-site open space contributions towards the provision of a new 3G football pitch or associated infrastructure at North Walsham Football Club

1no. fire hydrant per 50 dwellings to be provided required at a cost of £921 by way of planning condition

12. Planning Balance and Recommendation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise. The proposal to provide 54 dwellings on land designated as an Open Land Area and an Education Allocation represents a departure from the Core Strategy and is contrary to Policies ED 1 of the Site Allocations Development Plan and Policy CT 1 of the adopted North Norfolk Core Strategy.

In spite of this Material Benefits

- Delivery of circa 54 new dwellings, which will boost the supply of housing in North Norfolk
- 45% affordable housing for General Needs accommodation
- Open Space provision on site of 1.84 hectares
- Open Space contributions to be provided towards allotments and towards the provision of a 3G sports pitch at North Walsham Football Club and/or associated infrastructure
- Employment opportunities during the development of the site
- Support the services and facilities of North Walsham
- Making an inaccessible area of open space accessible to the public

- Highways improvement works to the junction of Station Road and Norwich Road.

In addition to this, the Paston Foundation have expressed that approximately £75,000 could go towards secondary education in Norfolk per annum as a result of the predicted sales from this development. Whilst it is important to recognise the aspirations of the Paston Foundation, Officers cannot give this any weight in the decision making as this cannot be secured in any way and does not meet the national tests for sound planning obligations.

Whilst the proposal represents a departure from the Development Plan, it is considered that the material benefits would indicate that a departure is justified. **Approval** is therefore recommended subject to conditions as considered necessary by the Head of Planning.

RECOMMENDATION

Part 1: Delegate authority to the Assistant Director of Planning to APPROVE subject to:

1) Referral of the application to the Secretary of State, via the National Planning Casework Unit, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009.

2) Satisfactory completion of a S.106 Planning Obligation to cover the following:

- 45% affordable housing on site
- A minimum of 18,840sqm. of Open Space on site which is inclusive of the following:
 - A Locally Equipped Area of Play (LEAP): Minimum of 1,000sqm.
 - A Local Area of Play (LAP): Minimum of 100sqm.
 - An Outdoor Gym: Minimum of 500sqm.
 - Formal Planting: Minimum of 750sqm.
 - Amenity Green Space: Minimum of 13,0723sqm.;and
 - Retained and enhanced scrub: Minimum of 3,417sqm.
- SPA/SAC visitor pressure monitoring and mitigation: £185.93 per dwelling
- Norfolk County Council Library provision: £4,050 (£75 per dwelling)
- £14,378 (£266.20 per dwelling towards the Weavers Way Trail, North Walsham Circular Walks and Weavers Way County Wildlife Site.
- £16,380 off-site open space contributions towards allotments
- £45,483 off-site open space contributions towards the provision of a new 3G football pitch at North Walsham Football Club

3) The imposition of the appropriate conditions to include:

1. Time Limit
2. Reserved Matters
3. Plans
4. Indicative layout
5. Hard and Soft Landscaping Plans
6. Contaminated Land
7. Noise Impact Assessment
8. Fire Hydrant
9. Construction Traffic Management
10. Construction Environmental Management Plan

11. Arboricultural Impact Assessment
12. Access and Arboricultural Method Statement
13. Highways – Detailed Plans
14. Highways – On-site parking for construction workers
15. Highways – Completion of highways works
16. Highways – Highways to binder course
17. Highways – Visibility Splays
18. Highways – Off-site highway works
19. Flood Risk
20. Archaeology
21. 10% renewable energy
22. Small mammal gaps
23. 10 year tree protection
24. External lighting

And any other conditions considered to be necessary by the Assistant Director of Planning.

Part 3:

That the application be refused if a suitable section 106 agreement is not completed within 4 months of the date of resolution to approve, and in the opinion of the Assistant Director of Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale.

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THURSDAY, 21 OCTOBER 2021

Minutes of a meeting of the **Development Committee** held in the Council Chamber - Council Offices at 9.30 am when there were present:

Councillors

Mrs P Grove-Jones (Chairman)
Mr P Heinrich (Vice-Chairman)

Mr A Brown
Mrs A Fitch-Tillett
Mr R Kershaw
Mr G Mancini-Boyle

Mr P Fisher
Dr V Holliday
Mr N Lloyd
Ms L Withington

Mr C Cushing (In place of Mr N Pearce)
Mr J Rest (In place of Dr C Stockton)
Mr J Toye (In place of Mr A Yiasimi)

Officers

(* attending remotely)

Mr P Rowson, Assistant Director for Planning
Mr N Doran, Principal Lawyer
Mr G Lyon, Development Management and Major Projects Manager
Mr J Mann, Major Projects Team Leader
Miss L Yarham, Democratic Services & Governance Officer (Regulatory)
E Denny, Democratic Services Manager

40 TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)

Apologies for absence were received from Councillors N Pearce, C Stockton, A Varley and A Yiasimi. Three substitute Members were present as shown above.

41 MINUTES

The Minutes of a meeting of the Committee held on 23 September 2021 were approved as a correct record and signed by the Chairman.

42 ITEMS OF URGENT BUSINESS

None.

43 DECLARATIONS OF INTEREST

<u>Minute:</u>	<u>Councillor:</u>	<u>Interest:</u>
44	P Heinrich	Knows Mr Stibbons, Chair of Paston Foundation and had worked with him on education projects 20 years ago.

44 NORTH WALSHAM - PO/20/1251 - FORMER SPORTS GROUND - ERECTION OF UP TO 54 DWELLINGS WITH PUBLIC OPEN SPACE, NEW VEHICULAR ACCESS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE (OUTLINE

APPLICATION WITH FULL DETAILS OF THE PROPOSED MEANS OF ACCESS ONLY. DETAILS OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING ARE RESERVED FOR FUTURE DETERMINATION

The Major Projects Team Leader presented the report by remote link. He recommended approval of this application as set out in the report. A copy of the visual presentation had previously been forwarded to the Committee. He displayed an additional plan showing the existing open spaces in North Walsham.

Public Speaker

Nick Moys (supporting)

Councillor N Lloyd stated that the land had been bequeathed to North Walsham almost 400 years ago. The land had recently been used for a triathlon and was open to the public occasionally for that purpose, although it had been unused for most of the time since it was fenced off in 2017. Flooding was a regular issue in North Walsham due to the amount of building that had taken place in the town. There did not appear to be any drainage proposals in the application and he did not trust Anglian Water's view that there would be no issues. He considered that the hedgerow should be retained and that the existing levels of biodiversity should be protected. He considered that the current level of biodiversity was unlikely to return to the replacement hedging due to the development of the site. He referred to the concerns regarding the existing road and footway and the high level of opposition from local residents, including the Town Council. He questioned the need for additional housing in this location as there was no threat to the Council's housing supply and the emerging Local Plan would provide for at least 1800 more houses, which would include a percentage of affordable housing. Whilst he supported the amount of affordable housing provided by this application, he considered that there would be much more coming to the town in future years and there was a question as to how much more development North Walsham could take. In his view, this proposal was unsustainable. He considered that the development should be viewed as an exceptions scheme, there was insufficient mitigation for the loss of open space and he disagreed with the Education Authority that education land would not be necessary, given the large number of additional dwellings planned for the town in the future. Existing sports facilities were already struggling to cope with demand. He noted that there was no mention of climate change in the proposal or any detail of the type of dwellings that would be built.

Councillor P Heinrich stated that the land was not used for sport, nor had it been for some time. He considered that the proposed landscaping mitigated against the loss of open space and could potentially bring more biodiversity to the area. He was particularly concerned regarding the footpaths and pedestrian access into the town. There was a clear need for a link onto Weavers Way and onto the footpath to the rear of Trainside Park, but this would not feel safe at night and pedestrians would use the footpath along Station Road. This path was narrow, necessitated the crossing of Norwich Road and visibility was poor. Vehicles tended to travel in excess of the speed limit towards the railway bridge. He proposed that this application be deferred to seek further information as to how the issues regarding the highways, footpaths and drainage would be dealt with.

Councillor G Mancini-Boyle supported the views expressed and considered that construction traffic would be a major problem. He considered that the proposed entrance to the site was not good. He was concerned that the dwellings would be fitted with gas boilers instead of green technology.

The Chairman stated that the current proposal related to access only and therefore no information was provided regarding the dwellings to be built.

Councillor Lloyd stated that he understood the nature of the proposals but was concerned that Members would have no control over future negotiations.

Councillor R Kershaw stated that although the road was currently restricted to access only, problems were already caused by heavy trucks accessing the builders' merchants at the end of the road. He considered that additional traffic would be dangerous if the road were not widened.

Councillor J Rest considered that whilst there were negatives associated with this proposal, the development would be low density and offer a generous amount of space around the dwellings.

Councillor J Toye referred to the comments made by Councillor Lloyd regarding future development in the town. He considered that it was difficult to balance the negative aspects of the loss of open space with the need for affordable housing.

The Chairman stated that this was a windfall site and was not included within the future allocations.

The Assistant Director for Planning explained that the housing numbers in the Local Plan were inclusive of windfalls on sites that could come forward at any time. The application site was not allocated, but could be considered as part of the windfall development that would set the minimum level of housing provision in the future.

Councillor Mrs L Withington stated that the Norfolk Strategic Flood Alliance had identified that a great deal of flooding emanated from access from new developments. The locality had already been identified as an area with groundwater issues and she considered that information should be provided as to mitigation measures. She stated that Station Road could be difficult at times as it was already used by a significant number of people and therefore further consideration should be given to the highway issues.

Councillor C Cushing noted that no comments had been received from Councillor D Birch as a local Ward Member. He considered that the proposal was finely balanced. It was in the centre of the town and close to the amenities. He considered that the point regarding drainage was well made and that further information was required.

The Chairman stated that local Members who could not attend a meeting should submit a written statement, even if they had not called in an application.

Councillor Heinrich stated that the road under the railway bridge was subject to regular flooding, which prevented pedestrian access into the town, and vehicles sometimes became stuck in floodwater. There was already a large amount of traffic from the Hopkins development and adjacent industrial units, and there would be more development along Norwich Road which would add to the traffic problems. He considered that traffic issues over the wider area should be taken into account.

Councillor A Brown considered that the site had potential for a number of uses due to its location. He was concerned about the highways implications and substandard

junctions. He considered that the application should be refused as he was not satisfied that the loss of open space had been mitigated by the proposed Section 106 Agreement and the proposal was contrary to Policy CT1 as it was arguable that the open space did not contribute to the character of the settlement, the case had not been made that it was surplus to requirements given its possible functions and the proposal did not fulfil the requirements regarding compensation for loss of open space.

Councillor R Kershaw seconded the proposal for deferral of this application.

The Development Management and Major Projects Manager addressed points made by the Committee. He accepted that climate emergency was a hugely important issue and it was recognised by the planning officers. The location of a proposal was one of the significant issues that affected its sustainability and this was a very sustainable location. The delivery of formal recreation space as part of this application would unlock private land for public use, which had been weighed in the balance. He requested clarity on the issues that Members wished to be addressed in the event of deferral.

Councillor Heinrich requested an independent study of highway impact, and consideration of a SUDS to ensure that there would not be water egress from the site onto Norwich Road.

The Assistant Director for Planning stated that concerns had been raised regarding the permeability of the site in terms of footpath access.

Councillor Lloyd requested that further consideration be given to the hedgerow and a pledge sought on the climate effects of the development.

The Chairman reiterated that this proposal related to access and the removal of the hedgerow was to enable the footpath to be widened.

Councillor Brown noted that the access road would be wider than the main feeder road that would be taking a greater volume of traffic. He did not support deferral.

Councillor J Toye requested that an independent traffic report should include the monitoring of traffic flows to see if the road was being used for access only.

RESOLVED by 9 votes to 4

That consideration of this application be deferred to enable an independent study of highway impacts to be undertaken, consideration of the drainage impacts, permeability of the site in terms of footpath access, appropriate consideration of climate change and an ecological assessment of the hedgerow.

45 **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

The Assistant Director for Planning presented a report that set out performance in relation to the determination of planning applications in both Development Management and Majors teams on the basis of speed and quality of decisions against national benchmarks.

At the request of Councillor R Kershaw, the Assistant Director for Planning updated the Committee on vacancies and recruitment. Whilst recruitment had been quite

Sport England - Appendix 3

Previously confirmed that the loss of the open space does not meet any of the exceptions as set out by Sport England. The Norfolk FA would be supportive of an off-site financial contribution toward a 3G sports pitch at North Walsham Football Club. If minded to approve the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Consultation July 2024: Objection

Maintain objection, the proposal would result in the loss of existing open space, formally used as playing field, and would not meet one of the five exceptions of Sport England's Playing Fields Policy and would not accord with paragraph 103 of the NPPF (2023) (previously paragraph 97 of the 2021 iteration of the NPPF).

If minded to approve contrary to Sport England's policy and paragraph 103 in the NPPF, then advise a commuted sum is secured to mitigate the loss of the playing field. Note that whilst offsetting the loss of playing fields with a contribution does not meet the exceptions of Sport England's Playing Fields Policy or paragraph 103 in the NPPF, it would ensure the loss of playing field is mitigated. The following would be required for mitigation:

- An acceptable financial contribution amount would have to be agreed;
- A playing field project(s) for spending the financial contribution on would need to be identified and agreed; and
- The contribution would need to be ring fenced in a planning obligation, paid to the Council within an agreed timescale (trigger point) and then used by the Council towards the delivery of the agreed project(s).

This approach ensures that the costs of making a financial contribution is similar to the costs that would be incurred if an applicant made direct replacement playing field provision P103 the NPPF.

The replacement costs relate to an identified area of the playing field on the site that could be used for accommodating playing pitches that would be lost to development i.e. the useable area of the playing field for playing pitches. Only areas that could be used for forming a playing pitch or part of one are included. The applicant has not identified the area formerly used as pitches.

The area of playing field capable of being used for playing pitches is calculated to be approximately 31,163 sq m (3.12 ha). To establish the current cost of replacing 31,163 sq m of

playing field. Sport England use the national average cost of providing a playing field, in this case, senior football pitches meeting Sport England's design guidance. The national average cost of providing a senior football pitch with dimensions of 106 x 70 m (7,420 sq.m) was £110,000. An area of 31,163sq m, the current cost would be £461,985.18. VAT at 20% (as the costings exclude VAT) should be added to create a final total of £554,382.22.

These figures do not include acquisition costs, maintenance or abnormalities associated with the replacement site.

The Football Foundation (FF) and Norfolk FA have been consulted (by SE). We are advised that North Walsham Town Football Club is located 2.5 miles away (Greens Road) from the proposed residential development and is identified within the North Norfolk LFFP as a strategic priority site for a 3G build and a pavilion refurbishment. An offsite contribution could also be utilised to improve the facilities access road and car parking infrastructure.

The contribution should be specifically ring fenced for this purpose in a planning obligation. Provision should be made in the planning obligation for the contribution to be paid to the Council within an agreed timescale. We advise the trigger point would be that the contribution is paid to the Council in its entirety prior to any development commencing on the site. Sport England would be willing to consider the trigger point 'prior to the occupation of X number of dwellings on site.' The planning obligation should also make provision for the Council to use the contribution towards the identified projects within 5 years of receipt of the commuted sum to help ensure that the contribution is used for delivering mitigation projects within a reasonable timescale.

Further Response 16 September: Objection

As set out with our Planning Policy Guidance, at paragraph 14, 'the 2015 Order does not provide a definition of land which has been used as a playing field. Sport England considers the term to mean land which is not currently, but has been used as a playing field and remains undeveloped, including land where a decision may have been taken to no longer mark out any playing pitch or pitches.'

Paragraph 15 continues explaining that,

'A lack of use of a playing field, or part of, should not be taken as necessarily indicating an absence of need in an area. Such land can retain the potential to provide playing pitches to meet current or future needs. In line with the requirements of the 2015 Order, if such land was used as a playing field at any time in the five years before the making of a relevant planning application, then Sport England should be consulted as a statutory consultee. If its use as a playing field was over five years ago, Sport England would still expect to be consulted, albeit as a non statutory consultee. In such circumstances, Sport England would continue to apply its Playing Fields Policy. The five-year reference in the 2015 Order only relates to the timescale for

which Sport England should be consulted as a statutory consultee and therefore to which applications the Town and Country Planning (Consultation) (England) Direction 2009 (“the 2009 Direction”) may apply (see Section 6.6).’

Sport England applies its Playing Fields Policy and its five exceptions to any playing field regardless of whether it is in public, private or educational ownership and regardless of the nature and level of use (see paragraph 39(ii)).

As set out within Sport England’s consultation responses dated May 6 2021, and August 19 2021,

‘It is Sport England’s view that nothing has altered the lawful use of the playing field. The site could be made good, pitches marked out and brought back into use for sport and this would not require planning permission. Therefore the site is still playing field and should be considered as playing field.’

This position has been upheld, as explained within Sport England’s responses dated May 6 2021 and August 19 2021, as per the findings of the planning appeal ref: APP/U4610/A/12/2176169 which relates to the redevelopment of a playing field that had not been recently used for sport, where it was held that:

- “...there is no physical feature that makes the site inherently unsuitable for use for outdoor sport...”
- “There is no distinction between privately and publicly available sports provision in the National Planning Policy Framework. In paragraph 74, it is specified that existing open space, sports and recreational buildings and land, including playing fields should not be built upon unless various criteria are complied with. This is sufficiently broad to cover the last use of the relevant part of the application site.”
- “There is no definition of the word ‘existing’ in the glossary. Although the site is not currently in active use, it is capable of being used for that purpose for the reasons given earlier in my decision. There has been no argument that the land has any other lawful use.”

On that basis of the above, the Planning Inspectorate held that, in accordance with Local Plan Policy and National Planning Policy Framework, compensatory mitigation is necessary and should be provided as part of the scheme.’

In policy terms, the proposal is considered to result in a loss of playing field, so would need to meet one or more exceptions of Sport England’s Playing Fields Policy and paragraph 103 in the NPPF. In this instance, the proposals not considered to meet any of the exceptions, or paragraph 103 of the NPPF.

As set out within our response July 30, 2024, should the local authority wish to approve this application, contrary to Sport England's policy and paragraph 103 in the NPPF, then we advise a contribution is sought to mitigate the loss of the playing field. Offsetting the loss of playing fields with a contribution does not meet any of the exceptions identified in Sport England's Playing Fields Policy or paragraph 103 in the NPPF, it would ensure the loss of playing field is mitigated.

The sum agreed by the Applicant, which Sport England were not consult upon or agreed to, appears to have been calculated on the demand accrued by the development rather than being calculated on the costs to mitigate the loss of the playing field. Sport England's approach that is advocated is that it should be based on the current cost of replacing the grass playing field to be lost within a grass playing field of an equivalent size.

The Football Foundation and Norfolk FA advised on July 24 2024 that North Walsham Town Football Club is located 2.5 miles away (Greens Road) from the proposed residential development and is identified within the North Norfolk LFFP as a strategic priority site for a 3G build and a pavilion refurbishment. Improving the existing infrastructure at Greens Road will enable the football club to grow their affiliated teams, including new female teams, and also recreational football activity including turn up and play, and walking football. An offsite contribution could also be utilised to improve the facilities access road and car parking infrastructure.

From your e-mail you note several section 106 monies are being allocated to the AGP. If another project is needed to be identified for the contributions being sought from this scheme, please let me know and I can speak with the Football Foundation and Norfolk FA to find a suitable site/project.

BINHAM - PF/24/0841 - Front and rear extensions to dwelling, external alterations at Bunkers Hill Barn, Bunkers Hill, Binham, Fakenham, Norfolk, NR21 0DF

Minor Development

Target Date: 17th October 2024

Extension of time: n/a

Case Officer: Nicola Wray

Householder Planning Permission

RELEVANT SITE CONSTRAINTS:

Countryside

Binham Conservation Area

RELEVANT PLANNING HISTORY:

No relevant planning history

THE APPLICATION

The application seeks permission to erect front and rear extensions to the dwelling, with additional windows in the front and rear elevations.

BACKGROUND

The Applications was considered at the Development Committee meeting on 22 August 2024 where it was resolved to defer the application to address concerns raised about the front extension and its impact on the adjoining neighbour. A copy of the approved minutes of that meeting are available at **Appendix 1**.

REASONS FOR REFERRAL TO COMMITTEE:

Initially at the request of Cllr S Butikofer on the following grounds (summarised):

- The application is contrary to policy HO 8
- The application raises serious concerns in relation to Policy EN 4

Application was deferred at the Development Committee meeting on 22 August 2024 to enable revisions to front extension.

REPRESENTATIONS:

One representation has been made objecting to this application. The key points raised in **OBJECTION** are as follows (summarised):

- The front extension is overbearing and dominant
- The proposed front extension would severely impact the available light in the most significant habitable room
- The rear extension would result in Pilgrims Barn being surrounded on three sides which may have a negative impact on the amount of noise

- Unsure how the front extension would attach the traditional period stone wall in the neighbouring courtyard garden area
- An established tree would also be affected through lack of light and root damage
- Quality of life would be negatively impacted

CONSULTATIONS:

Ward Councillor – Comments provided as above.

Binham Parish Council – Object. The comments in summary are:

- The front extension will impact on the two attached barns and impact on the visual line and character of the barns overall
- The immediate adjacent barn would be impacted by the front extension and the overall courtyard area of Bunkers Hill is so small that any front facing extension would impact on its character.
- With regards to the rear extension, the Parish Council are concerned about the level of light spill into an environment which, at night, is noted for its dark skies and would undoubtedly be in the near vicinity of bats and owls. They therefore feel unable to support the introduction of so many new windows
- The rear extension would impact on the surrounding buildings and historic character of the overall Bunkers Hill area
- Should the application be approved, they are asking that any external lighting is restricted and incorporated into the planning permission

Conservation and Design – No Objection. The comments in summary are:

- The proposed single storey extension to the front of the building does not raise any great concern for Conservation and Design as long as the drawings are accurate and the new section of catslide over the extension follows the form of the existing
- The principle of inserting an additional window into a previous opening is also accepted, as long as it remains possible to read the previous infill work above (including the brick arch)
- There is some concern that the proposed extensions to the rear will overly-domesticate this part of the building, however, it has to be acknowledged that this elevation does have a more altered character than the front elevation. There is, therefore, more scope for alteration.
- The semi-circular opening is being retained and will not be obscured by the new additions. This elevation is also only visible from private land, therefore, impact on the conservation area is limited.
- C&D see no reason to sustain an objection on the basis that it will largely preserve the character and appearance of the conservation area, and it is unlikely to have a real impact on the setting of the adjacent listed building.

HUMAN RIGHTS IMPLICATIONS

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.

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

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

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:

North Norfolk Core Strategy (September 2008)

SS 1 (Spatial Strategy for North Norfolk)

SS 2 (Development in the Countryside)

HO 8 (House Extensions and Replacement Dwellings in the Countryside)

EN 4 (Design)

EN 8 (Protecting and Enhancing the Historic Environment)

EN 9 (Biodiversity and Geology)

CT 5 (Transport Impact of New Development)

CT 6 (Parking Provision)

Material Considerations:

National Planning Policy Framework (NPPF) (December 2023)

Chapter 2 (Achieving sustainable development)

Chapter 4 (Decision-making)

Chapter 9 (Promoting sustainable transport)

Chapter 12 (Achieving well-designed and beautiful places)

Chapter 15 (Conserving and enhancing the natural environment)

Chapter 16 (Conserving and enhancing the historic environment)

Supplementary Planning Documents and Guidance

North Norfolk Design Guide (2008)

North Norfolk Landscape Character Assessment (2021)

OFFICER ASSESSMENT:

Main issues for consideration:

- 1. Principle of Development**
- 2. Impact on the character of the area, heritage and design**
- 3. Amenity**

4. Ecology

5. Highways

1. Principle of Development

Policy SS 1 of the Core Strategy provides that this site within Binham falls within a countryside location. Policy SS 2 relates specifically to development in the countryside and allows the extension and replacement of dwellings. Accordingly, the principle of development is acceptable.

2. Impact on the character of the area, heritage and design

This application was previously brought before Development Committee on 22nd August 2024, where the Committee made the decision to defer the application in order to facilitate further negotiation of the plans. This was due to concerns regarding neighbour amenity, and this report addresses the revised scheme, received 23rd September 2024.

Policy HO 8 of the Core Strategy states, that “Proposals to extend or replace existing dwellings within the area designated as Countryside will be permitted provided that the proposal:

- would not result in a disproportionately large increase in the height or scale of the original dwelling, and
- would not materially increase the impact of the dwelling on the appearance of the surrounding countryside.

Policy EN 4 of the Core Strategy provides that all development be designed to a high quality, reinforcing local distinctiveness, and ensuring that the scale and massing of buildings relate sympathetically to the surrounding area.

The proposal cumulatively appears quite large, however, the catslide roofs and lower eaves mean that the proposal would be subservient to the original dwelling and would not appear disproportionate. Adding to this that the materials would be similar to the original dwelling, the proposal would not be considered harmful to the local area nor surrounding landscape.

Policy EN 8 of the Core Strategy states that the character and appearance of Conservation Areas will be preserved, and where possible enhanced. Part of the objection from the Parish Council is that the proposal may not preserve or enhance the character and appearance of the courtyard and nearby historic buildings and landscape.

The Conservation and Design Team have raised no objection to the plans, acknowledging that the front extension raises no great concern, and although there is some concern that the proposed extension to the rear would overly-domesticate this aspect, however it already has a more altered character than the front and so has more scope for alteration.

The no objection from the Conservation and Design Team includes caveats that the drawings are accurate, the new section of catslide over the extension follows the form of the existing, and the insertion of the new window does not remove the ability to read the previous infill work.

In the previous iteration of this application, the extension projected forward quite significantly, this has been reduced and moved away from the party wall to address concerns raised by Development Committee.

The officer’s view is in agreement with the Conservation and Design Team conclusions as the drawings show that the catslide extension would follow the existing form, which would ensure

the front elevation would retain similar architectural lines to the existing one. Furthermore, the rear extensions are not easily visible and so it would be hard to argue that they would impact harmfully on the area. It is therefore concluded that the proposed development complies with Policies HO 8, EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

3. Residential Amenity

Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers.

The Parish Council have raised a concern regarding light spill. Following concerns raised in Development Committee, a condition has been agreed for VLT glazing to be installed with any new glazing introduced by the proposal.

Whilst the comments from the Parish Council regarding lighting are acknowledged, the scheme is small-scale and the imposition of a lighting condition would not be considered proportionate or reasonable for an extension of this scale.

Considering the objections received regarding neighbour amenity, the agent has conducted sun studies which do show a degree of impact in terms of overshadowing to the adjacent dwelling from the proposed front extension, predominantly during March, June and September. However, since these were submitted, and following comments by Development Committee, the scale of the front extension has been reduced so the projection is now a metre less and the width is 0.3m less. The front extension has also been moved 0.35m away from the party wall.

The plans show this reduction in scale should reduce the overshadowing concerns and Officers consider that, on balance, whilst there would still be an impact on the neighbour, the impact is lessened and the balance would be tipped more in favour of the revised proposal than the previous iteration, thereby making a refusal difficult to justify on Development Plan policy grounds..

The proposed development is therefore considered, on balance, to comply with aims of Policy EN 4 in regards to amenity.

4. Ecological Impacts

Policy EN 9 provides that all development proposals should protect the biodiversity value of land and buildings and minimise fragmentation of habitats, as well as maximise opportunities for restoration, enhancement and connection of natural habitats. Part of the objection from the Parish Council was potential impact on bats and owls.

A Preliminary Roost Assessment was conducted and showed the building as being of moderate potential suitability for roosting bats and so an emergence bat survey took place, which showed minimal risk to bats and birds subject to mitigation measures which can be secured by condition. There are no concerns in regards to impact upon trees or vegetation.

The proposed development is therefore considered to comply with Policy EN 9.

5. Highways

Policy CT 5 seeks to ensure that development proposals provide for safe and convenient access for all modes of transport, addressing the needs of all and safe access to the highway network without detriment to the amenity or character of the locality.

Policy CT 6 provides that “adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development”.

The proposal would not alter the existing parking requirements or the access to the highway. As such, the proposed development complies with Policies CT 5 and CT 6.

Planning Balance and Conclusion:

The proposed development is considered to be, on balance, in accordance with the aims of the key Core Strategy Policies as set out above. There are no material considerations that indicate the application should be determined otherwise. Approval is therefore recommended subject to the imposition of conditions.

RECOMMENDATION:

APPROVAL subject to conditions relating to the following matters:

- Time limit
- Development in accordance with approved plans
- Materials as submitted
- Window insertion to retain ability to read previous infill work and brick arch
- Ecological mitigation/enhancement measures

Final wording of conditions and any others considered necessary to be delegated to the Assistant Director – Planning

47 BINHAM - PF/24/0841 - FRONT AND REAR EXTENSIONS TO DWELLING, EXTERNAL ALTERATIONS AT BUNKERS HILL BARN, BUNKERS HILL, BINHAM, FAKENHAM, NORFOLK, NR21 0DF

Officers Report

The PO-NW introduced the Officers report and recommendation for approval subject to conditions.

The PO-NW outlined the sites location, relationship with listed buildings and neighbouring dwellings, and detailed proposed and existing floor plans and elevations as well and provided images in and around the site.

Whilst the proposed extensions were considered to be large, Officers contended that they were subservient to the host dwelling. Further, the rear extension could be developed under permitted development. Officers did not consider the application to be contrary to Core Policy HO8.

With respect to heritage and design and the impact on the character of the area, Officers did not consider that there would be a significant adverse impact by way of the proposal and acknowledged that the materials used were sympathetic with the area and the dwelling was in a sheltered location, not easily visible from the outside courtyard. There was not considered to be significant harm to the conservation area or the over character of the area.

The principal concern was the impact to the neighbouring property, Pilgrims Barn, however it was noted that the agent had provided studies which established that there was already an existing level of overshadowing across the front of Pilgrims Barn. Sun Studies supplied by the agent, established that although there would be an increase in shadowing before midday, after midday there would be no change year-round. The PO-DW stated that there was not a demonstrable adverse impact regarding overshadowing, and therefore this policy requirement was not met.

Public Speakers

Ian Tooley – Objecting
Gaery Pearce (agent) – Supporting

Local Member

The Local Member – Cllr S Butikofer – advised that she had referred this application to Committee due to two main concerns, which were shared by the Parish Council.

First, the application was contained within the Binham Conservation Area, an area the Parish Council had taken an active role to preserve and maintain. It was perhaps a matter of opinion what the impact of the front extension would have to the two attached barns, and the visual line and character of the barns overall. She argued that the rear extension would impact the historic character of the Bunkers Hill area, which was an important feature in the Binham Conservation Area. The Local Member stated the Local Planning Authority should work to uphold Conservation Areas and support the Parish Council in their efforts to retain as much of the original charm and characteristics of the area as possible. The entrance to the Bunkers Hill site passed immediately through two grade II* listed properties, further, access passed the village green, home of a scheduled ancient monument, Binham Market cross.

The Local Member noted within the Officers report that no concerns were raised provided the drawings were accurate, something which the Local Member considered should be expected as they were part of the formal planning process. Additionally, Officers agreed that the rear extension would over domesticate that part of the building. Therefore, Cllr S Butikofer argued, it was known that the rear extension would impact the character of the area. To approve the application, she argued, would be in contravention of policy EN 4 and EN 8.

Secondly, The Local Member contended that proper regard had not been afforded to policy EN 4. She considered that if the proposal were to be built out, it would have a significantly detrimental impact on the occupiers of Pilgrim Barn, given the development would block light to the most significant habitable room in the property (The Lounge). Cllr S Butikofer argued that overshadowing was oppressive to occupiers and would negatively impact the life of habitants.

Members Debate

- a. Cllr L Paterson disagreed with the Officers recommendation and considered the proposal would have a detrimental impact and was not in keeping with its setting.
- b. The Chairman advised Members the options available to them including deferral.
- c. Cllr L Vickers stated that she was not wholly opposed to development in conservation areas and recognised that buildings needed to be lived in if they were to be preserved. However, she shared in Cllr L Paterson's concerns regarding loss of light.
- d. Cllr K Toye considered there to be a lack of information and images to justify approval, and agreed it was important to understand the link between this development and the impact to neighbouring dwellings, specifically the front extension.
- e. Cllr P Neatherway echoed Cllr K Toye's comments and endorsed deferment.
- f. Cllr J Toye expressed his support for deferment.
- g. Cllr L Vickers proposed deferment of the application to enable discussion between the applicant and affected neighbours regarding the front extension. Cllr J Toye seconded the motion.
- h. The DM acknowledged the front extension would have an impact on the neighbour and noted that an existing wall was already causing some overshadowing. He recognised that the applicant was entitled to have their decision determined and reserved the right to refuse negotiation and appeal the decision.
- i. The applicant's agent indicated the applicant would be supportive of deferral.
- j. Cllr V Holliday asked, if the application was to be negotiated, if the rear glazing could also be discussed.

- k. The DM stated that it would be beneficial for Officers to understand which aspects of the proposal the Committee would like to be amended. He noted that, from the Committee's discussion, the front extension was at issue.
- l. Cllr R Macdonald agreed that it was the front extension at issue, otherwise the application was fine.

UNANIMOUSLY RESOLVED by 13 votes for.

That Planning Application PF/24/0841 be DEFFERED.

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NNDC TPO (BACTON) 2024 No.10 NORTH WALSHAM – TPO 24 1048 - Land At The Old Rectory, Edingthorpe

Ref No. TPO/24/1048

Officer: **Imogen Mole (Senior Landscape Officer)**

PURPOSE OF REFERRAL TO COMMITTEE - To consider whether to confirm a Tree Preservation Order (TPO) to protect Individual trees and a Woodland at the above site.

BACKGROUND

Residents contacted the Council concerned about the trees at The Old Rectory, Edingthorpe. The property had been standing empty and likely to change hands, an older, revoked Order (TPO/77/0538), was no longer in force and there were concerns that trees that had been planted and naturally established on the land were at risk of being removed.

There are two elements to the Order, mature specimen trees within the garden of The Old Rectory and an area of land to the north. The objection relates only to the land at the north labelled “W1” on the Order.

The land to the north has historically been an area of Orchard to the east and a combination of ponds and trees to the west, the previous owners added a number of unusual species of trees and an understorey of hazel coppice but over recent decades the land has rewilded.

The majority of remaining orchard trees have come to the end of their life and can be observed fallen and broken apart; other trees are now well established across the area forming a canopy across the site.

Various planning applications in the ‘80’s and ‘90’s have been submitted:

Refusing development:

PF/88/1540, ERECTION OF 2 NO.DWELLINGS

PF/89/1055, ERECTION OF 2 NO.DWELLINGS

Approving development:

PF/82/1448, ERECTION OF DWELLING (RENEWAL OF 01/80/1888/0)

PF/83/1742, DWELLING & GARAGE

PF/86/0011, ERECTION OF DWELLING AND GARAGE

PF/87/2329, ERECTION OF HOUSE & GARAGE

PF/90/1720, ERECTION OF TWO HOUSES

PF/92/1064, ERECTION OF HOUSE AND GARAGE

PF/95/0504, ERECTION OF BUNGALOW WITH INTEGRAL GARAGES (AMENDMENT TO APPROVAL PF/92/1064)

Any future proposal at the site must be judged on the individual merits of the scheme and must consider what impacts the development will have on trees and protected species, including badger which are a known constraint present in the area.

Any proposals would also have to consider BNG requirement. A 10% minimum gain delivered over 30 years.

REPRESENTATIONS

Support for the Order:-

We have received 3 separate letters in support of the Order.

The wildlife, biodiversity and habitat value of the site is greatly valued.

W1 is a haven for wildlife with many species of birds and mammals resident and are reliant on this piece of woodland.

The specified trees and woodland make a valuable contribution to the amenities of this part of Edingthorpe.

Objections to the Order:-

We have received objections from the owners of the property including an arboricultural report. (See Copy at **Appendix 1** to this item)

The main objections are:

- The family have owned the property since the '60's and are good custodians of the site.
- Many trees are high quality, but some are poor quality or scrub, the Order should protect the best individuals and groups of trees, not all trees within the woodland.
- The woodland is not visible from a wider perspective
- W1 covers two distinct areas, ponds to the west and Orchard to the east. The Order refers to woodland but the area does not meet the definition of woodland.
- The woodland classification is unlikely to be suitable for a garden setting.
- The landowners would respectfully request that instead, a series of individual and group TPOs is placed on those high-quality trees within W1 to conserve the best trees and important habitat corridors.

APPRAISAL

In response to the objections the following comments are made:

The previous owners have planted numerous trees and have protected the mature and veteran trees at the site. Changes in property ownership, however, can lead to tree removal.

The lack of proactive management of the land to the north has allowed the former orchard trees to collapse and woodland has established.

The correct categorisation of woodland is confirmed by referring to DEFRA Magic maps which captures this area as Priority Habitat, Deciduous Woodland rather than groups and individual trees.

We can agree, some trees may lack the same merit some of the specimen and veteran trees have, the woodland category however is correct and recognises the habitat and biodiversity value of the area.

The woodland aspect of the Order does not include any garden areas and does not seek to designate the garden of The Old Rectory as woodland. The correspondence confirms the woodland is visible from Church Lane and canopy visible across the fields from Bacton footpath 7.

The woodland category does not hinder beneficial woodland management. We encourage landowners to bring their woodlands into management, we have supported recent works to control invasive bamboo.

HUMAN RIGHTS IMPLICATIONS

It is considered that the serving of the Order may raise issues relevant to Article 8: The right to respect for private and family life, and Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's human rights, and the general interest of the public, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

Main Issues for Consideration

- 1. Whether or not the Order was served correctly in accordance with the relevant legislation and the Council's adopted policy.**

Officers are satisfied that the proper procedures were followed when serving the Order.

- 2. Whether or not the Order has been served on trees of sufficient amenity value to warrant a Preservation Order.**

Officers consider that the trees and woodland area make a significant contribution to the quality of the local environment and its enjoyment by the wider public and that therefore has high amenity value.

RECOMMENDATION:-

That the Order be confirmed.

ARBORICULTURAL REPORT AT THE OLD RECTORY, EDINGTHORPE



Prepared for Brown & Co

By A.T. Coombes Associates Ltd.

Chartered Foresters and Consulting Arboriculturists

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Appendix 1 Annotated Site Plan

Appendix 2 Copy of NNDC TPO (BACTON) 2024 No. 10

Appendix 3 Example of TEMPO Form

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1. Terms of Reference

- 1.1 The site is land at The Old Rectory, Edingthorpe.
- 1.2 A Tree Preservation Order (TPO) has recently been put on place (ref.no. NNDC TPO (Bacton) 2024 No. 10), covering eight individual trees, and an area designated as a woodland.
- 1.3 The owner of the property accepts the individual trees covered by the TPO, but asked A. T. Coombes Associates Ltd to provide an assessment of the woodland area (W1) to outline what is present and whether it can be considered worthy of a woodland TPO designation.

2. Historical Maps and Images

- 2.1 Prior to visiting the site, a desk study was carried out.
- 2.2 The site is not within a Conservation Area. The area is not designated as Ancient Woodland, and there are no ancient or veteran trees noted on site within the Ancient Tree Inventory. Please note that the Ancient Tree Inventory by its very nature is incomplete and constantly being added to by practitioners and members of the public.
- 2.3 The Norfolk Historic Map Explorer was used to study the area. This website provides images of the Enclosure Maps (late 18th to Mid-19th Century), Tithe Maps (1836-1850), First Edition Ordnance Survey Six-Inch to the mile Map (1879-1886) and aerial photos (1945-6 and 1960-65).
- 2.4 The Enclosure Map shows that the pond present in the western part of the site is marked as three separate ponds. No trees are marked on this plan in the location of W1, although Enclosure Maps do not necessarily show all areas of trees that may have been present.
- 2.5 The Tithe Map does normally indicate wooded areas, but there are no trees or woodlands marked in the location of W1.
- 2.6 The first edition Ordnance Survey indicates trees or woodland on the western half of the site. No trees are marked on the eastern half.
- 2.7 The 1946 aerial photo shows fewer trees on the western portion of the site, but does show a number of trees on the eastern portion. The trees appear to be planted in neat rows and therefore it may be likely that there is an extensive orchard on site.
- 2.8 The 1988 aerial photo shows trees across the site, but it is unclear of the nature of these trees.

3. Site Visit and Findings

- 3.1 The site was visited on 24th September 2024. The area was visually assessed where it was possible to do so, with significant amount of vegetation making it difficult to do so in places.
- 3.2 A site plan has been included (Appendix 1) that illustrates the findings outlined within this report. The locations shown on the plan are approximate and must be checked on site.



- 3.3 W1 is located on land to the north of The Old Rectory, and is accessed via either a footpath between Appledore and Orchard House from Rectory Road, or from the grounds of The Old Rectory via a track leading past Garden Cottage and Nuttery Cottage.
- 3.4 The area is varied in composition, both in terms of species and age. The larger trees are mostly found either on the western half of the site and surrounding the pond, or close to the northern and southern boundaries of the site. The central areas of the site are overgrown with extensive areas of very dense vegetation. There is also a wet area situated centrally within the site.



Fig 1: Oak adjacent to pond



Fig 2: Large multi-stemmed alder on edge of pond

- 3.5 W1 extends to the west as far as Church Lane. Close to the western boundary is a pond. This has a number of large, mature trees present on or adjacent to the banks. Species in this area include pedunculate oak (Fig 1), ash and common alder (Fig 2).



Fig 3: Hazel stools on southern boundary of site



Fig 4: Small open glade, with Norway maple on edge

- 3.6 There is a row of large hazel stools along the southern boundary of the site shared with The Hollies (Fig 3). Immediately to the north of these hazel is a small open area (Fig 4). Adjacent to the open area is a Norway maple.



Fig 5: Rows of cherry and some hazel stools adjacent to entrance from The Old Rectory



Fig 6: Collapsed hazel stool to east of pond

3.7 Next to the route into W1 from The Old Rectory is a group of cherry, with further hazel interspersed with them (Fig 5). There is one large hazel in this area in particular that has collapsed, but has extensive regrowth from the fallen stems (Fig 6).



Fig 7: Wet area in centre of site



Fig 8: Collapsed apple tree still growing with fruit

3.8 The collapsed hazel marks the edge of a more open area with no large trees present. There is dense bramble and other low, shrubby vegetation. In terms of tree species in this area, it largely appears to comprise self-set *Prunus* species (Fig 8). The ground underneath the vegetation was very wet with standing water at the time of the site visit.

3.9 At the eastern side of this open area there do appear to be 3 or 4 collapsed apple trees. Given the density of the vegetation it is difficult to be sure how many there are. One of the collapsed apples is dead (fig 9), whilst the remainder appear to be alive and bearing fruit in some cases (Fig 8).



Fig 9: Collapsed apple in northern portion of site



Fig 10: One of at least three badger setts in northern and eastern parts of the site

3.10 Whilst on site a number of apparently active badger setts were found on site (Fig 10). These are concentrated on the drier land on the northern boundary and in the northeastern corner of the site. It appears that there are at least 3 separate setts, some with numerous access points into them. An ecologist would be best placed to provide advice in relation to the implications these have on the management of the area.

3.11 The client also advised that it was believed that bamboo from a neighbouring garden had encroached into the site, and this was found in a very dense clump in the northeastern corner of the site (Fig 11).



Fig 11: Bamboo encroaching into site from neighbouring garden



Fig 12: Large trees on northern boundary of site

3.12 A number of large trees, including a number of ash can be found on the northern edge of the area (Fig 12).

3.13 The southern edge of the area alongside the boundary to Lindisbarn comprise a number of larger trees including sycamore, pear, cherry and alder, with an understory of hazel and holly (Fig 13).

3.14 Most significantly, there was a row of four field maple. These trees could definitely be considered to be veteran trees and may even be ancient trees, potentially remnants of an old hedgerow that marked the boundary line.



Fig 13: Sycamore, hazel, pear, alder and holly in southeastern corner of site



Fig 14: Row of four veteran / ancient field maple.

4. Suitability for a Tree Preservation Order

- 4.1 As a guide to my assessment of the area as suitable for a Woodland TPO designation, I completed a Tree Evaluation Method for Preservation Orders (TEMPO) form. This provides criteria against which trees and groups can be judged against to ascertain whether they merit the placing of a TPO. Please note that, to a certain extent, some of the scores given on the form are subjective, so it should be used only as guidance.
- 4.2 The scores obtained by the area have been highlighted below, with discussion relating to the score given in each case:

Part 1a – Condition and Suitability for TPO – Fair / Satisfactory (3 points)

- 4.3 Many trees within this area are in poor condition, many having failed and collapsed, either dying or resprouting. This does not negate the value that they have as standing or fallen deadwood, but just highlights their overall condition.
- 4.4 The diverse nature of trees within this area means that the area does not form a continuous woodland canopy. Most of the larger trees are situated around the boundaries of the site, with the central areas of the site characterised by dense bramble and collapsed apple trees. Whilst these apple trees are likely to be remnants of the orchard that is visible in the 1946 / 1960's aerial photos, due to the low numbers and poor condition, they no longer resemble or provide the characteristics of an orchard.
- 4.5 Having said the above, a number of the trees are large and / or of some significant age, not least the field maple on the southern boundary of the site. It may be more appropriate to include these trees as individuals or a group within a TPO.

Part 1b – Retention span (in years) & suitability for TPO – 40-100 (4 points)

- 4.6 A number of the trees within the woodland may have lower life spans due to their age, size or presence of defects. However, most trees are in relatively good condition and are likely to continue to be features within the area for the foreseeable future.

Part 1c - Relative public visibility & suitability for TPO – Medium trees, or large trees with limited view only (3 points)

- 4.7 The most visible trees on site are those close to Church Lane on the western boundary of the site. Very few trees elsewhere on site would be visible other than from neighbouring properties.

Part 1d – Other factors

- 4.8 The row of four field maple are undoubtedly veteran trees, and therefore would earn 5 points in this section.
- 4.9 Many of the other trees on site are large, but may not be considered veteran. However, a number of the trees, such as the oak and alder surrounding the pond on the western side of the site, may be considered to be a tree group, or principal members of groups important for their cohesion and would earn 4 points.
- 4.10 The collapsed apples on site are likely to be remnants of a former orchard on site, likely dating back to the early 20th century. However, these now form individual features and are either dead, or collapsed and regrowing. It is debatable whether this provides them with having “identifiable historic...or habitat importance”, and thereby earning them 3 points.
- 4.11 A number of the other trees, such as the numerous sycamore and Norway maple are unlikely to be considered to have any additional redeeming features.

Part 2 – Expediency Assessment – Precautionary only (1 point)

- 4.12 There are no known threats to this area, and therefore it is assumed that TPO was placed on the site as a precaution.

Part 3 – Decision Guide – At least 12 points (TPO Defensible)

- 4.13 Dependant on how many points are scored within the “Other factors” section, trees within the area are likely to score at least 12 points, and therefore for many of the trees, a TPO is defensible.

5. Ramifications of a Woodland TPO Designation

- 5.1 A woodland TPO designation means that all trees or saplings within the woodland are protected. The protection will also apply to any trees or saplings that naturally regenerate or are planted within the woodland after the order has been made.
- 5.2 This will mean that any work to any of the trees or shrubs on site will require permission from the Local Authority prior to works commencing. The woodland classification is not intended to hinder beneficial woodland management. It may be possible to produce a management plan for the area so that multiple operations can be carried out under a single application.



5.3 With a woodland TPO in place, anyone who, without the appropriate permission:

- a) cuts down, uproots or wilfully destroys a tree: or
- b) Tops, lops or wilfully damages a tree in a way that is likely to destroy it: or
- c) Causes or permits such activities

Is guilty of an offence

5.4 Anyone convicted of such an offence could be fined up to a maximum of £20,000 or, in more serious cases, can lead to trial in the Crown Court and liable to an unlimited fine.

5.5 Unlike trees protected by individual or group TPO designations, there is no requirement to replace a dead tree, or a tree removed because there is an urgent necessity to remove an immediate risk of serious harm. However, it may be necessary to provide evidence that the tree is dead or posing an immediate risk of serious harm.

6. Conclusions and Recommendations

6.1 As outlined above, the site is diverse with a mixture of types of tree and shrub cover across it.

6.2 Many of the trees are of high quality and undoubtedly merit TPOs.

6.3 However, given the diverse nature of the tree cover, it is questionable as to whether a woodland TPO designation is the most appropriate. There is a lot of small naturally regenerated scrub that is present that would not normally merit a TPO.

6.4 It may be prudent to invite the Tree Officer to the site in order to access the area and consider instead highlighting individual trees or groups to be included within a TPO.

G. G. Robbie, BSc Hons For, MICFor, M Arbor A

A.T. Coombes Associates Ltd

26 September 2024



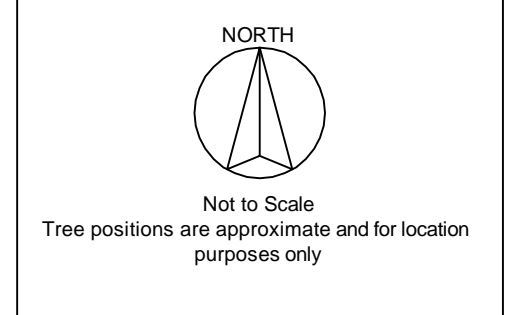


Page 106

Drawing Title:
Appendix 1 - Annotated Site Plan

Site:
Land at The Old Rectory, Edingthorpe

Client:
Brown & Co



KEY

Boundary of W1

Drawn By: GR Date: 26/09/24

TREE SURVEYS

A. T. Coombes Associates Ltd

mail@atcoombes.com
 01603 759618



TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING
(TREES) REGULATIONS 2012**

NORTH NORFOLK DISTRICT COUNCIL

NNDC TPO (BACTON) 2024 No.10

**Land At The Old Rectory, Rectory Road, Edingthorpe,
North Walsham, Norfolk, NR28 9TN**

NNDC Ref. TPO/24/1048

Dated 7 May 2024

SCHEDULE

Regulation 3(1)

Form of Tree Preservation Order

NORTH NORFOLK DISTRICT COUNCIL

NNDC TPO (BACTON) 2024 No.10

Land At The Old Rectory, Rectory Road, Edingthorpe,
North Walsham, Norfolk, NR28 9TN

NNDC Reference TPO/24/1048

North Norfolk District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as **NNDC TPO (BACTON) 2024 No.10**.

Interpretation

- 2.— (1) In this Order “the authority” means the **North Norfolk District Council**.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –

- a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

NORTH NORFOLK DISTRICT COUNCIL

NNDC TPO (BACTON) 2024 No.10

**Land At The Old Rectory, Rectory Road, Edingthorpe,
North Walsham, Norfolk, NR28 9TN**

NNDC Ref. TPO/24/1048

Dated: 7th May 2024

The Order was served and takes effect as from the date above as instructed by our Landscape Officer -



Imogen Mole
Senior Landscape Officer

[Authorised by the Council to sign in that behalf]

CONFIRMATION OF ORDER

This Order was **confirmed** by North Norfolk District Council **without modification** on the

Signed on behalf of North Norfolk District Council

.....

[Authorised by the Council to sign in that behalf]

CONFIRMATION OF ORDER

This Order was **confirmed** by North Norfolk District Council, **subject to the modifications** indicated below on the.....

Signed on behalf of North Norfolk District Council

.....

[Authorised by the Council to sign in that behalf]

DECISION NOT TO CONFIRM ORDER

A decision **not to confirm** this Order was taken by North Norfolk District Council on the

Signed on behalf of North Norfolk District Council

.....

[Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by North Norfolk District council on the [] day of *[insert month and year]* by a variation order under reference number *[insert reference number to the variation order]* a copy of which is attached]

Signed on behalf of North Norfolk District Council

.....

[Authorised by the Council to sign in that behalf]

REVOCAION OF ORDER

This Order was revoked by North Norfolk District Council on the [] day of *[insert month and year]*.

Signed on behalf of North Norfolk District Council

.....

[Authorised by the Council to sign in that behalf]

SCHEDULE

Specification of trees

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Lime	Land at The Old Rectory, Rectory Road, Edingthorpe, North Walsham, NR28 9TN E: 632129 N: 332816
T2	Horse Chestnut	Land at The Old Rectory, Rectory Road, Edingthorpe, North Walsham, NR28 9TN E: 632137 N: 332820
T3	Lime	Land at The Old Rectory, Rectory Road, Edingthorpe, North Walsham, NR28 9TN E: 632148 N: 332827
T4	Lime	Land at The Old Rectory, Rectory Road, Edingthorpe, North Walsham, NR28 9TN E: 632158 N: 332832
T5	Beech	Land at The Old Rectory, Rectory Road, Edingthorpe, North Walsham, NR28 9TN E: 632168 N: 332837
T6	Lime	Land at The Old Rectory, Rectory Road, Edingthorpe, North Walsham, NR28 9TN E: 632157 N: 332849
T7	Yew	Land at The Old Rectory, Rectory Road, Edingthorpe, North Walsham, NR28 9TN E: 632107 N: 332851
T8	Yew	Land at The Old Rectory, Rectory Road, Edingthorpe, North Walsham, NR28 9TN E: 632101 N: 332838

Trees specified by reference to an area
(within a dotted black line on the map)

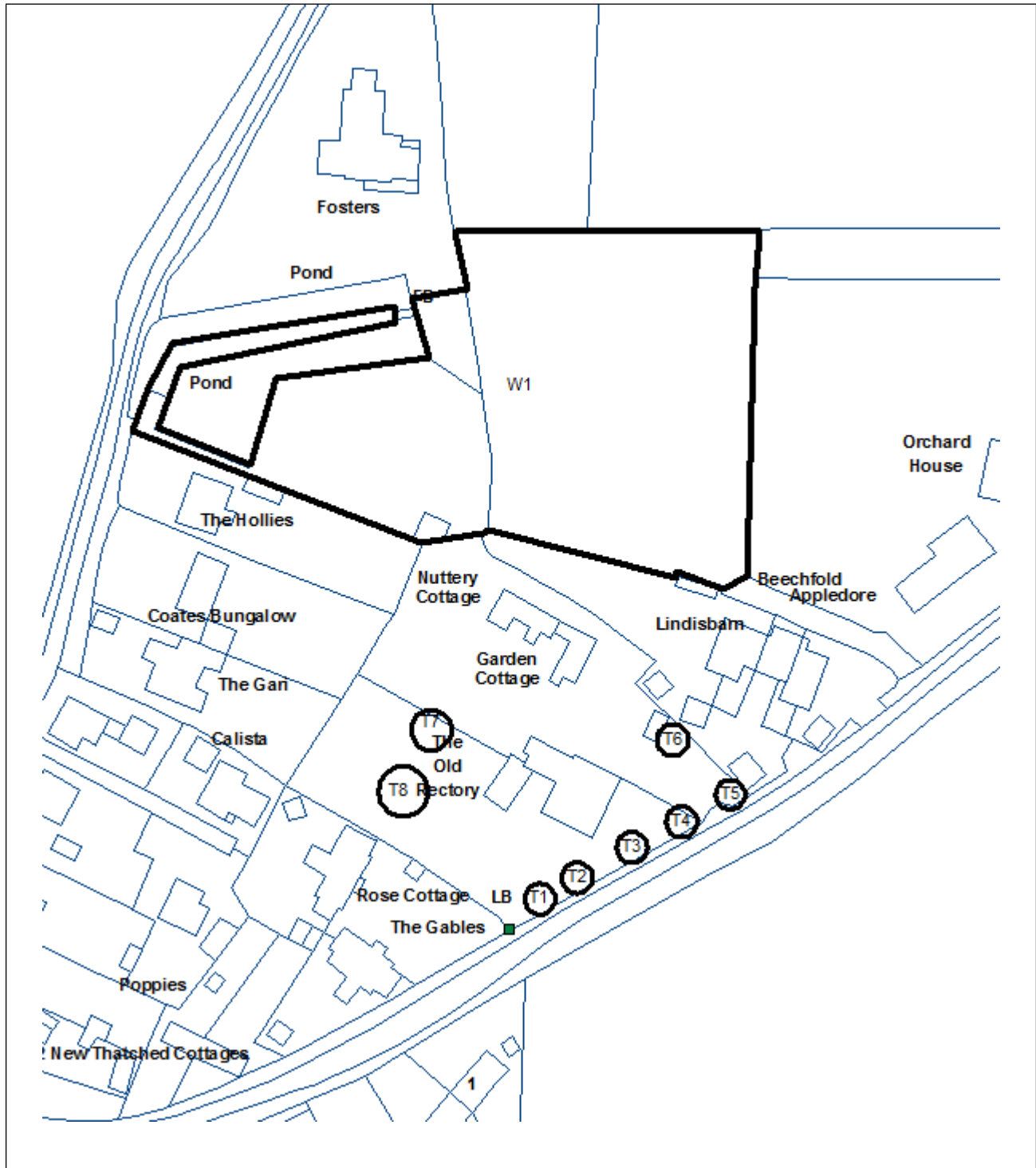
Reference on map	Description	Situation
-------------------------	--------------------	------------------

Groups of trees
(within a broken black line on the map)

Reference on map	Description	Situation
-------------------------	--------------------	------------------

Woodlands
(within a continuous black line on the map)

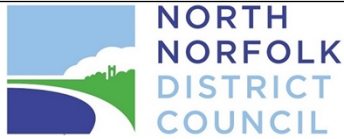
Reference on map	Description	Situation
W1	Woodland - Mixed Species	Land at The Old Rectory, Rectory Road, Edingthorpe, North Walsham, NR28 9TN E: 632109 N: 332917



Map referred to in the North District Council
NNDC TPO (BACTON) 2024 No.10

NNDC Reference: TPO/24/1048

N ↑	T1 – T8		Individual tree
	NONE		Group of trees
	W1		Woodland
	NONE		Area



SCALE = 1:1250

RLJ

North Norfolk District Council
 Holt Road, Cromer, Norfolk, NR27 9EN
 T: 01263 513 811
 E: planning@north-norfolk.gov.uk

7 May 2024

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 Ordnance Survey 100018623
 Aerial Photos © Getmapping plc

Dated: 7 May 2024

NORTH NORFOLK DISTRICT COUNCIL

TREE PRESERVATION ORDER

Land At The Old Rectory
Rectory Road
Edingthorpe
North Walsham
Norfolk
NR28 9TN

NNDC TPO (BACTON) 2024 No.10

TPO/24/1048

Town and Country Planning (Trees) Regulation
2012

Town and Country Planning Act 1990

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date:	Surveyor:
-------	-----------

Tree details		
TPO Ref (if applicable):	Tree/Group No:	Species:
Owner (if known):	Location:	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

Score & Notes

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:




Decision:


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DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – 17 OCTOBER 2024

1. INTRODUCTION:

- 1.1 This report briefly sets out performance in relation to the determination of planning applications in Development Management the period **August 2024**.
- 1.2 This report sets out the figures for the number of cases decided and percentage within time set against the relevant target and summary of 24-month average performance.
- 1.3 The tables also set out the percentage of the total number of decisions made that are subsequently overturned at appeal as 24-month average performance.
- 1.4 In addition, the tables set out the number of cases registered and validated within the specified months.

Performance Measure	Actual Performance	Target	Comments
(Speed) Decisions Made <i>(Period August 2024)</i>	Major 4 decisions issued. 100% within time period	60% (80% NNDC)	24 month average to 31 August 2024 is 100.00% 
	Non-Major 85 decisions issued <i>98% within time period (three cases over time)</i>	70% (90% NNDC)	24 month average to 31 August 2024 is 97.00% 
(Quality) % of total number of decisions made that are then subsequently overturned at appeal	Major	10% (5% NNDC)	24 month average to 31 August 2024 is 1.64% (one case RV/22/1661) 
	Non-Major	10% (5% NNDC)	24 month average to 31 August 2024 is 0.75%

Performance Measure	Actual Performance	Target	Comments
			
Validation (Period August 2024)	232 applications registered 190 applications validated	3 days for Non- Major from date of receipt 5 days for Majors from date of receipt	Datasets do not currently breakdown validated apps by Major / Minor or those on PS2 returns, but performance data retrieval being reviewed.

2. S106 OBLIGATIONS

- 2.1 A copy of the list of latest S106 Obligations is attached. There are currently seven S106 Obligations being progressed, one of which has been completed and can be removed from the list.

3. RECOMMENDATIONS:

- 3.1 Members are asked to note the content of this report.

SCHEDULE OF S106 AGREEMENTS

UPDATE FOR DEVELOPMENT COMMITTEE:

17 October 2024

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Application reference	Site Address	Development Proposal	Parish	Planning Case Officer	Committee or Delegated Decision	Date of Resolution to Approve	Eastlaw Officer	Eastlaw Ref:	Current Position	RAG Rating
PF/22/1596 & PF/22/1784 (Duplicate)	Land South Of Norwich Road North Walsham Norfolk	Hybrid planning application, comprising the following elements: 1. Full Planning Application for the construction of 343 dwellings (including affordable homes), garages, parking, vehicular access onto Ewing Road and Hornbeam Road, public open spaces, play areas, landscaping, drainage and other associated infrastructure; 2. Outline Planning Application with all matters reserved for a phased development comprising 7 serviced self-build plots and associated infrastructure; and 3. Outline Planning Application with all matters reserved for the construction of an elderly care facility and associated infrastructure, landscaping and open space	CP071 - North Walsham	Russell Williams	Committee	25/01/2024	Fiona Croxon	21830	S106 is being signed	
PF/24/1139	Cabbage Creek At Stiffkey Saltmarsh Stiffkey NR23 1QF	Installation of replacement footbridge and associated works	CP093 - Stiffkey	Olivia Luckhurst	Delegated	09/08/2024	Fiona Croxon	TBC	COMPLETED	
PF/21/1479	Agricultural Barns Oak Road Dilham Norfolk	Conversion of agricultural building with associated external alterations to form four bedroom holiday accommodation (Part-Retrospective)	CP023 - Dilham	Russell Stock	Committee	25/07/2024	Fiona Croxon	TBC	Two S106s are with the applicant for approval.	
PM/20/1641 (& PO/15/0539)	Tilia Business Park Tunstead Road Hoveton Norfolk	Approval of reserved matters: access, appearance, landscaping, layout and scale pursuant to outline permission PO/15/0539 for the erection of 28 dwellings	CP053 - Hoveton	Russell Stock	Delegated	TBC	Fiona Croxon	TBC	Eight of the nine s106 Undertakings are being signed	
PF/22/2225	Land At The Street The Street Swanton Novers	Erection of seven affordable dwellings with new access, associated infrastructure and landscaping	CP100 - Swanton Novers	Phillip Rowson	Delegated	N/A	Fiona Croxon	TBC	Draft s106 agreement settled but nutrient neutrality issues to be resolved	
PF/23/2048	Manor Farm 44 Fakenham Road Briston Melton Constable Norfolk	Development of existing barn complex to form 11no dwellings with associated car parking and landscaping, including ground mounted PV Array	CP016 - Briston	Mark Brands	Committee	19/09/2024	Fiona Croxon	24430	Draft s106 is substantially agreed	

PF/24/1767	One Acre Sandy Lane West Runton Cromer Norfolk	Erection of first floor extension with balcony over car port, conversion of car port to habitable accommodation, erection of two-storey rear extension, single-storey extension to existing garage to provide additional parking/storage, installation of standing seam zinc cladding on dwelling and replacement of cladding on garage	CP005 - Aylmerton	Isobel McManus	Delegated	TBC	Fiona Croxon	24448	Draft s106 is being prepared	
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APPEALS SECTION

NEW APPEALS

SALTHOUSE - PF/23/2553 - Demolition of farm buildings and erection of 5 dwellings
Land To The East Of , Cross Street , Salthouse, Holt, Norfolk
For Mr James Bunn

WRITTEN REPRESENTATION

Appeal Start Date: 03/10/2024

Appeal Decision:

Appeal Decision Date:

WELLS-NEXT-THE-SEA - PF/24/0639 - Conversion of First floor restaurant into Air B&B holiday accommodation
Plattens Fish and Chips, 12 & 13 The Quay, Wells-next-the-sea, Norfolk, NR23 1AH

WRITTEN REPRESENTATION

Appeal Start Date: 16/09/2024

Appeal Decision:

Appeal Decision Date:

WELLS-NEXT-THE-SEA - LA/24/0640 - Works associated with conversion of first floor restaurant to holiday accommodation
Plattens Fish and Chips, 12 & 13 The Quay, Wells-next-the-sea, Norfolk, NR23 1AH

WRITTEN REPRESENTATION

Appeal Start Date: 16/09/2024

Appeal Decision:

Appeal Decision Date:

INQUIRIES AND HEARINGS - IN PROGRESS

HICKLING - PF/24/0687 - Erection of single storey front/side extension
Old Chapel Cottage, Stubb Road, Hickling, Norwich, Norfolk, NR12 0YS
For Mr and Mrs S Budgett

FAST TRACK - HOUSEHOLDER

Appeal Start Date: 18/07/2024

Appeal Decision:

Appeal Decision Date:

WRITTEN REPRESENTATIONS APPEALS - IN HAND

BINHAM - PU/24/0753 - Change of use agricultural building to dwellinghouse (Class C3) and building operations necessary for the conversion
Barn To Rear Of, Abbott Farm Barn, Walsingham Road, Binham, Fakenham, Norfolk, NR21 0AW
For Jonathan and Tina Sneath

WRITTEN REPRESENTATION

Appeal Start Date: 09/09/2024

Appeal Decision:

Appeal Decision Date:

BLAKENEY - PF/23/1825 - Erection of single-storey holiday lodge
Hilltop Retreats, Langham Road, Blakeney, Holt, Norfolk, NR25 7PR
For Mr James Bunn

WRITTEN REPRESENTATION

Appeal Start Date: 10/04/2024

Appeal Decision:

Appeal Decision Date:

BODHAM - PF/23/2684 - Construction of new agricultural building following demolition of existing building subject of lawful development certificate CL/23/0819

Hurricane Farm Corner, Church Road, Lower Bodham, Holt, Norfolk, NR25 6RN

For Mr David Gay

WRITTEN REPRESENTATION

Appeal Start Date: 05/08/2024

Appeal Decision:

Appeal Decision Date:

EDGEFIELD - PU/23/1670 - Change of use of agricultural building to 1 'larger' dwellinghouse (Class C3), and building operations reasonably necessary for the conversion

Land North East Of Wood Farm Barn, Plumstead Road, Edgefield, Norfolk

For Mr & Mrs Ben & Anita Jones

WRITTEN REPRESENTATION

Appeal Start Date: 09/05/2024

Appeal Decision:

Appeal Decision Date:

ITTERINGHAM - PF/23/2299 - Change of use of the building known as "The Muster" and "Willow Barn" office-studio and associated outbuildings to a residential dwelling (C3)

The Muster, The Street, Itteringham, Norwich, Norfolk, NR11 7AX

For Mr Eric and Penelope Goodman and Blake

WRITTEN REPRESENTATION

Appeal Start Date: 06/08/2024

Appeal Decision:

Appeal Decision Date:

KNAPTON - PF/23/2228 - Erection of detached dwelling and car port with vehicle access to Mundesley Road

Alford Barns, Mundesley Road, Knapton, North Walsham, Norfolk, NR28 0RY

For Mr John Alford

WRITTEN REPRESENTATION

Appeal Start Date: 25/06/2024

Appeal Decision:

Appeal Decision Date:

MORSTON - PF/23/1501 - Erection of timber structure to contain walk-in fridge for kitchen (retrospective)

Morston Hall, The Street, Morston, Holt, Norfolk, NR25 7AA

For Mr Galton Blackiston

WRITTEN REPRESENTATION

Appeal Start Date: 10/07/2024

Appeal Decision:

Appeal Decision Date:

POTTER HEIGHAM - PF/22/1306 - Erection of two storey semi-detached dwelling to side of 14 Reynolds Lane
14 Reynolds Lane, Potter Heigham, Great Yarmouth, Norfolk, NR29 5LY
For Alison Vanner

WRITTEN REPRESENTATION

Appeal Start Date: 17/04/2024

Appeal Decision:

Appeal Decision Date:

ROUGHTON - CL/23/1650 - Lawful Development Certificate for use of land for siting of static caravan, and use of static caravan as a dwelling.
Static Caravan At, Woodview, Thorpe Market Road, Roughton, Norwich, Norfolk, NR11 8TB
For Mr Alexander Brackley

WRITTEN REPRESENTATION

Appeal Start Date: 10/11/2023

Appeal Decision:

Appeal Decision Date:

SWAFIELD - PF/23/1580 - Stationing of caravan for a mixed use comprising short term residential retreat / holiday accommodation for carers and people from a caring profession (up to 84 days per annum); hosted retreats for carers and people from a caring profession (up to 18 days per annum); Full-day and half-day therapeutic retreats for carers and people from a caring profession including overnight accommodation for the site manager / operator (up to 66

Land East Of Lincoln Cottage, (known As The Cottage), Common Road, Bradfield Common, Bradfield, Norfolk days per annum).

For Dr Clare Walters

WRITTEN REPRESENTATION

Appeal Start Date: 09/09/2024

Appeal Decision:

Appeal Decision Date:

SWANTON ABBOTT - EF/23/2459 - Lawful Development Certificate for proposed siting of modular building within curtilage of dwelling for use as an annexe to the main dwelling
Ambleside, The Footpath, Aylsham Road, Swanton Abbott, Norwich, Norfolk, NR10 5DL
For Gibbons

WRITTEN REPRESENTATION

Appeal Start Date: 08/04/2024

Appeal Decision:

Appeal Decision Date:

TRUNCH - PF/23/0613 - Construction of two-bedroom detached dwelling, cartshed garage and associated works
The Roost, Mundesley Road, Trunch, North Walsham, Norfolk, NR28 0QB
For Mr & Mrs Jelliff

WRITTEN REPRESENTATION

Appeal Start Date: 19/07/2024

Appeal Decision:

Appeal Decision Date:

WELLS-NEXT-THE-SEA - PF/23/1018 - Erection of two storey dwelling

34 Freeman Street, Wells-next-the-sea, Norfolk, NR23 1BA

For Mr Underwood

WRITTEN REPRESENTATION

Appeal Start Date: 14/05/2024

Appeal Decision:

Appeal Decision Date:

WEYBOURNE - PF/23/2247 - Erection of two-storey dwelling

Land Adjacent Maltings Hotel, The Street, Weybourne, Holt, Norfolk, NR25 7SY

For Mr Philip Turner

WRITTEN REPRESENTATION

Appeal Start Date: 03/09/2024

Appeal Decision:

Appeal Decision Date:

APPEAL DECISIONS - RESULTS AND SUMMARIES

CROMER - PF/23/0958 - Change of use of annexe from ancillary accommodation to allow use for holiday let

Annexe At, Great Gable, Metton Road, Cromer, Norfolk, NR27 9JH

For Mr Duane Wright

WRITTEN REPRESENTATION

Appeal Start Date: 19/03/2024

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 24/09/2024

CROMER - PF/23/2053 - Reinstatement of first floor balcony with installation of glass balustrade (resubmission of PF/22/2200)

The Bath House, Promenade, Cromer, Norfolk, NR27 9HE

For Mrs J Kinnaird

WRITTEN REPRESENTATION

Appeal Start Date: 03/04/2024

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 27/09/2024

FIELD DALLING & SAXLINGHAM - PU/23/2274 - Change of use of an agricultural building to one "larger" dwellinghouse and associated building operations necessary for the conversion

Grain Store, Langham Road, Field Dalling, Norfolk

For Mr & Mrs Tom Bacon

WRITTEN REPRESENTATION

Appeal Start Date: 04/06/2024

Appeal Decision: Appeal Withdrawn

Appeal Decision Date: 07/10/2024

POTTER HEIGHAM - PU/23/2311 - Application to determine if prior approval is required for the change of use and building operations reasonably necessary for the conversion of an agricultural building - Barn B to create 1 Larger and 2 Smaller Dwellinghouses

Glebe Farm, Marsh Road, Potter Heigham, Great Yarmouth, Norfolk, NR29 5LN

For Mr Robert Hall

WRITTEN REPRESENTATION

Appeal Start Date: 14/03/2024

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 11/09/2024

Total Number of Appeals listed: 22

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**OFFICERS' REPORTS TO
DEVELOPMENT COMMITTEE (ENFORCEMENTS)**

*Appeals Information for Committee between
11/09/2024 and 09/10/2024*

17-October-2024

APPEALS SECTION

WRITTEN REPRESENTATIONS APPEALS - IN HAND

ALBY WITH THWAITE - ENF/20/0066 - Erection of a building for residential use, garage and landscaping to create a garden

Field View, Alby Hill, Alby, Norwich, NR11 7PJ

WRITTEN REPRESENTATION

Appeal Start Date: 24/07/2023

Appeal Decision:

Appeal Decision Date:

EDGEFIELD - ENF/23/0092 - unauthorised works to a protected trees and new camping activity.

Dam Hill Plantation, Holt Road, Edgefield, Norfolk

WRITTEN REPRESENTATION

Appeal Start Date: 23/02/2024

Appeal Decision:

Appeal Decision Date:

RUNTON - ENF/23/0027 - Breach of conditions 2, 3,4, 6, 7, 8, 10, 11, 13,15 and 16 of planning permission PF/18/1302.

Homewood, Mill Lane, East Runton, Cromer, Norfolk, NR27 9PH

WRITTEN REPRESENTATION

Appeal Start Date: 09/01/2024

Appeal Decision:

Appeal Decision Date:

SOUTHREPPS - ENF/22/0281 - Stationing of caravan and associated works including installation of septic tank and engineering works.

Land Rear Pit Street, Southrepps, Norwich, Norfolk, NR11 8UX

WRITTEN REPRESENTATION

Appeal Start Date: 23/05/2023

Appeal Decision:

Appeal Decision Date:

WELLS-NEXT-THE-SEA - ENF/23/0124 - Material change of use of the land for the siting of a pizza van

Land West Of 3, The Quay, Wells-next-the-sea, Norfolk

WRITTEN REPRESENTATION

Appeal Start Date: 31/08/2023

Appeal Decision:

Appeal Decision Date:

WEYBOURNE - ENF/23/0278 - Change of use of barn to a pilates studio
Weybourne House, The Street, Weybourne, Holt, Norfolk, NR25 7SY

WRITTEN REPRESENTATION

Appeal Start Date: 29/04/2024

Appeal Decision:

Appeal Decision Date:

APPEAL DECISIONS - RESULTS AND SUMMARIES

CROMER - ENF/22/0026 - Installation of a flue
Lily Mai's, New Street, Cromer, Norfolk, NR27 9HP

WRITTEN REPRESENTATION

Appeal Start Date: 17/01/2024

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 24/09/2024

EAST BECKHAM - ENF/22/0289 - Material change of use of agricultural to land to storing of machinery and creation of a bund

Land North Hwrc, Holt Road (a148), East Beckham, Norwich, Norfolk, NR11 8RP

WRITTEN REPRESENTATION

Appeal Start Date: 02/03/2023

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 04/10/2024

Total Number of Appeals listed: 8