

Development Committee



Please contact: Democratic Services

Please email: democraticservices@north-norfolk.gov.uk Direct Dial: 01263 516108

TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 15 January 2025

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 23 January 2025** 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

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| PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN |
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1. AGENDA

PUBLIC BUSINESS

2. CHAIRMAN'S INTRODUCTIONS

3. TO RECEIVE APOLOGIES FOR ABSENCE

4. SUBSTITUTES

5. MINUTES - THURSDAY 14TH NOVEMBER 2024 (Pages 1 - 16)

To approve as a correct record the Minutes of a meeting of the Committee held on Thursday 14th November 2024.

6. MINUTES - THURSDAY 12TH DECEMBER 2024 (Pages 17 - 22)

To approve as a correct record the Minutes of a meeting of the Committee held on Thursday 12th December 2024.

7. 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.

8. 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.

9. DECLARATIONS OF INTEREST (Pages 23 - 28)

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

10. STALHAM - PF/21/1532 (APPLICATION 1) - EXTRA CARE (Pages 29 -

DEVELOPMENT OF 61 INDEPENDENT ONE AND TWO BEDROOM FLATS, WITH SECURED LANDSCAPED COMMUNAL GARDENS, ASSOCIATED VISITOR AND STAFF CAR AND CYCLE PARKING, EXTERNAL STORES AND A NEW VEHICULAR ACCESS ONTO YARMOUTH ROAD. 132)

11. **STALHAM - PF/21/2021 (APPLICATION 2) - A NEW RESIDENTIAL DEVELOPMENT OF 40 AFFORDABLE HOUSES COMPRISING 22 AFFORDABLE/SHARED OWNERSHIP HOUSES AND ONE BLOCK OF 18 AFFORDABLE FLATS CONSISTING OF 9, ONE BEDROOM FLATS AND 9, TWO BEDROOM FLATS WITH ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS. LAND NORTH EAST OF YARMOUTH ROAD, STALHAM**

Please refer to Item 10 reports

12. **BRISTON - PF/24/1030 - ERECTION OF 9 DWELLINGS WITH GARAGES (4 NO. TWO-STOREY DETACHED DWELLINGS, 3 NO. 1 ½ STOREY DETACHED DWELLINGS AND 2 NO. SEMI-DETACHED BUNGALOWS); ASSOCIATED ACCESS ROAD AND DRIVEWAYS; DETACHED AND ATTACHED GARAGES AT LAND TO THE REAR OF, HOLLY HOUSE, THE LANE, BRISTON** (Pages 133 - 162)
13. **ERPINGHAM - PF/22/0801 - REMOVAL OF STABLES, TENNIS COURT AND OUTBUILDINGS, AND THE CREATION OF SELF-HEATED DWELLING WITH ASSOCIATED ACCESS AND LANDSCAPING WORKS AT 1 WALPOLE BARNS, THWAITE COMMON, ERPINGHAM, NORWICH** (Pages 163 - 182)
14. **WALSINGHAM - LA/24/2551 - CONSTRUCTION OF LIGHTWEIGHT FIRE-RESISTANT PARTITION IN GROUND FLOOR AT MILL HOUSE, 5 SCARBOROUGH ROAD, WALSINGHAM, NORFOLK, NR22 6AB** (Pages 183 - 184)
15. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 185 - 188)
16. **APPEALS SECTION** (Pages 189 - 196)
17. **MHCLG WORKING PAPER - PLANNING REFORM: MODERNISING PLANNING COMMITTEES** (Pages 197 - 208)
18. **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, 14 November 2024 in the Council Chamber - Council Offices at 9.30 am

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| Committee | Cllr P Heinrich (Chairman) |
| Members Present: | Cllr R Macdonald (Vice-Chairman) Cllr A Brown Cllr P Fisher Cllr A Fitch-Tillett Cllr M Hankins Cllr V Holliday Cllr G Mancini-Boyle |
| Substitute | Cllr C Ringer |
| Members Present: | Cllr L Paterson |
| Members also attending: | Cllr T Adams Cllr W Fredericks |
| Officers in Attendance: | Development Manager (DM) Senior Planning Officer (SPO-AW) Senior Planning Officer (SPO-MB) Senior Landscape Officer (SLO-CB) Development Management Team Leader (DMTL-CR) Planning Officer (PO-IM) Trainee Planning Officer (TPO-NW) Solicitor Assistant Director for Planning (ADP) Community Housing Enabler (CHE) Democratic Services Officer |

77 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr M Batey, Cllr K Toye, Cllr J Toye, Cllr L Vickers, Cllr P Neatherway, Cllr A Varley.

78 SUBSTITUTES

Cllrs C Ringer and L Paterson were present as substitutes.

79 MINUTES

The minutes of the Development Committee meeting held Thursday 17th October 2024 were approved as a correct record.

80 ITEMS OF URGENT BUSINESS

None.

81 DECLARATIONS OF INTEREST

Cllr L Paterson declared an interest with respect to the S106 appendix item to note

(Oak Farm) he is the landowner.

Cllr A Brown declared a non-pecuniary interest in items 10 and 11, he considered himself pre-determined with respect to the applications, and therefore advised he would abstain from voting on the applications but would speak.

Cllr P Fisher declared a non-pecuniary interest in item 9, he is the Local Ward Member for Wells-next-the-sea.

82 HANWORTH - PF/24/1364- ERECTION OF TWO STOREY REAR EXTENSION, INFILL EXTENSION AND PORCH TO DWELLING; OTHER EXTERNAL ALTERATIONS INCLUDING TO SHAPE OF ROOF AND REPLACEMENT WINDOWS TO OWLETS, THE COMMON, HANWORTH.

Officers report

The SPO-AW introduced the Officers report and recommendation for approval subject to conditions.

She outlined the sites' location, located within the designated countryside under policy SS1 and SS2 of the Core Strategy, and set on the common itself. The site was located within the Hanworth Conservation area and open common land. It was understood that Hanworth is one of the largest fenced commons in England.

The SPO confirmed the existing and proposed floor plans and elevations. Officers concluded that the building as built was not representative of the majority of the conservation area and, therefore, there was scope for improvement. Further, Officers considered that the proposed dwelling would site comfortably within the plot.

Following advice from the Conservation and Design Team, revised plans had been received which amended the massing of the extension. Whilst there would be a visible increase in built form, this was considered to be fairly contained and was not considered to be disproportionately large in the context of Policy HO8. The footprint of the extension would remain fairly large, but Officers felt this was acceptable given the size of the plot and the revised height and mass of the extension. Conservation and Design Officers were satisfied that the scheme would not result in harm to the character and appearance of the Hanworth Conservation Area.

In terms of policies EN2 and EN4, Officers considered the proposal to be a contemporary design which makes good use of quality traditional materials including pantiles, brick and natural timber cladding, which would silver down over time and tie in with the grey flints seen on other buildings. The juxtaposition between the existing and proposed extension would help to read this as a modern addition to the dwelling.

Ecological mitigation and enhancements would be appropriately conditioned, and the proposed extension was not considered to have a negative impact on neighbours' amenity.

Concerns had been raised locally regarding the capacity of the septic tank on site, however as this was a householder application this was outside the scope of the application.

Public speakers

Gill Wilton – Hanworth Parish Council
Louise Rice – Objecting
Nick Payne – Supporting

Local Member

The Local Member – Cllr J Toye – outlined the unique history of Owlets, which had a special connection with the village, and which invoked the image of a small rural cottage and not a large four-bedroom house. He considered it important to understand the history which underpinned the significance of why local residents were so concerned about development, its scale and finish.

The Local Member stressed the special character of Hanworth Common, and argued the development would negatively change the views and site lines of the common.

Cllr J Toye was critical of the Conservation and Design teams' assessment, and felt due regard had not been given to local knowledge or to Hanworth Conservation area. He further disagreed with their comments that the existing dwelling was of 'limited architectural and historic merit'. The Local Member considered the proposed extension was not in keeping with the area and failed to be subservient to the host dwelling.

With respect of planning policy EN4, the Local Member considered to proposal would neither preserve nor enhance the character and quality of the area. Further he challenged whether the application complied with policy EN8, or chapter 16, paragraph 198 of the NPPF.

Cllr J Toye argued that permission would not be granted for a new dwelling on the common, and this scheme, effectively doubling the size of the existing dwelling and which ignores the historical context was unacceptable.

Cllr V Holiday arrived at 9.58am

Members debate

- a. Cllr R Macdonald expressed some concern whether the application would comply with policy HO8 given the size of the extension. He agreed with local residents' comments that if the applicant (who had recently purchased the dwelling) wanted a 4-bedroom house, should they not have purchased a 4-bedroom house.
- b. Cllr L Paterson considered the scale and mass of the extension to be significant and asked what the percentage increase would be to the dwelling's footprint.
- c. The DM advised that figures were unavailable for the percentage increase. With respect to policy HO8 there were two key policy tests for the Committee to consider – whether the proposal would result in a disproportionately large increase in the height and scale of the dwelling, and, if this would materially increase the impact of the dwelling on the appearance of the surrounding countryside. Officers were satisfied the proposal complied with policy HO8, though it was a matter for the Committee to consider the planning balance.

- d. Cllr L Paterson asked if there was a policy consideration in instances where the gentrification of an existing property would make it unaffordable.
- e. The DM advised there was no such policy test within the core strategy.
- f. Cllr A Brown shared in the Committee's concern that this was a disproportionately large extension which would have an overbearing impact on the highly sensitive landscape. He was surprised that the property was not locally listed given its history, nor that the site was afforded greater protection. Cllr A Brown was critical of the Conservation and Design Teams assessment of the scheme.
- g. The Chairman asked if the Conservation and Design Team were available to comment.
- h. The DM advised the Conservation and Design Team weren't available for the meeting. He affirmed that the Planning Authority had a statutory duty to preserve and protect the character and appearance of a Conservation Area. The Officer recommendation gave weight to the submission from the Conservation Officer. He argued that if the Committee were minded to refuse the application, policy reasons would need to be articulated for this decision.
- i. Cllr A Fitch-Tillett affirmed that an extension should be subservient to the host dwelling, she was unconvinced this rule had been applied.
- j. The SPO advised that Officers took a visual assessment of the height, scale and overall massing of an extension. In this instance the proposed ridgeline was stepped down from the host dwelling and would be set back from the front elevation.
- k. Cllr G Mancini-Boyle asked how many other properties had been extended locally.
- l. The SPO advised other properties had been extended locally, she noted the representation from the parish council that other extensions had been approved without concern
- m. Cllr C Ringer held significant reservations whether the application was compliant with policy HO8, and felt the Officers report and assessment significantly understated the significance of Hanworth Common and the dwellings relationship with it. He argued the application was contrary to policy EN2 and endorsed refusal of the application.
- n. The Chairman recognised the Committee's concern regarding the scale and massing of the extension and advised that the Committee had the option to defer consideration. He invited the ADP to advise.
- o. The ADP confirmed the outcomes available to the Committee and stated that if Members considered the information presented to be lacking, this would be a valid reason to defer. He noted Members comments and the desire for additional information with respect to the scale and massing, and the attention of Conservation and Design officers to respond to Committee Comments. He noted that the Committee had previously deferred an application at Binham to allow a better proposal to come forward.

- p. Cllr A Brown considered there may be merit for a site visit.
- q. The Chairman stated a site visit at this time of year presented challenges and would be result in a speedy resolution.
- r. Cllr L Paterson did not consider deferral necessary as he felt the application unacceptable due to the scale and massing. He distinguished the differences between this and the Binham application.
- s. The Chairman noted the Committee were not against an extension to the dwelling in principle, but took issue with the design, scale and massing. He commented that deferral may allow for an improved scheme, and that that there was merit in discussing the application with a Conservation Officer present.
- t. Cllr C Ringer stated he was not against the application in principle, or deferral, but that there would need to be marked improvement to the scheme for him to consider it acceptable.
- u. Cllr A Fitch-Tillett proposed deferral of the application.
- v. Cllr C Ringer seconded.
- w. The DM sought clarity what the Committee would like to be re-negotiated with the applicant. He confirmed that the applicant was within their rights to have their application as submitted considered.
- x. Cllr A Fitch-Tillett detailed the Committees requests; that the extension should be more subservient to the hoist dwelling, and that materials used be more in keeping with the local vernacular.
- y. Cllr G Mancini-Boyle added that more should be done to blend the extension with the host dwelling in a sympathetic manor, as the proposed scheme looked like an entirely separate house.
- z. The SPO noted the proposal made use of clay pantiles and red brick and sought clarity which materials were at issue.
- aa. Cllr A Fitch-Tillett stated it was the cladding at issue. She stated the host dwelling was a traditional Norfolk cottage, and considered the proposals modern design was not in keeping.
- bb. The DM reflected it was a fine balance and commented that it was not unusual for a traditional building to get a modern extension in the district. He thanked Members for their clarity for the matters at issue.

RESOLVED by 9 votes for and 1 abstention.

That Planning Application PF/24/1364 be deferred.

83 WELLS-NEXT-THE-SEA - PF/24/1572 - ERECTION OF 47 DWELLINGS WITH ASSOCIATED LANDSCAPING, OPEN SPACE, DRAINAGE, VEHICULAR ACCESS AND PARKING PROVISION AT LAND OFF MILL ROAD, WELLS-NEXT-THE-SEA, NORFOLK

Officers report

The SPO-MB outlined the application and recommendation for approval subject to conditions. He detailed the sites' location, situated to the west of Wells-next-the-sea, and contained within the North Norfolk National Landscape (formerly known as the AONB).

The SPO-MB provided details of the proposed site plan, variation of roofscapes, Tenure Plan; including 26 Market dwellings, 21 affordable dwellings comprised of 8 social homes, 8 intermediate, and 5 shared accommodation, site sectionals, indicative visualisation spanning 1 – 5 years, floor plans and elevations for various types of dwelling, proposed landscaping including landscape buffering to the North and trees lining the main access road, and offered images in and around the site.

The Case Officer confirmed the key issues for consideration and advised that whilst the proposal was a departure from the existing Local Plan, Officers had given due regard to the Local Authorities lack of 4- & 5-Year housing land supply and the 'tilted balance' detailed in the NPPF. The proposal was seen to positively contribute to the housing shortfall and would deliver benefits through off-site developer contributions. Further, the confirmed that Officers considered the housing mix proposed to be acceptable, and that appropriate regard had been given to the impact of the scheme on the sensitive location.

The SPO-MP noted the Inspector did not consider the site should be contained in the emerging Local Plan, however the Council continued to support its retention in the Plan. The Inspector had not been provided with the full detail of the application at the examination stage, and therefore had not been provided with mitigation details.

Public Speakers

John Edwards – Objecting
Keith Glascoe – Objecting
Will Buck - Objecting
Geoff Armstrong – Supporting

Local Member

The Local Member - Cllr P Fisher – thanked officers for their comprehensive report for a complex and sensitive site. He reaffirmed the Council considered the site suitable for development and reflected on the increasing housing target and need to deliver additional homes. He spoke positively of the developer's engagement with the Town Council and for adapting plans accordingly. Further, he was pleased with the environmental and bio-diversity provisions outlined, and that due consideration had been given to dark skies. Cllr P Fisher stressed the need for affordable homes, both in Wells and across the district.

Members Debate

- a. The ADP confirmed the reasons why the application had been presented to Committee. He confirmed the scale of the development and relationship with

the emerging Local Plan merited consideration by the Committee. He advised against refusal of the application on the grounds that the Local Plan had not been adopted.

- b. Cllr L Paterson considered the right balance had been struck by officers and so proposed acceptance of the officer's recommendation.
- c. Cllr G Mancini- Boyle asked for details regarding the landscape management plan to ensure that the planting scheme would thrive.
- d. The SPO-MB confirmed the standard clause would apply for a 10-year management plan; this could be monitored.
- e. In response to questions by the Chairman, the Landscape Officer confirmed the landscape character assessment guides to reflect the local planting pallet to filter in the development at all elements of the new build.
- f. Cllr V Holliday stated that this is a complex matter with a divided community, however there is a desperate need for housing. She asked if there is a principal residence policy in Wells-Next-The-Sea's neighbourhood plan.
- g. SPO-MB advised this site is excluded from the neighbourhood plan because it addresses specific local needs.
- h. Cllr V Holliday asked if it is a Site of Special Scientific Interest (SSSI) site.
- i. SPO-MB explained that due to the site's previous allocation for a larger area that has been subsequently reduced, this is not within SSSI.
- j. Cllr V Holliday questioned the absence of principle residency exclusion on site resulting in a lot of second homes.
- k. The DM advised the site is meeting the policy requirement for housing and is at the maximum NNDC require.
- l. Cllr A Brown referenced concerns regarding the relationship of the planning inspector, advising they are appointed and per statutory processes, NNDC must engage with them. He expressed the prevalent need for affordable housing in Wells-Next-The-Sea and the advantage of having a responsible developer. Cllr A Brown seconded the proposal.
- m. Cllr M Hankins congratulated the Officer on an excellent report. He stated the overriding concern is that Wells-Next-The-Sea has a shortage of houses.
- n. Cllr A Fitch-Tillett echoed the desperate housing need for local people, particularly in Wells-Next-The-Sea with second homes and fully supports the recommendation.
- o. The ADP reflected on previous points raised, advising it is unusual for an Inspector to have a clear position in contrary to Officers recommendation. However, since the Inspectors initial letter, there has been more detailed and refined information which has shaped the Officers recommendation to the Committee.

He expressed the importance of establishing affordable housing with a view

to future Government requirements.

The ADP advised that SLO-CB is independent of mind and would make it clear if this was an unacceptable proposal. He has been to see the site and with the detail in mind, he is comfortable with the recommendation.

He also reiterated the caveat of the recommendation which includes a S106 package as well as the attention to local issues such as highways and flooding needs. Whilst he is confident these caveats can be addressed; they will need to be done before issuing any decision.

- p. Cllr R Macdonald asked for more information in relation to the Lead Local Flood Authorities (LLFAs) comments.
- q. SPO-MB explained that the LLFAs had requested further calculations to reflect more recent guidance. These calculations have been provided with an updated technical note and discussed informally with the LLFAs Officer; they are satisfied with the new calculations but requested further clarification on the attenuation basin.
- r. Cllr V Holliday expressed concerns regarding the access road, querying whether this could be moved. She also asked if there would be a lighting condition appended to the houses.
- s. SPO-MB assured there would be inclusion of a lighting condition to protect the nocturnal element. In reference to the road access, SPO-MB explained the pre-application changes included more sweeping access and further landscaping to soften the impact on Mill Road. Addressing comments to connect to Holkham Road, this would have a more significant impact on the landscape with views from the North. The current plan is the only realistic prospect to accommodate the development.
- t. Cllr C Ringer asked for clarification of the allocations policy.
- u. The CHE advised that as it is an allocated site, it will be a general needs allocation. Homes for Wells will most likely take the intermediate units who have their own policy which meets local needs and key workers.
- v. Cllr W Fredericks thanked the Committee for their comments and consideration to homeless and local people reiterating the importance of affordable homes as a community.

RESOLVED with 10 votes for.

That Planning Application PF/24/1572 be approved in accordance with the Officers recommendation.

Cllr P Fisher and Cllr M Hankins left meeting at 11:16am.

The meeting was adjourned at 11.16am and reconvened at 11.32am

84 **SHERINGHAM - PF/24/1827- CHANGE OF USE OF GROUND FLOOR FORMER SHOP (CLASS E) TO HOT FOOD TAKEAWAY (NO SPECIFIED USE CLASS), INSTALLATION OF EXTRACTION AND VENTILATION EQUIPMENT; EXTERNAL**

ALTERATIONS TO 10 CHURCH STREET, SHERINGHAM.

Officers report

The SPO-AW outlined the application PF/24/1827 and ADV/24/1828 with recommendation for approval subject to conditions.

The SPO-AW provided details of the proposed change of use, specifically in relation to the ventilation equipment. A noise report was submitted to support this, and environmental health officers are happy there would be no significant negative amenity impact from the change of use subject to condition.

Conservation and Design Officers consider the existing shop front fails to make a positive contribution to the designated area as existing, it is also noted the proposal misses the opportunity to reinstate some character.

The SPO-AW detailed the proposed signage, advising that Officers considered the proposed signage accords with the aims of the design guide, policies EN4, EN13 and CT5 subject to condition.

The SPO-AW confirmed the key issues for consideration, including no current policy basis to reject and limited heritage harm. Public benefits of securing a viable use for an empty shop and the 16 local jobs which will be created. A litter management plan has been submitted which address litter concerns.

Public Speakers

Peter Ratcliffe – Sheringham Town Council
Andrew Hodgson (Agent) – Supporting

Local Member

The Local Member - Cllr L Withington was unable to attend but shared a document prior to the meeting with the Members. The DM read a summary of the issues within the document.

Cllr P Fisher joined meeting at 11:48 am.

Cllr L Withington raised concerns about the exceeding of levels within the EC5 policy and tipping the balance of the towns eateries and impacts the health and wellbeing targets for North Norfolk.

She referenced policies EN4, EN5, EN8 and section 16 of the National Planning Policy Framework including paragraph 8. Advising it is not in the public interest here to say that that the less than substantial harm identified on the Sheringham Conservation Area is outweighed by the public interest.

With the concerns over these policies, going against public interest and environmental concerns, Cllr L Withington advised she seeks to refuse the application.

Members Debate

- a. Cllr A Brown reminded the Committee that he is pre-determined on the application and will be abstaining from voting. He referenced an error in the

consultants' Design and Planning Statement on the Planning Portal, advising the statement that the nearest hot food takeaway is 120 meters away which is inaccurate.

Cllr A Brown raised concerns in relation to the Health Protocol and detrimental effect to local residents, referencing late night noise from vehicles delivering. Would suggest imposing a condition that retail unit closes at 9:00 pm, to guarantee immunity to the residents above.

- b. Cllr L Paterson supported the concerns regarding noise and agreed with the need for a curfew. He raised various points relating to NNDC's Planning Policy, specifically the concern over littering.
- c. The SPO-AW advised the clearing of litter would be in the locality of the restaurant but could look at specifying a set area.
- d. Cllr V Holliday raised concerns over the introduction of another fast-food outlet increasing the likelihood of health risks in the area, adding to the already high demand on healthcare.
- e. Cllr C Ringer referred to policy EC5 and questioned the differing statistics surrounding the percentage of shop fronts on the High Street.
- f. The SPO-AW explained with the details around change of class being broad allowing for variation and interpretation, it impacts Officers overall assessment.
- g. Cllr C Ringer shared his reservations in approving this recommendation.
- h. The DM reiterated the difficulty in finding the right balance when referring to the policies and advised the Officers can make recommendations to the best of their judgment, but it is down to the Committee to make an overall decision.
- i. Cllr A Fitch-Tillett expressed benefit of getting rid of the ugly signage on the currently disused storefront. She echoed concerns of late-night noise from vehicles delivering but understands Environmental Health and the Safe Neighbourhood Team have been advised and happy. Proposed both PF/24/1827 and ADV/24/1828.
- j. Cllr G Mancini-Boyle raised a concern about the carbon footprint in relation to transportation of product.
- k. Cllr V Holliday advised Environmental Health have not addressed the issues of late-night vehicle noise. She advised the NPPF does state to make decisions based on the wellbeing of residents and quoted 96C of the NPPF.
- l. Cllr L Paterson does not feel the Committee can prevent traffic noise and should not allow this to affect the final decision.
- m. Cllr A Brown stated Public Health England have published guidance on how to use the planning system to promote healthy weight environments.

- n. The ADP referred to paragraph 96C of the NPPF, previously mentioned. The examples used are about being permissive, rather than constrain the negative.

He goes on to say that the policy refers to use class order, which is out of date. Reiterating the point that Officers must make a recommendation based on interpretation of an out-of-date policy not a modern set of use class circumstance.

The ADP guided the Committee there is the capacity refuse due to EC5 with the loss of retail frontage and the over concentration of hot food takeaway, as well as a residential immunity issue. The concerns surrounding waste could be addressed with a condition rather than be considered a reason for refusal.

The Chairman clarified that Cllr A Fitch-Tillett has proposed the Officers recommendation for approval, Cllr R Macdonald seconded.

VOTED

RESOLVED by 3 votes for, 4 against and 2 abstentions.

The vote is lost.

Cllr C Ringer proposed the refusal, Cllr L Paterson seconded.

VOTED

RESOLVED by 4 votes for, 3 against and 2 abstentions.

That Planning Application PF/24/1827 be REFUSED in accordance with EC5 and EN4.

- 85 SHERINGHAM - ADV/24/1828- DISPLAY OF ONE EXTERNALLY ILLUMINATED FASCIA SIGN AND ONE INTERNALLY ILLUMINATED HANGING SIGN AT 10 CHURCH STREET, SHERINGHAM.**

Please refer to point 84 regarding PF/24/1827.

The Chairman clarified that Cllr A Fitch-Tillett has proposed the recommendation, Cllr R Macdonald seconded.

RESOLVED by 4 votes for, 2 against and 3 abstentions.

That Planning Application ADV/24/1828 be approved in accordance with the Officers recommendation.

- 86 WEST RAYNHAM - PF/24/0901 - FIRST FLOOR EXTENSION OVER EXISTING SINGLE STOREY EXTENSION TO FORM ADDITIONAL BEDROOM; EXTERNAL ALTERATIONS INCLUDING RELOCATION OF THE ENTRANCE DOOR, CHANGES TO EXTERNAL WALL AND LAYOUT OF SINGLE STOREY EXTENSION AND, REPLACEMENT OF EXISTING FIRST FLOOR WINDOW AND FRENCH WINDOW AT NORTH VIEW, 29 THE STREET, WEST RAYNHAM, FAKENHAM, NORFOLK, NR21 7EZ**

Officers report

The PO-IM outlined the application with recommendation for refusal. She advised the Applicant has provided 3 further supporting documents since the Application was published, these are available on the case file though are not considered to alter the Officers recommendation.

The PO-IM provided details of the proposed changes and reason for the Officers recommendation for refusal, specifically detailing that a pre-application was done with the Applicant, which resulted in guidance which has not been met in this Application.

Public Speakers

David Sidell – West Raynham Parish Council
Sarah Clears – Supporting

Local Member

The Local Member - Cllr N Housden was unable to attend but shared a statement, the DM read the statement to the Committee.

Cllr N Housden spoke about how the application would impact on the family and local community. He explains the applicant has worked with the Officers to come to a pragmatic consensus benefiting the visual aspects for fulfilment of the planning criteria and internal provision of accommodation needed.

The Local Member asks that the Committee considers applications not only based on planning policy grounds, but the social demographic benefit. He states approving this application will ensure that the property is extended to serve a stable working family who are an integral part of this local community.

Members Debate

- a. The Chairman advised there did not seem to be an issue with the principal of this development, just whether the style of roof is acceptable within the conservation area of West Raynham.
- b. Cllr L Paterson asked for clarification of the proposal.
- c. The PO-IM shared images of the proposal and confirmed the reasons for the recommendation for refusal.
- d. Cllr V Holliday asked for further information in terms of the room dimensions and usability of the duo-pitched perpendicular extension.
- e. The PO-IM advised the room would be capable room of practical habitation, particularly if the room were to be vaulted to the ridge or the floor level is lowered.
- f. Cllr V Holliday enquired if lowering the floor would be an issue, but PO-IM advised this had not been explored so could not answer the question.
- g. Cllr G Mancini-Boyle asked for clarity over the reason for the suggested recommendation due to other similar structures in the area.

- h. Cllr A Brown asked if there is the scope to not make a decision today and allow the applicant to go away and work with the Officers more.
- a. The ADP suggested if it was concluded to defer the decision it may be best to go back to basics with the plans.
- b. Cllr A Brown suggested the other properties in the village with similar aesthetics were prior to the Conservation Area status was invoked.
- c. The DM advised that some of the examples of similar builds pre-dated the planning system and would explain why a previous application was refused in 2023.
- d. Cllr A Fitch-Tillett requested clarification of the location of the extension in relation to the street view. She felt there was a great need for the extension and proposed the approval of the application.

The Chairman put the Officers recommendation to refuse the application to the vote

VOTED

RESOLVED by 1 vote for, 8 against.

The vote is lost.

- e. Cllr L Paterson proposed the application for approval due to not being able to see the roof from the road and disagreeing with the harm mentioned.
- f. The ADP concluded the approval would be based on the Officers proposal having been founded largely on the position of the extension in relation to the building and the road to the front, would not have a detrimental impact on the character and appearance of the conservation area.

Cllr L Paterson proposed the approval, Cllr A Fitch-Tillett seconded.

VOTED

RESOLVED by 9 votes for.

That Planning Application PF/24/0901 be APPROVED.

The Chairman proposed to suspend standing orders to complete applications and that the Officers final reports shall be taken as they are with questions to Officers raised separately.

The meeting was adjourned at 12.48pm and reconvened at 12.53pm

87 **BACONSTHORPE - PF/24/1919 - ALTERATIONS AND EXTENSION OF EXISTING SINGLE STOREY OUTBUILDING TO FACILITATE USE AS ANNEXE ACCOMMODATION AT NEWT COTTAGE 65 CASTLE ROAD, BACONSTHORPE, HOLT.**

Officers report

The TPO-NW briefly outlined the application and the Officers recommendation for approval.

Public Speakers

Martin Stuart (Agent) – Supporting

Local Member

The Local Member - Cllr C Ringer - outlined his reasons for bringing this to the Committee was to decide whether the proposal complies with EN4.

He expressed the concern of the overlooking of the properties if the application is approved, referencing compelling documentation provided by the main objector.

The Local Member asked that if the application be approved, for conditions to be included in relation to the roof light and glass as well as the Officer proposed conditions specifically in relation to the prohibition of it being a standalone holiday let.

Members Debate

- a. The Chairman advised that if the roof light was a concern a condition could be agreed.
- b. The DM advised a condition could be included in relation to the glass if the applicant was accepting of it.
- c. Cllr L Paterson stated that on the basis that there is a condition of obscuring glass in the roof light he would propose the officer's recommendation for approval.

Cllr L Paterson proposed the approval, Cllr R Macdonald seconded.

RESOLVED with 9 votes for.

That Planning Application PF/24/1919 be approved in accordance with the Officers recommendation and the condition related to the roof light.

- 88 **SUFFIELD PARK - PF/24/1924 - DEMOLITION OF DETACHED GARAGE; SINGLE STOREY FRONT & REAR EXTENSIONS; ALTERATIONS TO FENESTRATION AND EXTERNAL MATERIALS, NEW PV PANELS, FORMATION OF RETAINING WALLS TO IMPROVE ON-SITE PARKING, REPLACEMENT OF BOUNDARY FENCE WITH RENDERED WALL, RELOCATION OF REAR PEDESTRIAN ACCESS AND FORMATION OF TWO RAISED FLOWER BEDS AT 5 CLIFF DRIVE, CROMER**

Officers report

The DMTL-CR briefly outlined the application with images of the site and plans in relation to the application.

He outlined the Officers report and recommendation for approval. Highlighting key points in relation to impact on the character of the area and design, amenity, coastal considerations and concerns of the use of the property.

Public Speakers

Susan Taylor – Supporting

Local Member

The Local Member - Cllr E Spagnola was unable to attend but shared a statement, the DM read the statement to the Committee.

Cllr E Spagnola explained concerns regarding overdevelopment on the site, causing intrusion of the neighbours, affecting the vista from surrounding areas along the cliff line and potentially prompting coastal erosion issues. She also discussed the impact on parking year-round and noise pollution with it due to the increase in occupants.

With these key points in mind, Cllr E Spagnola urged the Committee to object to the planning application.

Members Debate

- a. Cllr A Fitch-Tillett supported the Officers recommendation and knowledge in relation to the Coastal Erosion. She proposed the Officers recommendation to approve the application.
- b. Cllr A Brown seconded the proposal stating the Local Members concerns have been addressed within the report.
- c. Cllr G Mancini-Boyle praised the applicant for being accommodating in relation to not overlooking neighbours and supported the application.
- d. Cllr V Holliday stated it is unfortunate that the runoff goes into the foul system but understands this is due to no other option due to cliff erosion.
- e. Cllr T Adams advised drainage options are very limited due to the location. He advised there have been concerns regarding cracks along the pavement and cliff top pass, but these are due to settlement and will continue to occur. He thanked the applicant for allaying concerns in terms of it being a holiday let.

Cllr A Fitch-Tillett proposed the approval, Cllr A Brown seconded.

RESOLVED with 9 votes for.

That Planning Application PF/24/1924 be approved in accordance with the Officers recommendation.

89 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

The Chairman asked Members to raise any questions with the Officers directly.

90 APPEALS SECTION

The Chairman asked Members to raise any questions with the Officers directly.

91 EXCLUSION OF PRESS AND PUBLIC

The meeting ended at 1.22 pm.

Chairman

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 12 December 2024 in the Council Chamber - Council Offices at 9.30 am

Committee Cllr R Macdonald (Vice-Chairman)

Members Present: Cllr M Batey
Cllr A Brown
Cllr P Fisher
Cllr A Fitch-Tillett
Cllr M Hankins
Cllr V Holliday
Cllr P Neatherway
Cllr J Toye
Cllr K Toye
Cllr L Vickers

Officers in Attendance: Development Manager (DM)
Senior Planning Officer (SPO)
Assistant Director for Planning (ADP)
Solicitor
Democratic Services Officer (DSO-LG)
Democratic Services Officer (DSO-LW)

92 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr P Heinrich, Cllr G Mancini-Boyle and Cllr A Varley.

93 SUBSTITUTES

None

94 MINUTES

The minutes of the 14th November 2024 meeting will be presented at the next Development Committee meeting.

95 ITEMS OF URGENT BUSINESS

None received.

96 DECLARATIONS OF INTEREST

None.

97 TATTERSETT - PO/23/1025: OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED) FOR CREATION OF NEW FILM AND TV STUDIOS INCLUDING 5NO SOUND STAGES WITH ATTACHED COSTUME AND MAKE-UP FACILITIES, 8NO WORKSHOPS, 1NO PRODUCTION FACILITY BUILDINGS, 1NO ANCILLARY OFFICES, 1NO CONCESSION, FILM SCHOOL AND AMENITIES, 1NO GATEHOUSE, PARKING, LANDSCAPING AND NEW VEHICULAR ACCESS OFF SCULTHORPE BOULEVARD

Officers report

The SPO introduced the Officers report and recommendation for approval subject to conditions.

He outlined the site's location, relationship with the local setting and Nutrient Neutrality consideration. He also shared visualisations, photos in and around the site economic and business considerations.

To ensure Nutrient Neutrality requirements are addressed, a deadline of 31st March 2025 is planned for the applicant to deem whether it is feasible.

The SPO advised that some issues were still under negotiation however subject to these sufficiently being resolved to the satisfaction of the relevant statutory bodies a recommendation of approval is made.

Public speakers

Roger Gawn – Supporting

Members debate

- a. Cllr J Toye asked for clarification of the reference to Phase 2 in the conditions.
- b. The SPO advised this was required by Environmental Health after the initial Phase has been completed.
- c. Cllr J Toye concluded that concerns regarding asbestos will be addressed in Phase 2. He questioned the relationship between the site and the 'tyre mountain' and whether it would be formed as part of today's considerations.
- d. The SPO advised it was not within the considerations today and is being dealt with separately.
- e. Cllr L Vickers stated that she is excited for the opportunity for high quality jobs and potential for educational development, advising she is broadly supportive at this stage.
- f. Cllr V Holliday expressed the need to be mindful of residents in terms of noise and light pollution as well as the wildlife. She asked for details to mitigate these concerns.
- g. The DM advised the Environmental Health team has reviewed the concerns raised with information provided by the applicant. He informed noise issues would be addressed at the reserve matters stage. With reference to the Environmental Health conditions, they are onerous, and a balance would need to be sought.
- h. The SPO explained that the RSBP comments regarding stone-curlew and natterjack toads would be addressed within the new ecology report. He advised the land which the RSBP wish to monitor for 3 years is not entirely owned by the applicant. A condition will be drafted with reference to this.

- i. Cllr P Fisher stated that the application has a way to go and as it is an outline proposal, he wants to support it and proposes the officer's recommendation.
- j. Cllr A Fitch-Tillett noted the extensive conditions linked to the application and asked if there is a timescale for these to be met.
- k. The DM advised the recommendation included a suite of items which need addressing before planning permission can be granted, the key one being Nutrient Neutrality. The timing of conditions informs the reserve matters in terms of final detail.
- l. Cllr M Hankins articulated his excitement for the development and recognises that this is at the very early stages. He noted the 300 new jobs and asked if the Local Plan will be affected by the need for homes.
- m. The ADP explained that the Local Plan presumes the old airfield will be redeveloped, generally for employment opportunities.
- n. Cllr M Hankins asked for more information about the disused barrack blocks and the condition that they must be demolished.
- o. The DM explained the Core Strategy Policy outlines the requirements for former defence establishments. It details that by allowing a new footprint for the development at this specific site, an equivalent amount of demolition of the former barrack blocks is required.

The DM also advised there is likely to be an increase of individuals in the area with this application. Those individuals will be using facilities as they are visiting or may decide to move here. These elements make the assessment of Nutrient Neutrality complex.

- p. Cllr A Brown agreed that this is an exciting opportunity for the area. Questioned the process to grant permission at a reserve matters stage subject to Nutrient Neutrality matters being addressed.
- q. The ADP clarified the background of Nutrient Neutrality in North Norfolk, explaining that this specific application differs from the norm. He advised that the Local Authority have concluded that the applicant has the land to be able to address the matters of Nutrient Neutrality and if the Committee vote to approve today, it would not be formally granted until the outlined conditions were met, including matters of Nutrient Neutrality.

The ADP went on to advise that if the applicant resolves matters of Nutrient Neutrality, barrack block requirements and some other issues stated in the recommendation, the application would be granted. Following this a reserve matter application would likely go through Committee, however due to the national scheme in relation to delegation being reviewed, this is not guaranteed.

- r. Cllr A Brown echoed concerns in relation to the safety of the 'tyre mountain' and reports relating to road safety in the area. Asked for confirmation of when Section 106 agreement might be addressed.
- s. The ADP advised that County Highways have proposed a condition to make the application acceptable. He confirmed that the Section 106 agreement

needs to be signed prior to permission being issued but it cannot require the development to take place. He also confirmed that the 'tyre mountain' is being addressed within separate legislative framework.

- t. Cllr A Brown referenced NNDC's Core Strategy Policy which addresses the barrack blocks, stating he hopes this policy will be carried forward with emerging local plans. He proposed a hard 6 months as a timeframe as a reasonable alternative.
- u. The ADP advised that if the Committee voted for the Officer Recommendation today, it would delegate authority to the ADP to issue an outline planning permission, but only if the barrack blocks and Nutrient Neutrality are resolved satisfactorily. The current recommendation states a timeframe for these to be addressed by March 2025 with some discretion given to the ADP to extend if matters are going well. He advised that the alternative proposal of a hard 6 months is a reasonable but slightly more challenging timeframe.
- v. Cllr P Neatherway asked for confirmation that the site is not going to cause issues in relation to the proximity to existing housing.
- w. The DM informed there are Environmental Health considerations attached to the application; these include the fabrication of the buildings to protect the applicants from noise as well as the surrounding area.
- x. Cllr J Toye stated that as Portfolio Holder for Sustainable Growth he would welcome the economic development potential.

Having previously lived within the area, he confirmed the buildings are not in the best condition and supports the reuse of the site. In relation to the road safety concerns, he did not consider the application would exacerbate the accident figures.

Cllr J Toye welcomed the use of a timeframe to ensure progress is monitored and maintained as agreed.

- y. Cllr K Toye thanked the Officers for bringing the application to Committee for comments and views. She agrees it is an existing application and a great opportunity for North Norfolk. Cllr K Toye appreciates the Officers clarification that the 'tyre mountain' is being separately addressed.
- z. Cllr L Vickers welcomes the ADP's sensible approach to Nutrient Neutrality and trusts his judgement and the Officers recommendation for a timeframe with some discretion. Cllr L Vickers seconded the Officers recommendation.
- aa. The ADP asked for clarification for whether the Committee would like to propose a timeframe of 31st March 2025 with ADP discretion or a hard deadline of 12th June 2025.
- bb. The DM advised that the Officers recommendation which includes the ADP discretion makes it easier as there are uncertainties in relation to Section 106 obligations.
- cc. Cllr A Brown withdrew his proposal for a 6-month deadline.

UNANIMOUSLY RESOLVED with 11 votes for.

That Outline Planning Application PO/23/1025 be approved in accordance with the Officers recommendation.

98 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

The DM outlined the performance report and explained the small difference and reason for this, advising NNDC is at 5% which is well within the national target of 10%.

Cllr A Brown thanked the Officers for the statistics and the work they are doing to ascertain the figures.

The Solicitor advised that Woodside and Norwich Road, North Walsham have completed and are now off the list.

The ADP referred to the application for Norwich Road, North Walsham, stating it was approved with the recommendation of discretion similarly to the previously approved application in Tattersett, there were extensive conditions for approval.

99 APPEALS SECTION

The DM advised there are a couple of new appeals that have come in, there are no enquiries or hearings.

There are outstanding written representation appeals, one appeal for Potter Heigham was dismissed. Since the report was published, Hickling application for erection of single storey extension has been dismissed due to inspector not being happy. Another application in Wells was dismissed by the planning inspectorate with concerns regarding flood risk implications. These conclusions support decisions before taken as Officers and as a Committee.

100 PLANNING SERVICE IMPROVEMENT PLAN (PSIP) – LOCAL VALIDATION LIST 2024-2026

The DM explained that he presented to the Committee in September in relation to the PSIP. There was a public consultation which has concluded, this shows increased engagement but not to the level desired.

Concerns were expressed in terms of cost implications, especially with householder applications, which NNDC have tried to address.

In the main, it was supported, however there were questions in relation to a requirement to have applicants set out how they have used AI technology in the production of their planning application. The danger of AI use in planning is it can generate lengthy responses, which may inhibit the public from engaging with planning applications. The DM advised clear guidance would need to be in place to make it clear if applications are affected by AI.

The DM shared the Local Validation List matrix which has been created to guide those submitting applications in the first instance.

Cllr M Hankins commended excellent recent member training and would request additional training in relation to Section 106.

The ADP advised he will be publishing member training dates for 2025 and asked for any suggestions for items for the training to be sent to him.

Cllr A Brown asked how the Local Validation List matrix would be shared and if there was a need for a 2-tier matrix which includes guidance for major and non-manor applications. He also queried if the 1st January 2025 is too soon to be published.

The DM advised there are bespoke solutions included in the matrix which are very much dependent on site context.

Cllr J Toye congratulated Officers on the work put into the matrix and appreciates the inclusion of AI consideration within the PSIP. He proposed the Officers recommendation.

Cllr A Fitch-Tillett praised the matrix and seconded the Officers recommendation.

UNANIMOUSLY RESOLVED

- 1. Committee is recommended to adopt the Local Validation list with some minor modifications as set out in the report.**
- 2. The new Local Validation List will come into effect on 01 January 2025 with transitional arrangements as set out in this report.**

The ADP advised that the next meeting will most likely be moved to the reserved date on 23rd January 2025.

101 EXCLUSION OF PRESS AND PUBLIC

The meeting ended at 11.03 am.

Chairman

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. |
|--|---|

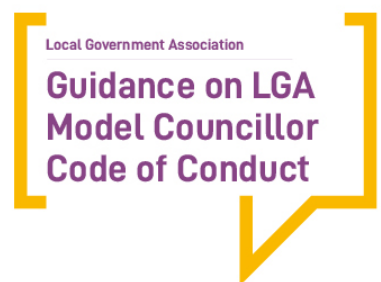
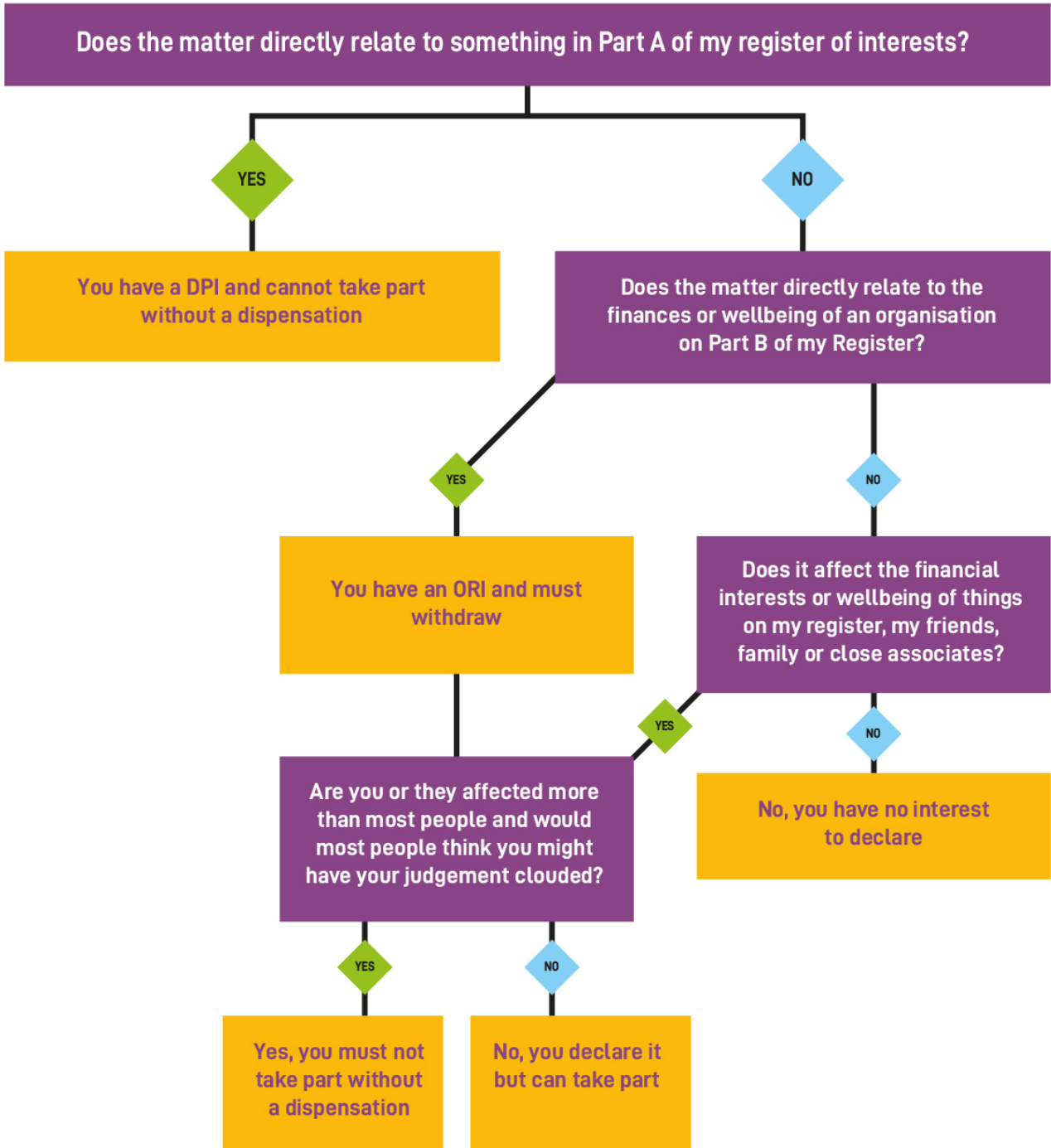
* 'director' includes a member of the committee of management of an industrial and provident society.

* '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

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- 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
 - (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)



STALHAM - PF/21/1532 (Application 1) - Extra Care development of 61 independent one and two bedroom flats, with secured landscaped communal gardens, associated visitor and staff car and cycle parking, external stores and a new vehicular access onto Yarmouth Road.

STALHAM - PF/21/2021 (Application 2) - A new residential development of 40 affordable houses comprising 22 affordable/shared ownership houses and one block of 18 affordable flats consisting of 9, one bedroom flats and 9, two bedroom flats with associated landscaping, infrastructure and access. Land North East of Yarmouth Road, Stalham

**Site: Land North East of Yarmouth Road, Stalham
Applicant: Medcentres**

EXECUTIVE SUMMARY

The Development Committee are being asked to consider two applications in Stalham that were previously resolved to be approved by the Development Committee on 17 March 2022. The applications relate to the provision of Extra Care housing and affordable housing and further consideration is required in relation to matters of nutrient neutrality, the impacts of which were not assessed at the time the previous resolutions to grant planning permission were made.

The applicant has now satisfactorily addressed nutrient neutrality through additional planning submissions and the Development Committee are recommended to **APPROVE** the two individual planning applications subject to the completion of S106 Obligation(s) and subject to the imposition of conditions as set out in this report.

| Application 1: PF/21/1532 | Application 2: PF/21/2021 |
|---|--|
| Major Development - Target Date: 21 September 2021 - Extension of Time till 31 Jan 2025 Case Officer: Mr G Lyon Full Planning Permission | Major Development - Target Date: 11 November 2021 - Extension of Time till 31 Jan 2025 Case Officer: Mr G Lyon Full Planning Permission |

BACKGROUND

On 17 March 2022, the above planning applications in Stalham were individually considered by the Development Committee with both applications reaching a resolution to Approve “subject to conditions contained within the Officer Recommendation”.

For application PF/21/1532 the Officer Recommendation was:

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

- 1) Satisfactory completion of a Section 106 Planning Obligation to cover the following:**
 - 61 Extra Care affordable houses;
 - GI/RAMS contribution of £11,341.73; and,

- Green Infrastructure contribution towards the installation and maintenance of dog waste bins and provision of resident green infrastructure information packs (exact details to be confirmed with NNDC Environmental Services).

2) The imposition of the appropriate conditions as set out in the list below (plus 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.

[The suggested list of conditions included 31 conditions and 17 notes]

For application PF/21/2021 the Officer Recommendation was:

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

1) Satisfactory completion of a Section 106 Planning Obligation to cover the following:

- 40 affordable dwellings;
- GI/RAMS contribution of £7,437.20; and,
- Green Infrastructure contribution towards the installation and maintenance of dog waste bins and provision of resident green infrastructure information packs (exact details to be confirmed with NNDC Environmental Services).

2) The imposition of the appropriate conditions as set out in the list below (plus 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.

[The suggested list of conditions included 26 conditions and 14 notes]

Copies of the Reports of 17 March 2022 and approved minutes are attached at **Appendix 1, 2 and 3** to this report. **This report should be read in conjunction with the March 2022 reports.**

HABITATS REGULATIONS

Natural England Nutrient Neutrality Advice

On 16 March 2022, alongside all other local planning authorities in Norfolk, the Council received an email with numerous attachments from Natural England about nutrient pollution in the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site. The letter advised that new development within the catchment of these habitats comprising overnight accommodation can cause adverse impacts on nutrient pollution.

The Natural England letter arrived less than 24hrs ahead of the Development Committee meeting at which the Stalham applications were considered on 17 March 2022. The full implications of the letter were only realised after the Committee meeting. Basically this means that mitigation is required to ensure the development would not have an adverse effect on the integrity of The Broads SAC and Broadland Ramsar and or damage or destroy the interest features for which they have been notified. As this issue wasn't discussed at Committee it is considered necessary to report the applications back to Committee – for this issue to be considered – i.e. prior to any approvals being issued.

The applicant has subsequently provided a “Nutrient Neutrality evidence” report dated 21 Nov 2024 together with nutrient calculations using the Norfolk calculator. The Council have used this information in order to produce a Habitats Regulations Assessment and Appropriate Assessment under the Habitats Regulations.

The proposed developments (Application 1 and Application 2) have the following identified nutrient loadings for Phosphate (TP) and Nitrate (TN) with calculations pre and post 2030 at which point Stalham WRC will have been upgraded by Anglian Water to “Technically Achievable Limits” (TAL).

Table 1 - Nutrient Loading for Application 1 and Application 2

| | To 2030 (Temporary) | | Post-2030 (Permanent) | |
|---------------------------------------|---------------------|---------------|-----------------------|--------------|
| | TP (kg/yr) | TN (kg/yr) | TP (kg/yr) | TN (kg/yr) |
| PF/21/1532 (Application 1) | 2.24 | 81.51 | 0.14 | 28.81 |
| PF/21/2021 (Application 2) | 2.55 | 89.50 | 0.25 | 31.62 |
| Totals | 4.79 | 171.01 | 0.39 | 60.43 |

Proposed Mitigation

The applicant has put forward a scheme of nutrient mitigation based on land offset.

Several parcels of land have been identified which create Phosphate and Nitrate credits to be secured as part of S106 agreements with the Landowner (of those parcels) to restrict the use of the land to enable the applications to be nutrient neutral. This applies to both the pre 2030 and post 2030 credit requirements.

The land which has been identified is within the same river catchment, to the north of the river Ant and upstream of the SAC and the first point of harm occurring. The landowner is a farmer and has confirmed that for the last 10 years the land in question has been used for general arable farming. This has been confirmed directly to the Local Planning Authority via DEFRA returns and exact use type is shown in report submitted by the applicant.

The Council completed its HRA/AA dated 5th December 2024 which concluded that *“Subject to planning conditions securing the provision of details to demonstrate how water use of 110 litres/person/day will be achieved and legal obligation with the applicant and landowner to secure the cessation of farming activities at the identified offsite land parcels prior to occupation/use of the developments, it is considered the proposed developments will not have an adverse effect on the integrity of the Habitats Sites identified above from nutrient pollution when considered ‘alone’ or ‘in combination’ with other plans and projects”.*

With the mitigation measures listed above, the HRA/AA concludes that this would reduce the effect of the plan or project so that the integrity of the Habitats Sites are not adversely affected.

Natural England were consulted on 5th December 2024 in respect of the HRA/AA produced by the Council and have subsequently responded on 20th December 2024 confirming **NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED** as follows:

In order to mitigate these adverse effects and make the developments acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- A suitable contribution per new dwelling towards the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS).
- Suitable measures, secured in perpetuity, that mitigate the nutrient load from the development

Officers can confirm that suitable mitigation measures will be secured via a combination of S106 Obligations and conditions such that the grant of planning permission would accord with the Council's duties under the Habitats Regulations and would comply with Core Strategy Policy EN 9.

OTHER MATTERS

Since the application(s) last came before Development Committee in March 2022, there have been numerous changes to the National Planning Policy Framework with the latest version dated December 2024 – which notably changes the Council's annual housing target from 556 to 932 using new methodology.

In March 2022, the Local Planning Authority was able to demonstrate a five-year housing land supply. However, at the current time, North Norfolk District Council is unable to demonstrate deliverable sites sufficient to provide a minimum of five years' worth of housing.

Planning applications will therefore be considered in line with paragraph 11(d) of the NPPF which states that:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”.*

With matters relating the Habitats Regulations having been addressed, Officers consider that both Application 1 and Application 2 would be subject to the “tilted balance” under NPPF paragraph 11 (d) (ii)

Further consideration of this will be provided within the Planning Balance section of this report below.

PLANNING BALANCE / CONCLUSION

In the March 2022 Development Committee reports, the Planning Balance and Conclusion sections set out in detail the range of planning issues, both positive and negative, associated with each application. Development Committee are advised to re-read these respective sections of the reports attached at **Appendix 1 and 2**

In terms of the most up to date housing need data, the Council's Housing Strategy and Delivery Manager has confirmed that:

- There are 840 households on the council's list who have included Stalham as an area of choice to live
- Of these 161 are in the most urgent housing need
- Of the 840 households, 203 are aged 60 or over

This reinforces the urgent need for housing of the type being proposed under these applications. Individually, the public benefits associated with the applications would carry their own high level of weighting. Cumulatively, Officers consider that the public benefits of the proposal carry substantial weight in the determination of this application.

Officers consider that the provision of 101 dwellings (61 associated with Application 1 and 40 associated with Application 2) would contribute positively to the ongoing supply and the Government's aim in NPPF (Chapter 5) Paragraph 61 of boosting significantly the supply of housing through ensuring that a sufficient amount and variety of land can come forward where it is needed. This is therefore a benefit, which Officers consider attracts significant weight in the planning balance.

Overall, given the assessment of the proposal against the policies in the adopted North Norfolk Core Strategy, and other material considerations relevant to the proposal, the proposal is found to result in substantial benefits in the public interest, which is deemed to outweigh the significant harm identified within the 2022 Development Committee reports, including the specific conflicts within the relevant Development Plan policies. Indeed the considerations in favour of these applications is considered to be stronger now than was the case in 2022.

Officers consider that there are no adverse impacts associated with approval of the proposed developments that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (December 2024) taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As such Officers consider that the proposal can still be considered favourably as a departure from adopted Development Plan policy.

RECOMMENDATION(S):

APPLICATION 1 – PF/21/1532

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

1) Satisfactory completion of a Section 106 Planning Obligation to cover the following:

- 61 Extra Care affordable houses;

- GI/RAMS contribution of £11,341.73; and,
 - Green Infrastructure contribution towards the installation and maintenance of dog waste bins and provision of resident green infrastructure information packs (exact details to be confirmed with NNDC Environmental Services).
 - Securing Nutrient Neutrality Mitigation
- 2) **The imposition of the appropriate conditions as set out in the Development Committee report of 17 March 2022 (plus any other conditions considered to be necessary by the Assistant Director of Planning including securing water efficiency of 110 litres per person per day):**

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.

APPLICATION 2 – PF/21/2021

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

- 1) **Satisfactory completion of a Section 106 Planning Obligation to cover the following:**
- 40 affordable dwellings;
 - GI/RAMS contribution of £7,437.20; and,
 - Green Infrastructure contribution towards the installation and maintenance of dog waste bins and provision of resident green infrastructure information packs (exact details to be confirmed with NNDC Environmental Services).
 - Securing Nutrient Neutrality Mitigation
- 3) **The imposition of the appropriate conditions as set out in the Development Committee report of 17 March 2022 (plus any other conditions considered to be necessary by the Assistant Director of Planning including securing water efficiency of 110 litres per person per day):**

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: Lauren Gregory

Please email: lauren.gregory@north-norfolk.gov.uk Direct Dial: 01263 516108

TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 9 March 2022

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 17 March 2022 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, Mr M Taylor, 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 Punchard, Mr J Rest, Mrs E Spagnola, Dr C Stockton, 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

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AGENDA

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

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. MINUTES

(Pages 1 - 8)

To approve as a correct record the Minutes of a meeting of the Committee held on 17th February 2022.

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 9 - 14)

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.

8. STALHAM - PF/21/1532 - EXTRA CARE DEVELOPMENT OF 61 INDEPENDENT ONE AND TWO BEDROOM FLATS, WITH SECURED LANDSCAPED COMMUNAL GARDENS, ASSOCIATED VISITOR AND STAFF CAR AND CYCLE PARKING, EXTERNAL STORES AND A NEW VEHICULAR ACCESS ONTO YARMOUTH ROAD. LAND NORTH EAST OF YARMOUTH ROAD, STALHAM

(Pages 15 - 58)

9. STALHAM - PF/21/2021 - A NEW RESIDENTIAL DEVELOPMENT OF 40 AFFORDABLE HOUSES COMPRISING 22 AFFORDABLE

(Pages 59 - 96)

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/SHARED OWNERSHIP HOUSES AND ONE BLOCK OF 18 AFFORDABLE FLATS CONSISTING OF 9, ONE BEDROOM FLATS AND 9, TWO BEDROOM FLATS WITH ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS. LAND NORTH EAST OF YARMOUTH ROAD, STALHAM

10. **SHERINGHAM - RV/21/2885 - VARIATION OF CONDITION 2 OF PLANNING REF: PF/18/1603 TO ENABLE MERGER OF UNIT 0.2 (A3/A5) AND UNIT 0.3 (A3) TO FORM UNIT 0.2 A3/A5 USE; AMENDMENT TO UNIT 1.2 (A3) TO FORM TWO UNITS - UNIT 1.2 (C3 RESIDENTIAL) AND UNIT 1.3 (C3 RESIDENTIAL) AT 1 HIGH STREET, SHERINGHAM, NORFOLK** (Pages 97 - 114)
11. **RIDLINGTON - LA/21/0794 - EXTERNAL WORKS ASSOCIATED WITH ERECTION OF BRICK & FLINT BOUNDARY WALL BETWEEN THE OLD RECTORY AND STACY BARN, HEATH ROAD, RIDLINGTON** (Pages 115 - 118)
12. **RIDLINGTON - PF/21/0793 - EXTERNAL WORKS ASSOCIATED WITH ERECTION OF BRICK & FLINT BOUNDARY WALL BETWEEN THE OLD RECTORY AND STACY BARN, HEATH ROAD, RIDLINGTON** (Pages 119 - 122)
13. **LITTLE SNORING - PU/21/3150 - CHANGE OF USE OF AN AGRICULTURAL BUILDING TO 2 "LARGER" DWELLINGHOUSE AND BUILDING OPERATIONS REASONABLY NECESSARY FOR THE CONVERSION; BARN AT JEX FARM, THURSFORD ROAD, LITTLE SNORING** (Pages 123 - 134)
14. **NORTH WALSHAM - PF/22/0431 - ERECTION OF SINGLE STOREY REAR EXTENSION (PART RETROSPECTIVE) AND SIDE EXTENSION TO DWELLING; 1 PRIMROSE WALK, NORTH WALSHAM** (Pages 135 - 138)

OFFICERS' REPORTS

15. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 139 - 146)
16. **APPEALS SECTION** (Pages 147 - 150)
 - (a) New Appeals
 - (b) Inquiries and Hearings – Progress
 - (c) Written Representations Appeals – In Hand
 - (d) Appeal Decisions
 - (e) Court Cases – Progress and Results

17. 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

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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

18. ANY URGENT EXEMPT BUSINESS

**19. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM
CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA**

Stalham PF/21/1532 – Extra Care development of 61 independent one and two bedroom flats, with secured landscaped communal gardens, associated visitor and staff car and cycle parking, external stores and a new vehicular access onto Yarmouth Road [Description amended on 08/09/2021].

Land North East of Yarmouth Road, Stalham

Major Development

Target Date: 01 September 2021

Extension of Time: None at the time of reporting.

Case Officer: Richard Riggs

Full Planning Permission

SITE CONSTRAINTS

Mixed Use Allocation – Policy ST01

Local Development Framework – Settlement Boundary

Local Development Framework – Countryside

Landscape Character Area – Settled Farmland

Agricultural Land Classification (Grade 1/Non Agricultural)

Area Susceptible to Groundwater SFRA ($\geq 25\% < 50\%$)

Area Susceptible to Groundwater SFRA ($< 25\%$)

EA Risk Surface Water Flooding 1 in 1000

RELEVANT PLANNING HISTORY

Application: PF/21/2021

Address: A new residential development of 40 affordable houses comprising 22 affordable/shared ownership houses and one block of 18 affordable flats consisting of 9, one bedroom flats and 9, two bedroom flats with associated landscaping, infrastructure and access.

Decision: Determination Pending

Application: PF/16/0240

Address: Land Off Yarmouth Road, Stalham, Norwich, Norfolk

Proposal: Mixed use development comprising 34 dwellings and up to 12 commercial / employment / retail / clinic / service / community units within use classes B1, A1, A2, A3, D1 and D2, with new access road and associated landscaping.

Decision: Withdrawn by Applicant (09/04/2021)

Application: PF/12/1427

Address: Land Off Yarmouth Road, Stalham

Proposal: Mixed use development comprising 150 dwellings, B1 (a - c) employment buildings (3150sqm), public open space, landscaping and associated highways and drainage infrastructure

Decision: Approved (20/03/2013)

SITE AND SURROUNDINGS

Stalham is designated as a Secondary Settlement under the Council's spatial strategy in Policy SS 1 of the adopted North Norfolk Core Strategy (2008) in recognition of its role as a gateway location to the Broads and as a local retail and service centre.

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The application site is located north of Yarmouth Rd, to the south east of the town centre. It forms part of the wider site allocation under Policy ST01 of the North Norfolk Local Development Framework Site Allocations Development Plan Document (2011). The site is currently undeveloped, although does have an extant planning permission (PF/12/1427) for commercial units. The site is bounded by an existing residential development, with the most recent of these developments being to the north west where 150no. new dwellings and associated public open space have been constructed under planning permission PF/12/1427.

The site lies outside of the Stalham Conservation Area to the west, but is in relatively close proximity to a number of Listed Buildings, including the Grade II Listed Church Farmhouse to the west and the Grade II* Listed Stalham Hall to the east.

The site is also located close to a range of local services and facilities including infant and secondary schools, a doctor's surgery, Stalham High Street, a superstore, and bus stops serving the nearby town of North Walsham (c. 9mi to the north west), Norwich (c. 15mi to the south west), and Great Yarmouth (c. 17mi to the south east).

THIS APPLICATION

This application, as originally submitted, sought full planning permission for the erection of a Use Class C3 62-bed extra care facility with associated gardens and amenity space, car parking, external stores, and a new access road off Yarmouth Rd.

A subsequently amended proposal was received by the Local Planning Authority on 08/09/2021. This reduced the overall number of dwelling units to 61no. and revised the dwelling mix. The scheme offers a range of 1 and 2-bed flats for independent living for the elderly and infirm with on-site access to communal lounge and dining areas, on-site care provision, and other on-site amenities including a guest suite, hair salon, and electric mobility scooter park. The proposed development will consist of 100% affordable housing. The proposed housing mix is:

- 43no. 1-bed flats
- 18no. 2-bed flats

The application is supported by the following documents:

- Application Form
- Location and Site Plan
- Full set of Proposed Plans and Elevations
- Materials Schedule
- Air Quality Impact Statement
- Arboricultural Impact Assessment
- Flood Risk Assessment
- Landscape Schedule and Maintenance Plan
- External Lighting Strategy
- Refuse and Waste Strategy
- Transport Statement and Travel Plan
- Affordable Housing Statement
- Preliminary Ecological Assessment
- Contaminated Land Desk Study
- Design and Access Statement
- Planning Statement
- Information for Viability Assessment

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- Projected Employment Statistics
- Drainage Strategy [Revised 06/01/2022]
- Information for Habitats Regulations Assessment

REASON FOR REFERRAL TO COMMITTEE

Cllr Pauline Grove-Jones (Stalham) called-in this application due to the loss of economic development land on this site which currently benefits from extant planning permission under PF/12/1427, in line with Policy ST01 of the North Norfolk Local Development Framework Site Allocations Development Plan Document.

This application has also been submitted in conjunction with application PF/21/2021, which is being determined at committee at the request of Cllr Grove-Jones. As such, the Assistant Director for Planning considers that it is in the interests of good planning to consider both items at the same Committee.

CONSULTATION RESPONSES

NNDC Local Members:

Cllr Pauline Grove-Jones (Stalham) (23/08/2021)

Has expressed her concerns over the loss of employment land, with particular reference to the commercial units permitted under planning permission PF/12/1427, that would result from this application; including the lack of consultation with members before and during the sale of the land from Hopkins Homes to Medcentres. Infrastructure concerns were also raised, with particular reference to the junction at A149/Market Road which this application would impact on, which would in turn cause greater use of alternative rat-use routes.

Cllr Grove-Jones cites correspondence between Cllr Nigel Dixon (Hoveton and Stalham Division, NCC) and NCC's Planning Obligations Team. These comments primarily concern impacts on local infrastructure in terms of library provision and highways safety.

Cllr Matthew Taylor (Stalham) (21/02/2022)

Cllr Taylor has expressed concerns regarding the former use of the site during the First World War as a military encampment and requires that no items of cultural significance are either left undiscovered or destroyed by the construction work.

Norfolk County Council

Cllr Nigel Dixon (Hoveton and Stalham Division, Norfolk County Council) (23/09/2021):

- While the proposal would deliver 35 FTE care sector jobs, it falls way short of the much greater number of high skill higher paid jobs expected from the industrial units.
- The proposal would deprive Stalham of the prospect of its first modern industrial estate, which would bring inward investment essential to address the socioeconomic and deprivation issues of the town.
- There are concerns around the traffic implications from such a change of use, particularly for Sutton because so much eastbound residential traffic from Stalham elects to join the A149 at Catfield, via Sutton, to avoid the hazardous Tesco's junction at Stalham.

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- While the independent living with extra care facility and the affordable housing, in principle, is needed across north east Norfolk there's little evidence to show that the adverse implications of losing this site from employment to residential use have been fully explored and certainly not with the residents of Stalham and Sutton prior to both major applications being submitted.
- There has been no pre application public exhibition and consultation to enable the local population to view, fully understand and express views on what's being proposed so that they could influence the applications at the formative stage.
- I request that both applications (PF/21/1532 and PF/21/2021) be held as pending and the applicant be asked to conduct a public exhibition and consultation, as would normally be expected.

Town / Parish Council:

Stalham Town Council – Objects to the proposal.

Initial and subsequent comments were received on 13/07/2021 and 17/01/2022. These detail the reasons of objection from STC. These include; the extant planning permission not being carried out and the loss of commercial land, the joining up of the wider site via walkways and cycleways, and the design being completely out of keeping and overpowering the town. The importance of social care and assisted living is recognised as an area of development that needs addressing, however to have such a large isolated development in this location is not supported.

The in-combination of the proposal and PF/21/2021 will have negative ramifications on the wider town of Stalham. Both applications will increase motor vehicle usage on the highway, additional usage of water/sewage facilities and added demand on public services such as schools and doctors. The proposal does not seek to mitigate any of these wider issues and will only exacerbate existing problems the in both the town and surrounding villages. Further infrastructure and highways safety measures should be sought from the developer. The proposal should also not add pressures in respect of foul and surface water drainage.

There are other planning issues over the layout of the site and scale, mass and design of the 62 [sic] unit facility and they should be addressed once decisions in principle as to whether Stalham, and this site in particular, is the most appropriate site for these developments and in the best interests of Stalham.

Addition comment (19/01/2022) – STC questioned the justification for the loss of employment land. They also submitted Freedom of Information requests relating to the proportional provision of affordable housing and care beds in Stalham compared with the rest of the District. STC contends that Stalham is taking a disproportionate amount of affordable housing and care beds.

Note: An FOI response was received from NNDC Strategic Housing on 09/02/2022. This details that Stalham currently has 14% affordable housing provision. This places Stalham 6th out of the 8 towns within the District in terms of its proportion of affordable housing provision. The need for affordable housing is laid out within Strategic Housing's consultation response later in this report. Similar statistical information pertaining to the proportion of extra care places is not held by Strategic Housing. However, baseline information shows Stalham to currently be on par with other areas of the District which have extra care provision.

North Norfolk District Council:

Conservation & Design – Objects to the proposal. Additional comment (18/02/2022) – Proposed materials acceptable.

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Landscape Officer (Landscape) – Objects to the proposal.

Landscape Officer (Ecology) – Habitats Regulations Assessment Appropriate Assessment is acceptable subject to appropriate mitigation.

Environmental Health – Partially objects to the proposal. Conditions proposed.

Building Control – Advice received.

Economic Development – Supports the proposal.

Planning Policy – Advice received.

Strategic Housing – Supports the proposal.

Norfolk County Council:

Lead Local Flood Authority – No objections subject to conditions.

Minerals and Waste Authority – Have no comments to make.

Planning Obligations Co-Ordinator – Advice received.

Public Rights Of Way & Green Infrastructure – No objections.

Historic Environment Service – No comments received.

External Consultees:

Anglian Water – No objections.

British Pipeline Agency Ltd – Comments received.

Historic England – Do not wish to offer any comments.

Health and Safety Executive – No comments received.

NHS England (East) – No comments received.

Broads Internal Drainage Board – Advice received.

Natural England – No objection subject to appropriate mitigation.

REPRESENTATIONS

The public consultation period of 21 days took place between 24/06/2021 to 15/07/2021. Under Paragraph 034 of the National Planning Policy Guidance (NPPG) on Consultation and Pre-Decision Matters, dated 23/07/2019 (Reference ID: 15-026-20190722), Officers have been accepting of public comments made after the close of the consultation period for due consideration throughout the determination process.

A total of 10 representations were made. All 10 of these were objections.

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The key points raised in **OBJECTION** are as follows:

- The applicant incorrectly identified the land as being earmarked for housing when planning permission PF/12/1427 shows the land as being for commercial use.
- The proposal would remove already permitted employment uses from the site.
- The proposal will result in the loss of commercial land for which there is local demand, as there are no opportunities for businesses to [re-]locate to Stalham due to lack of space.
- Information submitted under the withdrawn application PF/16/0240 with regard to local demand for commercial development on this site should be taken into consideration.
- Stalham runs the risk of becoming a dormitory town if residential development is given precedence over commercial.
- The original developers should be forced to complete the development as per planning permission PF/12/1427.
- The application would disproportionately increase Stalham's population in favour of the elderly and infirm.
- Pavements to the front of the site which connect to the High St and other local facilities are wholly inadequate for mobility scooters.
- There are a large number of care vacancies across care homes pointing to a lack of demand for this kind of work.
- The provision of local jobs are necessary close to where people live to reduce travel to work and lessen the impacts of climate change.
- The proposal represents overdevelopment of the site.
- Existing surface water drainage features will not support the proposal.
- Clearance works of the site have already commenced prior to planning permission being granted and the site is ecologically diverse.
- The proposal would cause strain on local services (including health care provision) and highways infrastructure.
- The Council should build the permitted employment units.

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.

STANDING DUTIES

Due regard has been given to the following duties:

Environment Act 2021
Equality Act 2010
Crime and Disorder Act, 1998 (S17)
Natural Environment & Rural Communities Act 2006 (S40)
The Conservation of Habitats and Species Regulations 2010 (R9)
Planning Act 2008 (S183)
Human Rights Act 1998

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Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life
Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

RELEVANT POLICIES

North Norfolk Core Strategy (September 2008):

Policy SS 1 – Spatial Strategy for North Norfolk
Policy SS 2 – Development in the Countryside
Policy SS 3 – Housing
Policy SS 4 – Environment
Policy SS 5 – Economy
Policy SS 6 – Access and Infrastructure
Policy SS 13 – Stalham
Policy HO 1 – Dwelling Mix and Type
Policy HO 2 – Provision of Affordable Housing
Policy HO 3 – Affordable Housing in the Countryside
Policy HO 7 – Making the Most Efficient Use of Land (Housing Density)
Policy EN 2 – Protection and Enhancement of Landscape and Settlement Character
Policy EN 4 – Design
Policy EN 6 – Sustainable Construction and Energy Efficiency
Policy EN 8 – Protecting and Enhancing the Historic Environment
Policy EN 9 – Biodiversity & Geology
Policy EN 10 – Development and Flood Risk
Policy EN 13 – Pollution and Hazard Prevention and Minimisation
Policy CT 2 – Developer Contributions
Policy CT 5 – The Transport Impact of New Development
Policy CT 6 – Parking Provision

North Norfolk Local Development Framework Site Allocations DPD (February 2011):

Policy ST01 – Mixed Use: Land Adjacent to Church Farm, Ingham Road

MATERIAL CONSIDERATIONS

Supplementary Planning Documents (SPDs):

North Norfolk Landscape Character Assessment SPD (January 2021)
North Norfolk Design Guide SPD (December 2008)

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 5 – Delivering a sufficient supply of homes
Section 6 – Building a strong, competitive economy
Section 7 – Ensuring the vitality of town centres
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 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

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Emerging North Norfolk Local Plan 2016 – 2036 (Regulation 19):

Policy ST23/2 – Mixed-Use: Land North of Yarmouth Road, East of Broadbeach Gardens

Other Material Considerations:

North Norfolk Open Space Assessment (February 2020)

Land adjacent to Church Farm, Ingham Road, Stalham Development Brief (2012)

Housing for Older and Disabled People National Planning Practice Guidance (2019)

The Housing our Ageing Population Panel for Innovation (HAPPI) Report (2009)

Homes & Communities Agency Employment Density Guide (3rd Edition) (2015)

Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standard (2015)

Living Well Homes for Norfolk Position Statement (June 2019)

Living Well Homes for Norfolk Planning Position Statement Extra Care Housing (June 2019)

OFFICER ASSESSMENT

Main issues to consider:

1. Principle of Development
2. Design
3. Landscape
4. Amenity
5. Highways Safety
6. Sustainable Construction
7. Heritage and Archaeology
8. Flooding Risk & Drainage
9. Biodiversity
10. Other Material Considerations
11. Planning Obligations
12. Planning Balance and Conclusion

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 of 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 most recently updated in 2021, the policies relevant in the determination of this application are consistent with the NPPF and are considered to be up to date. The Council can also currently demonstrate that it has a five-year housing land supply and therefore the policies most relevant for determining the application are to be given full weight in decision-making.

Spatial Strategy and Site Allocation

The proposal is located on an allocated site in the North Norfolk Local Development Framework Site Allocations Development Plan Document under Policy ST01 (Land Adjacent to Church Farm, Ingham Road). This policy, alongside the site's development brief, sets out the requirements for new development on this site.

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The requirements of Policy ST01 (Part a) state that new development on the site shall incorporate:

- not more than 160 dwellings to be accommodated on-site;
- not less than 2ha of community and low key employment generating uses;
- not less than a 2ha neighbourhood park; and,
- footpath and cycle links joining Ingham Rd, Yarmouth Rd, and the town centre.

In assessing the proposal, it is prudent to note that a large proportion of the site, and most of the allocation requirements, have already been built out by another developer pursuant to the extant planning permission (PF/12/1427). They have delivered 150 dwellings and a large area of public open space and sustainable surface water drainage features to the west of the site. In doing so, they are deemed to have fulfilled certain aspects of the policy requirements above in site allocation terms, particularly in relation to public open space. Notwithstanding that, this application also needs to meet the policy's requirements in its own right, based on the quantum of development proposed, and in line with the other policy requirements in the Development Plan.

With regard to the requirements of Policy ST01 as detailed above, it is clear that the proposal overprovides in terms of the quantum of residential development earmarked in the policy requirements for the site. However, the rationale behind the proposal has been clearly put forward by the applicant in the submitted documentation in relation to the proposal's use as an affordable housing extra care development. This does mean, however, that the proposal is considered to form a departure from the site allocation Policy ST01 in this regard.

In consultation with NNDC Planning Policy, Officers note that whilst the site allocation policy does not require an extra care facility, such as is proposed, the deviation from the policy requirements in this regard is considered to be appropriate due to the demonstrable need for this type of development within the District; as will be assessed below. Officers also note the request that provision for the remainder of the site is brought forward as a scheme of 100% affordable housing.

Emerging Site Allocation

Emerging Policy ST23/2 in the Council's Emerging Local Plan (Regulation 19) makes provision for approximately 80 dwellings, employment land and community facilities, public open space, and associated on and off site infrastructure. The site area broadly aligns with current allocation ST01, with an additional area of proposed developable land to the east.

The proposal would account for 61no. new dwellings on the site and would be employment generating, as will be assessed later in this report. In their consultee response, Planning Policy note that with reference to the proposal, emerging Policy ST23/2 should be considered in a similar vein to that of existing site allocation Policy ST01, as detailed above. It is also important to note that as the Emerging Local Plan is currently at Regulation 19 stage, Officers are able to attribute some, albeit limited, weight to emerging policies in the planning balance.

Extant Planning Permission

The site is already subject to an extant planning permission – PF/12/1427 – which permits mixed use development comprising 150 dwellings, B1 (a - c) employment buildings (3150sqm), public open space, landscaping and associated highways and drainage infrastructure. As previously noted, the residential, public open space, landscaping and

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associated highways and drainage infrastructure have already, at least in part, been built out. The provision of the permitted employment units remains outstanding.

A further planning application – PF/16/0240 – for a mixed use development comprising 34 dwellings and a reduction of up to 12 commercial / employment / retail / clinic / service / community units within Use Classes B1, A1, A2, A3, D1 and D2, with new access road and associated landscaping was withdrawn by the applicant in April 2021 after a long period in abeyance pending a viability assessment on the provision of the commercial units. The land was subsequently sold to the current applicant after the withdrawal of the above planning application.

Loss of Potential Commercial / Industrial Units

Officers note the comments received during the public consultation, and from local Members, with respect to the proposed change of land use and the loss of the industrial/commercial units provided for under the extant permission.

It is acknowledged that the proposal would result in the development of this site and therefore the loss of the ability for the permitted B1 units to be built out on this site. However, it is important to view the proposal and the site holistically and in context to garner a full appreciation of local need in respect of the differing use classes. An assessment into the rationale behind the proposal for an extra care facility on this site shall be addressed in the following sections.

Following the granting of the extant permission, the details of the required marketing strategy were approved by the Council through the partial discharge of Condition 28 of planning permission PF/12/1427 on 07/07/2014. Further information pertaining to the reports and findings of the marketing strategy, and wider general advice about the viability of providing new small commercial units in Stalham, were also submitted as evidence under the withdrawn planning application.

These detail the enquiries received and note that of those initially interested, some uses were not compatible with the surroundings and some required the site to be built out prior to use. In all, between July 2014 – September 2015 a total of 11no. expressions of interest were recorded in the marketing strategy quarterly monitoring reports.

Officers note the submission from the Stalham Area Business Forum relating to interest in the commercial units. This gives details of 7no. expressions of interest, with a further 2no. if planning conditions were to be varied to include more use classes. It is unclear whether the interested parties would require a fully built out scheme prior to use, although the submission suggests that that would likely be the case.

Information gleaned from Aldreds Chartered Surveyors on 28/04/2017 as part of the withdrawn application also points to the provision of new small commercial units on this site as being towards the unviable end of the scale. They highlight the cost per square foot (psf) most likely to be attained in Stalham (at that time) as being between £4.50 – £7.50 psf, whereas the cost of new units such as those permitted is in the region of £7.50 – £8 psf.

At the time of writing this report (February 2022), the site was still being advertised by online estate agents for commercial development under the extant permission, although this has now been removed as of March 2022.

Given the above, Officers consider that the quantitative and qualitative evidence bases submitted with regard to the extant commercial units show that it is highly unlikely that there

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is a reasonable prospect of the permitted units being built out; having already been on the market since 2013 with no substantive offers having been received.

Under NPPF (Section 11) Paragraph 122, *planning policies and decisions need to reflect changes in the demand for land*. It also states that where an allocated site is under review, as is the case with the preparation of the Emerging Local Plan, *applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area*.

It is also worth noting that there are a number of other existing, and potentially upcoming, areas within Stalham, and more widely in Brumstead to the north, which could facilitate new and expanding businesses in the area. Officers also note that site allocation Policy E12 for c. 4ha employment land adjacent to the A149/Stepping Stones Lane has not yet been brought forward even though it has formed part of the adopted North Norfolk Core Strategy for development since 2008.

Extra Care Needs Based Assessment

As part of their statutory functions, Norfolk County Council (NCC) have calculated the adult social care needs across Norfolk, both in terms of demand for C2 residential/nursing care and C3 extra care housing. In doing so, NCC notes that the over 65 population in the county is expected to *incur the largest increase of any age group in the next 10 years*.

The latest available additional needs housing projections published in the Living Well for Homes in Norfolk Planning Position Statement Extra Care Housing (2019) highlight that North Norfolk's unmet need for extra care housing would be 486 units by 2028, of which 194 are to be at affordable rent levels. This is to serve a projected over 65 population of c. 40,200 people. The existing supply of extra care housing within the District, according to these figures, is 70 units. The figures provided by NCC are also deemed to *err on the side of caution*, meaning that the figures published are likely to be underestimating the actual need for extra care housing within the County and District.

The proposal would provide an additional 61no. 100% affordable extra care dwellings within North Norfolk; almost doubling the existing supply as reported by NCC. Officers do note, however, other recent extra care developments have been permitted/developed within the District, including Stalham (although these offer varying degrees of affordable housing provision).

Depending on how the affordable homes are offered, as assessed below, the proposal could provide almost one-third of the extra care affordable housing need for North Norfolk, as identified above. NCC are also content that the proposal meets their size requirements for this type of development, and is also considered to be in an appropriate location; being close to a town centre. Officers consider that the proposal would significantly contribute to the delivery of a clear and demonstrable need for both extra care and affordable housing within the District.

As such, Officers consider the provision of extra care housing to be a material consideration in its own right in determining this application. This shall be considered against the other policy requirements and material considerations in the planning balance in Section 12 of this report.

Affordable Housing

NNDC Strategic Housing Team has commented on this application highlighting the clear need for affordable housing for older people within the District. Of those on the Council's waiting list (734no. applications from households aged 60+), 178no. households have expressed an interest in living in the Stalham area. Officers note the recent McCarthy & Stone development

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in Stalham of an extra care facility at Old Market Road, however none of the dwellings therein have been provided as affordable housing. It is considered, therefore, that the proposal would provide a complementary and alternative option for extra care accommodation within the Stalham area.

This application is proposing 100% affordable housing for the 61no. extra care dwellings herein. These will be a mix of affordable rent and shared ownership properties, although Strategic Housing Officers note the preference for affordable rent. The affordable housing provision will be secured via a Section 106 Agreement. The extra care facility is then to be run by a Registered Provider, Housing 21, who specialise in independent extra care living for elderly people.

To accord with the comments received from Planning Policy with regard to affordable housing, the applicant has also submitted application PF/21/2021 for consideration in conjunction with this application. Application PF/21/2021 seeks permission for a scheme of 40no. affordable dwellings to the north and south of the proposed extra care facility on the remainder of the site. Application PF/21/2021 shall be determined separately and on its own merits, however Officers note the close relationship between these two applications, and the more holistic approach to the development of the overall site that they provide in conjunction with each other. It is further noted that the two schemes would deliver a combined total of 101no. affordable dwellings.

Given the provision of 100% affordable housing inherent in this proposal, Officers consider that the proposal meets, and exceeds, the requirements of Policies HO 2 and HO 3 of the adopted North Norfolk Core Strategy. Officers also note that the provision of 100% affordable housing is a material consideration in its own right. This shall be assessed alongside the other policy requirements and material considerations in the planning balance in Section 12 of this report.

Employment Generation

The proposal is expected to generate at least 35no. new jobs (including both full time (FTE) and part time (PTE)). The applicant has detailed some of the specific types of employment opportunities that will be generated by the proposal. These are set to include, but are not limited to, nor bound by, the following employment opportunities:

- 1no. Housing and Care Manager (FTE);
- 2-3no. Assistant Care Managers (FTE);
- 1no. Assistant Housing Manager (PTE);
- 1no. Care Co-ordinator (PTE);
- 2no. Cleaning staff (FTE);
- 1no. Activities Co-ordinator (possible PTE);
- 2no. Kitchen staff (depending on the management of the on-site kitchen);
- 1no. Grounds and Maintenance staff (FTE); and,
- Approximately 20no. care staff (FTE) with additional PTE opportunities.

When assessed alongside the relative potential of the employment generation densities of traditional B1 (a-c) Use Class developments, which could be developed on this site via the extant planning permission PF/12/1427, Officers consider that the proposal is broadly consistent with the potential scope of these uses' employment densities; as detailed further below.

According to the Homes & Communities Agency's Employment Density Guide (3rd Edition,

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November 2015), the employment density per sqm per FTE for Class Uses B1 are typically on average between;

- B1(a) (General Office) – 8-13 sqm
- B1(b) (Research and Development Space) – 40-60 sqm
- B1(c) (Light Industrial) – 47 sqm

Although the Guide does not contain a specific calculation for extra care developments in terms of their C3 use, the estimated projected employment density of this proposal is c. 66 sqm per FTE (worked out as 2,005 sqm overall building footprint ÷ 30 FTE (as a reasonable estimate based on the projected employment opportunities detailed above)). Please note that this is a broad approximation based on the calculation matrix detailed in the Guide and not a detailed breakdown of the proposed provision.

In this regard, the proposal is at the lower end of the employment density spectrum when compared with B1 uses, however it is still considered to be broadly within the same employment density bracket as the extant permission could generate on this site. Officers also note the wide range of employment opportunities available through the proposal, which will cater for people with a range of skills and experiences.

It is important to note that on 1st September 2020, the Town and Country Planning (Use Classes) Order 1987 (as amended) was altered. This alteration removed Class Use B1 (Business) from the Order and replaced it under the new Class E (Commercial, Business and Service). No amended advice or guidance on employment densities currently exist taking this amendment into account. As such, Officers are only able to use the information and guidance currently available in the assessment of this application; notwithstanding any potential future changes to the guidance.

During consultation with Planning Policy, Officers noted that the approach taken by the proposal would be considered to be an appropriate deviation from the site allocation Policy ST01, and emerging site allocation Policy ST23/2, as a result of the demonstrable need for extra care within the District and the employment generation therein. Economic Regeneration have also reviewed the application and recognise the potential economic benefits derived from the proposal, specifically citing the creation of 35no. new jobs.

Therefore, the proposal is considered to provide a significant public benefit to the local economy of Stalham with regard to employment generation, in line with NPPF (Section 6) and in broad accordance with the aims of Policy SS 5. Officers also consider that the projected employment generation of the proposal should be regarded as a material consideration in its own right in determining this application.

Summary of Principle of Development

Given that this is a full application on an allocated site, Officers note that the requirements of the Council's spatial strategy under Policies SS 1, SS 2, SS 3 and SS 13 are applicable. As such, the proposal is located within the Countryside and is therefore considered to be only partially in accordance with these policies, as it has not been demonstrated that the proposal requires a more rural location. However, the site allocation is deemed to outweigh this policy departure insofar as it recommends the site as being suitable for residential and commercial development. Even in light of this however, the proposal is not considered to be in full accordance with Policy ST01 as there is no current requirement for an extra care development on this site and the proposed residential provision is already almost completely built out under PF/12/1427. Officers do note, however, Planning Policy's comments with regards to the provision of the development recognising the clear and demonstrable needs for extra care and

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affordable housing, and NCC's comments regarding their spatial requirements for such developments. This policy departure and any mitigating circumstances shall be weighed up in the planning balance in Section 12 of this report.

The proposal is considered to be broadly in accordance with the aims of Policy SS 5 in relation to employment generation, as well as in accordance with Policies HO 2 and HO 3 of the adopted North Norfolk Core Strategy with regards to the satisfactory provision of affordable housing.

2. Design

Housing Mix, Type and Density

This application proposes a housing density of 61 no. dwellings over 0.96ha. This is in excess of the 40 dwellings per hectare required under Policy HO 7. Given the context of the proposal as self-contained apartments over three storeys to meet an identified need, the justification for a greater density is considered to have been demonstrated. Notwithstanding this, C&D note that the proposal shows some of the hallmarks of overdevelopment in terms of its design and setting. Officers note this position and consider that the proposal is moving towards being considered overdevelopment of the site, but also note the justification demonstrated in its housing provision.

Under Policy HO 1 in relation to dwelling mix and type, the proposal is considered to be exempt from the policy requirements as a sheltered/supported accommodation scheme which addresses an identified local need. However, the proposal is still considered to meet the policy requirements insofar as it provides dwellings suitable for occupation by the elderly, infirm or disabled.

The policy requirement to demonstrate that the proposal does not prejudice the development of land safeguarded for employment uses has already been assessed under Section 1 of this report. The policy requirement for the proposal to demonstrate that it does not detract from the character of the surrounding area shall be assessed in the following section, and further in Section 4 of this report.

Layout

The proposal forms an 'L'-shaped building sited north-east to south-west within the site. To the rear of the proposed building to the east would be the residents' communal garden. To the north lies an area of open green space, and to the east is the site entrance and car parking and refuse storage and collection areas. The refuse and cycle parking areas form a gateway into the site as they bound either side of the vehicular and pedestrian access into the site. There is also a smaller area of amenity green space to the south. Additionally, there is a proposed electric sub-station located to the south west of the site, outside of the proposed car park area, with its own access onto the new roadway.

Internally, the proposal follows a similar layout across its three storeys with stair and lift access throughout. The majority of the 2-bed dwellings are located in the south-western wing of the building, with 1-bed dwellings forming the majority of the northern wing across the first and second floors. These are interspersed with staff areas, internal refuse and plant stores, and a guest suite for overnight visitors located on the first floor. The ground floor provides more in the way of communal areas for residents and houses the facility's main staff areas and managers' offices, kitchen, hair salon, and internal mobility scooter area.

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The building footprint of the proposal measures c. 88m in length along the main north-western elevation, c. 42m in width along the south-western elevation, and has a depth between c. 17m – 22m; with the greatest depth being measure centrally at the main entrance. The main entrance itself measure c. 20m across. The external footprint of the proposal is 2,005 sqm and has a ground floor Gross Internal Area (GIA) of 1,892 sqm. The height of the proposal measures between c. 10m – 14m across the various roof lines, with the lowest height being at the north-eastern section of the building, and the tallest roofline being centrally located across the main span of the building.

Conservation and Design Officers have objected to the proposal in this regard as the proposal would sit heavily within the site and its wider surroundings due to its scale.

Form, Scale and Massing

The design of the building has gone through a number of iterations, with some elements being amended or removed following consultation with Conservation & Design and Landscape consultees, as well as comments received from the Town Council and members of the public. However, it is noted that the proposal has been primarily designed around its functionality of being an extra care facility, insofar as its width and roof pitches are dictated by the use of a central corridor with flats on either side. This also leads to the provision of very regular window patterns across the elevations which are formulaic and overly-regimented, and a repeated sectionality to the overall design of the building.

The applicant has attempted to add some variation into the elevations through the use of different materials and including some articulation into the roofline and across the elevations. They have done this through the use of a prominent main entrance and the provision of balconies to add some depth across the building's span. The inclusion of dormer windows in places across the second floor has also been built in to try and lessen the linear emphasis of the main elevations which serve to anchor the building into the site.

The main entrance forms its own unique aspect to the main elevation as it uses a snub gable type roof, flanked by a flat roof to either side. The main entrance also includes a large balcony area at the first floor which protrudes forward of the main elevation to form a covered entranceway into the building. The applicant has also proposed the use of larger areas of glazing in this area to differentiate its internal use more for communal/managerial use than residential; although Flats 38, 60 and 61 are located in this area of the first and second floors.

Conservation and Design have considered the revised design of the proposal and note its attempts to mitigate, in design terms, against its size and proportions. However, their objection to the proposal is predicated on its incompatible form and character with the prevailing form and its predictable and regimented aesthetic design, which in places forms harsh juxtapositions with the overall aesthetic and is considered to be *relatively graceless*. C&D also note that the front of the site is parking-dominated which leaves little room on-site for the development of an appropriate setting for the proposal. They also note that the proposal is unlikely to be compatible with the form and character of the area.

Officers note the presence of 3-storey elements to the residential development on the wider site allocation to the west. Although the proposal would be significantly larger than these flats in terms of its footprint, 3-storey development is not completely alien in this area of Stalham as a result of these other buildings. Elsewhere in the vicinity of the site, examples of further 3 and 4-storey residential development can be seen on Old Market Road, notably in the residential flats and new extra care facility which border the highway.

Officers have taken consultee and public comments into consideration and broadly concur with the assessment made by Conservation and Design in terms of the proposal's design

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limitations and impacts. It is noted that the applicant has responded to the comments made during the iterative design amendments. Ultimately, however, the design of the proposal is still considered to be largely incongruous with the prevailing form and character of the area. Whilst attempts have been made to lessen the impact of the proposal in design terms, which work to some degree, the proposal is still considered to be lacking in outstanding or innovative design, regardless of its inherent limitations as a functional building first and foremost.

Materials

The proposal would be constructed predominantly from Longwater Gresham and Brancaster blend bricks, with areas of Hardie Plank Iron Grey, Teckwood Stone Grey, Corten Steel (weathered), and Weber Ivory cladding around the main entrance and in areas of the eastern and south-western elevations. The two roof elements are proposed to be constructed of Redland Fenland Farmhouse Red or Sandtoft Shire Terracotta Red pantiles across the central span of the building, with Sandtoft New Rivius Antique slate on the northern and southern wings. The external windows and doors are proposed to be white UPVC, with black UPVC rainwater goods throughout.

These exact materials to be used within the development can be secured by conditions to ensure that the materials to be used are satisfactory. The same materials shall also be used for the bin storage areas, with further details of cycle parking areas to be secured by conditions. Conservation and Design Officers have confirmed that the proposed materials are acceptable, notwithstanding the concerns raised in relation to the overall design of the proposal.

On-Site Landscaping

As part of this application, 9no. mature trees at the site entrance on Yarmouth Rd are set to be removed to facilitate the new access road and visibility splays, as detailed in the submitted Arboricultural Impact Assessment (ref: JBA 21/235 AR01 Issue A, dated 22/07/2021). This is considered to significantly alter the character of the area and the approach to Stalham from the east. Landscape Officers have expressed their concerns over this and have recommended that replacement large tree stock of similar species are planted in this area as mitigation.

A revised landscaping scheme has been received for the area surrounding the proposed building following consultee comments from Landscape Officers. This revised scheme has strengthened the site's eastern boundary by retaining the full length of the existing mature hedgerow. It also makes use of more native species and wildflower areas across the site, noticeably at the north-eastern corner where a new walkable feature has been included. The communal garden area has also been amended to include more areas of soft landscaping. This has been achieved by reducing the size of the hardstanding communal terrace, but is considered to be an improvement. There is also provision for suitable garden walkways with seating, raised beds and a small allotment-type growing garden.

Elsewhere on the site, the western boundary and proposed electricity substation to the south-west are bordered by Beech hedging and are accompanied by a prominent Sweet Chestnut, Lime and Swedish White Beam. Other species including Silver Birch, Rowan and various fruit trees are also to be planted throughout the site.

Landscape Officers have commented on this revised landscaping scheme during an informal phone call on 15/10/2021 and note that whilst the changes made constitute an improvement to the on-site landscaping, it is not enough to remove Landscape Officers' objection in this regard. This objection shall be further assessed alongside the other policy and material considerations of the proposal in the planning balance in Section 12 of this report.

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Officers note that the proposal includes a numbers of trees lining the proposed access road (mostly within the curtilage of the proposed extra care building, but not exclusively) in line with the recently added requirements under NPPF (Section 12) Paragraph 131.

Summary of Design

Having assessed the design of the proposal and its implications and impacts in conjunction with comments received from the relevant consultees and members of the public, Officers note that the proposal is deemed to be on accordance with Policy HO 7 of the adopted North Norfolk Core Strategy.

However, it is also considered that the proposal is contrary to the requirements of Policy EN 4, the relevant parts of Policy HO 1, the North Norfolk Design Guide SPD, and NPPF (Section 12). This policy departure will be weighed against the other policy requirements and material considerations in making a recommendation for this application in Section 12 of this report.

3. Landscape

Landscape Character Assessment

The site lies within Settled Farmland (SF1: Stalham, Ludham and Potter Heigham) Landscape Character Area, as defined in the adopted North Norfolk Landscape Character Assessment SPD. Stalham is the main settlement within a landscape characterised by flat arable topography bordered by woodland fringing the Broads. Edge of town development and settlement expansion pressures on the edge of Stalham is cited as a potential detracting factor in this otherwise rural character area. So too is the increase of light pollution associated with new development on the sense of remoteness, tranquillity and dark skies associated with this landscape type.

Notwithstanding the site allocation on which the proposal is located, due to the large size and scale the proposal, which is out of keeping with the prevailing settlement pattern and form, it is not considered be informed by or be sympathetic to the local landscape character. Nor is it considered to protect, conserve or enhance the special qualities and local distinctiveness of the area. As such, the proposal is considered to form a departure from Policy EN 2 in this instance. This policy departure shall be weighed against the other policy requirements and material considerations in Section 12 of this report.

4. Amenity

Residential Amenity

During this section of the report, Officers will consider the effects of the proposal on both the nearby existing dwellings, as well as the dwellings proposed under application PF/21/2021. It is noted that PF/21/2021 does not have planning permission at this juncture, however it is considered appropriate to assess to the potential effects of the proposal on the residential amenities of these proposed dwellings as a matter of course. Officers note that the details of PF/21/2021 may be subject to change, and that this is a cursory assessment of the potential amenity impacts of this proposal.

Distances to existing dwellings – The proposal is sited such that it is located c. 31m away from the nearest existing dwellings to the north west; across the proposed access road. The closest existing dwellings to the north and north-west are located c. 31m and 59m away respectively.

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To the south, the closest existing dwelling is c. 38m away from the proposal. There are no existing dwellings immediately to the east of the site.

Distances to proposed dwellings under application PF/21/2021 – The proposal would be located centrally within the remaining wider site allocation with new dwellings being proposed to the north and south. The closest proposed dwelling to the north of the proposal is located c. 34m away. To the north-east, the closest dwelling is c. 11m away. The proposal is located c. 10m away from the proposed flats to the south-west and c. 57m away from the dwellings at the southern boundary of the site.

Overbearing – Although Officers recognise the dominance that the proposal would have in the landscape, the direct impacts on the residential amenity of nearby occupiers in terms of overbearing is being considered in this section. The proposal is 3 storeys in height and forms a relatively large wall of development. Given the size of the proposal, it is inevitable that it would have some effect on neighbouring occupiers, however it is considered that given the separation distances to existing dwellings and its setting within the site, the proposal is unlikely to have a significant detrimental effect on existing dwellings in terms of over-dominance or overbearing.

With regard to the proposed dwellings under PF/21/2021, the proposal is considered to not have an overbearing effect on the block of flats or dwellings to the south due to the staggered siting of the buildings, nor the majority of the proposed dwellings to the north/north-east. However, Officers note the relatively close proximity of the proposal to Plot 22 to the immediate north-east of the site.

The applicant has taken heed of this and has reduced the overall footprint of the proposal by c.10m at its northern end and has lowered the roof height of this section of the proposal to c. 10m. The proposed height for Plot 22 is c. 8m. Given this, and the offset angle of the proposal to that of the proposed dwelling, Officers do not expect that the proposal would lead to a significant detrimental effect in terms of overbearing on the adjacent proposed dwelling. Although Officers do recognise that the proposal would be readily seen from the rear garden.

Overshadowing – The proposal lies on a loose north-south axis. Given this, it is expected that the car parking area to the west of the proposal would be shadowed during the morning, with the residents' communal garden area to the east being in shadow during the afternoon/evening periods. Each habitable window is expected to receive natural sunlight at different times throughout the day.

The proposal is considered to be significantly far away enough from the existing dwellings to the north-west, being c. 31m over the proposed access road, so as not to cause an issue in terms of overshadowing on neighbouring dwellings.

Similarly, the proposal is not expected to directly overshadow the proposed dwellings under PF/21/2021. The exception for this being Plot 22 (and to a lesser extent Plot 21) to the north-east, where it is likely that some of the private garden would be in shadow during the afternoon/evening period. However, Officers do not consider that the property would be significantly detrimentally affected by this, as it would still have access to sunlight during the first half of the day.

Overlooking – The North Norfolk Design Guide SPD provides the minimum acceptable distances from window to window in order for developments to maintain appropriate levels of residential amenity in terms of privacy. With regard to nearby existing dwellings, the proposal is not expected to cause a significant detrimental effect in terms of overlooking, as the separation distances between them and the proposal, in all directions, are considerably more than the prescribed standards in the Design Guide.

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For the proposed dwellings under PF/21/2021, there are two areas which are closer to the proposal. These are the proposed block of flats to the south-west, and Plot 22 (and Plot 21 to a lesser extent) to the north-east.

The extra care apartments to the south-west corner of the proposal have a bedroom window facing in the direction of the proposed block of flats. Officers note, however, that the two buildings are offset from each other and do not overlook. As such, the proposal is not considered to cause a significant detrimental effect on the proposed flats to the south-west.

With regard to Plot 22, Officers note that there are no windows shown on the proposal that directly overlook the proposed dwellings, apart from a small area at the south-west of the rear garden of Plot 22. However, the proposal does contain provision for balconies on the first and second floors c. 6m away from the boundary of the Plot 22. It is noted that the balconies face south-east and sightlines miss the curtilage of the proposed dwellinghouse when looking straight ahead. However, it is considered that the use of the balconies would likely cause a detrimental effect on the residential amenity of the future occupiers of Plot 22 (should permission be granted for PF/21/2021) as the proposed landscaping mitigation takes time to grow and fill out as proposed. Given this, the proposal is not considered to cause a significant detrimental effect in the long-term, but it is recognised that in the short-term, the effects of overlooking from the proposal may be more pronounced until the mitigative landscaping has been planted/sufficiently matured.

Loss of outlook – The proposal will have an inevitable effect on neighbouring occupiers' outlooks due to its size and location. However, Officers note that the application site already has extant permission for additional built form, and the emerging site allocation would also likely incorporate additional built form in this area. It is therefore considered that the amenity impacts in terms of neighbours' loss of outlook onto a green open space is not significant and would be likely to occur whether under this application, the extant permission, or another future application.

Future occupiers – The proposal is considered to offer good levels of residential amenity for future occupiers in line with the Housing our Ageing Population Panel for Innovation (HAPPI) guidelines for housing for older people. The flats are of a size that either meet or exceed the minimum space standards required for dwellings of their relative capacities. Each of the flats also has access to outdoor space and direct sunlight, whether that's via direct access into the garden/amenity green spaces, or via a balcony. On-site access to other communal amenities – such as the hair dresser, on-site care, access to mobility scooters, and a communal garden area – is also considered favourably in this unique instance.

For a proposal of this quantum of development, it is required to provide not less than 790 sqm of on-site amenity green space. The proposal provides c. 1,753 sqm of amenity green space to the north and east of the building. Approximately 1,217 sqm of this total forms the communal residential garden area at the east of the site, with the remainder being located to the north of the building as an area of open space.

Given the above, and noting the potential detrimental but not likely significant impact on the residential amenity of neighbouring occupiers at proposed Plot 22 in terms of overlooking, it is considered that the proposal is broadly in accordance with the requirements of Policy EN 4 in regard to amenity in this unique instance.

Air Quality

The applicant has submitted an Air Quality Screening Assessment (AQSA) in support of this application. The Assessment provides suggested mitigation measures to reduce the impacts

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of construction by way of a Dust Management Plan to minimise all emissions from construction activities on-site. Environmental Health have reviewed the report and its findings and are content with its conclusions. A pre-commencement condition shall be secured, with prior agreement from the applicant, for a Construction Management Plan (to include a Dust Management Plan) to be sought and implemented for the duration of construction works.

Noise

As part of the submitted documentation in support of this application, the applicant has provided some broad details about the proposed noise generating aspects of plant and machinery to be used within the proposal, and have suggested possible means of mitigation. These include the use of sound attenuating doors within the development and time/condition limited use of some of the proposed air conditioning units.

Environmental Health have reviewed the information submitted on a number of occasions and found it to be lacking in detail. They have therefore objected to the proposal in this regard. Comments have also been received from Building Control in relation to the potential internal noise of the development. They note that issues of internal noise levels are considered under Approved Document E of the Building Regulations 2010 (as amended).

This document provides guidance on the resistance to the passage of sound in new developments and provides guidance on sound proofing; including the transmission of sounds between walls, ceilings, windows and floors. It also covers unwanted sound travel within different areas of a building, including common areas within buildings containing flats, and in-between connecting buildings. It further requires the standard level of sound reduction to be 45dB (being the minimum reduction) to achieve compliance. Compliance with the Building Regulations will be achieved by building to approved robust details and standards and will be checked through the use of on-site pre-completion testing during the Building Control inspection phases of construction.

Environmental Health have requested that conditions are secured to ensure that the proposal will not have a significant detrimental effect on residential amenity in terms of the types and specifications of plant/machinery to be used on-site. Officers are in agreement with this position and the relevant details can be secured via conditions.

Odour

Similarly to the noise information submitted, the applicant has submitted some broad information about the odour generating aspects of the proposal. Environmental Health have raised particular concerns in relation to the extraction system to be used in the ground floor kitchen, and its placement on the exterior of the proposal, which is likely to be directly underneath Flat 24, and the proximity of the smoking shelter to the bedroom windows of Flats 31 and 53.

The smoking shelter has since been moved to the northern elevation and is located alongside a stair well with no habitable windows in the vicinity. The need for a smoking has been questioned as it is not a requirement in law, however the applicant notes that the Registered Provider requires it as part of their management agreement. Whilst this moves the smoking shelter into a more prominent position in view of the proposed dwellings to the north, Officers consider that the compromise in its current placement will have a positive effect on the residential amenity of future occupiers of the extra care flats by moving it away from habitable windows, and is only expected to have a minimal effect on the outlook of potential future occupiers of the proposed dwellings to the north. The applicant has also highlighted that the kitchen will likely only provide light meals and rely heavily on the use of microwave ovens for their preparation.

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In light of this, EH have removed their requirement for an Odour Impact Assessment. However, conditions can still be secured for the exact details of the ventilation and extraction systems to be used throughout the proposal, including their output locations on the external elevations, and a plan for their continued management and maintenance.

External Lighting

A revised external lighting plan has been submitted, based on comments received from Landscape and Environmental Health consultees, which details the locations and details the types of external lights proposed to be used on-site. These include feature soffit down-lighters around the main entrance, wall-mounted lights at regular intervals across the elevations and mounted below 1.8m, and bollard lighting being proposed in areas of hardstanding such as the car park and along the garden path at the east of the site. The external lighting is only to be used when required and will not be dawn 'til dusk. Conditions can be secured to implement and maintain an acceptable external lighting strategy.

Refuse Storage and Collection

The applicant has submitted a Refuse and Waste Strategy in support of this application. This details that both internal and external refuse storage will be provided on-site. These will include;

- Internal
 - 3no. 240 litre general waste bins per floor
 - 3no. 240 litre recycling waste bins per floor
- External
 - 8no. 1100 litre general household waste bins
 - 8no. 1100 litre recycling bins

A composting area to the south-east of the site is also being proposed. Environmental Health have reviewed the submitted strategy and note that commercial and other waste generated by the kitchen, on-site hair salon, and smoking area will also need to be incorporated into the strategy. EH have suggested conditions in relation to the provision of a full Refuse and Waste Strategy. This shall include details of storage for household and recycling waste, commercial waste, medical waste, compost area management, full details of the internal and external bin stores, suitable vehicle tracking, and waste collection means and frequencies. Officers are content with the approach proposed and shall secure the relevant information via conditions.

Summary of Amenity

In light of the above assessment, it is considered that the proposal is in broad accordance with the requirements of Policy EN 4 in terms of not having a significant impact on residential amenity of existing neighbouring and future occupiers. It is also considered that the proposal is also in broad accordance with Policy EN 13 of the adopted North Norfolk Core Strategy, with relevant conditions being secured in liaison with the relevant consultees to ensure a satisfactory development in terms of pollution and hazard prevention and minimisation.

5. Highways Safety

Location Sustainability

The proposal is located to the northern end of Yarmouth Rd and is sited relatively centrally within the wider town. The site provides easy access by foot to Stalham High St, c. 180m west,

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which hosts a range of local services and facilities including shops, cafes, pubs, a post office and the local library. However, the quantum of local services on offer in the area is considered to be limited in Paragraph 2.9.33 of the support text to Policy SS 13. Policy SS 13 also notes that due to this limited quantum of local services, developments should be sought which allow for a mixed use approach to housing and employment opportunities to help create a more balanced and self-contained community. As the proposal is deemed to be employment generating and will house some of its own services (e.g. hair dressers and care/medical assistance) and will, in effect, create its own somewhat self-contained community, it is considered to be in accordance with this aspect of Policy SS 13.

As the red line boundary of this proposal does not extend far enough northwards, the proposal is unable link the existing footway through the residential development to the north to this application, in its own right. However, Officers do note that this link is proposed to be maintained via application PF/21/2021, which falls within the blue line boundary of the same site ownership and seeks to infill the land to the north of this proposal and link the wider site together. Notwithstanding PF/21/2021, as the blue line boundary extends to the area to accommodate the link footpath, this can be secured by conditions.

The site is also c. 380m from the local superstore to the west, and is c. 140m away from the local doctor's surgery to the south west. The site also lies adjacent to bus stops serving the nearby town of North Walsham (c. 9mi to the north west), Norwich (c. 15mi to the south west), and Great Yarmouth (c. 17mi to the south east). These routes are served relatively frequently throughout the day. The proposals are also set to offer the use of up to 12no. electric mobility scooters for residents to facilitate ease of access to the wider area.

Officers again note Norfolk County Council's requirements in regard to the site being considered to be sustainable for this type of proposal, as an edge of town extra care development.

The proposal is therefore considered to be sustainably located and provides good access to Stalham and wider areas without an over-reliance on private transport as the principle mode of travel. As such, the proposal is considered to be in accordance with Policy SS 6 in this regard.

Impacts on Highways Safety

The proposal will create a new road access onto Yarmouth Rd; a 30mph residential highway. The applicant has submitted a Transport Statement and Travel Plan detailing the expected trip generation resulting from the proposal and other means of access and sustainable transport opportunities. Given the likely private transport needs of future residents, staff trip generation, and required on-site deliveries, the submitted information details a likely peak-time trip generation of c. 18 vehicle movements into and out of the site, based on TRICS (Trip Rate Information) data.

Comments received from the local District and County elected members in terms of highway infrastructure concerns and potential mitigations have been noted and assessed as part of this application. However, the proposal is not expected to generate an unacceptable amount of additional traffic on the local highway network, nor have any planning obligations been required by the Highways Authority which would require the facilitation of off-site highways improvements works as part of the proposal in order to make the proposal acceptable in highways safety terms, other than the provision of new footpaths, a crossing point at the site entrance, and the relocation of lampposts and telecoms boxes.

The Highways Authority note they do not have an in principle objection to the proposal, and the queries raised by them in terms of technical details have been satisfactorily resolved for

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this stage of the application process. A number of conditions have been proposed, which are detailed further at the start of this report, which Officers are content to secure to ensure that the proposal does not have an unacceptable impact on the local highway network or highways safety.

As such, the proposal is considered to be in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy and NPPF (Section 9), particularly Paragraph 111 in this instance.

Car and Cycle Parking

Under Policy CT 6 and Appendix C: Parking Standards of the adopted North Norfolk Core Strategy, the required number of on-site car parking spaces for the proposal, insofar as it relates to C3 housing designed as sheltered housing, or for those with even higher dependency and support needs, is:

- Car parking – 28no. spaces
- Cycle parking – 14no. spaces

Under this proposal, provision has been made for the following:

- Car parking – 50no. spaces
 - Disabled spaces – 3no. spaces
 - Electric Vehicle Charging Points – 2no. spaces
- Cycle parking – 16no. spaces

Officers note the provision of adequate cycle parking provision within the proposal. There is also adequate provision of disabled car parking spaces (6%) as required by the parking standards. The provision of the 2no. Electric Vehicle Charging Points is welcomed as there is not currently a policy requirement to do so. However, Officers also note the overprovision of car parking of 22no. spaces.

The applicant had initially erroneously calculated the required provision based on the Council's car parking standards for C3 dwellings, and not the C3 dwellings for older people with dependency or support needs. However, it is noted that the provision of C3 residential use car parking spaces prescribed in Appendix C are the minimum standards required, as detailed in Paragraph C.1 of the supporting text.

Officers note the over-prescribed quantum of car parking spaces, of approximately twice as many car parking spaces as required under policy, which could be put to better use as additional soft landscaping and/or amenity green space, which would likely be seen as a public benefit of the proposal. With this in mind, the proposal is considered not to be in accordance with the requirements of Policy CT 6 and Appendix C: Parking Standards of the North Norfolk Core Strategy in this instance, as the overprovision has not been satisfactorily justified.

6. Sustainable Construction

Policy EN 6 outlines the Local Planning Authority's approach to sustainable construction and energy efficiency, including the provision of on-site renewable energy technologies to provide at least 10% of predicted total on-site energy usage for developments over 1,000sqm or 10 dwellings (new build or conversions).

North Norfolk District Council declared a Climate Emergency in 2019, and the recent publication of the Intergovernmental Panel on Climate Change (IPCC) report (2021) has

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demonstrated that *human influence has unequivocally impacted on our changing climate*. NNDC's commitment to tackling climate change is considered to be an important consideration in determining this application; so too are the provisions of NPPF (Section 14) Paragraphs 154 and 157. These require applicants to build-in climate change/renewable energy mitigations from an early stage within their schemes, and comply with LPA policy requirements for the use of decentralised energy supplies within development proposals.

The applicant has submitted broad details of the measures and renewable energy technologies that will be used in the proposal in order to meet the requirements of Policy EN 6. This information details that the proposal will make use of a 'Fabric First' approach to development; which involves maximising the performance of the components and materials that make up the building fabric itself. Additionally, the submitted information details the use of mechanical ventilation and heat recovery (MVHR) units and renewable heating and hot water systems, such as air source heat pumps.

The applicant also notes the potential for the use of solar photovoltaic panels at a future juncture to provide additional renewable energy at the site. The provision of Electric Vehicle Charging Points is considered to be a positive addition to the scheme, as these are not currently required by adopted policy and will help to futureproof provision.

The information provided does not specifically detail what percentage of total on-site energy usage these proposed measures will offset. As such, pre-commencement conditions shall be secured to provide the exact details of all measures to be used, along with calculations to demonstrate the percentage output achievable for this scheme. As such, Officers consider that the scheme is in accordance with the requirements of Policy EN 6 and the relevant parts of Policy SS 4 in this unique instance.

7. Heritage and Archaeology

Listed Buildings and Conservation Area

Under the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and NPPF (Section 16) Paragraph 200, special attention is to be paid to the desirability of preserving or enhancing the character or appearance and settings of Listed Buildings or any features of special architectural or historic interest, and the character of the Conservation Area.

In considering development proposals affecting heritage assets, Core Strategy Policy EN 8 sets out that development that would have an adverse impact on special historic or architectural interest will not be permitted. However, this element of Core Strategy Policy EN 8 is now not fully consistent with the guidance set out in the National Planning Policy Framework which is more permissive towards allowing development affecting heritage assets but only where there are clear and convincing public benefits in favour, in accordance with the statutory requirements set out above.

The site lies c. 35m to the west and outside of the Stalham Conservation Area. However, it is located c. 90m east of the Grade II Listed Church Farm complex. Further to the east of the proposal site lies the Grade II*/Grade II Listed Stalham Hall complex. Given the proposal's proximity to these assets, its impacts are considered to be indirect and confined to the settings of these assets.

In consultation with Conservation and Design, the proposal's proximity to these nearby heritage assets and its form and scale, as detailed in Section 2 of this report, are considered to cause a level of harm to the significance of these assets. However, it is also noted that there

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has already been a degree of sustained change in this area of Stalham, and that the harm caused by the proposal on the significance and setting of the Stalham Conservation Area and nearby Listed Buildings is towards the lower end of less than substantial.

NPPF (Section 16) Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. NPPF (Section 16) Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In noting the provisions of the NPPF, Officers recognise that there are public benefits associated with the proposal, but that great weight must also be given to conserving the significance of the nearby heritage assets. The weightings of the public benefits of the proposal and the lower end less than substantial harm on the significance and settings of the nearby heritage assets shall be further assessed in the planning balance in Section 12 of this report, alongside the other policy and material considerations in this application.

Archaeology

The site is known to contain some elements of archaeological interest, as considered under extant planning permission PF/12/1427. Condition 33 of this permission required an Archaeological Written Scheme of Investigation to be undertaken across the whole of the site, including the areas covered by this proposal. This condition was discharged in 2014 in liaison with Norfolk County Council's Historic Environment Service.

Three reports were created as part of the archaeological process. Two were submitted in evidence to discharge Condition 33; ref: J3056 (Geophysical Survey Report), dated February 2012 and ref: TG 3771 2520_4151 (An Archaeological Evaluation (Trial Trenching)), dated September 2012. One academic paper detailing the findings was also published: Newton, A., (2017) Prehistoric Features and a Medieval Enclosure at Stalham, Norfolk, *Norfolk Archaeology XLVII*, pp. 498–510.

Officers note the comments received from Cllr Taylor with regards to archaeology on this site, particularly in relation to a First World War military encampment on the site. NCC Historic Environment Service have not commented in relation to this site (although they will be recording the encampment within their archives), as it is considered that the archaeological potential of site has already been thoroughly assessed and reported. Therefore, no conditions are proposed in respect of further archaeological investigation.

8. Flooding Risk & Drainage

Flood Risk

The site lies within Flood Zone 1 as detailed by Environment Agency mapping. Policy EN 10 states that most new development in the District should be located within this flood zone; based on a sequential approach. NPPF (Section 14) Paragraph 167 also requires the submission of a site specific flood risk assessment to ensure that flood risk is not increased elsewhere. The applicant has submitted a Site Specific Flood Risk Assessment detailing the flooding risk for this site. This details that the site is at very low risk from surface water and fluvial flooding. It also details that the site has a risk of groundwater flooding of < 25%, based on the Council's Strategic Flood Risk Assessment (Map NN_52).

Surface Water Drainage

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Following initial objections from the Lead Local Flood Authority, a revised Drainage Strategy was submitted on 06/01/2022 which provides updated infiltration testing results from the site and proposes an amended surface water drainage strategy to that originally submitted. This revised strategy allows for the infiltration of surface water via semi-permeable areas of hardstanding at the west of the site and permeable footpaths in the amenity garden area to the east.

Surface water drainage in the proposed roadway will be accommodated via trapped gullies and a gravity piped network directly into the existing SuDS infiltration basin to the west of the site (associated with application PF/12/1427). A downstream defender will be installed to treat all surface water captured by the highways surface water drainage network.

The revised drainage strategy also includes provision for surface water management during construction and a maintenance and management plan, which details the ongoing maintenance responsibilities and timetable for the surface water drainage system on-site.

Following the submission of the revised Drainage Strategy, the Broads Internal Drainage Board and LLFA are content with the proposed surface water drainage strategy for this site. Relevant conditions shall be secured to ensure the satisfactory implementation and future management of the surface water drainage network.

Foul Water Drainage

The applicant has detailed that foul water will be disposed of via mains drainage through the Anglian Water network. Anglian Water have confirmed that there is available capacity for the projected flows at the Stalham Water Recycling Centre and within the used water network. A Habitats Regulations Assessment (detailed further in Section 9) has found the foul water drainage strategy to be acceptable.

Given the above and comments received from the relevant consultees, the proposal is considered to be in accordance with Policy EN 10 of the adopted North Norfolk Core Strategy and NPPF (Section 14).

9. Biodiversity

Habitats Regulations Assessment

A Habitats Regulations Assessment (HRA) was required as part of this application under the Conservation of Habitats and Species Regulations 2017 (as amended), Policy ST01 and Emerging Policy ST23/2, and advice received from Natural England, to determine whether any Likely Significant Effects (LSE) of the proposal could be ruled out on nearby designated habitats sites and demonstrate that the proposal would not have an adverse effect on the integrity of these sites. A Stage 1 HRA Screening Assessment was undertaken by the Council, as the Competent Authority, which determined that a LSE could not be ruled out in relation to three principal factors;

- Impacts of foul water drainage and hydrological connectivity to The Broads and concerns over phosphate levels from Stalham Water Recycling Centre (WRC);
- Impacts of surface water and groundwater from the proposal on water quality and local hydrology networks into The Broads; and,
- Impacts of recreational disturbance as a result of the proposal on The Broads and other East Coast Special Protection Areas and Special Areas of Conservation sites.

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The Council did not receive any notification of a Judicial Review in the 6 weeks following the publication of the Stage 1 HRA Screening Assessment on 01/11/2021.

Following the publication of the Screening Assessment, the applicant engaged an Ecologist to prepare information for a Stage 2 Appropriate Assessment to address the above LSEs and provide further evidence and proposed mitigation measures to satisfactorily rule out any ongoing LSEs in these terms.

Natural England have reviewed the information submitted in the Appropriate Assessment and raise no objections to the proposal subject to securing the appropriate mitigations. These are the provision of a significant amount of greenspace, access routes for dog walking, and sustainable drainage systems to manage and process surface water drainage.

The Council has also reviewed the information submitted to inform its own assessment, as the Competent Authority, and the comments received by Natural England. Landscape and Ecology Officers have been able to conclude that LSEs are able to be ruled out in respect of the abovementioned concerns via ongoing water quality and phosphate monitoring at Stalham WRC under their Environmental Permitting processes, the satisfactory implementation of the surface water drainage strategy detailed in Section 8, and the securing of relevant planning obligations to address visitor impact pressures as detailed in the following section. The submitted information is of an adoptable standard by the Council.

Additionally, Officers consider that the proposal addresses Natural England's mitigation requirements in utilising the open space in association with the extant permission (PF/12/1427) under site allocation Policy ST01 (as this will be open and accessible to future residents) and noting the emerging policy requirement for an additional 0.21ha of open space required under Emerging Policy ST23/2 on the wider site. Officers shall also secure interpretation boards and information about local Public Rights of Way routes and secure financial contributions towards dog waste bins and their maintenance along these routes (i.e. Weaver's Way and Stalham Staithe Circular Walk) via conditions and Section 106 Agreement.

GI/RAMS

North Norfolk District Council, in conjunction with Natural England and other Norfolk Councils, produced the Norfolk Recreation disturbance Avoidance and Mitigation Strategy (RAMS) and Green Infrastructure Strategy (GI) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are satisfactorily mitigated and compliant with the Habitats Regulations.

The obligations sought from the GI/RAMS Strategy, by way of a financial contribution per new dwelling, are required to rule out any Likely Significant Effect from visitor impact pressures arising from new residential developments on these designated habitats sites in HRA terms. The proposal lies within the defined Zones of Influence of a number of designated sites, including The Broads SAC and Broadland SPA. As such, financial contributions towards the offsetting of pressures caused by new residential development on these sites are required. The required obligations are detailed in Section 11 of this report.

The applicant agrees with this approach and has agreed that these contributions shall be secured via a Section 106 Agreement.

On-Site Biodiversity

The applicant submitted a Preliminary Ecological Appraisal and Impact Assessment in support of this application. It recommends a number of on-site ecological enhancements which would

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be beneficial to on-site biodiversity. These would help to ensure that there is a minimal impact on the conservation status of any protected, important or rare species within the local area. These recommended enhancements include the retention of existing hedgerows, the addition of bird and bat boxes across the site, incorporating native species into a soft landscaping scheme, and providing 'hedgehog links' in on-site fencing to facilitate small mammal movement throughout the site. Conditions shall be secured for the implementation of the proposed ecological enhancements, As such, the proposal is considered to be in accordance with Policy EN 9 of the adopted North Norfolk Core Strategy.

10. Other Material Considerations

Contaminated Land

The applicant submitted a desk-based Contaminated Land Report following consultee comments received from Environmental Health requiring a report specifying the suitability of the site for occupation, particularly due to the size of the proposal and as it would house more vulnerable people due to its nature as an extra care facility. The report concludes that the site has shown no sign of development or use, other than as farmland, since the early 1900s. Subsequent consultee comments agree that the degree of risk of contamination is low based on the former land use, but cannot be ruled out completely.

As no contamination testing has been undertaken to rule out the presence of any potential contamination on-site, Environmental Health require an informative note to the applicant detailing their responsibilities for ensuring the safe development of the proposal and secure occupancy for future occupiers. A condition shall also be secured to ensure that any unexpected contamination found during construction is reported to the LPA and satisfactorily remediated before works are allowed to continue.

Pre-Commencement Conditions

The recommendation proposes pre-commencement planning conditions. Therefore, in accordance with Section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such conditions. Notice was served and confirmation of the agreement is currently awaited from the applicant. An update will be provided at the Development Committee meeting.

11. Planning Obligations

As part of this application, Norfolk County Council and North Norfolk District Council require certain planning obligations in order to address the impacts on local services and infrastructure that the proposal will pose. These would be secured via a Section 106 Agreement, with the mitigative financial contributions being used for the specific purposes detailed therein. The planning obligations required for this application are detailed below.

Required Obligations

Public Open Space – North Norfolk District Council require the following financial contributions with regard to off-site public open space mitigation, based on the calculations for Older Peoples' Accommodation, in line with the North Norfolk Open Space Assessment (February 2020):

- Allotments – £10,589

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- Parks & Recreation Grounds – £80,765
- Natural Green Space – £23,984
- *Total contributions required – £115,338*

The proposal is required to provide 790 sqm of on-site amenity green space, based on the proposed quantum of proposed dwellings. The proposal provides c. 1,753 sqm of amenity green space to the north and east of the building. Approximately 1,217 sqm of this total forms the communal residential garden area at the east of the site, with the remainder being located to the north of the building as an area open space to visually enhance the site.

The applicant has submitted a viability assessment to demonstrate that they are unable to provide the financial obligations required for off-site contributions under this application. This is detailed further in the following section.

GI/RAMS – As the proposal site lies within the Zones of Influence of a number of designated sites, including The Broads SAC and Broadland SPA, contributions totalling £11,341.73 as mitigation for the future impacts of the proposed development on these designated sites are required.

Local Infrastructure – Due to the age-restricted nature of the development, Norfolk County Council are not seeking contributions towards education or library provision as part of the proposal. However, they do require suitable fire hydrant coverage (1 hydrant per 50 dwellings or part thereof) of the site to be provided, which shall be secured by conditions.

Viability Assessment

As part of this application, the applicant has submitted information detailing the viability limitations of the proposal. This information concludes that the proposal would be unviable if the planning obligations and contributions detailed above were to be required as part of this application. The information has been reviewed by the Council's independent viability assessor and who has found that the viability of the proposed development is marginal with a developer return below normally acceptable levels. This is on the basis that no Section 106 contributions are made, other than the GI/RAMS contributions.

Given the above, the proposal has been found to be unable to provide the required off-site public open space financial contributions. As such, Officers note that the application is unable to comply with the full requirements of Policy CT 2 of the adopted North Norfolk Core Strategy in this instance. This departure from adopted policy shall be weighed against the other policy requirements and materials considerations of the proposal in the following section.

12. Planning Balance and Conclusion

The proposal is considered to be in accordance with Policies SS 5, SS 6, HO 2, HO 3, HO 7, EN 6, EN 9, EN 10, and CT 5 of the adopted North Norfolk Core Strategy. These principally relate to the provision of affordable housing, location sustainability, development density, renewable energy provision, biodiversity, surface and foul water drainage, and highways safety impacts.

The proposal is considered to only be partially in accordance with Policies SS 1, SS 2, SS 3, SS 4, SS 13, HO 1, EN 4 (in relation to residential amenity), and EN 13 of the adopted North Norfolk Core Strategy, as well as Emerging Policy ST23/2 of the Emerging North Norfolk Local Plan 2016 – 2036 (Regulation 19). These policies principally relate to the Council's spatial strategy for development, impacts on the environment, housing mix, residential amenity, and

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minimising/preventing the risks from pollution. Officers note that at this stage in the adoption cycle of the Emerging Local Plan, only limited weight can be afforded to emerging policy considerations. However, it is considered that the emerging policies show the direction of travel in which the Council is proposing to steer development upon adoption of the Emerging Local Plan. The partial compliance with policies with regard to the Council's spatial strategy are also considered to be tempered by representations received by Planning Policy and Norfolk County Council with regards to the location of extra care development on this site and the recognition of the public benefits arising from this proposal; which shall be assessed in the following sections.

Conversely, Officers consider the proposal to be contrary to the requirements of Policies EN 2, EN 4, CT 2, CT 6 of the adopted North Norfolk Core Strategy, and Policy ST01 of the North Norfolk Local Development Framework Site Allocations DPD. These policy departures principally relate to the proposal's impacts on the landscape, its design, provision of contributions to off-set the impacts of development, car parking provision, and accordance with the current site allocation policy. Officers also note that some planning obligations have been able to be secured under this application (although not all due to viability constraints), and whilst still considered to be a departure from Policy CT 2, the obligations able to be secured are of note, particularly in relation to Green Infrastructure and visitor impact pressures on nearby designated habitats sites.

Whilst the departure from Policy ST01 is considered to be somewhat tempered by the clear and demonstrable need for this kind of development within Stalham and the District more widely, and the comments received from Planning Policy and Norfolk County Council in light of this, and the over-provision of car parking is considered to be towards the more minor end of policy departures (as the additional spaces could be put to better use), the policy conflicts with Policies EN 2 and EN 4 and NPPF (Section 12), particularly Paragraphs 130 and 134, are considered to carry significant weight. This is due to the impacts of the proposal on the surrounding landscape and its overall design, which have been objected to by consultees.

Under Policy EN 8 of the adopted North Norfolk Core Strategy and the National Planning Policy Framework, the proposal's lower end of less than substantial harm on nearby designated heritage assets must be afforded great weight by NPPF (Section 16) Paragraph 199. However, NPPF (Section 16) Paragraph 202 states that this should be weighed against the public benefits of the scheme.

There are numerous public benefits which Officers consider to be relevant in the determination of the proposal. These include the short-term economic benefits of creating employment during the construction phase of development, as well as more long-term public benefits including boosting the local economy through an increased residential population who will require the use of local goods and services, as well as the creation of c.35 full-time/part-time jobs. Officers consider that the wider economic case for the proposal is strong. Under NPPF (Section 11) Paragraph 122, the proposal is considered to satisfactorily reflect changes in the demand for land, as well as creating local employment within Stalham on a site with a planning history for commercial units.

The proposal has also demonstrated a clear and recognisable need for the provision of C3 extra care as an appropriate housing option for older people locally. The provision of these 61 dwellings as 100% affordable housing is also considered to be of benefit to the local area's housing options. Officers note the relative rarity of applications for proposals such as this to provide substantial amounts of affordable and additional needs housing in combination, for which there is high demand within the District. Such provision is considered to represent a significant public benefit.

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Whilst the Council is able to demonstrate a five-year housing land supply, the provision of 61 dwellings would nonetheless contribute positively to the ongoing supply and the Government's aim in NPPF (Section 5) Paragraph 60 of boosting significantly the supply of housing through ensuring that a sufficient amount and variety of land can come forward where it is needed, and is therefore a benefit, carrying its own weight.

Individually, these public benefits would carry their own high level of weighting. Cumulatively, Officers consider that the public benefits of the proposal carry substantial weight in the determination of this application.

Overall, given the assessment of the proposal against the policies in the adopted North Norfolk Core Strategy, and other material considerations relevant to the proposal, the proposal is found to result in substantial benefits in the public interest, which is deemed to outweigh, albeit marginally, the significant harm identified above, including the specific conflicts within the relevant Development Plan policies. As such the proposal can be considered favourably as a departure from adopted Development Plan policy.

RECOMMENDATION

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

1) Satisfactory completion of a Section 106 Planning Obligation to cover the following:

- 61 Extra Care affordable houses;
- GI/RAMS contribution of £11,341.73; and,
- Green Infrastructure contribution towards the installation and maintenance of dog waste bins and provision of resident green infrastructure information packs (exact details to be confirmed with NNDC Environmental Services).

2) The imposition of the appropriate conditions as set out in the list below (plus 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.

The proposed conditions referred to above in Part 1), 2) are as follows

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

As required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as may be required by specific condition(s):

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Location and Site Layout Plans

- Plan ref: 78P-07 (Location Plan), dated 24/05/2021 and received by the Local Planning Authority on 01/06/2021.
- Plan ref: 78P-01 Revision F (Proposed Site Layout), dated 13/10/2021 and received by the Local Planning Authority on 13/10/2021.

Extra Care Building Plans and Elevations

- Plan ref: 78P-20 Revision E (Floor Plans), dated 01/10/2021 and received by the Local Planning Authority on 01/10/2021.
- Plan ref: 78P-24 Revision B (Roof Plan), dated 08/09/2021 and received by the Local Planning Authority on 09/09/2021.
- Plan ref: 78P-25 Revision F (Elevations), dated 22/02/2022 and received by the Local Planning Authority on 23/02/2022.
- Ref: 78P.29 (Materials Schedule), received by the Local Planning Authority on 23/02/2022.

Ancillary Buildings/Structures Plans and Elevations

- Plan ref: 78P-26 Revision A (Electrical Sub-Station), dated 14/09/2021 and received by the Local Planning Authority on 15/09/2021.
- Plan ref: 78P-19 (Bin & Cycle Store), dated 24/05/2021 and received by the Local Planning Authority on 01/06/2021.

Landscaping and External Lighting Plans

- Plan ref: 78P-03 Revision F (Proposed Landscape Layout), dated 13/10/2021 and received by the Local Planning Authority on 13/10/2021.
- Plan ref: 78P-08 Revision E (Proposed External Lighting Layout), dated 07/02/2022 and received by the Local Planning Authority on 23/02/2021.

Drainage Plans

- Plan ref: 8580-111-001 (S104 Construction Details Sheet 1 of 2), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-111-002 (S104 Construction Details Sheet 2 of 2), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-112-001 Revision A (Private Construction Details Sheet 1 of 2), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-112-002 (Private Construction Details Sheet 2 of 2), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-104-002 Revision B (Impermeable Area Plan), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-104-003 Revision B (Exceedance Flow Route Plan), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-100-001 Revision B (Engineering Layout Sheet 1 of 3), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-100-002 Revision B (Engineering Layout Sheet 2 of 3), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-100-003 Revision A (Engineering Layout Sheet 3 of 3), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: DD GA (8ft Diameter Downstream Defender General Arrangement), dated 11/08/2019 and received by the Local Planning Authority on 06/01/2022.

Highways Plans

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- Plan ref: 8580-110-001 (S38 Construction Details), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 78P-27 Revision A (Section 278 Site Plan), dated 28/06/2021 and received by the Local Planning Authority on 27/07/2021.

Reports

- Ref: EN24392 AQIA (Air Quality Screening Assessment), dated May 2021 and received by the Local Planning Authority on 01/06/2021.
- Ref: JBA11/382 AR01 Issue A (Arboricultural Impact Assessment), dated 27/05/2021 and received by the Local Planning Authority on 01/06/2021.
- Ref: JBA 11/382 (Ecological Impact Assessment and Preliminary Ecological Appraisal), dated May 2021 and received by the Local Planning Authority on 01/06/2021.
- Ref: 78P-10 (Design and Access Statement), received by the Local Planning Authority on 10/09/2021.
- Ref: 78P-17 (Planning Statement), and received by the Local Planning Authority on 10/09/2021.
- Ref: 78P-13 (Landscape Maintenance Plan), received by the Local Planning Authority on 01/06/2021.
- Landscape Briefing Note, received by the Local Planning Authority on 13/10/2021.
- Ref: 78P-12A (Landscape and Planting Schedule), received by the Local Planning Authority on 13/10/2021.
- Ref: 8580 V.02 (Drainage Strategy Report), dated December 2021 and received by the Local Planning Authority on 06/01/2022.
- Ref: 2790/RE/09-21/01 (Flood Risk Assessment (within Drainage Strategy Report)), dated January 2022 and received by the Local Planning Authority on 06/01/2022.
- Supporting Evidence for Appropriate Assessment, dated January 2022 and received by the Local Planning Authority on 17/01/2022.
- Correspondence from the Applicant re: PF/21/1532 Climate Emergency, received by the Local Planning Authority on 09/07/2021.

Reason:

For the avoidance of doubt and to ensure that the development is built to an appropriate quality standard of design and does not detrimentally effect the surrounding landscape or nearby heritage assets, in accordance with Policies EN 2, EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

3. The materials to be used on the external surfaces of the development hereby permitted, including external and ancillary buildings and structures, shall be constructed in accordance with the details submitted in ref: 78P.29 (Materials Schedule), received by the Local Planning Authority on 23/02/2022.

Reason:

For the avoidance of doubt and to ensure that the development is built to an appropriate quality standard of design and does not detrimentally effect the surrounding landscape or nearby heritage assets, in accordance with Policies EN 2, EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

Pre-Commencement

4. There shall be no commencement of the development hereby permitted until a detailed noise, dust and smoke management plan to protect the occupants of completed

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dwelling on the site and residential dwellings surrounding the site from noise, dust and smoke during construction, has first been submitted to, and approved in writing by the Local Planning Authority.

The scheme shall include;

- i) Communication with neighbours before and during works.
- ii) Contact arrangements by which residents can raise any concerns and, issues.
- iii) The mechanism for investigation and responding to residents' concerns and complaints
- iv) Management arrangements to be put in place to minimise noise and dust (including staff training such as toolbox talks).
- v) Hours during which noisy and potentially dusty activities will take place.
- vi) Measures to control loud radios on site.
- vii) Measures to be taken to ensure noisy activities take place away from residential premises where possible such as a separate compound for cutting and grinding activities.
- viii) Measures to control dust from excavation, wetting of soil; dust netting and loading and transportation of soil such as minimising drop heights, sheeting of vehicles.
- ix) Measures to control dust from soil stockpiles such as sheeting, making sure that stockpiles exist for the shortest possible time and locating stockpiles away from residential premises.
- x) Measures to control dust from vehicle movements such as site speed limits, cleaning of site roads and wetting of vehicle routes in dry weather.
- xi) Measures to minimise dust generating activities on windy and dry days
- xii) Measures to control smoke from burning activities.

The approved plan shall remain in place and be implemented throughout each phase of the development.

Reason:

To control the noise emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

5. There shall be no commencement of the development hereby permitted (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has first been submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when special ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 118 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

6. There shall be no commencement of the development hereby permitted until a Construction Traffic Management Plan and Access Route (which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities) has first been submitted to and approved in writing by the Local Planning Authority, together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

Reason:

In the interests of maintaining highway efficiency and safety in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy and Section 9 of the National Planning Policy Framework.

7. For the duration of the construction period all traffic associated with the construction of the development hereby permitted will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.

Reason:

In the interests of maintaining highway efficiency and safety, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy and Section 9 of the National Planning Policy Framework.

8. There shall be no commencement of the development hereby permitted, including any works of demolition, until a Construction Method Statement has first been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and retention of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities to be provided at the entrance to the site;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and,
 - h) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason:

To control the noise, odour and dust emitted from the site in the interests of residential amenity and public safety in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

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9. There shall be no commencement of the development hereby permitted until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall thereafter be implemented upon the formation of the construction site entrance and shall be used throughout the construction period.

Reason:

To ensure adequate off-street parking during construction in the interests of highway safety in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy. This needs to be a pre-commencement condition as it deals with the construction period of the development.

10. There shall be no commencement of the development hereby permitted until such time as detailed plans of the roads, footways, cycleways, street lighting, foul and surface water drainage have first been submitted to and approved in writing by the Local Planning Authority.

All construction works shall be carried out in accordance with the approved plans.

Reason:

This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

11. There shall be no commencement of the development hereby permitted until a scheme has first been submitted to and approved in writing by the Local Planning Authority demonstrating how the proposed development will satisfactorily meet the at least 10% sustainable construction and energy efficiency requirements of Core Strategy Policy EN 6.

The scheme as submitted shall be broadly based on the details submitted within ref: 78P-10 (Design and Access Statement) and correspondence from the Applicant, received by the Local Planning Authority on 09/07/2021 re: PF/21/1532 Climate Emergency.

The scheme shall thereafter be carried out in strict accordance with the approved details.

Reason:

In the interests of promoting sustainable development and design, and ensuring that the development is constructed in accordance with the requirements of Policy EN 6 of the adopted North Norfolk Core Strategy, National Planning Policy Framework (Section 14), and Part L of the Building Regulations 2010 (as amended).

No Works above Slab Level

12. Notwithstanding the details indicated on the submitted drawings, there shall be no commencement of works above slab level, unless otherwise having first been submitted to and agreed in writing by the Local Planning Authority, until detailed drawings for the off-site highway improvement works as indicated on Drawing No.(s)

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(78P-01 Rev F) have first been submitted to and approved in writing by the Local Planning Authority.

There shall be no use and/or occupation of the development hereby permitted until the off-site highway improvement works (including Public Rights of Way works) have first been completed, including any S278 requirements as required by the Highway Authority.

Reason:

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

Prior to Completion of Final Dwellings / First Use / Occupation

13. There shall be no use and/or occupation of the development hereby permitted the vehicular and pedestrian access has first been constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority, in accordance with the highways specification and thereafter retained at the position shown on the approved plan.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

Reason:

To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

14. There shall be no use and/or occupation of the development hereby permitted, until visibility splays have first been provided in full accordance with the details indicated on the approved plan (78P-01 Rev F).

The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason:

In the interests of highway safety in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy and Section 9 of the National Planning Policy Framework.

15. There shall be no use and/or occupation of the development hereby permitted until the proposed access / onsite car and cycle parking / servicing / loading / unloading / turning / waiting area have first been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan (78P-01 Rev F) and retained thereafter available for that specific use.

Reason:

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

16. Prior to the construction/occupation of the final dwelling all works shall be carried out on roads / footways / cycleways / street lighting / foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning

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Authority.

Reason:

To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

17. The development shall be constructed in accordance with the submitted Drainage Strategy (Drainage Strategy, Barter Hill, Document Reference: 8580 – Land Northeast of Yarmouth Road, Stalham, Norfolk, Revision 02, dated December 2021).
The approved scheme shall be implemented in full prior to the first use / occupation of the development hereby permitted.

Reason:

To ensure that a satisfactory surface water drainage scheme is implemented on-site which does not have adverse effects in relation to flooding and water quality, both on-site and off-site, in accordance with Policies EN 10 and EN 13 of the adopted North Norfolk Core Strategy.

18. There shall be no use and/or occupation of the development hereby permitted until a scheme has first been submitted to and approved in writing by the Local Planning Authority, in consultation with Norfolk Fire Service, for the provision of 1 no. fire hydrant per 50 dwellings (or part thereof) on a minimum 90mm portable water main.

Thereafter, the fire hydrants shall be provided in strict accordance with the approved details prior to the first occupation of the development hereby approved.

Reason:

In the interests of health and safety of the public and to avoid unnecessary costs to the developer, and to ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire, in accordance with Policies EN 4 and CT 2 of the adopted North Norfolk Core Strategy.

19. There shall be no use and/or occupation of the development hereby permitted until details of the proposed means of residential, commercial, and medical waste disposal has first been submitted to and approved in writing by the Local Planning Authority.

Waste disposal shall thereafter be undertaken in strict accordance with the approved details.

Reason:

To protect nearby residents from smell and airborne pollution in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

20. There shall be no use and/or occupation of the development hereby permitted until the details of Green Infrastructure Interpretation Boards and their proposed locations within the site, and details of resident green infrastructure information packs, have first been submitted to and approved in writing by the Local Planning Authority.

These shall detail the local green infrastructure walking routes and Public Rights of Way and other local dog walking routes, as highlighted in Section 8.1.3. of the Supporting Evidence for Appropriate Assessment, dated January 2022.

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The Interpretation Boards shall thereafter be implemented prior to use/occupation, and retained on-site for the lifetime of the development in full accordance with the approved plans.

Reason:

In the interests of providing satisfactory green infrastructure signposting to local provision under the Conservation of Habitats and Species Regulations 2017 (as amended).

21. There shall be no use and/or occupation of the development hereby permitted until details of a pedestrian footpath / cycle link through to the residential development (known as Broadchurch Gardens) to the north west of the site (within the blue line boundary), has first been submitted to and approved in writing by the Local Planning Authority.

The footpath shall thereafter be implemented and maintained in full accordance with the approved details.

Reason:

In the interests of providing satisfactory permeability across the site into the wider area and to not create an alcove development, in accordance with Policies SS 6 and EN 4 of the adopted North Norfolk Core Strategy.

22. The landscaping works shall be carried out in accordance with the approved details and implementation programme as set out in plans and documents ref: 78P-03 Revision F (Landscaping Plan, dated 13/10/2021), ref: 78P-13 (Landscape Maintenance Plan, dated 01/06/2021), Landscape Briefing Note (dated 13/10/2021), and ref: 78P-12A (Landscape and Planting Schedule, dated 13/10/2021), before any part of the development is first occupied / brought into use in accordance with the agreed implementation programme.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

Prior to Installation

23. Prior to the installation of any plant / machinery / ventilation / air conditioning / heating / air source heat pumps / extraction equipment, including any replacements of such, full details including location, acoustic specifications, and specific measures to control noise / dust / odour from the equipment, shall first be submitted to and approved in writing by the Local Planning Authority.

The equipment shall be installed, used and maintained thereafter in full accordance with the approved details.

Reason:

To control the noise or odour emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

Other

24. Commercial deliveries shall only be taken at or dispatched from the site/premises between the following hours:

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- 0730 – 1800 Monday to Friday;
- 0800 – 1300 on Saturdays; and,
- None on Sundays and Bank Holidays and other public holidays

Reason:

In the interests of residential amenity in accordance with Policies EN 4 and EN 13 of the adopted North Norfolk Core Strategy.

25. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason:

In the interests of the health and safety of those working on the site, public health and safety and future occupiers/users of the development in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

26. No external lighting shall be installed other than in accordance with the submitted lighting plan ref: 78P-08 Revision E, and shall not cause light intrusion beyond the site boundaries.

Reason:

To ensure that the development minimises light pollution and reduces glare, in the interests of minimising the potential impact on biodiversity and residential amenity in accordance with Policies EN 2, EN 4, EN 9, and EN 13 of the adopted North Norfolk Core Strategy and Sections 12 and 15 of the National Planning Policy Framework.

27. Any existing tree, shrub or hedgerow to be retained within the approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of ten years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in the same place.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

28. Any tree, shrub or hedgerow forming part of an approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of ten years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in the same place.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

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29. No boundary treatments shall be erected, installed or constructed on site unless they include provision for a 13cm x 13cm gap at ground level at intervals of no more than 6m to facilitate commuting corridors for small mammals.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 118 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

30. The development hereby permitted shall be carried out in strict accordance with the mitigation and enhancement measures outlined in Section 6 of Ref: JBA 11/382 (Ecological Impact Assessment and Preliminary Ecological Appraisal), dated May 2021.

The mitigation and enhancement measures shall thereafter be retained in a suitable condition to serve their intended purposes.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 118 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

31. Occupation of each dwelling of the development hereby permitted shall be occupied only by people of 55 years of age and above and require extra care provision in line with the Registered Provider's requirements, or a widow or widower or surviving civil partner of such a person, and to any persons who were living as part of a single household with such person(s) who have since died.

Reason:

To ensure the development continues to meet a local need for this particular form and tenure of housing in accordance with Policies HO 1 and CT 2 of the adopted North Norfolk Core Strategy.

Note(s) to Applicant:

1. The applicant's attention is drawn to the fact that the above conditions (if any) must be complied with in full. Failure to do so may result in enforcement action being instigated.
2. This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.
3. The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks. However, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse. A fee is payable for each submission made, regardless

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of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.

4. In accordance with Paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-
 - Proactively offering pre-application advice (in accordance with Paragraphs 39 – 46);
 - Seeking further information following the receipt of the application;
 - Seeking amendments to the proposed development following receipt of the application;
 - Considering the imposition of conditions and/or the completion of a Section 106 Agreement (in accordance with Paragraphs 54 – 57).

In this instance:

- The applicant was updated of any issues after the initial site visit;
- Meeting with the applicant;
- Considering amended plans;
- The application was subject to the imposition of conditions and a Section 106 Agreement.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

5. The responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination.
6. The applicant is advised that businesses require a Trade Waste Contract to dispose of all waste associated with commercial activities on site as stated in the Environmental Protection Act 1990, Section 34. Further advice regarding this matter can be obtained by contacting the District Council's Environmental Protection Team (telephone: 01263 516085).
7. The applicant/developer is advised that the lighting details referred to in Condition 26 should comply with the Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution For further guidance the applicant/developer is advised to contact the District Council's Environmental Protection Team (telephone 01263 516085).
8. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
9. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

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10. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
11. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
12. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained (insert for SHWP only and typically this can take between 3 and 4 months). Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact (01603 223273). Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.
13. If required, street furniture will need to be repositioned at the Applicant's own expense in consultation with the Local Highway Authority.
14. The minimum requirements are 1 fire hydrant per 50 dwellings on a minimum 90mm potable water main. The positioning of hydrants to service any blocks of flats must meet the requirements of Building Regulations Approved Document B volume 2 sections 15 & 16 (Fire Hydrants / water supplies and Vehicle access).
15. If the overall height of any building exceeds 18m the provision of a dry fire main will be required. Fire appliance access and hydrant provision for this fire main must comply with Building Regulations Approved Document B Volume 2 B5 and sections 15 & 16 (Fire Hydrants / water supplies and Vehicle access).
16. This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.
17. Please note that any information in relation to the discharge of planning obligation contained within the completed Section 106 Agreement in relation to this planning permission should be submitted to the Planning Department, in accordance with, or ahead of, the timeframes contained therein.

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Stalham PF/21/2021 – A new residential development of 40 affordable houses comprising 22 affordable/shared ownership houses and one block of 18 affordable flats consisting of 9, one bedroom flats and 9, two bedroom flats with associated landscaping, infrastructure and access [Description amended on 29/11/2021].

Land North East of Yarmouth Road, Stalham

Major Development

Target Date: 11 November 2021

Extension of Time: None at the time of reporting

Case Officer: Richard Riggs

Full Planning Permission

SITE CONSTRAINTS

Mixed Use Allocation – Policy ST01

Local Development Framework – Settlement Boundary

Local Development Framework – Countryside

Landscape Character Area – Settled Farmland

Agricultural Land Classification (Grade 1/Non Agricultural)

Area Susceptible to Groundwater SFRA ($\geq 25\% < 50\%$)

Area Susceptible to Groundwater SFRA ($< 25\%$)

EA Risk Surface Water Flooding 1 in 1000

RELEVANT PLANNING HISTORY

Application: PF/21/1532

Address: Extra Care development of 61 independent one and two bedroom flats, with secured landscaped communal gardens, associated visitor and staff car and cycle parking, external stores and a new vehicular access onto Yarmouth Road

Decision: Determination Pending

Application: PF/16/0240

Address: Land Off Yarmouth Road, Stalham, Norwich, Norfolk

Proposal: Mixed use development comprising 34 dwellings and up to 12 commercial / employment / retail / clinic / service / community units within use classes B1, A1, A2, A3, D1 and D2, with new access road and associated landscaping.

Decision: Withdrawn by Applicant (09/04/2021)

Application: PF/12/1427

Address: Land Off Yarmouth Road, Stalham

Proposal: Mixed use development comprising 150 dwellings, B1 (a - c) employment buildings (3150sqm), public open space, landscaping and associated highways and drainage infrastructure

Decision: Approved (20/03/2013)

SITE AND SURROUNDINGS

Stalham is designated as a Secondary Settlement under the Council's spatial strategy in Policy SS 1 of the adopted North Norfolk Core Strategy (2008) in recognition of its role as a gateway location to the Broads and as a local retail and service centre. However, the quantum of local services in the area is considered to be limited in Paragraph 2.9.33 of the support text to Policy SS 13 which would make large scale housing growth in the town inappropriate.

The application site is located north of Yarmouth Rd, to the south east of the town centre. It forms part of the wider site allocation under Policy ST01 of the North Norfolk Local

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Development Framework Site Allocations Development Plan Document (2011). The application site is currently undeveloped. The site is bounded by existing residential development, with the most recent of these developments being to the north west where 150no. new homes and associated public open space have been constructed under planning permission PF/12/1427.

The site lies outside of the Stalham Conservation Area to the west, but is in relatively close proximity to a number of Listed Buildings, including the Grade II Listed Church Farmhouse to the west and the Grade II* Listed Stalham Hall to the east.

The site is located close to a range of local services and facilities including infant and secondary schools, a doctor's surgery, Stalham High St, a superstore, and bus stops serving the nearby town of North Walsham (c. 9mi to the north west), Norwich (c. 15mi to the south west), and Great Yarmouth (c. 17mi to the south east).

THIS APPLICATION

This application seeks full planning permission for the erection of 40no. new 100% affordable dwellings off Yarmouth Rd, with associated landscaping, infrastructure and access. The description of the proposal was amended from 43no. to 40no. dwellings on 29/11/2021. Any consultee comments referring to 43no. dwellings should be taken as read for the revised proposal. The proposed dwelling types comprise of:

- One block of 18no. affordable flats
- 22no. affordable/shared ownership houses

The proposed dwelling mix consists of:

- 9no. 1-bed flats
- 9no. 2-bed flats
- 6no. 2-bed dwellinghouses
- 12no. 3-bed dwellinghouses
- 4no. 4-bed dwellinghouses

The application is supported by the following documents:

- Application Form
- Location and Site Plans
- Full Set of Proposed Plans and Elevations
- Materials Schedule
- Affordable Housing Statement
- Arboricultural Impact Assessment
- Design and Access Statement
- Preliminary Ecological Assessment
- Flood Risk Assessment
- Heritage Statement
- Landscape Character and Visual Impact Assessment
- Planning Statement
- Drainage Calculations
- Statement of Community Involvement
- Information for Viability Assessment
- Landscape Schedule and Maintenance Plan
- Refuse and Waste Strategy

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- Drainage Strategy [Revised 06/01/2022]
- Information for Habitats Regulations Assessment

REASON FOR REFERRAL TO COMMITTEE

Cllr Pauline Grove-Jones (Stalham) called-in this application due to the loss of economic development land on this site which currently has planning permission under PF/12/1427, in line with Policy ST01 of the North Norfolk Local Development Framework Site Allocations DPD.

This application has also been submitted in conjunction with application PF/21/1532, which is being determined at committee at the request of Cllr Grove-Jones. As such, the Assistant Director for Planning considers that it is in the interests of good planning to consider both items at the same Committee.

CONSULTATION RESPONSES

Local Members:

NNDC Members

Cllr Pauline Grove-Jones (Stalham)

Has expressed her concerns over the loss of employment land, with particular reference to the commercial units permitted under planning permission PF/12/1427, that would result from this application; including the lack of consultation with members before and during the sale of the land from Hopkins Homes to Medcentres. Infrastructure concerns were also raised, with particular reference to the junction at A149/Market Road which this application would impact on, which would in turn cause greater use of alternative rat-use routes.

Cllr Grove-Jones cites correspondence between Cllr Nigel Dixon (Hoveton and Stalham Division, NCC) and NCC's Planning Obligations Team. These comments primarily concern impacts on local infrastructure in terms of library provision and highways safety.

Cllr Matthew Taylor (Stalham) (21/02/2022)

Has expressed concerns regarding the former use of the site during the First World War as a military encampment and requires that no items of cultural significance are either left undiscovered or destroyed by the construction work.

Norfolk County Council Members

Cllr Nigel Dixon (Hoveton and Stalham Division, Norfolk County Council) (23/09/2021):

- The subject planning applications seek to change the use of land allocated for 3150 sqm of industrial units under both the current Local Plan and the subsequent approved mixed development under PF/12/1427.
- PF/21/2021 simply delivers 43 affordable homes and no jobs.
- The proposal would deprive Stalham of the prospect of its first modern industrial estate, which would bring inward investment essential to address the socioeconomic and deprivation issues of the town.
- There are concerns around the traffic implications from such a change of use, particularly for Sutton because so much eastbound residential traffic from Stalham

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elects to join the A149 at Catfield, via Sutton, to avoid the hazardous Tesco's junction at Stalham.

- While affordable housing, in principle, is needed across north east Norfolk there's little evidence to show that the adverse implications of losing this site from employment to residential use have been fully explored and certainly not with the residents of Stalham and Sutton prior to the application being submitted.
- There has been no pre application public exhibition and consultation to enable the local population to view, fully understand and express views on what's being proposed so that they could influence the applications at the formative stage.
- I request that both applications (PF/21/1532 and PF/21/2021) be held as pending and the applicant be asked to conduct a public exhibition and consultation, as would normally be expected.

Parish/Town Council:

Stalham Town Council – Objects to the proposal.

Initial comments were received stating that no public or Council consultation had taken place over the altered application on this site (from that of PF/12/1427) and requesting that the application is halted to allow for proper public exhibition and consultation. STC acknowledged the general need for affordable homes across North Norfolk, but question the absence of pre-application public consultation or exhibition.

Comments were also submitted on numerous occasions outlining the extant position on the site for commercial/employment uses and that the loss of this through a residential development would be detrimental to the town, based on the need for this type of development to attract new and expand existing businesses. STC further detail the need for commercial development to alleviate the relative deprivation of the town and query the sustainability of local residents travelling to larger towns/cities for work.

STC also query the quantum of development in Stalham in recent years and the lack of significant investment to improve the local road network capacity or other utility/community infrastructure improvements; noting that these 2 applications (PF/21/1532 and PF/21/2021) also fail to address that infrastructure deficit.

There are other planning issues over the layout of the site and scale, mass and design of the 21 [sic] flats and they should be addressed once decisions in principle as to whether Stalham, and this site in particular, is the most appropriate site for these developments and in the best interests of Stalham.

Additional comment (17/01/2022) – The in-combination of the proposal and PF/21/1532 will have negative ramifications on the wider town of Stalham. Both applications will increase motor vehicle usage on the highway, additional usage of water/sewage facilities and added demand on public services such as schools and doctors. The proposal does not seek to mitigate any of these wider issues and will only exacerbate existing problems the in both the town and surrounding villages. Further infrastructure and highways safety measures should be sought from the developer. The proposal should also not add pressures in respect of foul and surface water drainage.

Additional comment (19/01/2022) – STC questioned the justification for the loss of employment land. They also submitted Freedom of Information requests relating to the proportional provision of affordable housing and care beds in Stalham compared with the rest of the District. STC contends that Stalham is taking a disproportionate amount of affordable housing and care beds.

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Note: A FOI response was received from NNDC Strategic Housing on 09/02/2022. This details that Stalham currently has 14% affordable housing provision. This places Stalham 6th out of the 8 towns within the District in terms of its proportion of affordable housing provision. The need for affordable housing is laid out within Strategic Housing's consultation response later in this report. Similar statistical information pertaining to the proportion of extra care places is not held by Strategic Housing. However, baseline information shows Stalham to currently be on par with other areas of the District which have extra care provision.

North Norfolk District Council:

Conservation and Design – Objects to the proposal. Additional comment (18/02/2022) – Proposed materials acceptable.

Landscape – Objects to the proposal.

Landscape (Ecology) – Habitats Regulations Assessment Appropriate Assessment is acceptable subject to appropriate mitigation.

Environmental Health – Partially objects to the proposal. Conditions proposed.

Planning Policy – Advice received.

Strategic Housing – Supports the proposal.

Norfolk County Council:

Lead Local Flood Authority – No objection subject to conditions.

Minerals and Waste Authority – No comments received.

Highways Authority – No objection subject to conditions.

Planning Obligations Co-ordinator – Advice received.

Public Rights of Way & Green Infrastructure – No objections.

Historic Environment Service – No objection subject to conditions.

External Consultees:

Historic England – Does not wish to comment on the proposal.

Health and Safety Executive – No comments received.

Anglian Water – No objections subject to conditions.

British Pipeline Agency – Does not wish to comment on the proposal.

NHS England (East) – No comments received.

Broads Internal Drainage Board – Advice received.

Natural England – No objection subject to appropriate mitigation.

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REPRESENTATIONS

The public consultation period of 21 days took place between 13/08/2021 to 03/09/2021. Under Paragraph 034 of the National Planning Policy Guidance (NPPG) on Consultation and Pre-Decision Matters, dated 23/07/2019 (Reference ID: 15-026-20190722), Officers have been accepting of public comments made after the close of the consultation period for due consideration throughout the determination process.

During the public consultation period a total of 13 representations were made.

12 of these were objections. The key points raised in **OBJECTION** are as follows:

- Concerns raised over local doctors' capacity for new residents and the capacity other local infrastructure.
- There are not enough jobs in the area to support more homes being built.
- Yarmouth Rd already floods in bad weather, as does the proposed site.
- The proposed flats will dominate the skyline of the town.
- Development will lead to an increase in traffic, particularly around the junction with the A149.
- The site already has approval for 24 commercial units under application PF/12/1427.
- The proposal will result in the loss of commercial land for which there is local demand, as there are no opportunities for businesses to [re-]locate to Stalham due to lack of space.
- Information submitted under the withdrawn application PF/16/0240 with regard to local demand for commercial development on this site should be taken into consideration.
- There is already a surfeit amount of housing and assisted living projects.
- The LPA should insist on the extant permission being built out.
- Public transport doesn't run consistently enough to be used as a viable service.
- Existing surface water drainage features will not support the proposal.
- Clearance works of the site have already commenced prior to planning permission being granted and the site is ecologically diverse.
- The Council should build the permitted employment units.

1 representation was made in support of the application. The key points raised in **SUPPORT** are as follows:

- The road network around the site is not suitable for heavy plant and machinery.
- The site is not ideal or a logical choice for an industrial estate.
- Affordable housing is welcomed as many people cannot afford to buy a house locally and many have been on the Council's waiting list for a very long time.

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.

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STANDING DUTIES

Due regard has been given to the following duties:

Environment Act 2021
Equality Act 2010
Crime and Disorder Act, 1998 (S17)
Natural Environment & Rural Communities Act 2006 (S40)
The Conservation of Habitats and Species Regulations 2010 (R9)
Planning Act 2008 (S183)
Human Rights Act 1998
Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life
Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

RELEVANT POLICIES

North Norfolk Core Strategy (September 2008):

Policy SS 1 – Spatial Strategy for North Norfolk
Policy SS 2 – Development in the Countryside
Policy SS 3 – Housing
Policy SS 4 – Environment
Policy SS 6 – Access and Infrastructure
Policy SS 13 – Stalham
Policy HO 1 – Dwelling Mix and Type
Policy HO 2 – Provision of Affordable Housing
Policy HO 3 – Affordable Housing in the Countryside
Policy HO 7 – Making the Most Efficient Use of Land (Housing Density)
Policy EN 2 – Protection and Enhancement of Landscape and Settlement Character
Policy EN 4 – Design
Policy EN 6 – Sustainable Construction and Energy Efficiency
Policy EN 8 – Protecting and Enhancing the Historic Environment
Policy EN 9 – Biodiversity & Geology
Policy EN 10 – Development and Flood Risk
Policy EN 13 – Pollution and Hazard Prevention and Minimisation
Policy CT 2 – Developer Contributions
Policy CT 5 – The Transport Impact of New Development
Policy CT 6 – Parking Provision

North Norfolk Local Development Framework Site Allocations DPD (February 2011):

Policy ST01 – Mixed Use: Land Adjacent to Church Farm, Ingham Road

MATERIAL CONSIDERATIONS

Supplementary Planning Documents (SPDs):

North Norfolk Landscape Character Assessment SPD (January 2021)
North Norfolk Design Guide SPD (December 2008)

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development

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Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 7 – Ensuring the vitality of town centres

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 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

Emerging North Norfolk Local Plan 2016 – 2036 (Regulation 19):

Policy ST23/2 – Mixed-Use: Land North of Yarmouth Road, East of Broadbeach Gardens

Other Material Considerations

North Norfolk Open Space Assessment (February 2020)

Land adjacent to Church Farm, Ingham Road, Stalham Development Brief (2012)

Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standard (2015)

OFFICER ASSESSMENT

Main Issues to consider:

1. **Principle of development**
2. **Design**
3. **Landscape**
4. **Amenity**
5. **Flooding Risk and Drainage**
6. **Highways Safety**
7. **Sustainable Construction**
8. **Biodiversity**
9. **Heritage and Archaeology**
10. **Other Material Considerations**
11. **Planning Obligations**
12. **Planning Balance and Conclusion**

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 of 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 most recently updated in 2021, the policies relevant in the determination of this application are consistent with the NPPF and are considered to be up to date. The Council can also currently demonstrate that it has a five-year housing land supply and therefore the policies most relevant for determining the application are to be given full weight in decision-making.

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Spatial Strategy and Site Allocation

The proposal is located within the Countryside under Policy SS 1. As such, under Policy SS 2 it is required to demonstrate that it requires a rural location and meets at least one of the closed list of other requirements, this includes affordable housing. As the proposal is for a C3 residential affordable housing on the edge of a settlement boundary, and within an existing site allocation (Policy ST01), Officers consider that the requirements under Policy SS 2 in respect of affordable housing under Policy HO 3 have been demonstrated.

Similarly, under Policy HO 3, proposals for 10 or more affordable dwellings in the Countryside are required to be within 100m of a settlement boundary of a policy-defined settlement under Policy SS 1, and show how they meet a proven local housing need for affordable dwellings. Given the comments submitted by NNDC Strategic Housing, Officers are content that the proposal clearly meets the requirements of Policy HO 3 in this regard.

The site is also located on site allocation Policy ST01 of the North Norfolk Local Development Framework Site Allocations DPD. This policy provides for c. 160no. dwellings on the wider site. Officers note, however, that the residential quotient under Policy ST01 has already been largely delivered under planning permission PF/12/1427. As such, the proposal would be seen as surplus and therefore contrary to policy requirements. However, Officers also note the comments made by Planning Policy consultees in which the provision of 100% affordable housing at this site should be viewed more holistically with the adjacent proposal (PF/21/1532) and within the wider purview of the Development Plan.

Emerging Policy ST23/2 in the Council's Emerging Local Plan (Regulation 19) makes provision for approximately 80 dwellings, employment land and community facilities, public open space, and associated on and off site infrastructure. The site area broadly aligns with current allocation Policy ST01, with an additional area of proposed developable land to the east. The proposal would account for 40no. new homes on the site and is considered to be in broad accordance with emerging site allocation policy. It is also important to note that as the Emerging Local Plan is currently at Regulation 19 stage, Officers are only able to attribute limited weight to emerging policies in the planning balance.

In their consultee response, Planning Policy note that this application has taken heed of their comments provided under application PF/21/1532 insofar that additional residential development on this site should be 100% affordable. The proposal also leaves an option to expand the road network into the eastern area of the emerging site allocation, so to enable future development in that area on the emerging site allocation. However, Officers note the 2m ransom strip to the north-east boundary of the site left over from the sale of land, which is out of the applicant's control.

Extant Planning Permission

The site is already subject to an extant planning permission – PF/12/1427 – which permits mixed use development comprising 150 dwellings, B1 (a - c) employment buildings (3150sqm), public open space, landscaping and associated highways and drainage infrastructure. The residential, public open space, landscaping and associated highways and drainage infrastructure have already, at least in part, been built out. The provision of the permitted employment units remains outstanding.

A further planning application – PF/16/0240 – for a mixed use development comprising 34 dwellings and a reduction of up to 12 commercial / employment / retail / clinic / service / community units within Use Classes B1, A1, A2, A3, D1 and D2, with new access road and associated landscaping was withdrawn by the applicant in April 2021 after a long period in abeyance pending a viability assessment on the provision of the commercial units. The land

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was subsequently sold to the current applicant after the withdrawal of the above planning application.

Loss of Potential Commercial / Industrial Units

Officers note the comments received during the public consultation, and from local Members, with respect to the proposed change of land use and the loss of the industrial/commercial units provided for under the extant permission.

It is acknowledged that the proposal would result in the development of this site and therefore the loss of the ability for the permitted B1 units to be built out on this site. However, it is important to view the proposal and the site holistically and in context to garner a full appreciation of local need in respect of the differing use classes. An assessment into the rationale behind the proposal for an extra care facility on this site shall be addressed in the following sections.

Following the granting of the extant permission, the details of the required marketing strategy were approved by the Council through the partial discharge of Condition 28 of planning permission PF/12/1427 on 07/07/2014. Further information pertaining to the reports and findings of the marketing strategy, and wider general advice about the viability of providing new small commercial units in Stalham, were also submitted as evidence under the withdrawn planning application.

These detail the enquiries received and note that of those initially interested, some uses were not compatible with the surroundings and some required the site to be built out prior to use. In all, between July 2014 – September 2015 a total of 11no. expressions of interest were recorded in the marketing strategy quarterly monitoring reports.

Officers note the submission from the Stalham Area Business Forum relating to interest in the commercial units. This gives details of 7no. expressions of interest, with a further 2no. if planning conditions were to be varied to include more use classes. It is unclear whether the interested parties would require a fully built out scheme prior to use, although the submission suggests that this would likely be the case.

Information gleaned from Aldreds Chartered Surveyors on 28/04/2017 as part of the withdrawn application also points to the provision of new small commercial units on this site as being towards the unviable end of the scale. They highlight the cost per square foot (psf) most likely to be attained in Stalham (at that time) as being between £4.50 – £7.50 psf, whereas the cost of new units such as those permitted is in the region of £7.50 – £8 psf.

At the time of writing this report (February 2022), the site is still being advertised by online estate agents for commercial development under the extant permission, although this has now been removed as of March 2022.

Given the above, Officers consider that the quantitative and qualitative evidence bases submitted with regard to the extant commercial units show that it is highly unlikely that there is a reasonable prospect of the permitted units being built out the site; having already been on the market since 2013 with no substantive offers having been received.

Under NPPF (Section 11) Paragraph 122, *planning policies and decisions need to reflect changes in the demand for land*. It also states that where an allocated site is under review, as is the case with the preparation of the Emerging Local Plan, *applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area*.

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It is also worth noting that there are a number of other existing, and potentially upcoming, areas within Stalham, and more widely in Brumstead to the north, which could facilitate new and expanding businesses in the area. Officers also note that site allocation Policy E12 for c. 4ha employment land adjacent to the A149/Stepping Stones Lane has not been brought forward within the lifetime of the adopted North Norfolk Core Strategy for development.

Affordable Housing

NNDC Strategic Housing has commented on this application highlighting the clear need for general needs affordable housing within this part of the District. They note that as the site is allocated, housing will be let to those applicants with the highest need; whereas under a rural exception scheme, priority would be given to those with the strongest local connection. In light of this, of those on the Council's waiting list, as of the 01.03.22, 903 households have expressed an interest in living in the Stalham area, with 153 of these applicants being in Bands 1 or 2.

This application is proposing 100% affordable housing for the 40 general needs dwellings. These will be a mix of 28 affordable rent (70%) and 12 shared ownership properties (30%). The split of property types throughout the proposal, ranging from 1-bed flats to 4-bed houses, closely matches current need. In providing this range of residential accommodation, Officers consider that the proposal will provide appropriate levels of on-site housing for a range of needs. The 100% affordable housing provision will be secured via a Section 106 Agreement.

Officers note the close relationship between this application and PF/21/1532 (61 extra care dwellings) and the more holistic approach to the development of the overall site that they provide in conjunction with each other. It is further noted that the two schemes would deliver a combined total of 101no. affordable homes in the Stalham area.

Given the provision of 100% affordable housing inherent in this application, Officers consider that the proposal meets the requirements of Policies HO 2 and HO 3 of the adopted North Norfolk Core Strategy.

Summary of Principle of Development

Officers note that this is a full application on an allocated site, therefore the requirements of the Council's spatial strategy under Policies SS 1, SS 2, SS 3, SS 13 are applicable. As such, the proposal is considered to be in accordance with these policies and the Council's spatial strategy given the exception-type nature of the proposal within the Countryside.

However, the proposal is considered to be contrary to the requirements of site allocation Policy ST01 as the residential quotient under this policy has already been largely achieved. Conversely, the proposal is considered to be in broad accordance with emerging Policy ST23/2 in respect of new residential development, although as previously this policy cannot yet be attributed any more than limited weight in the planning balance.

Given the provision of 100% affordable housing inherent in this application, Officers consider that the proposal meets the requirements of Policies HO 2 and HO 3 of the adopted North Norfolk Core Strategy. Officers also note that the provision of 100% affordable housing is a material consideration in its own right. This shall be assessed alongside the other policy and material considerations in the planning balance in Section 12 of this report.

2. Design

Housing Mix, Type and Density

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Under Policy HO 7 new residential developments in Secondary Settlements, as defined by Policy SS 1, are required to achieve a minimum housing density of not less than 40 dwellings per hectare. As the proposal is for a housing density of 40no. dwellings on 0.84ha (48 dwellings per hectare, marginally more than the policy requirement), the proposal is considered to be in accordance with the requirements of Policy HO 7 and NPPF (Section 11).

Under Policy HO 1, schemes of more than five residential dwellings are required to provide at least 40% of the dwellings at not more than 70 sqm internal floor space (but still in line with other technical housing standards). For a scheme of 40 dwellings, this would equate to c. 16 of the proposed dwellings being under 70 sqm. This application provides 18no. dwellings at this size. Officers therefore consider the proposal to be in accordance with Policy HO 1 in this regard.

Policy HO 1 also requires at least 20% of the dwellings to be suitable or easily adaptable for occupation by the elderly, infirm or disabled. Strategic Housing have identified that they would normally seek a number of single storey bungalows in this regards. However, as the proposal is adjacent to, and somewhat co-existent with, application PF/21/1532 for a 61-bed extra care centre, it is considered that the need for homes suitable for older people has been mitigated in conjunction with the adjacent application. In noting that, Officers also consider that the proposed ground floor flats would meet the policy in of themselves due to their internal layouts and access. It is noted that whilst the flat on the first and second floors would also meet the requirements in all probability, there is no lift within the building to facilitate wheelchair access to these. This would account for c. 16% of in policy terms. Similarly, Officers consider the proposed dwellings to be of appropriate sizes for their intended use in this instance. Nonetheless, this is considered to be a partial policy departure and, as such, shall be considered in the planning balance in Section 12 of this report.

Layout

The overall site is split into three distinct sections; two of which are being considered under this application, as the central portion of the site falls under application PF/21/1532. The northern section of the site hosts 16no. residential dwellings which take a linear form and abut the existing residential development the north and west. This is made up of 3no. rows of 3no. terraced houses, with 2no. pairs of semi-detached dwellings. Car parking is to the front of the properties which, whilst not considered ideal from an urban design perspective, is commonplace in this area and serves a functional purpose which would unlikely be accommodated elsewhere on the site given the proposed density and layout.

The southern section of the site hosts 3no. pairs of semi-detached dwellings and a 3-storey block of 18no. flats. The dwellinghouses are located just off Yarmouth Rd to the south, and face rear garden on so as to try and lessen the impact of additional housing built form on the existing streetscene. The flats are located to the north of the southern section of the site and face the new access road gable-end on. This has been done to attempt to lessen the visual impact of the proposal when viewed from Ingham Rd to the west, across the area of existing public open space. Between the dwellinghouses and the flats lies a central area heavily dominated by car parking and hardstanding. This is necessary to achieve the requisite car parking standards on-site. However, Conservation & Design and Landscape Officers comment that this effectively dilutes the impact of the open space to the west, particularly as this area was intended to be a green corridor area under the extant planning permission, which would be lost under the proposal.

Scale, Massing and Form

The design of the proposed dwellings and flats have gone through a number of iterations, with

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some elements being amended or removed following consultation with Conservation & Design and Landscape consultees, as well as comments received from the Town Council and members of the public.

The proposed flats form a 3-storey building c. 30m in length, c. 12m at its tallest, and c. 16m deep. Its form resembles that of the proposed extra care building under application PF/21/1532; although is subservient to its height by c. 1.2m. To try and add some articulation and definition into the scheme, the application proposes some varying roofline heights and a mix of different materials throughout to break up to elevations. There is some detailing around the windows to try and add some slight shaping to the blocky exterior and the inclusion of dormer windows breaks up the eaves line. Although, this in itself adds an additional layer of unintended linearity to the overall façade of the building. Some articulation to the front elevation has also been introduced in an attempt to alleviate the regimented appearance of the building.

Conversation and Design Officers note that due to its similarity to the proposed extra care development, the proposed flats share many of the same concerns. As a result, they object to the proposal and note that the proposed flats by themselves would form a *daunting prospect* in this area, but the effects would be cumulative with the proposed extra care building and would likely have a *significantly injurious impact on this part of the town*.

The proposed dwellings are of a relatively generic design. Some differentiation has been made between the different house types in terms of size and materials used – with some dwellings being spit half render and half brickwork, whilst others are reliant on full render – but there is little to anchor the proposal within the local vernacular. Conversation and Design Officers note that due to their linear terraced form, there are *no real opportunities for creating a layered or evolving street scene*.

Conversation and Design Officers recognise the public benefits of the proposal, although maintain their objection in design terms.

Officers have taken these comments into consideration and broadly concur with the assessment made by Conservation and Design in terms of the proposal's design limitations and impacts on the character of the area and its local vernacular. It is noted that the applicant has responded to the comments made during the iterative design amendments. Ultimately, however, the design of the proposal is still considered not to be in-keeping with the prevailing form and character of the area. Whilst attempts have been made to lessen the impact of the proposal in design terms, which work to some limited degree, the proposal is still considered to be lacking in outstanding or innovative design.

Materials

The proposal would be constructed predominantly from Longwater Gresham and Brancaster blend bricks, with areas of Hardie Plank Iron Grey, Teckwood Stone Grey, Corten Steel (weathered), and Weber Ivory cladding around the main entrance and in areas of the eastern and south-western elevations. The two roof elements are proposed to be constructed of Redland Fenland Farmhouse Red or Sandtoft Shire Terracotta Red pantiles across the central span of the building, with Sandtoft New Rivius Antique slate on the northern and southern wings. The external windows and doors are proposed to be white UPVC, with black UPVC rainwater goods throughout.

These exact materials to be used within the development can be secured by conditions to ensure that the materials to be used a satisfactory. The same materials shall also be used for the bin storage areas, with further details of cycle parking areas to be secured by conditions.

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Conservation and Design Officers have confirmed that the proposed materials are acceptable, notwithstanding the concerns raised in relation to the overall design of the proposal.

On-Site Landscaping

As part of this application, 9no. mature trees at the site entrance on Yarmouth Rd are set to be removed to facilitate the new access road and visibility splays as detailed in the submitted Arboricultural Impact Assessment (ref: JBA 21/235 AR01 Issue A, dated 22/07/2021). This is considered to significantly alter the character of the area and the approach to Stalham from the east. Landscape Officers have expressed their concerns over this and have recommended that replacement large tree stock of similar species are planted in this area as mitigation.

A revised proposal has been submitted for the on-site landscaping as a result of comments received by Landscape Officers. The northern section of the site is bounded to the east by an existing mature hedgerow, which is to be left in situ. The frontages of the proposed dwellings will be separated by a mix of Laurel hedging, Field Maple and Bird Cherry trees. There is a small area of open space between the two pairs of 4-bed semi-detached dwellings; although Landscape Officers note that this is of little particular use and could be better used as a planted seating area. Lime and Silver Birch trees are to be planted in the rear garden of Plot 22 to help screen it from the proposal extra care building under PF/21/1532. In all, the on-site landscaping at the north of the site is considered to correspond relatively well to the existing residential development. Conditions shall be secured to provide small mammal access through areas of close board fencing to allow for their movement across the site.

At the south of the site, the proposed dwellinghouses will face Yarmouth Rd rear garden on. The applicant is proposing to reinforce the existing hedgerow with a mix of Hawthorne, Lime, Silver Birch and Rowan. Similarly, the car parking areas will be interspersed with areas of grass, Bird Cherry, Cherry, Rowan, Swedish White Beam, and Lime. The proposed drying area to the west of the proposed flats will contain a mix of turf and wild meadow grass. The site will be bounded on the east by a new 1.2m post and rail fence to try and better anchor the proposal into the landscape by avoiding the overuse of close board fencing.

Landscape Officers have commented on this revised landscaping scheme during an informal phone call on 15/10/2021 and note that whilst the changes made constitute an improvement to the on-site landscaping, it is not enough to remove Officers' objection in this regard.

Officers note that the proposal includes a numbers of trees lining the proposed access road at the south of the development, with further trees (mostly within the curtilages of the proposed dwellings, but not exclusively) in line with NPPF (Section 12) Paragraph 131.

Summary of Design

Given the assessment above, and the objections from Conservation & Design and Landscape consultees, it is considered that the proposal is not in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy, North Norfolk Design Guide SPD, and NPPF (Section 12) in this instance. This policy departure will be weighed against the other policy requirements and material considerations in making a recommendation for this application in Section 12 of this report.

3. Landscape

Landscape Character Assessment

The site lies within Settled Farmland (SF1 Stalham, Ludham and Potter Heigham), as defined

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in the adopted North Norfolk Landscape Character Assessment SPD. Stalham is the main settlement within a landscape characterised by flat arable topography bordered by woodland fringing the Broads. Edge of town development and settlement expansion pressures on the edge of Stalham is cited as a potential detracting factor in this otherwise rural character area. So too is the increase of light pollution associated with new development on the sense of remoteness, tranquillity and dark skies associated with this landscape type.

The proposal has been reviewed by Landscape Officers in respect of its potential impacts upon the surrounding landscape. They note that whilst the northern part of the proposal could be broadly assimilated into the surrounding built environment of the site, the southern section fails to respond well to its context in terms of the proposal's scale and massing and dominant use of car parking areas.

Landscape Officers also note that the residential development would be better suited to the land to the east of the site on Yarmouth Rd to leave a natural green space continuity break between the proposal and the town centre. However, Officers note that this land is outside of the applicant's ownership and, as such, has not been included within the proposal.

Officers broadly agree with the consultee comments with regard to landscape character impacts. It is considered that due to the nature of the development as residential dwellinghouses and flats, and its reliance on large areas of hardstanding to accommodate car parking facilities, the proposal is not informed by or is sympathetic to its surroundings. Nor does it serve to protect, conserve or enhance the special qualities and local distinctiveness of the area. As such, the proposal is considered to be contrary to the requirements of Policy EN 2 of the adopted North Norfolk Core Strategy in this instance.

4. Amenity

Residential Amenity

Distances to existing dwellings – At the northern section of the site, the proposed dwellings are sited c. 7m away from the closest dwellings to the west and c. 12m away from the closest dwellings to the north. There are no existing dwellings to the east of the site.

At the south of the site, the closest dwelling to the east is c. 48m away, to the north-west c. 23m away, and to the south c. 25m away over Yarmouth Rd. The Listed Building complex to the west is over c. 80m away from the nearest proposed dwelling.

Distances to proposed extra care dwellings under application PF/21/1532 – To the north of the site, the closest proposed dwelling to the proposed extra care building (PF/21/1532) would be c. 34m away and to the north-east c. 11m to the closest dwelling.

To the south of the site, the proposed flats are c. 10m away from the proposed extra care building, with the closest dwellinghouse being c. 57m away to the south.

Overbearing – The northern section of the proposal is considered to not pose a significant detrimental effect in terms of overlooking. As the proposed dwellinghouses are 2-storey, it is considered that they form a similarly sized extension to the residential development to the north and west.

At the south of the site, the proposed dwellinghouses are also considered not to pose a significant detrimental effect in this regard as they are sited rear garden on to Yarmouth Rd and have good separation distances to existing and proposed dwellings.

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The proposed flats, being a smaller version of the proposed extra care building, is considered to be located far enough away from existing and proposed dwellinghouses to not cause a significant detrimental effect. However, Officers note its dominance in the landscape, particularly when combined with the proposed extra care flats. Its effects on the proposed extra care building itself is not expected to be significant as they are offset from each other in such a way that the proposed flats will face the car parking area.

Overshadowing – The proposed dwellinghouses to the north and south of the site are not expected to overshadow any existing or proposed dwellings due to their 2-storey nature and separation distances.

The proposed flats are expected to have some effect on the proposed extra care facility, particularly in the early afternoon, due to its location to the south-west of the proposed extra care flats. However, given the internal layout of the proposed extra care flats, and the separation between the two buildings, this effect is not expected to be significant as they will still receive direct sunlight at other times of the day.

Overlooking – The North Norfolk Design Guide SPD provides the minimum acceptable distances from window to window in order for developments to maintain appropriate levels of residential amenity in terms of overlooking.

With regard to the northern section of the site, the proposed dwellinghouses are not expected to cause a significant detrimental effect in terms of overlooking, as the separation distances between them and the existing dwellings are considered acceptable, particularly with the inclusion of a 1.8m close board fence at the end of the rear gardens. With regard to Plot 22, Officers note that there are no windows shown on the proposal that directly overlook the proposed extra care building. As the dwelling will be surrounded by a 1.8m close board fence, Officers do not expect an issue in terms of overlooking in this instance.

At the southern section of the site, the proposed dwellinghouses are considered not to pose amenity impacts in terms of overlooking. The proposed flats have been sited in such a way that no windows directly overlook any windows on the proposed extra care building. As such, the proposal is not considered to cause a significant detrimental effect in terms of overlooking.

Loss of outlook – Given the locations of the proposed development, both at the north and south of the site and the distances to the nearest existing dwellings, it is considered that the proposal would not have a significant detrimental effect on the outlook from the existing dwellings.

Future occupiers – Each of the proposed dwellings exceeds the nationally described minimum space standards. To the north of the site, the proposed dwellings have relatively well-sized rear gardens, being no less than the footprint of the dwelling (as recommended in the North Norfolk Design Guide SPD). However, there are no front garden spaces as these areas have been taken up with car parking facilities, as is also seen throughout the neighbouring residential development.

To the south of the site, the proposed dwellinghouses again have relatively well-sized rear gardens. Officers note that the rear garden of Plot 5 is smaller than the rest of the provision in this area, although this is not considered to be of significant concern as it is still relatively well proportioned. The proposed flats have access to some small areas of green amenity space immediately around the building, as well as access to a separate clothes drying area. Future occupiers will also have good access to the adjacent public open space to the west.

Noise and Odour

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The main concerns arising in regard to noise and odour pollution from the proposal are expected to be during the construction phase. As such, a pre-commencement condition for a Construction and Environmental Management Plan, including details of a noise, dust and smoke management plan, shall be secured to ensure any adverse effects of construction are minimised as far as is possible.

Environmental Health also recommend a condition to secure the details of all heating, ventilation, air conditioning, refrigeration, mechanical extractor systems or any other plant and equipment to be used within the development. This is to ensure that the equipment used within the proposed dwellings is satisfactory and will not have an adverse effect on the residential amenity of future occupiers.

External Lighting

A revised external lighting plan has been submitted which details the locations and details the types of external lights proposed to be used on-site as required by consultees. These include feature soffit down-lighters around the main entrance, wall-mounted lights at regular intervals across the elevations and mounted below 1.8m, and bollard lighting being proposed in areas of hardstanding such as the car park area. The external lighting is only to be used when required and will not be dawn 'til dusk. Conditions shall be secured to implement and maintain an acceptable external lighting strategy.

Refuse and Waste

The applicant has submitted a Refuse and Waste Strategy in support of the proposal. This details that each of the proposed dwellinghouses will have its own bin storage area off the street frontage to the side/rear of the property. The proposed flats are to use a communal bin store to the south-west of the building at the entrance to the southern section of the scheme. This will house 2no. 1100 litre general waste bins and 2no. 1100 litre recycling bins. Household waste is set to be collected on a weekly basis. It is unclear whether refuse will be collected by NNDC or a private contractor. As such, the full details of refuse collection can be secured by conditions alongside the details of the refuse storage areas as recommended by Environmental Health.

Summary of Amenity

In light of the above assessment, it is considered that the proposal is in broad accordance with the requirements of Policy EN 4 in terms of amenity. It is also considered that subject to the necessary pre-commencement and other conditions to be sought in liaison with the relevant consultees, the proposal is also in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

5. Flooding Risk and Drainage

Flood Risk

The site lies within Flood Zone 1 as detailed by Environment Agency mapping. Policy EN 10 states that most new development in the District should be located within this flood zone; based on a sequential approach. NPPF (Section 14) Paragraph 167 also requires the submission of a site specific flood risk assessment to ensure that flood risk is not increased elsewhere. The applicant has submitted a Site Specific Flood Risk Assessment detailing the flooding risk for this site. This details that the site is at very low risk from surface water and

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fluvial flooding. It also details that the site has a risk of groundwater flooding of < 25%, based on the Council's Strategic Flood Risk Assessment (Map NN_52).

Surface Water Drainage

For dwellings at the southern edge of the northern parcel of the proposal, surface water drainage is proposed to be dealt with via infiltration through a shared cellular soakaway located in the rear gardens of the properties, at a minimum of 5m away from the dwellinghouses. These have been modelled to provide suitable drainage for 1 in 100 year + 40% climate change storm event, inclusive of an additional 10% for urban creep. Driveway areas to the front of the dwellings are also to be constructed from permeable paving to allow for infiltration in these areas. Dwellings on the northern boundary will dispose of surface water via infiltration by means of soakaways located under the driveways.

To the south of the site, surface water drainage is proposed to be disposed of from private driveway and parking courts by being piped into the subbase beneath these areas. Surface water will then be subsequently piped into the access road network and into the infiltration basin to the west of the site, which was constructed as part of the extant planning permission PF/12/1427, via a gravity piped network.

Surface water drainage in the proposed roadway will be accommodated via trapped gullies and a gravity piped network directly into the existing SuDS infiltration basin to the west of the site (associated with application PF/12/1427). A downstream defender will be installed to treat all surface water captured by the highways surface water drainage network.

The revised drainage strategy also includes provision for surface water management during construction and a maintenance and management plan, which details the ongoing maintenance responsibilities and timetable for the surface water drainage system on-site.

Following the submission of the revised Drainage Strategy, the Broads Internal Drainage Board and LLFA are content with the proposed surface water drainage strategy for this site.

Foul Water Drainage

The applicant has detailed that foul water will be disposed of via mains drainage within the Anglian Water (AW) network. AW have confirmed that there is available capacity for the projected flows at the Stalham Water Recycling Centre (WRC) and within the used water network. AW have requested that informative notes are added to the decision notice should the applicant wish AW to adopt the proposed on-site network. A Habitats Regulations Assessment (detailed further in Section 9) has found the foul water drainage strategy to be acceptable.

Given the above and comments received from the relevant consultees, the proposal is considered to be in accordance with Policy EN 10 of the adopted North Norfolk Core Strategy and NPPF (Section 14).

6. Highways Safety

Location Sustainability

The proposal is located to the north of Yarmouth Rd and is sited relatively centrally within the town. The site provides easy access by foot to Stalham High St, c. 180m west, and hosts a range of local services and facilities including shops, cafes, pubs, a post office and the local

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library. However, the quantum of local services on offer in the area is considered to be limited in Paragraph 2.9.33 of the support text to Policy SS 13.

The Policy also notes that due to this limited quantum of local services, developments should be sought which allow for a mixed use approach to housing and employment opportunities to help create a more balanced and self-contained community. In this instance, it is prudent to consider this application in the context of the wider of site and in relation to application PF/21/1532. Officers also note the emerging site allocations, Policy ST23/2 for the proposal site for c. 80no. additional residential dwellings, and Policy ST19/A which proposes a further c. 70no. dwellings to the north of the site. As such, Officers consider this proposal to fall within the acceptable parameters of residential development in this area of Stalham in considering its impact on local services and facilities and strategic inclusion in the Emerging Local Plan.

The proposal will maintain footway and cycle links through the residential development to the north, and will provide a new access onto Yarmouth Rd to maintain suitable permeability and connectivity to the wider area. This can be secured by conditions. The site is also located c. 380m from the local superstore to the west, and c. 140m away from the local doctor's surgery to the south west. There is good local school provision for all levels of education nearby within Stalham which has been shown to have sufficient capacity by Norfolk County Council to take prospective students from the proposal.

The site also lies adjacent to bus stops serving the nearby town of North Walsham (c. 9mi to the north west), Norwich (c. 15mi to the south west), and Great Yarmouth (c. 17mi to the south east). These routes are served relatively frequently throughout the day.

The proposal is therefore considered to be sustainably located and provides good access to Stalham and wider areas without a reliance on private transport as the principle mode of travel. As such, the proposal is considered to be in accordance with Policy SS 6 in this regard.

Impacts on Highways Safety

The proposal will create a new road access onto Yarmouth Rd; a 30mph residential highway. The quantum of traffic generated by the proposal has the potential to add upwards of c. 83 private vehicles onto the site. As the site is in the process of being reallocated in the Emerging Local Plan, Officers note that the sustainability of the required road access is likely to be in accordance with policy requirements, as it is proposed to accommodate c. 80 new dwellings with associated car parking.

Comments received from the local District and County elected members in terms of highway infrastructure concerns and potential mitigations have been noted and assessed as part of this application. However, the proposal is not expected to generate an unacceptable amount of additional traffic on the local highway network, nor have any planning obligations been sought by the Highways Authority which would require the facilitation of off-site highways improvements works as part of the proposal, other than the inclusion of new footpaths, a crossing point at the site entrance, and the relocation of lampposts and telecoms boxes.

The Highways Authority note they do not have an in principle objection to the proposal, and the concerns raised by them in terms of technical details have been satisfactorily resolved for this stage of the application process. A number of conditions have been proposed, which are detailed further at the start of this report, which Officers are content to secure to ensure that the proposal does not have an unacceptable impact on the local highway network or highways safety. As such, the proposal is considered to be in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy and NPPF (Section 9), particularly Paragraph 111 in this instance.

Car Parking Provision

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Under Policy CT 6 and Appendix C: Parking Standards of the adopted North Norfolk Core Strategy, the required number of on-site car parking spaces for the proposal, insofar as it relates to C3 residential housing is:

- Car parking
 - 1-bed units – 13.5 spaces
 - 2-bed units – 30 spaces
 - 3-bed units – 24 spaces
 - 4-bed units – 12 spaces
 - *Total expected car parking provision = 79.5 spaces*
- Cycle parking for communal flats
 - 1 space per unit = 18 spaces
 - 1 visitor space per 4 units = 4.5 spaces
 - *Total expected cycle parking provision = 22.5 spaces*

Under this proposal, provision has been made for the following:

- Car parking – 75 spaces (2 of which are disabled parking)
- Cycle parking – 24 spaces

Officers note that the applicant has provided the requisite amount of on-site cycle parking required for this quantum of development. However, there is a deficit of 4no. car parking spaces against the policy requirements. Officers note that 2 car parking spaces have been removed from the north of the site to facilitate use of a small area of open space. It is also noted that site is located in a sustainable location, and that adjacent application PF/21/1532 overprovides in terms of on-site car parking; although this is being considered in its own right.

As such, the proposal is considered to only partially be in accordance with Policy CT 6 of the adopted North Norfolk Core Strategy in this instance in terms of adequate car parking provision.

7. Sustainable Construction

Policy EN 6 outlines the Local Planning Authority's approach to sustainable construction and energy efficiency, including the provision of on-site renewable energy technologies to provide for at least 10% of predicted total energy usage for developments over 1,000sqm or 10 dwellings (new build or conversions).

North Norfolk District Council declared a Climate Emergency in 2019, and the recent publication of the Intergovernmental Panel on Climate Change (IPCC) report (2021) has demonstrated that *human influence has unequivocally impacted on our changing climate*. NNDC's commitment to tackling climate change is considered to be an important consideration in determining this application; so too are the provisions of NPPF (Section 14) Paragraphs 154 and 157. These require applicants to build-in climate change/renewable energy mitigations from an early stage within their schemes, and comply with LPA policy requirements for the use of decentralised energy supplies within development proposals.

As part of the submitted Design and Access Statement, the applicant has outlined their position in relation to sustainable construction. They highlight that the proposal will use a Fabric First approach to development and achieve a Standard Assessment Procedure (SAP) (the methodology used to assess and compare the energy and environmental performance of dwellings) rating of at least 86. They also provide information about how the proposed

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dwellings make use of building techniques to reduce heat loss by designing out thermal bridging. The applicant has noted the lack of a mains gas supply in Stalham, and stated that the proposal will make use of solar photovoltaic (PV) panels on some of the dwellings to provide a renewable energy generation source on-site.

The specific details of the solar PV panels and proposed locations within the site have not been submitted as part of this application. However, Officers note the use of solar PV panels within the residential development to the north west of the site and high school to the west. It is therefore considered that an appropriate scheme of solar PV panel provision can be satisfactorily accommodated on this site, particularly towards its northern section, without detrimentally impacting on the design and/or residential amenities of the proposal or the surrounding landscape.

As such, Officers shall secure a pre-commencement condition to ensure that the proposal provides appropriate levels of on-site renewable energy use and generation. In light of this, it is considered that the proposal is in broad accordance with Policy EN 6 of the adopted North Norfolk Core Strategy in this instance.

8. Heritage and Archaeology

Listed Buildings and Conservation Area

Under the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and NPPF (Section 16) Paragraph 200, special attention is to be paid to the desirability of preserving or enhancing the character or appearance and settings of Listed Buildings or any features of special architectural or historic interest, and the character of the Conservation Area.

In considering development proposals affecting heritage assets, Core Strategy Policy EN 8 sets out that development that would have an adverse impact on special historic or architectural interest will not be permitted. However, this element of Core Strategy Policy EN 8 is now not fully consistent with the guidance set out in the National Planning Policy Framework which is more permissive towards allowing development affecting heritage assets but only where there are clear and convincing public benefits in favour, in accordance with the statutory requirements set out above.

The site lies outside of and to the east of the Stalham Conservation Area and the Grade II Listed Church Farm complex. Further to the east of the proposal site lies the Grade II*/Grade II Listed Stalham Hall complex. Given the proposal's proximity to these assets, its impacts are considered to be indirect and confined to the settings of these assets.

Conservation and Design consultees identify that the proposal may *potentially harm the setting of the Stalham Conservation Area and the Grade II Listed Church Farm complex* insofar as removes an area of open space at the south of the site where new dwellings are being proposed. The space was originally left open in the extant planning permission and was intended to form a transitional visual link through the allocated site from the main envelope of Stalham to the west of the site, and the relatively newer area of Stalham to the south and east of the site.

In noting the comments received from Conservation and Design, Officers are aware that the level of potential harm has not been quantified. Officers consider that this would likely be 'less than substantial' harm yet remain unconvinced that the proposal would harm the significance or the setting of the Stalham Conservation Area or the Listed Buildings to the west due to its scale and residential vernacular. Whilst Officers consider that the proposal does not enhance

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the character or appearance of these heritage assets, it is considered that its effects on them would be broadly neutral given their proximity to the site, existing landscaping buffers and the prevailing developed form within this area of Stalham. In any event, if the proposals were considered to be harmful to the setting of heritage assets, there are public benefits associated with the provision of much needed affordable dwellings that would likely outweigh any identified 'less than substantial' harm to heritage assets.

As such, the proposal is considered to be in accordance with Policy EN 8 of the adopted North Norfolk Core Strategy in this instance, as well as NPPF (Section 16) and has regard for the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeology

The site is known to contain some elements of archaeological interest, as considered under extant planning permission PF/12/1427. Condition 33 of this permission required an Archaeological Written Scheme of Investigation to be undertaken across the whole of the site, including the areas covered by this proposal. This condition was discharged in 2014 in liaison with Norfolk County Council's Historic Environment Service.

Three reports were created as part of the archaeological process. Two were submitted in evidence to discharge Condition 33; ref: J3056 (Geophysical Survey Report), dated February 2012 and ref: TG 3771 2520_4151 (An Archaeological Evaluation (Trial Trenching)), dated September 2012. One academic paper detailing the findings was also published: Newton, A., (2017) Prehistoric Features and a Medieval Enclosure at Stalham, Norfolk, *Norfolk Archaeology XLVII*, pp. 498–510.

Officers note the comments received from Cllr Taylor with regards to archaeology on this site, particularly relating to a First World War military encampment (which is to be recorded by NCC Historic Environment Service). NCC Historic Environment Service also require that specific areas of the site not excavated in the scope of the works highlighted above are undertaken prior to the commencement of development. A relatively small area at the south east of the site was surveyed under the previous archaeological phase which shows the potential for a continuation of the medieval finds found under the previous works. These works can be secured by conditions.

9. Biodiversity

Habitats Regulations Assessment

A Habitats Regulations Assessment (HRA) was required as part of this application under the Conservation of Habitats and Species Regulations 2017 (as amended), Policy ST01 and Emerging Policy ST23/2, and advice received from Natural England, to determine whether any Likely Significant Effect (LSE) of the proposal could be ruled out on nearby designated habitats sites and demonstrate that the proposal would not have an adverse effect on the integrity of these sites. A Stage 1 HRA Screening Assessment was undertaken by the Council, as the Competent Authority, which determined that a LSE could not be ruled out in relation to three principal factors;

- Impacts of foul water drainage and hydrological connectivity to The Broads and concerns over phosphate levels from Stalham Water Recycling Centre (WRC);
- Impacts of surface water and groundwater from the proposal on water quality and local hydrology networks into The Broads; and,

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- Impacts of recreational disturbance as a result of the proposal on The Broads and other East Coast Special Protection Areas and Special Areas of Conservation sites.

The Council did not receive any notification of a Judicial Review in the 6 weeks following the publication of the Stage 1 HRA Screening Assessment on 01/11/2021.

Following the publication of the Screening Assessment, the applicant engaged an Ecologist to prepare information for a Stage 2 Appropriate Assessment to address the above LSEs and provide further evidence and proposed mitigation measures to satisfactorily rule out any ongoing LSEs in these terms.

Natural England have reviewed the information submitted in the Appropriate Assessment and raise no objections to the proposal subject to securing the appropriate mitigations. These are the provision of a significant amount of greenspace, access routes for dog walking, and sustainable drainage systems to manage and process surface water drainage.

The Council has also reviewed the information submitted to inform its own assessment, as the Competent Authority, and the comments received by Natural England. Landscape and Ecology Officers have been able to conclude that LSEs are able to be ruled out in respect of the abovementioned concerns via ongoing water quality and phosphate monitoring at Stalham WRC under their Environmental Permitting processes, the satisfactory implementation of the surface water drainage strategy detailed in Section 8, and the securing of relevant planning obligations to address visitor impact pressures as detailed in the following section. The submitted information is of an adoptable standard by the Council.

Additionally, Officers consider that the proposal addresses Natural England's mitigation requirements in utilising the open space in association with the extant permission (PF/12/1427) under site allocation Policy ST01 (as this will be open and accessible to future residents) and noting the emerging policy requirement for an additional 0.21ha of open space required under Emerging Policy ST23/2 on the wider site. Officers shall also secure interpretation boards and information about local Public Rights of Way routes and secure financial contributions towards dog waste bins and their maintenance along these routes (i.e. Weaver's Way and Stalham Staithe Circular Walk) via conditions and Section 106 Agreement.

GI/RAMS

North Norfolk District Council, in conjunction with Natural England and other Norfolk Councils, produced the Norfolk Recreation disturbance Avoidance and Mitigation Strategy (RAMS) and Green Infrastructure Strategy (GI) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are satisfactorily mitigated and compliant with the Habitats Regulations.

The obligations sought from the GI/RAMS Strategy, by way of a financial contribution per new dwelling, are required to rule out any Likely Significant Effect from visitor impact pressures arising from new residential developments on these designated habitats sites in HRA terms. The proposal lies within the defined Zones of Influence of a number of designated sites, including The Broads SAC and Broadland SPA. As such, financial contributions towards the offsetting of pressures caused by new residential development on these sites are required. The required obligations are detailed in Section 11 of this report.

The applicant agrees with this approach and has agreed that these contributions shall be secured via a Section 106 Agreement.

On-Site Biodiversity

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The applicant submitted a Preliminary Ecological Appraisal and Impact Assessment in support of this application. It recommends a number of on-site ecological enhancements which would be beneficial to on-site biodiversity. These would help to ensure that there is a minimal impact on the conservation status of any protected, important or rare species within the local area. These recommended enhancements include the retention of existing hedgerows, the addition of bird and bat boxes across the site, incorporating native species into a soft landscaping scheme, and providing 'hedgehog links' in on-site fencing to facilitate small mammal movement throughout the site. Conditions shall be secured for the implementation of the proposed ecological enhancements, As such, the proposal is considered to be in accordance with Policy EN 9 of the adopted North Norfolk Core Strategy.

10. Other Material Considerations

Contaminated Land

The applicant submitted a desk-based Contaminated Land Report following consultee comments received from Environmental Health requiring a report specifying the suitability of the site for occupation (under application PF/21/1532). The report concludes that the site has shown no sign of development or use, other than as farmland, since the early 1900s. Subsequent consultee comments agree that the degree of risk of contamination is low based on the former land use, but cannot be ruled out completely.

As no contamination testing has been undertaken to rule out the presence of any potential contamination on-site, Environmental Health require an informative note to the applicant detailing their responsibilities for ensuring the safe development of the proposal and secure occupancy for future occupiers. A condition shall also be secured to ensure that any unexpected contamination found during construction is reported to the LPA and satisfactorily remediated before works are allowed to continue.

Pre-Commencement Conditions

The recommendation proposes pre-commencement planning conditions. Therefore, in accordance with Section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such conditions. Notice was served and confirmation of the agreement is currently awaited from the applicant. An update will be provided at the Development Committee meeting.

11. Planning Obligations

As part of this application, Norfolk County Council and North Norfolk District Council require certain planning obligations in order to address the impacts on local services and infrastructure that the proposal will pose. These would be secured via a Section 106 Agreement, with the mitigative financial contributions being used for the specific purposes detailed therein. The planning obligations required for this application are detailed below.

Required Contributions

Public Open Space – North Norfolk District Council require the following financial contributions with regard to off-site public open space mitigation, based on the calculations for residential development, in line with the North Norfolk Open Space Assessment (February 2020):

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- Allotments – £11,407
- Parks & Recreation Grounds – £87,001
- Play Space (Youth) –£5,838
- Natural Green Space – £25,836
- *Total contributions required – £161,668*

On-Site Open Space – The proposal is also required to provide 851 sqm of on-site amenity green space based on the quantum of proposed development. The proposal provides c. 887 sqm across the site. It is noted, however, that the majority of this open space is relatively ad hoc and unusable for recreational use and should not be considered as satisfactory provision in this instance. Of that, only c. 620 sqm could reasonably be considered as ‘public open / amenity space’, although its usability for recreational purposes remains doubtful.

Officers also note the adjacent provision of a large area of public open space to the west of the site, associated with PF/12/1427. Whilst this area forms the policy requirement for the quantum of open space required under Policy ST01, this proposal is being considered in its own right as it provides 30no. additional dwellings over the housing numbers requirements of this policy. Similarly, Emerging Policy ST23/2 also requires the provision of not less than 0.21ha of public open space, which this proposal does not provide in of itself.

The provision of 85.1 sqm on-site children’s play space is required from the proposal. This has not been provided within the proposal. A financial contribution of £14,361 would therefore be required to enhance local provision of children’s play equipment in light of the impacts on said local provision the proposal is likely to have. However, the applicant has submitted a viability assessment to demonstrate that they are unable to provide the financial obligations required for off-site contributions under this application. This is detailed further in the following section.

GI/RAMS – As the proposal site lies within the Zones of Influence of a number of designated sites, including The Broads SAC and Broadland SPA, contributions totalling £7,437.20 (40 x £185.93) as mitigation for the future impacts of the proposed development on these designated sites are required.

Local Infrastructure – Norfolk County Council are seeking contributions towards the follow local infrastructure provision:

- Education – No contribution required as there is spare capacity at Early Education, Infant, Junior and High school levels;
- Libraries – £3,225;
- Green Infrastructure – £8,600 (in addition to that required by Natural England and the Habitats Regulations Assessment Appropriate Assessment detailed in Section 9); and,
- Fire hydrant – 1 hydrant per 50 dwellings (or part thereof) to be secured by conditions.

Viability Assessment

As part of this application, the applicant has submitted information detailing the viability limitations of the proposal. This information concludes that the proposal would be unviable if the planning obligations and contributions detailed above were to be required as part of this application. The information has been reviewed by the Council’s independent viability assessor and who has found that the viability of the proposed development is marginal with a developer return below normally acceptable levels. This is on the basis that no Section 106 contributions are made, other than the GI/RAMS contributions.

Given the above, the proposal has been found to be unable to provide the required off-site public open space and NCC Libraries contributions. As such, Officers note that the application

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would be unable to comply with the full requirements of Policy CT 2 of the adopted North Norfolk Core Strategy in this unique instance. This departure from adopted policy shall be weighed against the other policy requirements and materials considerations of the proposal in the following section.

12. Planning Balance and Conclusion

The proposal is considered to be in accordance with Policies SS 6, HO 2, HO 3, HO 7, EN 4 (in relation to residential amenity), EN 6, EN 8, EN 9, EN 10, EN 13, and CT 5 of the adopted North Norfolk Core Strategy. These principally relate to location sustainability, provision of affordable housing, development density, renewable energy provision, heritage, biodiversity, surface and foul water drainage, minimising/preventing the risks from pollution, and impacts on highways safety.

The proposal is considered to only be partially in accordance with Policies SS 1, SS 2, SS 3, SS 4, SS 13, HO 1, and CT 6 of the adopted North Norfolk Core Strategy. These principally relate to the Council's spatial strategy for development, impacts on the environment, housing mix and car parking provision. The proposal is also considered to be in partial accordance with Emerging Policy ST23/2 of the Emerging North Norfolk Local Plan 2016 – 2036 (Regulation 19). Officers note that at this stage in the adoption cycle of the Emerging Local Plan, only limited weight can be afforded to emerging policy considerations. However, it is considered that the emerging policies show the direction of travel in which the Council is proposing to steer development upon adoption of the Emerging Local Plan. The partial compliance with policies with regard to the Council's spatial strategy are also considered to be tempered by representation received by Planning Policy with regards to the location of 100% affordable housing development on this site and the recognition of the public benefits arising from this proposal; which shall be assessed in the following sections.

Conversely, Officers consider the proposal to be contrary to the requirements of Policies EN 2, EN 4, and CT 2 of the adopted North Norfolk Core Strategy, and Policy ST01 of the North Norfolk Local Development Framework Site Allocations DPD. These policy departures principally relate to the proposal's impacts on the landscape, its design, on-site open space, provision of contributions to off-set the impacts of development, and accordance with the current site allocation policy. Officers also note that only some of the planning obligations have been able to be secured under this application due to viability constraints, meaning that the proposal cannot fulfil all of its infrastructure obligations.

Whilst the departure from Policy ST01 is considered to be somewhat tempered by the clear and demonstrable need for affordable housing development within Stalham and the District more widely, and the comments received from Planning Policy, and the very slight under-provision of car parking is considered to be towards the more minor end of policy departures, the policy conflicts with Policies EN 2 and EN 4 and NPPF (Section 12), particularly Paragraphs 130 and 134, are considered to carry significant weight. This is due to the impacts of the proposal on the surrounding landscape and its overall design, which have been strongly objected to by the relevant consultees.

There are numerous public benefits which Officers consider to be relevant in the determination of the proposal. These include the short-term economic benefits of creating employment during the construction phase of development, as well as more long-term public benefits including a boost the local economy through an increased residential population who will require the use of local goods and services. Under NPPF (Section 11) Paragraph 122, the proposal is considered to satisfactorily reflect changes in the demand for land; in this instance from the extant commercial (for which no current business or feasibility case can be

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demonstrated) to providing 40no. 100% affordable dwellings under an emerging site allocation.

The provision of this quantum of affordable housing is also considered to be of significant public benefit in its own right, given the clear and demonstrable need for affordable housing with the mix of housing options proposed within Stalham.

Whilst the Council is able to demonstrate a five-year housing land supply, the provision of 40 dwellings would nonetheless contribute positively to the ongoing supply and the Government's aim in NPPF (Section 5) Paragraph 60 of boosting significantly the supply of housing through ensuring that a sufficient amount and variety of land can come forward where it is needed, and is therefore a benefit, carrying its own weight.

Whilst finely balance, overall, given the assessment of the proposal against the policies in the adopted North Norfolk Core Strategy, and other material considerations relevant to the proposal, the proposal is found to result in significant benefit in the public interest, which is deemed to marginally outweigh, the specific conflicts within the relevant Development Plan policies as detailed above. As such the proposal can be considered favourably as a departure from adopted Development Plan policy.

RECOMMENDATION:

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

1) Satisfactory completion of a Section 106 Planning Obligation to cover the following:

- 40 affordable dwellings;
- GI/RAMS contribution of £7,437.20; and,
- Green Infrastructure contribution towards the installation and maintenance of dog waste bins and provision of resident green infrastructure information packs (exact details to be confirmed with NNDC Environmental Services).

2) The imposition of the appropriate conditions as set out in the list below (plus 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.

The proposed conditions referred to above in Part 1), 2) are as follows

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

As required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as may be required by specific condition(s):

Location and Site Plans

- Plan ref: 79P/01 Revision D (Location Plan), dated 22/02/2022 and received by the Local Planning Authority on 02/03/2022.
- Plan ref: 70P/02 Revision G (Site Layout), dated 04/01/2022 and received by the Local Planning Authority on 10/01/2022.

Dwellings and Ancillary Buildings/Structures Plans and Elevations

- Plan ref: 79P-18 Revision B (Flats – Plans), dated 19/11/2021 and received by the Local Planning Authority on 26/11/2021.
- Plan ref: 79P-19 Revision D (Flats – Elevations), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P-11 Revision C (Plots 1 & 2 2 Bed 4 Person House), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P-12 Revision B (Plots 3 & 4 (and 5 & 6) 3 Bed 6 Person House), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P-13 Revision C (Plots 7-9 & 16-18 2 & 3 Bed Terrace Type A), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P-14 Revision B (Plots 10-12 & 13-15 2 & 3 Bed Terrace Type B), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P-15 Revision C (Plots 19 & 20 3 Bed 7 Person), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P-16 Revision C (Plots 21 & 22 4 Bed 6 Person), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P-17 Revision D (Street Scenes), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P.20 Revision B (Bin & Cycle Store), dated 25/11/2021 and received by the Local Planning Authority on 26/11/2021.
- Ref: 78P.29 (Materials Schedule), received by the Local Planning Authority on 23/02/2022.

Landscaping and External Lighting Plans

- Plan ref: 79P/03 Revision H (Southern Site Area Landscape Scheme), dated 04/01/2022 and received by the Local Planning Authority on 10/01/2022.
- Plan ref: 79P/06 Revision F (Northern Site Area Landscape Scheme), dated 04/01/2022 and received by the Local Planning Authority on 10/01/2022.
- Plan ref: 79P.05 Revision G (Southern Site Proposed External Lighting), dated 07/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P/08 Revision E (Northern Site Proposed External Lighting), dated 07/02/2022 and received by the Local Planning Authority on 22/02/2022.

Drainage Plans

- Plan ref: 8580-111-001 (S104 Construction Details Sheet 1 of 2), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-111-002 (S104 Construction Details Sheet 2 of 2), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-112-001 Revision A (Private Construction Details Sheet 1 of 2), dated September 2021 and received by the Local Planning Authority on 06/01/2022.

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- Plan ref: 8580-112-002 (Private Construction Details Sheet 2 of 2), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-104-002 Revision B (Impermeable Area Plan), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-104-003 Revision B (Exceedance Flow Route Plan), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-100-001 Revision B (Engineering Layout Sheet 1 of 3), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-100-002 Revision B (Engineering Layout Sheet 2 of 3), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: 8580-100-003 Revision A (Engineering Layout Sheet 3 of 3), dated September 2021 and received by the Local Planning Authority on 06/01/2022.
- Plan ref: DD GA (8ft Diameter Downstream Defender General Arrangement), dated 11/08/2019 and received by the Local Planning Authority on 06/01/2022.

Highways Plans

- Plan ref: 8580-110-001 (S38 Construction Details), dated September 2021 and received by the Local Planning Authority on 06/01/2022.

Reports

- Ref: JBA11/382 AR01 Issue A (Arboricultural Impact Assessment), dated 27/05/2021 and received by the Local Planning Authority on 26/07/2021.
- Ref: JBA 21/235 (Ecological Impact Assessment and Preliminary Ecological Appraisal), dated July 2021 and received by the Local Planning Authority on 26/07/2021.
- Ref: 79P-10 (Landscape Maintenance Plan), received by the Local Planning Authority on 26/07/2021.
- Landscape Briefing Note, received by the Local Planning Authority on 13/10/2021.
- Ref: 79P-09A (Landscape and Planting Schedule), received by the Local Planning Authority on 13/10/2021.
- Planning Statement, received by the Local Planning Authority on 26/11/2021.
- Design and Access Statement, received by the Local Planning Authority on 26/11/2021.
- Ref: 8580 V.02 (Drainage Strategy Report), dated December 2021 and received by the Local Planning Authority on 06/01/2022.
- Ref: 2790/RE/09-21/01 (Flood Risk Assessment (within Drainage Strategy Report)), dated January 2022 and received by the Local Planning Authority on 06/01/2022.
- Supporting Evidence for Appropriate Assessment, dated January 2022 and received by the Local Planning Authority on 17/01/2022.
- Correspondence from the Applicant re: PF/21/2021 (Solar Panels), received by the Local Planning Authority on 03/03/2022.

Reason:

For the avoidance of doubt and to ensure that the development is built to an appropriate quality standard of design and does not detrimentally effect the surrounding landscape or nearby heritage assets, in accordance with Policies EN 2, EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

3. The materials to be used on the external surfaces of the development hereby permitted, including external and ancillary buildings and structures, shall be constructed in accordance with the details submitted in ref: 78P.29 (Materials Schedule) received by the Local Planning Authority on 23/02/2022.

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Reason:

For the avoidance of doubt and to ensure that the development is built to an appropriate quality standard of design and does not detrimentally effect the surrounding landscape or nearby heritage assets, in accordance with Policies EN 2, EN 4 and EN 8 of the adopted North Norfolk Core Strategy.

Pre-Commencement

4. A) There shall be no commencement of the development hereby permitted until an archaeological written scheme of investigation has first been submitted to and approved in writing by the Local Planning Authority.

The areas to be covered by this condition shall first be agreed in writing with Norfolk County Council Historic Environment Service.

The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording;
2. The programme for post investigation assessment;
3. Provision to be made for analysis of the site investigation and recording;
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
5. Provision to be made for archive deposition of the analysis and records of the site investigation;
6. Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation; and,
7. any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.

B) No development shall take place other than in accordance with the written scheme of investigation approved under Part A of this condition and any addenda to that Written Scheme of Investigation covering subsequent phases of mitigation.

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under Part A of this condition, and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

In the interests of recording and preserving items of archaeological interest, in accordance with Policy EN 8 of the adopted North Norfolk Core Strategy and is pre-commencement as works involving the breaking of ground could potentially impact on archaeological deposits.

5. There shall be no commencement of the development hereby permitted until a detailed noise, dust and smoke management plan to protect the occupants of completed dwellings on the site and residential dwellings surrounding the site from noise, dust and smoke during construction, has first been submitted to, and approved in writing by the Local Planning Authority.

The scheme shall include;

- i) Communication with neighbours before and during works.

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- ii) Contact arrangements by which residents can raise any concerns and, issues.
- iii) The mechanism for investigation and responding to residents' concerns and complaints
- iv) Management arrangements to be put in place to minimise noise and dust (including staff training such as toolbox talks).
- v) Hours during which noisy and potentially dusty activities will take place.
- vi) Measures to control loud radios on site.
- vii) Measures to be taken to ensure noisy activities take place away from residential premises where possible such as a separate compound for cutting and grinding activities.
- viii) Measures to control dust from excavation, wetting of soil; dust netting and loading and transportation of soil such as minimising drop heights, sheeting of vehicles.
- ix) Measures to control dust from soil stockpiles such as sheeting, making sure that stockpiles exist for the shortest possible time and locating stockpiles away from residential premises.
- x) Measures to control dust from vehicle movements such as site speed limits, cleaning of site roads and wetting of vehicle routes in dry weather.
- xi) Measures to minimise dust generating activities on windy and dry days
- xii) Measures to control smoke from burning activities.

The approved plan shall remain in place and be implemented throughout each phase of the development.

Reason:

To control the noise emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

6. There shall be no commencement of the development hereby permitted (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has first been submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when special ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 118 of the National Planning Policy Framework, and for the

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undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

7. There shall be no commencement of the development hereby permitted, including any works of demolition, until a Construction Method Statement has first been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and retention of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities to be provided at the entrance to the site;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and,
 - h) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason:

To control the noise, odour and dust emitted from the site in the interests of residential amenity and public safety in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

8. There shall be no commencement of the development hereby permitted until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall thereafter be implemented upon the formation of the construction site entrance and shall be used throughout the construction period.

Reason:

To ensure adequate off-street parking during construction in the interests of highway safety in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy. This needs to be a pre-commencement condition as it deals with the construction period of the development.

9. There shall be no commencement of the development hereby permitted until such time as detailed plans of the roads, footways, cycleways, street lighting, foul and surface water drainage have first been submitted to and approved in writing by the Local Planning Authority.

All construction works shall be carried out in accordance with the approved plans.

Reason:

This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

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10. There shall be no commencement of the development hereby permitted until a scheme has first been submitted to and approved in writing by the Local Planning Authority demonstrating how the proposed development will satisfactorily meet the at least 10% sustainable construction and energy efficiency requirements of Core Strategy Policy EN 6.

The scheme as submitted shall be broadly based on the details submitted within ref: Design and Access Statement and correspondence from the Applicant, received by the Local Planning Authority on 03/03/2022 re: PF/21/2021 (Solar Panel).

The scheme shall thereafter be carried out in strict accordance with the approved details.

Reason:

In the interests of promoting sustainable development and design, and ensuring that the development is constructed in accordance with the requirements of Policy EN 6 of the adopted North Norfolk Core Strategy, National Planning Policy Framework (Section 14), and Part L of the Building Regulations 2010 (as amended).

Prior to Occupation

11. Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.

Reason:

In the interests of providing acceptable on-site highways infrastructure in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

12. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 59 metres shall be provided to each side of the access where it meets the highway.

The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway

Reason:

In the interests of highway safety in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy and Section 9 of the National Planning Policy Framework.

13. Prior to the occupation of the final dwelling all works shall be carried out on roads, footways, cycleways, foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.

Reason:

To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

14. The development shall be constructed in accordance with the submitted Drainage Strategy (Drainage Strategy, Barter Hill, Document Reference: 8580 – Land Northeast of Yarmouth Road, Stalham, Norfolk, Revision 02, dated December 2021). The approved scheme will be implemented prior to the first occupation of the development hereby permitted.

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Reason:

To ensure that a satisfactory surface water drainage scheme is implemented on-site which does not have adverse effects in relation to flooding and water quality, both on-site and off-site, in accordance with Policies EN 10 and EN 13 of the adopted North Norfolk Core Strategy.

15. There shall be no occupation of the development hereby permitted until a scheme has first been submitted to and approved in writing by the Local Planning Authority, in consultation with Norfolk Fire Service, for the provision of 1 no. fire hydrant per 50 dwellings (or part thereof) on a minimum 90mm portable water main. Thereafter, the fire hydrants shall be provided in strict accordance with the approved details.

Reason:

In the interests of health and safety of the public and to avoid unnecessary costs to the developer, and to ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire, in accordance with Policies EN 4 and CT 2 of the adopted North Norfolk Core Strategy.

16. Prior to the first occupation of the development hereby permitted, details of the proposed means of residential, commercial, and medical waste disposal shall first be submitted to and approved in writing by the Local Planning Authority.

Waste disposal shall thereafter be undertaken in strict accordance with the approved details.

Reason:

To protect nearby residents from smell and airborne pollution in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

17. There shall be no occupation of the development hereby permitted until the details of Green Infrastructure Interpretation Boards and their proposed locations within the site, and details of resident green infrastructure information packs, have first been submitted to and approved in writing by the Local Planning Authority. These shall detail the local green infrastructure walking routes and Public Rights of Way, as highlighted in Section 8.1.3. of the Supporting Evidence for Appropriate Assessment, dated January 2022.

The Interpretation Boards shall thereafter be implemented and retained on-site for the lifetime of the development in full accordance with the approved plans.

Reason:

In the interests of providing satisfactory green infrastructure signposting to local provision under the Conservation of Habitats and Species Regulations 2017 (as amended).

18. There shall be no use and/or occupation of the development hereby permitted until details of a pedestrian footpath / cycle link through to the residential development (known as Broadchurch Gardens) to the north west of the site (within the blue line boundary), has first been submitted to and approved in writing by the Local Planning Authority.

The footpath shall thereafter be implemented and maintained in full accordance with the approved details.

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Reason:

In the interests of providing satisfactory permeability across the site into the wider area and to not create an alcove development, in accordance with Policies SS 6 and EN 4 of the adopted North Norfolk Core Strategy.

19. The landscaping works shall be carried out in accordance with the approved details and implementation programme (Plan ref: 79P/03 Revision H (Southern Site Area Landscape Scheme), dated 04/01/2022; Plan ref: 79P/06 Revision F (Northern Site Area Landscape Scheme), dated 04/01/2022; Ref: 79P-10 (Landscape Maintenance Plan); Landscape Briefing Note; Ref: 79P-09A (Landscape and Planting Schedule) before any part of the development is first occupied in accordance with the agreed implementation programme.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

Prior to Installation

20. Prior to the installation of any plant / machinery / ventilation / air conditioning / heating / air source heat pumps / extraction equipment, including any replacements of such, full details including location, acoustic specifications, and specific measures to control noise/dust/odour from the equipment, shall first be submitted to and approved in writing by the Local Planning Authority.

The equipment shall be installed, used and maintained thereafter in full accordance with the approved details.

Reason:

To control the noise or odour emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

Other

21. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason:

In the interests of the health and safety of those working on the site, public health and safety and future occupiers/users of the development in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

22. No external lighting shall be installed other than in accordance with the submitted lighting plans (ref: 79P.05 Revision G and ref: 79P/08 Revision E), and shall not cause light intrusion beyond the site boundaries.

Reason:

To ensure that the development minimises light pollution and reduces glare, in the

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interests of minimising the potential impact on biodiversity and residential amenity in accordance with Policies EN 2, EN 4, EN 9, and EN 13 of the adopted North Norfolk Core Strategy and Sections 12 and 15 of the National Planning Policy Framework.

23. Any existing tree, shrub or hedgerow to be retained within the approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of ten years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in the same place.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

24. Any tree, shrub or hedgerow forming part of an approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of ten years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in the same place.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

25. No boundary treatments shall be erected, installed or constructed on site unless they include provision for a 13cm x 13cm gap at ground level at intervals of no more than 6m to facilitate commuting corridors for small mammals.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 118 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

26. The development hereby permitted shall be carried out in strict accordance with the mitigation and enhancement measures outlined in Section 6 of Ref: JBA 21/235 (Ecological Impact Assessment and Preliminary Ecological Appraisal), dated July 2021.

The mitigation and enhancement measures shall thereafter be retained in a suitable condition to serve their intended purposes.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 118 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

Note(s) to Applicant:

1. The applicant's attention is drawn to the fact that the above conditions (if any) must be complied with in full. Failure to do so may result in enforcement action being instigated.
2. This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before

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a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.

3. The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks. However, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse. A fee is payable for each submission made, regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.
4. In accordance with Paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-
 - Proactively offering pre-application advice (in accordance with Paragraphs 39 – 46);
 - Seeking further information following the receipt of the application;
 - Seeking amendments to the proposed development following receipt of the application;
 - Considering the imposition of conditions and/or the completion of a Section 106 Agreement (in accordance with Paragraphs 54 – 57).

In this instance:

- The applicant was updated of any issues after the initial site visit;
- Meeting with the applicant;
- Considering amended plans;
- The application was subject to the imposition of conditions and a Section 106 Agreement.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

5. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
6. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
7. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

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8. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements
9. The responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination.
10. The minimum requirements are 1 fire hydrant per 50 dwellings on a minimum 90mm potable water main. The positioning of hydrants to service any blocks of flats must meet the requirements of Building Regulations Approved Document B volume 2 sections 15 & 16 (Fire Hydrants / water supplies and Vehicle access).
11. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained (insert for SHWP only and typically this can take between 3 and 4 months). Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact (01603 223273). Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.
12. If required, street furniture will need to be repositioned at the Applicant's own expense.
13. This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.
14. Please note that any information in relation to the discharge of planning obligation contained within the completed Section 106 Agreement in relation to this planning permission should be submitted to the Planning Department, in accordance with, or ahead of, the timeframes contained therein.

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DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 17 March 2022 in the Council Chamber - Council Offices at 9.30 am

Committee Mrs P Grove-Jones (Chairman) Mr P Heinrich (Vice-Chairman)
Members Present:

| | |
|--------------------|-------------|
| Mr A Brown | Mr P Fisher |
| Mr R Kershaw | Mr N Lloyd |
| Mr G Mancini-Boyle | Mr N Pearce |
| Mr A Yiasimi | Mr M Taylor |

Officers in Attendance: Major Projects Manager (MPM)
Senior Planning Officer (SPO-RR)
Senior Planning Officer (SPO-JB)
Major Projects Team Leader (MPTL)
Senior Landscape Officer (SLO)
Principle Lawyer (PL)
Democratic Service Officer – Regulatory
Democratic Services Officer – Scrutiny

Also in attendance: Mr A Willard – Highways Engineer for Norfolk County Council

92 CHAIRMAN'S INTRODUCTIONS

Cllr P Heinrich welcomed members to the meeting and affirmed that, in agreement with Cllr P Grove-Jones, he would deputise and preside the meeting as Chairman.

93 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Committee Members Cllrs A Fitch-Tillett, V. Holiday, N Lloyd, A Varley, L Withington and the Assistant Director of Planning.

Cllrs J Toye, V FitzPatrick, T Adams, J Rest were present as substitutes for Cllrs A Fitch-Tillett, V Holiday, N Lloyd and L Withington respectively.

94 MINUTES

The Minutes of the meeting held on 17 February 2022 were approved as a correct record and signed by the Chairman.

95 ITEMS OF URGENT BUSINESS

None.

96 DECLARATIONS OF INTEREST

- i. Cllr M Taylor declared a non-pecuniary interest for Agenda Items 8 and 9, Planning Applications PF/21/1532 and PF/21/2021, he is the Local Member for Stalham, and serves as a member of the Town Council and Neighbourhood Development Plan Committee.

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- ii. Cllr P Grove-Jones declared a non-pecuniary interest for Agenda Items 8 and 9, Planning Applications PF/21/1532 and PF/21/2021, she is the Local Member and is known to individuals involved, however had not spoken with them on this matter and considered herself not to be pre-determined.
- iii. The Chairman declared a non-pecuniary interest in Agenda Item 14, Planning Application PF/22/0431, he is the Local Member however advised he had not been in communication with those involved.

97 STALHAM PF/21/1532 - EXTRA CARE DEVELOPMENT OF 61 INDEPENDENT ONE AND TWO BEDROOM FLATS, WITH SECURED LANDSCAPED COMMUNAL GARDENS, ASSOCIATED VISITOR AND STAFF CAR AND CYCLE PARKING, EXTERNAL STORES AND A NEW VEHICULAR ACCESS ONTO YARMOUTH ROAD LAND NORTH EAST OF YARMOUTH ROAD, STALHAM

The Chairman noted correspondence received from a member of the public sent to Members prior to the meeting, and invited the MPM to speak on this matter. The MPM advised that the Director for Place and Climate Change had responded directly to the author and advised of the complaints procedure should they wish to progress with their complaint formally. The allegations were considered to be without merit and raised no new material planning considerations.

The SPO-RR introduced the Officers Report to Members and the recommendation for approval subject to conditions. The SPO-RR advised since the publication of the agenda a further four representations had been received from Sutton Parish Council, the Highways Authority, a Member of the Public and County Councillor Nigel Dixon. Sutton Parish Council had raised concerns regarding traffic generated from the development and the impact on highways safety at the junction with the A149. In response the Highways Authority had reiterated previous comments and raised no objection in relation to highways safety or infrastructure. Mr A Willard from Norfolk Council Councils Highway Authority was in attendance at the meeting to address questions by Members.

The SPO-RR affirmed the site had existing planning permission for 3150 square meters of employment buildings under Planning Application reference PF/12/1427, but that the land had remained undeveloped, as had the employment site allocation at Steeping Stone Lane. The Officers Report set out the clear and demonstrable need for both affordable and extra care housing within Stalham and North Norfolk, and the significant interest of residents for living in Stalham. In March 2022 178 households age 60 plus had expressed interest in living in Stalham and Norfolk County Council had identified the need for 486 additional care dwellings in the District by 2028, 194 of which should be affordably rented.

It was stated that the proposal had been through a series of design iterations which had reduced the scale and height of the buildings and introduced some variation in the materials used. The landscaping scheme had been amended to take into consideration the loss of 9 mature trees along Yarmouth Road and introduced more native planting onto the site. Despite the amendments both the Conservation and Design, Landscaping and Planning Officers considered the proposal contrary in policy terms and its overall design and landscape impacts.

The SPO-RR stated the proposal was not considered to generate an unacceptable impact on Highways Safety, nor the residual cumulative impacts on the road

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network.

He advised the proposal would not have a significant affect to the conservation of habitats and species regulations 2017, subject to appropriate mitigation measures detailed within the report. Including the payments of GI/RAM's obligation to tackle visitor impact pressures on habitat sites, the provision of dog waste bins and ongoing maintenance, and the provision of green infrastructure information boards and resident information packs. Other financial contributions by Norfolk County Council had not been assessed as viable in delivering the scheme by the Councils independent viability assessor.

The SPO-RR stated that the scheme was recommended for approval subject to conditions and the satisfactory Section106 agreements due to the substantial benefits of the proposal being considered to outweigh the development and policy departures in this instance, with full details of the planning balance contained within Pages 43 to 45 of the Agenda Pack.

Public Speakers

Kevin Baynes - Stalham Town Council

Katie Newman – Objecting

John Daulby – Objecting on behalf of Sutton Parish Council

Martin Towers – Objecting

- i. Cllr M Taylor – Local Member, expressed his support for the concerns raised by objecting speakers. He noted the merits of the application and that there was a pressing need for affordable housing and assisted living facilities across the district but concluded that this development should not proceed in its current form. He reflected that the development would not be in keeping with the aesthetic of the town, and that it would be a blight on the broadland landscape, dominating the skyline and adversely affecting existing residents. He affirmed that the development was contrary to several policies contained within the North Norfolk Core Strategy and Section 12 of the NPPF, as set out in the Officer's Report. He stated that the wider town may not be suitable for elderly residents due to uneven curbs, dangerous guttering, and consequent reports of elderly individuals tripping and falling, and that until such issues were addressed, the addition of more elderly members to the community would only exacerbate problems. He considered there to be inadequate infrastructure and water supply to support the development, with existing issues in Stalham were it not uncommon for water to be shut off due to burst water pipes or damaged water mains for extended periods of time. Cllr M Taylor expressed his disappointment that no traffic survey had been produced given the size of the scheme which he considered would place additional pressure on already poor junctions located in Stalham, in particular the T Junction with the A149 and Old Market Road by Tesco's.
- ii. Cllr P Grove Jones- Local Member, reflected on both the need for affordable housing and assisted living accommodation in North Norfolk and the objections made by members of the public, Conservation and Design and Landscape Officers. She considered the size and the impact of the three storey building to be unattractive, with restrictive landscape provision, and would add little to the local economy. She commented that the jobs provided by the development of the Care Home would likely be low paid, and that there was already a desperate need for care workers with vacancies remaining unfilled. She considered that Stalham was in need of well-paid vibrant jobs. The Local Member advised that traffic on the Yarmouth Road

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could be horrendous particularly at busy school pick up and drop off times and this was further worsened by narrow roads and pavements. She stated that there was pitch point for traffic at the double roundabouts and at the T Junction by Tesco's onto the A149. The Local Member commented both she and County Cllr Dixon had fought for a roundabout or additional lighting to be placed at the T junction with the A149, but that Highways did not see the need for change. She affirmed that she could not understand why a traffic survey had not been undertaken.

- iii. In response to questions from the Chairman, the MPM advised that Norfolk County Council would be putting monies towards the project, as would the District Council. He advised that development viability was a strong factor in this application, and noted that there were elements which the proposed development could not viably provide. As such there were different financial considerations for the project as against a straightforward market led scheme. The MPM reflected that the application being considered by Members did not comply with all development plan policies, nor the original allocation for the site as designated employment land, and that it was a matter of planning judgement for Members in weighing the benefits of the scheme against its shortfalls in policy.
- iv. The Chairman invited the Highways Engineer to make a representation and to respond to questions from Members. The Highways Officer advised that the number of movements generated on the site by the Care Home and Dwellings was not considered to be at a significant level to require a full transport assessment. Modelling would only be considered on proposals with an excess of 100 homes and where traffic movements were expected to increase by 10%. The proposal was not considered to generate an unacceptable amount of additional traffic, with an estimated 18 movements at peak hours for the Care Home, and a similar number for the neighbouring properties listed under the proposal. He also considered that the traffic generated was not guaranteed to use the same route, and would be spread across different directions, therefore could not be considered to place a significant cumulative impact on the T Junction with the A149. Under the NPPF the Highways Authority could only object to a development if the impact was considered severe, and if the residual traffic impact was considered severe. The proposal was considered agreeable subject to appropriate conditions.
- v. The PL advised in support of the Highways Officer, under Paragraph 111 of the 2021 NPPF, that development should only be prevented or refused on highways grounds, if there would be an unacceptable impact on Highways Safety, or the residual cumulative impacts on the road network would be severe.
- vi. Cllr J Rest drew comparisons between the proposed development and a site within Fakenham that had been successful. He considered that there was a high demand from local residents to downsize and move such locations, which would make available larger properties. The location of the proposed development was very similar to that of the Fakenham development, being near the doctor's surgery and a supermarket.
- vii. Cllr A Brown noted the pressing need for affordable housing schemes, and the concerns raised by the public, Local Members and County Councillor. He reflected on the lack of information contained within the Agenda Pack on

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alternative sites for employment land within Stalham. He affirmed that the responsibility rested with the developer to engage and consult with the community and the Town Council.

- viii. Cllr P Grove-Jones expressed disappointment over the lack of public consultation made by the developer, and whilst there was no legal requirement to do so, the absence of a public consultation did not sit well with herself, the Town Council or local residents. She stated that the proposal would contravene many of North Norfolk's Core Strategy Policies and aspects of the NPPF, and that there had been no public support for the application. Cllr P Grove-Jones stated her frustration over the lack of a traffic survey, and affirmed that traffic within the town could be horrendous, and the pavements and walkways into Stalham were awful.
- ix. Cllr J Toye commented on his frustrations with the Highways Authority and noted pre-existing issues within Stalham with Footpaths being poorly maintained and an overgrowth of vegetation on the paths near the proposed development. He noted that the Tesco junction was already considered to be unsafe by residents and acknowledged that this was a pre-existing issue and that the proposal would not change this matter. He understood the local communities concerns about the T Junction and affirmed that such concerns should be addressed, but considered that the proposed development would not be the appropriate way to do so. On employment land viability, he noted the assessment contained within the Officer's report that the viability for industrial units was minimal. He stated that the three storey development, whilst impacting the broadland skyline, would be somewhat contained behind high hedges, and that under policy changes for permitted development third floor extensions could be granted. If the development were limited to two stories, the additional units would need to be sought elsewhere. On reflection of the balanced arguments, Cllr J Toye proposed acceptance of the Officers Recommendation.
- x. Cllr J Rest seconded the Officers Recommendation.
- xi. Cllr N Pearce acknowledged the need for additional low cost housing but stated his opposition to the development in that the loss of employment land was indefensible, and that the development was against many of NNDC's Core Strategy Policies. He considered not enough thought had been given to the siting of the development, which may affect individual's right to sunlight and that the lack of a traffic survey was appalling. Cllr N Pearce expressed concerns that the affordable housing would get the runt end of the deal, and could be considered to end up with second rate buildings and designs.
- xii. The MPM referred Members to pages 31 and 32 of the Officers Report, and advised that the proposed development was not considered to overshadow neighbouring dwellings. With respect of highways traffic assessments, he advised that this was a balance between requiring so much information up front against with what was considered to be proportionate for the particular application. He noted that this application, even when combined with the upcoming proposal would not be considered to be of a scale requiring a full transport assessment.
- xiii. Cllr V FitzPatrick determined an even handed approach was needed, he noted the local opposition against the proposal, and the clear public benefit which affordable homes would bring. Cllr V FitzPatrick asked if a S106 could

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be applied for traffic mitigation.

- xiv. The SPO-RR advised that for an application of this size, any off site traffic S106 highway improvements would not be proportionate. The Highways engineer advised that a S106 would need to apply to an identified scheme, which there wasn't one for this proposal. The MPM added that a S106 would only apply where there was a planning reason to do so, and that this proposal would not justify traffic mitigation off site. The use of S106 in such circumstances without justification could be considered unreasonable and unlawful.
- xv. Cllr R Kershaw commented that had the site been retained as designated employment land, the businesses located there would lead to increased traffic usage at rush hours also. He understood the concerns of objectors but considered that the public benefits would outweighed the harm caused by the development, and reflected on the similarities with the Fakenham scheme which had been successful. Cllr R Kershaw acknowledged that there was limited funding available for the development of employment sites in North Norfolk, with much of the growth forecasted for the region concentrated around the Northern Distributor Road.
- xvi. Cllr G Mancini-Boyle expressed his concern for the development both due to its height and massing, and due to the loss of employment land. He reflected that once the commercial land was lost it could not be given back, and that it was important that this land be developed for this purpose.
- xvii. Cllr A Brown considered the traffic generated between this and the second Stalham application; reference PF/21/2021, should be considered together as they would result in over 100 properties. He questioned if such applications were considered together whether they would fall under the NPPF to constitute a scheme under Section 278 contributions for traffic improvements. At the discretion of the Chairman, the Highways Officer affirmed that the two developments, even if taken together, would still not reach the threshold for a full traffic survey. If the two applications had been considered together they may result in a transport statement and not a full transport assessment. He advised that a transport statement does not tend to include an analysis of junction capacity of the wider network, rather it would focus on if safe access is provided and if there are walking routes to local services in the wider community.
- xviii. Cllr P Grove-Jones stated that the traffic in Stalham was getting worse, and would continue to worsen with future housing developments. She determined that once the commercial land was lost, it could not be returned, and that other economic development land remaining in Stalham was in poor condition. She stated that the limited economic land within Stalham was gradually being sold off as it was more profitable for developers. Cllr P Grove- Jones commented that the development was visually unappealing in its size and massing, and could be compared to historic council estates with affordable housing amassed in one location. She would prefer that affordable housing was spread amongst ordinary marketable housing.
- xix. Cllr T Adams reflected that this was a finely balanced application, and acknowledged the concerns raised by the public and local members. He noted the need for this type of housing and infrastructure within North Norfolk which would support many residents. He questioned the archaeological

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survey, confirmation of parking provision, and detail about the loss of trees through the scheme.

- xx. In response to questions by Cllr T Adams the SPO-RR advised that the archaeological assessment was applicable for the second Stalham application, and that the current proposed site had been studied and excavated under previous planning permission. He referenced the landscaping scheme contained within the Officers Report, and advised that there would be a total of nine trees lost through the development for highways access, but that new street trees were intended to be planted. The parking provision was above the minimum levels required, and the developer intended to keep this.
- xxi. Cllr A Yiasimi thanked Officers for their thorough report, and acknowledged the representations made by residents, and the need for affordable housing schemes.
- xxii. Cllr M Taylor spoke against the Officers Recommendation, and commented that both he and residents did not object to having an assisted living facility or affordable housing in Stalham, but that this was not the appropriate site and far more infrastructure was needed. He questioned the viability of Anglian Water to meet the added demands of the development, and noted the poor condition of the town's paths and pavements, and the lack of public transport. He expressed his frustration that the developer had not engaged in a dialogue with the Town Council or the public which had resulted in tensions.
- xxiii. The SPO-RR advised that Anglian Water considered that they had adequate capacity within the network to support the development.
- xxiv. Cllr A Brown enquired about the absence of the developer from the meeting. The SPO-RR advised that an invitation be been extended but had been declined.
- xxv. In summarising the Officer's report and Members debate, The MPM concluded that the Officers Report acknowledged that the development would not comply with elements of the NNDC Core Strategy and aspects of the NPPF, but that considerable weight needed to be given to the affordable housing provision, and it was a matter of planning judgment by Members whether to grant planning permission.

RESOLVED by eight votes for, and five votes against.

That planning application PF/21/153 be APPROVED subject to conditions contained within the Officers Recommendation.

At the discretion of the Chairman, the meeting took a short break at 11.20am and returned at 11.35am.

98 **STALHAM PF/21/2021 - A NEW RESIDENTIAL DEVELOPMENT OF 40 AFFORDABLE HOUSES COMPRISING 22 AFFORDABLE/SHARED OWNERSHIP HOUSES AND ONE BLOCK OF 18 AFFORDABLE FLATS CONSISTING OF 9, ONE BEDROOM FLATS AND 9, TWO BEDROOM FLATS**

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WITH ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS . LAND NORTH EAST OF YARMOUTH ROAD, STALHAM

The SPO-RR introduced the Officer's Report and recommendation for approval subject to conditions and a Section 106 agreement due to the substantial public benefits outweighing the development plan policy departures in this instance. Since the publication of the committee agenda a further four representations had been received from Sutton Parish Council, the Highways Authority, a Member of the Public and County Councillor Nigel Dixon.

The site currently had planning permission for 3150 square metres of employment buildings under PF/12/1427 but that little substantive information had come to light that the units would be developed.

The proposal had been through a series of design interactions which had revised the layout of the site and introduced variation in external materials. The current proposal had been amended to introduce design features which would soften its impact. However the proposal had been objected to by landscaping, conservation and design and planning officers.

The southern section of the site would be subject to pre commencement conditions for archaeological excavation, at the request of Norfolk County Council Historical environment service.

Public Speakers

Kevin Baynes - Stalham Town Council

Katie Newman – Objecting

John Daulby – Objecting on behalf of Sutton Parish Council

Martin Towers – Objecting

- i. Local Member – Cllr P Grove-Jones acknowledged the need for affordable housing and that 903 individuals had expressed a desire to live in Stalham as set out within the Officers Report. She recognised the loss of economic land which when lost could not be returned, and the considerable number of issues raised by Officers and from the public. The Local Member affirmed that Yarmouth Road was dangerous, and her frustrations with the Highways Authority.
- ii. Local Member – Cllr M Taylor, spoke against the application, and noted the historic settling of the site as a former encampment for the Royal Sussex Regiment, which he considered should be preserved as part of the Statham's history and culture, and that not enough investigation of this matter had been undertaken. He asked that prior to the granting of any permission that a full metal detecting survey be carried out as well as an archaeological assessment of the site. Cllr M Taylor raised concerns regarding emergency vehicle access to the site, and stated it prudent that this be considered given the age demographic of residents. He commented that emergency vehicle access would be further worsened by the lack of visitor parking on the site resulting in increased road parking. He was extremely disappointed that the developer had not engaged with Stalham Town Council, which would have eased public tensions.
- iii. The Chairman noted that Archaeological considerations had been made, with details contained within the Officers Report, and that areas of the site which had not been excavated during scoping works would be appropriately

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excavated prior to the commencement of the proposed development.

- iv. In response to comments made by Cllr M Taylor, the SPO-RR confirmed that a condition was in place requiring that a footpath be placed on the site linking to Ingham Road. The Highways officer advised that the scale of the site did not require an emergency access road into the Hopkins development to the north.
- v. In response to comments made by Members of the Public, Cllr J Toye confirmed the definition for affordable housing, and that affordable housing includes social rented, affordable rented, and intermediate housing provided to specific eligible households whose needs were not met by the market. He noted the highways concern raised by objectors, but advised that this was a pre-existing issue which would still occur irrespective of whether the application was granted, and therefore this matter should be considered separately. He asked if the housing was being constructed to minimum standard required with respect of thermal efficacy and design. He noted on comments raised on the previous application by Members, drawing parallels with 1970's council estates, but considered that not all historic council estates were an issue and that they were very forward thinking for their time.
- vi. The SPO-RR noted the contents of the Officers Report on pages 78-79 which contained details of the sustainable construction methods to be used with a fabric first approach to the development and additional thermal bridging techniques.
- vii. Cllr N Pearce stated his frustrations with the lack of a Highways transport assessment and that the lack emergency road access to this development was appalling. He considered the loss of employment land in Stalham as scandalous. Cllr N Pearce stated he was pleased that the former heritage of the site had been considered and been given due diligence. He reflected that the development would be similar to that of a 1970's council estate and cited specific issues with such developments.
- viii. Cllr P Grove-Jones affirmed that there were very poor public transport links to Stalham, and noted the lack of employment opportunities with the nearest large employment towns being 17-18 miles drive away by car. She noted that the Council had declared a Climate Emergency and consideration should be made to reduce personal car usage, irrespective of whether there be electric charging points placed on the site to encourage electric vehicles numbers. She commented that the destruction of the economic development land would be short sighted.
- ix. Cllr Rest sought confirmation over the numbers of parking spaces provided to the dwellings. He noted the volume of complaints of a similar development in Fakenham from residents who had only been allocated one parking space per property which they considered to be insufficient.
- x. Cllr T Adams reflected on the lack of pre-consultation from the developer and the negative feelings of the local community. He commented that the development would aid with the vitality of the Town and noted that the traffic generated from the proposal was reported to be minimal. He affirmed that there is a need for affordable housing, and this development would provide an opportunity for individuals to get on the housing ladder. Cllr T Adams proposed acceptance of the Officers Recommendation.

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- xi. Cllr A Brown seconded the proposal, and noted that although several policies were challenged by this proposal, this was outweighed by the need to provide affordable homes within the district, and within Stalham, in order to meet the Councils 5 year land supply.
- xii. In response to questions from Members with regards to emergency vehicle access, the Highways Officer advised that there was no requirement within national guidance to provide for 2 access points into any residential development. He considered that the roads contained within the proposal were wide enough for 2 cars and would be sufficient to serve the development.
- xiii. The MPM informed members safety issues had been considered and that Norfolk Fire and Rescue Service had been consulted to which they had recommended the provision of fire hydrants. He advised that the nature of the proposed development was not a new issue for the fire service with many other developments also having a single point of access.
- xiv. Cllr R Kershaw noted that the adjacent Hopkins site had a more convoluted road layout than the proposed site, and that there was no evidence of emergency vehicles being hindered by that road.

RESOLVED by 7 votes for, 5 against, and 1 abstention.

That planning application PF/21/2021 be APPROVED subject to conditions contained within the Officers Recommendation

BRISTON – PF/24/1030 - Erection of 9 dwellings with garages (4 no. two-storey detached dwellings, 3 no. 1 ½ storey detached dwellings and 2 no. semi-detached bungalows); associated access road and driveways; detached and attached garages at Land To The Rear Of, Holly House, The Lane, Briston

Minor Development

Target Date: 13.08.24

Extension of Time: 14.02.25

Case Officer: Russell Stock

Full Planning Permission

RELEVANT SITE CONSTRAINTS

The site lies within a countryside location in policy terms

The site forms part of the BRI24 housing allocation

The site lies within the River Bure Nutrient Neutrality catchment area

The site lies within various GIRAMS zones of influence

RELEVANT PLANNING HISTORY

PF/19/1648

Erection of 9 dwellings with garages (3 no. two-storey detached dwellings, 2 no. two-storey semi-detached dwellings and 4 no. semi-detached chalet bungalows); associated access road and driveways (Revised plans/details relating to changes to site layout, design, elevation and floor plan changes and substitution of detached garaging with attached garaging).

Approved 20.07.2021

PF/15/1746

Erection of 12 shared ownership dwellings and garages

Approved 06.04.2017

PF/15/0352

Erection of twelve shared ownership dwellings with garages

Refused 09.07.2015

THE APPLICATION

Site Description:

The site is located to the north of Orchard Close and Baldwins Close within the village of Briston. Bounded by hedging and trees, the site itself is largely void of significant features. Dwellings surround the site, except to the north, which is an agricultural field. Large metal gates are located at the end of Bure Road, Orchard Close.

Proposal:

The application seeks full planning permission for the erection of nine dwellings, access, landscaping and associated infrastructure. During the course of the application, the applicant clarified that all nine dwellings would be for market sale, and thus no affordable dwellings have been proposed.

Amended plans have been received during the course of the application which have sought to address concerns raised. This includes alterations to dwelling types, road alignments and materials.

REASONS FOR REFERRAL TO COMMITTEE

The application has been referred to committee at the request of Cllr Andrew Fletcher for the following reasons:

“Parish Council:

Concerns about the access through Orchard Close as Briston Parish Council considers that this road is not suitable to carry any more traffic.

Concerns that here is no designated parking area on the site not only for construction workers while development is in progress but also once it is built for visitors, deliveries, etc.

Concerns about noise and nuisance once the development is being built. Would request that that working hours are stipulated from 8am until 5pm for five days only per week (not Saturday or Sunday) Concerns as to whether the infrastructure can cope with 11 more dwellings, not only water and sewerage but also the Astley School which is understood to be at capacity and the doctor’s surgery.

Public:

Proximity of development to existing buildings, especially bungalow at top right of Bure Road Anxiety about existing bungalows on Orchard Close being overlooked by the larger houses in the new development.

Environmental compensation to secure BNG for the site (1) being elsewhere. (2) Not having been specifically designated but merely “promised”.”

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.

CONSULTATIONS

Parish Council: Objection

North Norfolk District Council Strategic Housing: Comments provided

North Norfolk District Council Landscape: Initial – Further information required. **Final – No objection** subject to nutrient credit certificates being provided

Norfolk County Council Highways: Initial – amendments required. **Final – No response received**

Norfolk County Council Historic Environment Officer: Initial – Conditions requested. **Final – No objection** conditions not required

REPRESENTATIONS

Six received with **objections** on the following summarised grounds:

- Loss of mature hedgerow and trees;
- Development would harm sites wildlife and ecological value;
- New trees and hedges should be required as part of any approval;
- Contractor vehicle should be contained within the site and should not park on Orchard Close;
- Long working hours and construction activities would harm residents amenity;
- The development would result in a loss of privacy for existing residents due to overlooking impacts;
- The development should be bungalows, rather than two storey dwellings;
- The additional traffic generated by the development would create hazards on surrounding roads, including to children who may be walking to school;
- Nearby roads can be dangerous during adverse winter conditions;
- Alternative access to the site should be used;
- The local schools do not have capacity to take additional children, which this development would result in;
- The local doctors surgery doesn't have sufficient capacity for existing residents;
- There are existing sewerage problems in Briston;
- Concerns that this development would lead to further development within Briston.

RELEVANT PLANNING POLICIES

North Norfolk Local Development Framework Core Strategy (September 2008):

Policy SS 1: Spatial Strategy for North Norfolk
Policy SS 2: Development in the Countryside
Policy SS 4: Environment
Policy SS 6: Access and Infrastructure
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 2: Protection and Enhancement of Landscape and Settlement Character
Policy EN 4: Design
Policy EN 6: Sustainable Construction and Energy Efficiency
Policy EN 8: Protecting and Enhancing the Historic Environment
Policy EN 9: Biodiversity & Geology
Policy EN 10: Development and Flood Risk
Policy EN 13: Pollution and Hazard Prevention and Minimisation
Policy CT 2: Developer Contributions
Policy CT 5: The Transport Impact of New Development
Policy CT 6: Parking Provision

Site Allocations Development Plan Document (February 2011)

Policy BRI24: Land at Rear of Holly House

Material Considerations:

Supplementary Planning Documents and Guidance:

Design Guide Supplementary Planning Document (December 2008)
North Norfolk Landscape Character Assessment (January 2021)
North Norfolk Landscape Sensitivity Assessment (January 2021)

National Planning Policy Framework (December 2024):

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 5: Delivering a sufficient supply of homes
Chapter 6: Building a strong, competitive economy
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
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving and enhancing the historic environment

Other material documents/guidance:

Emerging North Norfolk Local Plan

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)
Natural England's letter to local authorities relating to development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites (March 2022)
Technical housing standards – nationally described space standard (March 2015)
National Design Guide (2019)

OFFICER ASSESSMENT

Main Issues for consideration:

- 1. Housing Land Supply**
- 2. Principle of development**
- 3. Impact on character of the area and design**
- 4. Housing Mix and accessible and adaptable homes**
- 5. Residential amenities**
- 6. Heritage impacts**
- 7. Ecology impacts**
- 8. Arboricultural impacts**
- 9. Highways**
- 10. Flooding risk and drainage**
- 11. Energy Efficiency**
- 12. Community Infrastructure Requirements**

1. Housing Land Supply

The National Planning Policy Framework (NPPF) requires Local Planning Authorities to identify a supply of specific deliverable sites to provide a minimum of five-years' worth of housing. At the current time, North Norfolk District Council is unable to demonstrate deliverable sites sufficient to provide a minimum of five years' worth of housing.

Planning applications will therefore be considered in line with paragraph 11(d) of the NPPF which states that:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”.

Further consideration of this will be provided within the Planning Balance section of this report below.

2. Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case the Development Plan for the area consists of the North Norfolk Local Development Framework Core Strategy (2008) (Core Strategy), the Site Allocations Development Plan Document which was adopted in February 2011, and the Minerals and Waste Development Framework - Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026. At a national level, the NPPF constitutes guidance which the Local Planning Authority must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but is a material consideration in any subsequent determination.

The emerging North Norfolk Local Plan has been subject to examination and the Local Planning Authority (LPA) are working on addressing the matters arising from the Inspector's initial feedback letter. At the current time, only limited weight can be afforded to the policies of the emerging plan, but it remains a material consideration for the determination of this application.

The spatial strategy for North Norfolk is set out within Core Strategy Policy SS 1. This states that the majority of new development within the district will take place in the towns and larger villages dependent on their local housing needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints. The policy lists principle and secondary settlements as well as service and coast service villages. The rest of North Norfolk is designated as 'Countryside' and development will be restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy. Policy SS 2 sets out the detailed criteria for development within the Countryside.

This site forms part of the BRI24 residential allocation as set out within the Site Allocations Development Plan Document. Policy BRI24 sets out the following:

"Land amounting to 0.5 hectares is allocated for residential development of approximately 10 dwellings. Development will be subject to compliance with adopted Core Strategy policies including on-site provision of the required proportion of affordable housing (currently 50%) and contributions towards infrastructure, services and other community needs as required and:

a. prior approval of a scheme of mitigation to minimise potential impacts on the North Norfolk Coast SAC / SPA arising as a result of increased visitor pressure, and on-going monitoring of such measures."

This proposal seeks permission for nine dwellings, covering the majority of the BRI24 allocation site. The remaining and significantly smaller portion of the BRI24 allocation is located to the west of this application, and currently encompasses the rear garden of Holly

House. The proposed quantum of development is considered to broadly align with the policy's expectations.

As an allocated site within the Development Plan, the principle of the residential development at this site has already been found to be acceptable, supporting the district's delivery of housing in a sustainable and planned manner. Two previous planning applications for residential development at this site have been approved since 2017, the latest being granted permission in 2021, similarly for nine dwellings and in the context of the current Development Plan. With the development being found to be acceptable in principle, detailed consideration to the requirements of Policy BRI24 and the other relevant Development Plan policies are set out within the sections below.

3. Impact on character of the area and design

Policy EN 2 states that proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies. Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance, the special qualities and local distinctiveness of the area, gaps between settlements, distinctive settlement character, landscape features, visually sensitive areas, nocturnal character, the setting of, and views from, Conservation Areas, Historic Parks and Gardens and the defined Setting of Sheringham Park.

Policy EN 4 states that all development will be of a high-quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. Proposals will be expected to have regard to the North Norfolk Design Guide, incorporate sustainable construction principles, make efficient use of land, be suitably designed within their context, retain important landscape and natural features and incorporate landscape enhancements, ensure appropriate scales, make clear distinctions between public and private spaces, create safe places, are accessible to all, incorporate footpaths and green links, ensure that parking is discreet and accessible and where possible, contain a mix of uses, buildings and landscaping.

As an allocated site for residential development, it has already been established that the site can suitably accommodate approximately 10 dwellings. This proposal seeks to maintain and bolster the site's existing hedged boundaries where possible. This includes the planting of 15 trees along the site's northern boundary along with hedging infill along the northern and southern boundaries. Wider views into the site would be limited and would be in the context of the surrounding residential development. Conditions are required to secure the landscaping proposals.

The internal layout has been derived from the requirement to provide vehicular access both into the site, and then along its linear shape. The proposed 22 dwellings per hectare (DPH) density, whilst below the 30 DPH aim contained within Policy HO 7, is in line with the allocation's expectation and is appropriate for the sites village edge context. It also reflects what has been approved previously. The arrangement of dwellings, backing onto the development to the south is considered appropriate. The mix of single and two storey dwellings is apt in the context where there is a variety of dwellings. The location of the single and storey and a half dwellings to the east of entrance, provides for a suitable relationship

with the bungalows within Baldwins Close. Boundary treatment details are to be secured by condition.

The design of each property, following amendments during the course of the application, is considered acceptable with their form, detailing and materials positively responding to the local context. Details of final external materials are to be secured by condition.

Subject to conditions securing the above matters, the development would have an acceptable impact upon the character and appearance of the area and would accord with the requirements of Policies EN 2 and EN 4 in this respect.

4. Housing Mix and accessible and adaptable homes

Policy HO 1 states that unless demonstrated that a proposal will address a specific identified local need for sheltered/supported accommodation, all new housing developments of five or more dwellings shall comprise of at least 40% with not more than 70sqm internal floor space and incorporate two bedrooms or fewer, and at least 20% of dwellings shall be suitable or easily adaptable for occupation by the elderly, infirm or disabled.

The supporting text for this policy highlights that through the Strategic Housing Market Assessment (SHMA), there is an identified preponderance of larger, detached dwellings in the existing housing stock. One of the aims of this policy is to help address the imbalance and support the provision of smaller homes.

The proposal comprises of two 2-bedroomed dwellings and seven 3-bedroomed dwellings. The 2-bedroomed dwellings would have a floor area of 70sqm, whilst the 3-bedroomed dwellings would have either 114sqm or 145sqm floor areas. In this respect, the proposals would not comply with the requirements of HO 1 with only 22% of the dwellings meeting the bedroom/floorspace requirements.

The applicant has confirmed that each of the nine dwellings has been designed to meet the M4(2) Building Regulation standard. This provision exceeds the requirement for 20% of the dwellings to be suitable or easily adaptable for occupation by the elderly, infirm or disabled. A condition is required to secure this provision.

The proposal therefore fails to comply with HO 1 in full, given the lack of smaller 2-bedroomed properties (22% falling below the required 40%). The conflict with this policy will be weighed within the overall planning balance section below. The proposals would however comply with the policy requirements relating to accessible and adaptable dwellings.

5. Residential amenity

Future occupiers

Policy EN 4 of the Core Strategy states that new dwellings should provide acceptable residential amenity. Paragraph 135 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

Paragraph 3.3.9 of the North Norfolk Design Guide states that dwellings should include refuse disposal and recycling storage facilities, drying areas and access to outdoor amenity space. Internally, dwellings should have not less than 20 square metres of habitable floor area. Paragraph 3.3.10 states that private garden areas should be of adequate size and shape to serve their intended purpose. They should be substantially free from shading and are recommended to be of an area equal or greater than the footprint of the dwelling they serve.

When considering the amenities of the future occupiers of the proposed development, regard to the '*Technical housing standards – nationally described space standard*' has been given. Furthermore, regard has been given to the guidance set out within the Government's National Model Design Code in relation to these matters.

Each of the proposed dwellings would be provided with their own private external amenity areas. All of these would exceed the minimum space requirements noted above and would be suitable having regard to privacy and function. Internally, all of the dwellings would accord with the national technical housing standards.

Existing amenities

Policy EN 4 of the Core Strategy states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 135 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

Paragraph 3.3.10 of the North Norfolk Design Guide states that residents have the right to adequate privacy levels, nor should new development lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact.

Concerns have been raised by local residents that the development would result in loss of privacy, tranquillity and general enjoyment of the area. Amended plans received during the course of the application have sought to address officer comments relating to privacy. Such changes include the replacement of rooflight balconies with standard rooflights for Plots 3-5. A section plan demonstrating that these rooflights would be positioned at least 1.7m above floor level has also been provided. These changes would ensure that overlooking potential from these rooflights is significantly minimised/removed. Additionally, the first-floor rear window within Plots 3-5 and which serves a bathroom will be conditioned to be obscurely glazed, thus removing potential for overlooking.

Plots 1 and 2, being single storey with only ground floor windows would not present overlooking concerns. Plots 6 - 9 would be located at a distance from, and at angles, to existing dwellings, which would ensure that they would not result in adverse impacts. No overbearing or overshadowing impacts are expected given the separation distances of all proposed dwellings from existing, coupled with their northerly siting.

During construction of the development there would likely be a degree of disturbance for the residents of the surrounding dwellings. Such disturbance would however be relatively short in duration and the contractors at the site would be required to comply with relevant codes of practice. In order to minimise impacts on neighbouring amenities, a condition requiring the submission of an on-site construction parking plan is included, as is a condition which restricts the hours of construction to avoid noise and disturbance during unsocial times.

Summary

The proposed development would provide high quality residential amenities for the future occupiers of the dwellings. Whilst the development would change the outlook of a number of surrounding existing residents, the layout and design proposed would ensure that no significantly detrimental impacts would occur. The development would accord with Policy EN 4 of the Core Strategy and the guidance contained within the North Norfolk Design Guide.

6. Heritage impacts

Policy EN 8 of the Core Strategy states that “where required, development proposals affecting sites of known archaeological interest will include an assessment of their implications and ensure that provision is made for the preservation of important archaeological remains.”

Paragraph 207 of the NPPF requires that where development has potential to include heritage assets with archaeological interest, that an appropriate desk-based assessment and, where necessary, a field evaluation be submitted. Paragraph 218 requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact. Such information is to be made publicly accessible.

Comments received initially from the Archaeology Officer highlighted that evidence for several phases of activity of medieval and post-medieval date had been found nearby. As a result, the Archaeology Officer concluded that this site may also contain archaeological interest. Following receipt of these comments, the applicants questioned this requirement on the basis that this application would potentially be the third to be allowed at this site within the last 10 years, and no previous archaeological requirements have previously been imposed. The Archaeology Officer subsequently confirmed that there has been no archaeological investigations or new sources of archaeological data in the vicinity of the site since early 2015. Equally, there has been no significant change in planning policy or guidance since the previous applications were approved. Having regard to these points, the Archaeology Officer has accepted that it is not appropriate to require archaeological works as part of this application.

In all other respects, the development would not have any adverse impacts upon heritage assets and the development would accord with the requirements of Core Strategy Policy EN 8 and Chapter 16 of the NPPF in respect to these matters.

7. Ecology impacts

Policy context

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

Core Strategy Policy SS 4 states that areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green

networks will be encouraged. Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife.

Policy EN 9 States that all development should protect the biodiversity value of land and buildings and minimise the fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Proposals which cause a direct or indirect adverse effect to nationally designated sites, 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.

The policy also states that development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.

Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 193 states that when determining planning applications, significant harm to biodiversity should be avoided, adequately mitigated, or, as a last resort, compensated for. Should this not be possible, then permission should be refused. Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused unless there are wholly exceptional reasons. Opportunities to incorporate biodiversity improvement in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The application has been supported by a Construction and Ecological Management Plan, an Ecological Enhancement Plan, alongside landscaping details. The Council's Ecology Officer has considered the proposed development and raises no objection in respect to on-site ecological impacts. Conditions are required to secure the mitigation and enhancement measures set out in the above documents.

The site itself is not considered to contain any protected species or habitats of particular significance. This finding is in line with the conclusions drawn during the consideration of the previous planning applications at this site.

Nutrient Neutrality

The site is within the foul and surface water catchments of The Broads Special Area of Conservation (SAC) and Ramsar Site which is covered by the advice issued by Natural England in March 2022 about nutrient pollution in this protected habitat and the River Wensum SAC. The letter advised that new development (which includes new dwellings) within the

catchment of these habitats comprising overnight accommodation can cause adverse impacts on nutrient pollution affecting the integrity of these habitats. Mitigation is therefore required to ensure the development would not have an adverse effect on the integrity of The Broads SAC and Broadland Ramsar and or damage or destroy the interest features for which they have been notified.

The application has been supported by Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS). This document sets out the total Phosphorus and Nitrogen budgets for the development, having completed the Norfolk nutrient budget calculator. The total Phosphorus resulting from the development which requires mitigation totals 0.67Kg/year, whilst Nitrogen totals 21.40Kg/year.

In order to mitigate these impacts, the applicant has chosen to purchase credits from the Norfolk Environmental Credits (NEC) strategic scheme. A Credit Certificate has been provided alongside NEC's Septic Tank Upgrade Strategic Framework and a Shadow Strategic Appropriate Assessment. This Shadow Strategic Appropriate Assessment has been agreed by Natural England who state that it is sound and the document can be relied on by Local Planning Authorities as part of their Appropriate Assessment for water quality impacts for developments that purchase sufficient credits from NEC.

The Credit Certificate demonstrates that 0.7Kg/year of permanent Phosphorus and 21.4Kg/year of Nitrogen credits have been purchased. The septic tank upgrades which have provided these credits have already taken place and unilateral undertakings have been provided by the relevant landowners securing these upgrades and their maintenance for the lifetime of the development. The Credit Certificate states that the earliest date which occupation of the new (proposed) development could take place is 18th December 2024.

The credits already purchased provide sufficient mitigation to ensure that the proposed development would be nutrient neutral. Having considered the submitted evidence and information provided by the applicants and having due regard to the comments made by Natural England, the Council's Appropriate Assessment concludes that the Shadow Strategic Appropriate Assessment can be relied upon in relation to water quality impacts for the development. This Appropriate Assessment fulfils the Council's duties as competent authority in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended).

GIRAMS

Policy BR124 requires the *"prior approval of a scheme of mitigation to minimise potential impacts on the North Norfolk Coast SAC / SPA arising as a result of increased visitor pressure, and on-going monitoring of such measures."* Since the time of this policy's adoption, these visitor pressure impacts have been considered as part of the Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS), which has been adopted and agreed between the Norfolk planning authorities and Natural England. This Strategy and its findings ensure that the impacts upon the protected sites contained with Policy BR124 are appropriately considered and addressed.

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.

GIRAMS is a strategic approach to ensure no adverse effects are caused to European sites across Norfolk, either alone or in-combination from qualifying developments. Taking a coordinated approach to mitigation has benefits and efficiencies and ensures that developers and the LPAs meet with the Conservation of Habitats and Species Regulations 2017 (as amended).

The application site falls within the North Coast Sites, Norfolk Valley Fens and The Wash Zones of Influence as defined within the strategy. 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 new net residential and tourism development are required to mitigate the effects of the development and show how this will be achieved before approval of planning permission. The tariff is currently collectively set at £221.17 per net new residential dwelling and is index linked.

The applicant has submitted a Section 111 form alongside the required tariff payment of £1990.53. The Council, as Competent Authority have completed a Habitat Regulations Assessment for the planning application and has concluded, having secured the required tariff payment, the development 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.

Biodiversity Net Gain (BNG)

The application is supported by a completed copy of the Council's Biodiversity Gain Statement (BGS) template and Statutory Metric.

The baseline habitats consist only of modified grassland and hedgerows (one species-rich, three non-native ornamental). The Ecology Officer has confirmed that they are satisfied with the baseline calculations.

The proposed development would result in a -71.22% loss for habitat units and +19.47% gain for hedgerow units. The use of off-site units or statutory credits to deliver the habitat units necessary to achieve a 10% gain can be established when discharging the statutory biodiversity gain condition which requires submission of a Biodiversity Gain Plan (BGP) and Habitat Monitoring and Management Plan (HMMP). A condition and informative are included to secure the BNG provisions.

Summary

The information and evidence which was, and which has subsequently, been submitted has now satisfactorily addressed the site's ecological impacts. For the reasons stated above, and subject to relevant conditions, Officers consider that the proposal would comply with Core Strategy Policy EN 9, paragraphs 187, 193 and 194 of the Framework and The Conservation of Habitats and Species Regulations 2017 (as amended).

8. Arboricultural impacts

Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries. Policy EN 9

seeks to maximise opportunities for restoration, enhancement and connection of natural habitats.

Paragraph 187 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside, including the benefits associated with trees and woodland.

The application is supported by an arboricultural report. This provides a comprehensive assessment of the arboricultural interest at the site and potential impacts of the proposed development, including future conflicts. An area of hedgerow measuring 10 metres would need to be removed to facilitate the provision of the new entrance, including visibility splays. Parts of the development would also fall within the Root Protection Areas (RPAs) of trees and hedges. The report assesses these as moderate adverse impacts but would be mitigated by coppicing the hedge and infilling the hedge, as well as planting 15 new trees. Shading from existing trees was considered acceptable with no significant impacts on amenities expected.

The Council's Tree Officer has considered the submitted information and confirms that recommendations made within the report are appropriate and proportionate, and it is therefore considered fit-for-purpose. A number of conditions are required to secure the measures set out within the report.

Subject to the imposition of the conditions noted above, the proposals would accord with relevant sections within Core Strategy Policies EN 2 and EN 9 as well as the relevant guidance contained within the NPPF.

9. Highways

Policy CT 5 requires development to provide safe and convenient access for all modes of transport, including access to the highway network. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Access & trip generation

The proposal seeks to create an access from the corner of Bure Road/Orchard Close. This would also see the existing footpath running along the east of Bure Road extended into the site. Initial questions regarding the tie in of the new access raised by the Highway Authority have been subsequently addressed through the submission of updated plans.

Concerns have been raised by both the Parish Council and local residents that the proposed access via Orchard Close/Bure Road is unsuitable to cater for additional traffic. Additional concerns have been raised about the suitability of the surrounding roads to accommodate the additional traffic which would be generated from this development.

The Highway Authority have not responded to the latest consultation request and have not updated their comments on the application since their original response in July 2024. Officers are of the view that the point raised within their initial response has been satisfactorily addressed through the submission of amended plans. As part of these amendments, the applicants also served the appropriate notice on the County Council as the land owner. The

Highway Officers initial comments did not raise an objection to the development on highway safety grounds, and confirmed that they had no issue with the principle of the development. Furthermore, weight has to be attached to the fact that the position of the access remains in the same location as twice previously approved and is as suggested within the supporting text for Policy BRI24 as set out in the Site Allocations document. There has been no material change in policy or guidance in relation to access/traffic since the determination of the previous applications.

Given that the access would provide a safe connection to the wider road system, and that the extent of additional traffic generated by the development can be suitably catered for within the existing network, the development would accord with Policy CT 5. Refusal of the application on highway grounds would also likely be seen as being unreasonable given the policy position and in light of the previous permissions, both of which are material considerations.

Therefore, subject to the imposition of relevant conditions, it is considered that the scheme would safeguard highway safety in accordance with Policy CT 5 of the Core Strategy.

Vehicular parking

Policy CT 6 requires adequate vehicle parking facilities to be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle parking in accordance with the Council's parking standards, including provision for people with disabilities. In exceptional circumstances, these standards may be varied where appropriately justified.

The North Norfolk Design Guide states at paragraph 3.3.22 that 'in-curtilage' parking is recommended where possible to take advantage of personal surveillance and defensible space. The Council's parking standards require 1.5 space per 1 bedroomed unit, 2 spaces for 2- or 3-bedroom units and 3/4 spaces for units with 4 or more bedrooms.

The proposed housing mix comprises of two and three bedroomed dwellings and thus there is a requirement for two vehicular spaces for each dwelling. The proposed site plan shows two external spaces for Plots 1 and 2, which do not have garages. Those plots with garages provide one space within the garage and one external space in front. The proposed garages meet the required dimensions (7m x3m) in order to count towards parking spaces, whilst the external spaces also adhere to the relevant dimensional requirements.

Norfolk County Council Parking Guidelines state that visitor spaces should be provided at a ratio of one space for every five dwellings. In this instance, this would equate to a requirement of two spaces. These are provided for at the site's entrance, adjacent to Plot 1 and would help reduce the need for parking within the existing highway network. A condition is required to ensure that all visitor spaces are only used for this purpose.

Indicative electric vehicle (EV) charging locations have been provided, however, the exact details of these will need to be secured via condition. These details and provision of EV charging is required in order address the requirements of Emerging Policy CC 8, as well as the latest Building Regulations requirements.

Cycle parking/storage

Policy CT 6 requires development proposals to make provision for cycle parking in accordance with the Council's parking standards. The standards set out that for individual houses, provision would be accommodated within garages or within sheds in rear gardens.

Seven of the nine dwellings would be provided with a garage which would be suitable for the storage of bicycles. Plots 1 and 2 would not have a garage and therefore cycle storage would need to be in the form of garden shed. Planning conditions can secure details and the provision of these. Subject to conditions, this requirement is considered to be met, and the development would support the use of more sustainable modes of transport.

Summary

Subject to conditions, the development would accord with Core Strategy Policies CT 5 and CT 6 and Chapter 9 of the NPPF. Furthermore, no objections have been received from the Highway Authority in respect to these proposals.

10. Flooding risk and drainage

Policy EN 10 of the Core Strategy states that the sequential test will be applied rigorously across North Norfolk and most new development should be located in Flood Risk Zone 1. The policy also states that appropriate surface water drainage arrangements for dealing with surface water runoff from new development will be required. The use of Sustainable Drainage Systems will be the preference unless, following an adequate assessment, soil conditions and / or engineering feasibility dictate otherwise.

The Planning Practice Guidance details what sort of sustainable drainage system should be considered. Generally, the aim should be to discharge surface run-off as high up the following hierarchy of drainage options as reasonably practicable. This is 1) Into the ground (infiltration); 2) To a surface water body; 3) To a surface water sewer, highway drain or another drainage system; 4) To a combined sewer. This hierarchy follows the same order of priority of Approved Document H3 of the Building Regulations.

The Environment Agency Flood Risk Maps position the site as falling within Flood Zone 1 giving the site a low risk of flooding (less than 1 in 1000 annual probability). The Government's long-term flood risk mapping shows the site falling within an area at very low risk of surface water flooding.

Falling below the relevant thresholds for requiring a site-specific Flood Risk Assessment (FRA) and not constituting 'major development', the application was not required to be supported by any flooding/drainage information. During the course of the application, details regarding surface water management were requested and subsequently received. The proposals show that the new sealed surface road would drain into crate soakaways under the road within the site. Percolation testing was undertaken in the location of the proposed crate soakaways which demonstrated that suitable ground conditions exist in this area to manage surface water via infiltration. Individual plots would have their surface water managed by 'on-plot' soakaway systems, the exact details of which would be required as part of the building regulations process.

Subject to a condition securing the proposed surface water drainage details, the development would accord with Core Strategy Policy EN 10 and the guidance set out within Chapter 14 of the NPPF.

11. Energy Efficiency

Policy EN 6 states that new development will be required to demonstrate how it minimises resource and energy consumption and how it is located and designed to 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, and regard should be given to the North Norfolk Design Guide in consideration the most appropriate technology for the site.

The applicant has proposed to use Air Source Heat Pumps (ASHP) in combination with solar panels for each of the new dwellings in order to provide for the 10% on site renewable energy generation. It is expected that the provision of both solar panels and ASHP would ensure that the 10% on-site renewable target is met, however in order to confirm compliance with this requirement, further details can be secured via condition.

Conditions securing further details of the ASHP and solar panels, including their final locations, appearance, technical specifications and performance (achieving at least 10%), are to be included as part of any approval. Subject to such a condition(s), the development would accord with of Policy EN 6.

12. Community Infrastructure Requirements

Policy SS 6 of the Core Strategy requires development to be supported by and have good access to, infrastructure, open space, public services and utilities. Core Strategy Policy CT 2 states that for schemes of 10 or more dwellings, where there is not sufficient capacity in infrastructure, services, community facilities or open space, improvements which are necessary to make that development acceptable will be secured by planning conditions or obligations.

Falling below the relevant thresholds for requiring contributions towards open space, education, health etc., this development of nine dwellings proposes no on-site provision of, or off-site financial contributions towards community infrastructure.

13. Other matters

Affordable Housing

Policy BRI24 sets out in relation to affordable housing at this site that 'development will be subject to compliance with adopted Core Strategy policies including on-site provision of the required proportion of affordable housing (currently 50%)'. That would equate to the provision of five dwellings for this development. Consideration however has to be given to the NPPF at Paragraph 65 that states that the '*provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)*'. Given that this

development does not constitute major development, and based upon how this policy has been historically applied under the current Core Strategy, including as part of previous applications at this site, there would be no requirement for this development to provide affordable housing.

Whilst always regrettable when affordable housing does not form part of developments helping to provide mixed and inclusive communities, particularly when the need for such provision within the district is significant, the zero provision of affordable dwellings in this instance would not justify refusal of planning permission.

Pre-commencement conditions

The recommendation proposes pre-commencement planning conditions therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such a condition. Notice for two conditions was served on the 20 December 2024 and agreed in writing by the applicant on the 07 January 2025. A further notice for an additional condition was served on the 09 January 2025 and the response is pending at the time of writing. A verbal update will be provided at the development committee meeting.

14. Planning balance/conclusion

As is set out above, in light of the Council's housing land supply, the application must be considered in accordance with paragraph 11d of the NPPF. Following the development being found to be nutrient neutral, with mitigation already in place, as demonstrated through the credit certificates received, as well as the GIRAMS tariff having already paid, there are no strong reasons for refusal relating to protected areas or assets relevant to this application. Therefore the 'tilted balance' as set out at paragraph 11d) ii. is engaged for the determination of this application.

The development whilst providing no long-term economic development would result in economic benefits both through the construction phase and then by future resident expenditure within the local economy.

The social role of the development comprises of the provision of nine dwellings, on a site allocated within the Development Plan, at a time when the Council is unable to demonstrate 5-year housing land supply. The development would also make a modest contribution towards the provision of new homes within the district, helping respond to the government's objective to significantly boost supply.

The proposed layout, scale and appearance of the proposed dwellings are considered to appropriately respond to the surrounding context. The proposals include a suitable soft and hard landscaping scheme which would help integrate the development into its village edge setting. The development would however fail to deliver the required number of smaller dwellinghouses, contrary to Policy HO 1 requirements, and thus the development would contribute to the preponderance of larger, detached dwellings in the housing stock and fail to address the imbalance and support the provision of smaller homes.

Environmentally the development would also conform to or surpass the latest energy efficiency standards and Building Regulations as well as resulting in net gains for biodiversity. The development has been found to be acceptable, both in terms of on and off-site ecological impacts. Financial contributions towards GIRAMS have been received and the septic tank upgrade mitigation already provided as confirmed by the nutrient Credit Certificate would ensure that the development achieves nutrient neutrality, thus ensuring that the protected sites are not further degraded. Suitable surface water drainage systems would be provided as secured by condition.

Highways have raised no objection to the proposed development and appropriate vehicular and cycle parking provision would be made within the site.

Taking account of both the matters in support and those against the proposed development, it is considered that adverse impacts of the development, namely the conflict with Policy HO 1, would not significantly and demonstrably outweigh the benefits associated with the provision of nine dwellings. As such, the development should be approved as set out below:

RECOMMENDATION:

APPROVAL subject to the imposition of conditions to cover the matters listed below and any others considered necessary at the discretion by the Assistant Director - Planning

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason:

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- PL-01 Rev P06 Location, Site and Elevation View Plans
- PL-02 Rev P06 Proposed Elevation and Floor Plans

Reason:

For the avoidance of doubt and in the interests of proper planning.

3. Before their first use on site details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application.

Reason:

To ensure the satisfactory appearance of the development in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

4. The rear dormer windows at first floor level within the south elevations of the Type B dwellings hereby permitted as shown on PL-01 Rev P06 and PL-02 Rev P06, shall be glazed with obscured glass which achieves at least the equivalent of Pilkington obscurity level 4 and shall be non-opening and shall be permanently maintained in that condition.

Reason:

To ensure that the development would not result in an adverse impact upon the residential amenities of neighbouring occupants in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

5. No development shall commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason:

To ensure adequate off-street parking during construction in the interests of residential amenities and highway safety in accordance with Policies EN 4 and CT 5 of the adopted North Norfolk Core Strategy.

6. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

Reason:

To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

7. No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800, Monday to Friday, before the hours of 0800 nor after 1300, Saturdays nor on Sundays or recognised public holidays.

Reason:

To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

8. All nine (9) of the dwellings hereby approved shall be built to accessible and adaptable standards (building regulations M4(2) or M4(3)). No development above ground slab level shall commence on site until details of how such properties are to be built to achieve these standards, are submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

Details are required in the absence of information accompanying the planning submission, to ensure that an appropriate high quality form of development is provided which enables people to stay in their homes as their needs change in accordance with Policy HO 1 of the adopted North Norfolk Core Strategy.

9. Each of the nine (9) dwellings hereby approved shall be provided with an Air Source Heat Pump (ASHP), prior to installation of the ASHPs, full details including location, acoustic specifications, and any specific manufacture measures to control noise from the equipment, shall first be submitted to and approved in writing by the Local Planning Authority. The approved ASHPs shall be installed and be made operational prior to first occupation of each dwelling and maintained thereafter in full accordance with the approved details.

Reason:

To ensure that the development provides for at least 10% on-site renewable energy generation in a visually acceptable manner and which ensures that appropriate residential amenities are provided in accordance with Policies EN 4, EN 6 and EN 13 of the adopted North Norfolk Core Strategy.

10. Prior to installation, details including the location, appearance and specification of the solar panels to be provided on the roofs of the dwellings and garages hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall be installed and made fully functional prior to the occupation of each of the associated dwellings.

Reason:

To ensure that the development provides for at least 10% on-site renewable energy generation in a visually acceptable manner and which ensures that appropriate residential amenities are provided in accordance with Policies EN 4, EN 6 and EN 13 of the adopted North Norfolk Core Strategy.

11. No works shall commence on the site until such time as detailed plans of the roads, footways, street lighting, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority.

All the works shall be carried out on roads/footways/street lighting/foul and surface water sewers prior to the occupation of the final dwelling in accordance with the approved plans and specifications to the satisfaction of the Local Planning Authority.

Reason:

To ensure the satisfactory development of the site and to ensure roads and any street furniture/infrastructure are constructed to appropriate standards in a timely manner in accordance with Policies EN 4 and CT 5 of the adopted North Norfolk Core Strategy.

12. Before any dwelling is first occupied the road(s)/footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road.

Reason:

To ensure the satisfactory development of the site and to ensure roads and any street furniture/infrastructure are constructed to appropriate standards in a timely manner in accordance with Policies EN 4 and CT 5 of the adopted North Norfolk Core Strategy.

13. All vehicle parking spaces within the proposed development, including garages, shall be carried out in accordance with the approved plans, and be provided prior to first occupation of the associated dwellings and thereafter not be used for any purpose other than parking, loading and unloading of vehicles.

Reason:

To ensure the permanent availability of sufficient parking and manoeuvring area within the development in the interests of highway safety and in accordance with Policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

14. Details, including elevations, floor plans and materials of garden sheds for Plots 1 and 2 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works above ground slab level for these Plots. The Sheds shall be provided in accordance with the approved details prior to the first occupation of Plots 1 and 2.

All garages shown on drawing No. PL-01 Rev P06 shall be provided in accordance with the approved plan prior to first occupation of the associated dwellings.

Reason:

To ensure that cycle parking/storage facilities are provided for each dwelling in order to promote low carbon modes of transport in accordance with Policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

15. There shall be no restriction on the use of the unallocated residential car parking spaces as shown on approved plan drawing No. PL-01 Rev P06 by either occupiers of, or visitors to, any of the dwellings hereby permitted and the parking shall remain available for general community usage.

Reason:

To ensure the permanent availability of sufficient visitor parking areas within the development in the interests of highway safety and in accordance with Policies CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

16. Prior to occupation of the dwellings hereby approved details of electric vehicle charging provision for each of the nine (9) dwellings shall be submitted to and approved in writing by the Local Planning Authority. Such details should include the specification, appearance and siting of charging points. The electric vehicle charging provision shall be carried out and made fully functional prior to the first occupation of the associated dwelling(s) in accordance with the approved details and thereafter shall be maintained in accordance with manufactures specifications.

Reason:

Details are required prior to occupation to ensure that visually acceptable electric vehicle charging points are made available prior to occupation of the approved dwellings in accordance with Policies EN 4, EN 6 and CT 6 of the adopted North Norfolk

Core Strategy and the guidance contained within Chapter 14 of the National Planning Policy Framework.

17. The landscaping works shall be carried out prior to first occupation of the dwellings hereby approved in accordance with the approved Landscape Schedule, including Landscaping plan 4918/01/ Rev A and 03/Rev A and accompanying specifications, produced by CJ Yardley Landscape Survey and Design LLP, dated September 2024.

Management of the approved landscaping shall commence immediately after first planting in accordance with the details set out within Section 3 of the approved Landscape Schedule and the Landscaping Management Plan, produced by C J Yardley Landscape Survey and Design LLP, dated September 2024.

Any tree, shrub or hedgerow forming part of the approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of ten years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in the same place.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

18. Development including any demolition and site clearance or preparatory work, shall not commence until the scheme for the protection of the retained trees and hedges has been implemented in full in accordance with the approved Arboricultural Impact Assessment, Tree Protection Plan (4918/02 Rev A), Method Statement, by C J Yardley Landscape Survey and Design LLP, dated September 2024.

The protection measures shall be retained and maintained during the period of construction works/building operations on the site.

Within the fenced area(s) the following shall not occur:

- i) no soil, fuel, chemicals or materials shall be stored, or;
- ii) temporary buildings erected, or;
- iii) plant or vehicles parked, or;
- iv) fires lit, or;
- v) cement or other contaminating materials or substances mixed, or;
- vi) no equipment, machinery or structures shall be attached to or supported by a retained tree, or;
- vii) no alterations to ground levels or excavations made.

Any works to [trees/hedges] as approved shall be carried out in strict accordance to British Standard 3998:2010 Tree Work – Recommendations.

(In this condition, “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars).

Reason:

To protect trees and hedges on the site in the interest of the visual amenity, and the character and appearance of the area, in accordance with Policy EN 4 of the adopted

North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

19. Unless detailed within the Arboricultural Impact Assessment, Tree Protection Plan (4918/02 Rev A), Method Statement, by C J Yardley Landscape Survey and Design LLP, dated September 2024, and approved as part of this permission, no tree, shrub or hedgerow which is shown within Tree Protection Plan 4918/02 Rev A to be retained, shall be topped, lopped, uprooted, felled or in any other way destroyed, within ten years of the date of this permission.

Reason:

To protect trees and hedges on the site in the interest of the visual amenity, and the character and appearance of the area, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

20. The existing hedgerows referred to as G3, G4 and G5 as set out within the Arboricultural Impact Assessment, Tree Protection Plan (4918/02 Rev A), Method Statement, by C J Yardley Landscape Survey and Design LLP, dated September 2024 shall be retained, at a minimum height of 3m from ground level, for a period of not less than ten years from the date of this permission. Should the hedge die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, a replacement hedge shall be planted/installed in accordance with details and timescales which shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect trees and hedges on the site in the interest of the visual amenity, and the character and appearance of the area, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

21. The development hereby approved shall be carried out in strict accordance with the ecological enhancement measures outlined in Section 2 of the Ecological Enhancement Plan document prepared by C J Yardley, dated September 2024.

The ecological enhancement measures shall be carried out in accordance with the approved details prior to first occupation of the associated dwellings and thereafter retained in a suitable condition to serve the intended purpose.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 187 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

22. The development hereby approved shall be carried out in strict accordance with the DWAecology Construction and Ecological Management Plan (CEMP), BE-1761-02A, dated 10 May 2024.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

The mitigation and enhancement measures shall be carried out in accordance with the approved details prior to first occupation of the associated dwellings and thereafter retained in a suitable condition to serve the intended purpose.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 187 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

23. Notwithstanding the approved plans, prior to installation, scaled locational and elevational drawings, material details and colour finishes for of each of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the associated/adjoining dwellings are first occupied. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

24. No boundary treatments shall be erected, installed or constructed on site unless they include provision for a 13cm x 13cm gap at ground level at intervals of no more than 6m to facilitate commuting corridors for small mammals.

Reason:

In accordance with the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 180 of the National Planning Policy Framework, and for the undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

25. The development hereby approved shall be designed and built to meet the optional higher water efficiency standard of 110 litres/person/day as set out at regulation 36 2(b), part G2 of the 2015 Building Regulations for water usage. No occupation of each dwelling shall take place until a Building Regulations assessment confirms that the dwelling has been constructed in accordance with regulation 36 2(b) of part G2 of the Building Regulations for water efficiency and has been submitted to and agreed in writing by the Local Planning Authority.

The approved water efficiency measures shall thereafter be retained. Any replacement that is subsequently required shall be of at least the equivalent specification as originally approved, or better.

Reason:

To ensure the development is constructed to the water efficiency standard used to calculate nutrient outputs associated with this development within the Habitat Regulations Assessment so that the development does not result in a net increase in nutrient loading that would be harmful to the integrity of The Broads Special Area of Conservation and Broadland Ramsar in accordance with Policy EN 9 of the adopted

North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.

26. The development hereby approved shall be built in accordance with the surface water drainage details shown on plan, PL-01 Rev P06.

The approved scheme shall be implemented prior to the first occupation of the development hereby approved and fully completed in accordance with the approved details prior to final occupation and thereafter maintained as approved.

Reason:

For the avoidance of doubt and in the interests of proper planning, to prevent flooding, ensuring the satisfactory management, storage and disposal of surface water from the site in a range of rainfall events and ensuring the Sustainable Urban Drainage System proposed operates as designed for the lifetime of the development in accordance with Policy EN 10 of the adopted North Norfolk Core Strategy and Chapters 14 and 15 of the National Planning Policy Framework.

27. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A, B, D and E of Part 1 and Class A of Part 2 of Schedule 2 of the Order shall be carried out/erected on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

Reason:

To prevent the overdevelopment of the site in the interests of the amenity of the area, to safeguard the amenities of the adjoining properties, and to ensure that development does not adversely impact important trees and hedging in accordance with Policies EN 4 and EN 9 of the adopted North Norfolk Core Strategy.

28. Where the statutory Biodiversity Net Gain requirements apply and where a biodiversity gain plan has been submitted to and approved in writing by the Local Planning Authority, the biodiversity gain plan and, where appropriate, any related Habitat Management and Monitoring Plan and/or Landscape Ecological Management Plan shall be carried out in strict accordance with those approved details.

Such habitat creation or enhancements delivering the biodiversity net gain increase set out in the biodiversity gain plan and any related Habitat Management and Monitoring Plan and/or Landscape Ecological Management Plan shall be maintained for at least 30 years after the development is practically completed.

The applicant / developer shall notify the Local Planning Authority in writing of the date of practical completion of the development hereby permitted. Such notification shall be provided within 14 days of the date of practical completion of the development.

Reason: For the avoidance of any doubt and to ensure that the development proposed is delivering the statutory minimum biodiversity net gain requirements for 30 years and to ensure that biodiversity value is enhanced in accordance with the requirements of Core Strategy Policy EN 9.

29. The applicant / developer shall notify the Local Planning Authority in writing of the date of commencement of the development hereby permitted. Such notification shall be provided within 14 days of the date of commencement.

Reason: To ensure the GIRAMS tariff payments secured in relation to this development are made available and can be used towards the county wide strategic mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy, or successive strategy, which is aimed at delivering the necessary mitigation to avoid adverse effects on the integrity of European Sites arising as a result of the development.

Informatives

- 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.
 - 1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.
 - 1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £145 or £43 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.
2. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-
- proactively offering a pre-application advice (in accordance with paragraphs 39 - 47);
 - seeking further information following receipt of the application;
 - seeking amendments to the proposed development following receipt of the application;
 - considering the imposition of conditions and or the completion of a s.106 legal agreement (in accordance with paragraphs 55-58).

In this instance:

- the applicant was updated at each stage during the consideration of the application;
- various amended plans were submitted by the applicants and have been duly considered;
- meetings with the applicant were held during the course of the application;
- time was spent working with the applicants to resolve nutrient neutrality matters;
- the application was subject to the imposition of conditions.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. Shrub clearance should be undertaken outside of bird nesting season (March to August inclusive) if at all possible in order to avoid impact on nesting birds protected under the Wildlife and Countryside Act 1981. Should clearance be required during nesting season then the site should first be surveyed by a suitably qualified ecologist for signs of nesting and if any area found works should cease in that area until nesting has been completed and fledglings have left the nest.
4. The applicant/agent is advised that any removal of asbestos from the site should be in accordance with the Control of Asbestos Regulations 2012, under which the applicant/agent has a duty of care. Holders of this duty must prevent escape of the waste whilst it is under their control. For further help and advice in respect of asbestos removal the applicant/agent is advised to contact the Health and Safety Executive (HSE) on 0845 345 0055 (www.hse.gov.uk/asbestos).
5. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Where a Biodiversity Gain Plan is required to be submitted to the Local Planning Authority for approval and:

- (i) The plan to be submitted proposes **significant*** on-site habitat enhancement or creation, a Habitat Management and Monitoring Plan (HMMP) shall also be submitted to the Local Planning Authority. The HMMP shall include:
 - (a) a non-technical summary
 - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP

(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan

(d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development

(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority and

(f) details of persons responsible for submitting monitoring reports to the Local Planning Authority in accordance with the monitoring methodology and frequency set out at e).

(ii) The plan to be submitted proposes on-site habitat enhancement or creation that is **not deemed to be significant***, a Landscape Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority. The LEMP shall include:

(a) a non-technical summary

(b) the roles and responsibilities of the people or organisation(s) delivering the LEMP

(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan

(d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

(f) details of persons responsible for submitting monitoring reports to the Local Planning Authority in accordance with the monitoring methodology and frequency set out at e).

Where HMMPs require monitoring by the Local Planning Authority across the 30 year BNG period, the applicant/landowner shall be required to enter into a S106 Obligation in order to secure the reasonable costs to be incurred by the Local Planning Authority in monitoring the proposed biodiversity net gains. Such costs will be calculated using up to date cost calculations and monitoring fees will be required as a single upfront lump sum to simplify the administrative process otherwise will be subject to additional inflation calculations and administration charges.

*When seeking to identify whether on-site mitigation is or is not deemed to be **significant**, advice should be sought from the Local Planning Authority prior to submission of a Biodiversity Gain Plan.

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ERPINGHAM - PF/22/0801 – Removal of stables, tennis court and outbuildings, and the creation of self-heated dwelling with associated access and landscaping works at 1 Walpole Barns, Thwaite Common, Erpingham, Norwich

Minor Development

Target Date: 30th January 2025

Extension of time: 10 February 2025

Case Officer: Phillip Rowson

Full Planning

RELEVANT SITE CONSTRAINTS:

Conservation Area Mannington and Wolterton

Landscape Character Assessment River Valleys Type: RV2 (River Valleys) River Bure and tributaries & TF1 (Tributary Farmland)

Countryside location

Nutrient Neutrality Surface Water - River Bure

GIRAMS multiple ZOI

Gas pipeline buffer

RELEVANT PLANNING HISTORY:

PF/94/0482: Stables – Approved

PF/94/1503: Tack room & stable block – Approved

PF/01/0952: Construction of tennis court with chain link perimeter fence – Approved

PF/01/1352: Construction of tennis court (revised siting) - Refused : Appeal dismissed.

PF/16/1243: Demolition of outbuildings/sheds and erection of two-storey garage and hanger - Approved

PF/22/0801: Removal of stables, tennis court and outbuildings, and the creation of self-heated dwelling with associated access and landscaping works - PCO - Pending Consideration

THE APPLICATION

Seeks permission for removal of stables, tennis court / outbuildings, and to then erect a self-heated dwelling with associated access and landscaping works. The application is a major development by virtue of having a site area of over 1 Hectare. The application is supported by:

- Arboricultural Impact Assessment
- Design & Access Statement
- Ecological Assessment
- Energy Statement
- Flood Risk Assessment
- GIRAMS HRA
- Heritage Statement
- Nutrient Neutrality Calculations

REASONS FOR REFERRAL TO COMMITTEE:

Assistant Director Call in:

This application poses a series of interesting Policy questions that include but are not limited to 'development in the countryside' and 'design and build quality'. In those regards Policy SS2 of the adopted Core Strategy and Paragraph 84 of the National Planning Policy Framework

are relevant considerations.

In addition it is recognised that the Council cannot demonstrate a 5 Year Housing Land Supply - at this time - and in the light of the new (December 2024) National Planning Policy Framework it seems appropriate to report an item to Committee where issues under paragraph 11(d) of that document (about 'granting permission unless') can be considered. This application happens to be timely in that regard

The inter-relationship of issues and planning considerations here are fairly unique and together justify consideration by Committee.

It is understood that this conclusion (i.e. reporting the matter to Committee) is one that the applicant is supportive of.

REPRESENTATIONS:

5 representations have been made **objecting** to this application, raising the following points

- Adverse impact on character of the conservation area
- Fails to meet strategic plan policy for location of development
- Impact on hedgerow
- Adverse impact on landscape
- Inappropriate and overly large design which does not enhance or preserve the existing buildings
- Flood risk from surface water flows

1 representation has been received making the following **comment**:

- Inaccurate comments from NCC highways there is no vehicular track in existing use, there is no pedestrian facility along Thwaite Common Road.

CONSULTATIONS:

Ward Councillor – Objection - supports comments of Parish Council

Alby with Thwaite PC: Objection

This major development is not in accordance with the provisions of the Area Development Plan. The proposed development includes landscape banking on an existing slope running down to Thwaite Common. There has already been historic flooding from the back fields through to The Common which has washed away Martin Conway's front brick wall.

The proposed building is at odds with the Mannington and Wolterton Conservation Area with protection against new development. The proposed large house is at odds with the following NNDC policies:

1. EN2 Protection and Enhanced landscape and settlement character which covers preserving settlement character and the special qualities and local distinctiveness of the area.
2. Policy EN4 Design. This covers scale and design and how it fits within the landscape.

A development of this type goes against the current and proposed 'core' strategy policy plans for North Norfolk SS2 (development in the countryside). It also fails to qualify under Policy HO2 (Ref 3-2-13) and should therefore be refused planning permission for a new dwelling on this site.

The proposed new house is not in keeping within the area and is against current Planning Policy. It is too large with a proposed style and design out of character with its natural surroundings.

Highways (NCC) - No objection

The site has an existing access and associated volumes of vehicular flow. No objections on highway safety, note remote from services and isolated location with no pedestrian facilities, encourage alternative modes of transport.

Public Rights Of Way (NCC) - No objection

Highlight that a Public Right of Way, known as Alby with Thwaite Footpath 6 is aligned along the Eastern boundary of the site. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation

Ramblers Association - No Objection

The site borders Alby-with-Thwaite FP6. Use of the footpath must not be jeopardised in any way, before, during, or after any development. The footpath surface, width, and headroom shall be maintained in a satisfactory condition permitting full unobstructed access at all times for walkers.

HSE - Advice

Do Not Advise Against, consequently, HSE does not advise on safety grounds, against the granting of planning permission in this case.

British Pipeline Agency - Advice

The pipeline is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.

Anglian Water - Advice

No connection to the Anglian Water sewers, we therefore have no comments.

LLFA (NCC) - Advice

Minor development refer to standing guidance.

Environmental Protection (NNDC) - Advice

Recommend a contamination risk assessment condition.

Landscape (NNDC) - Advice

Summarised - Ecology: Assuming compliance with nutrient neutrality can be resolved in due course, officers hold no objection to the proposed development subject to Conditions.

Trees: Overall, the proposals will have a beneficial impact upon existing woodlands through favourable management which will improve green infrastructure and ecological interest in the longer term. Conditions should be used to ensure compliance with the arboricultural reports submitted.

Landscape: The impact of the large areas of glazing would contribute to an incremental increase in light pollution which could affect the nocturnal character of the area. However, conservation and expansion of areas of woodland and grassland heathland and ponds, together with managing the impact of climate change are recognised as being beneficial.

Conservation and Design (NNDC) - Advice

Summarised, it is acknowledged that the proposed dwelling would be a significant intervention into this rural location. Officers are able to conclude that no harm would be caused to heritage assets. With the scheme also considered to be of some design merit, there are consequently no grounds to object to this application. In offering this comment, however, it is recognised that there is wider policy consideration which need to be factored into the overall mix

Climate & Environmental Policy (NNDC) - Advice

It is very pleasing to see this application go above and beyond the council's planning requirements and demonstrate exemplar practice in supporting the council's 2045 Net Zero district ambition. From an operational sense the building will be Net Zero ready (in line with grid decarbonisation) and an immediate 84% domestic regulated CO2 reduction against part L shows the applicant will significantly reduce their contribution of carbon emissions.

There will be significant embedded carbon emissions associated with the construction, and we encourage the applicant to consider the use of materials and suppliers that are sustainable and possess a lower embedded carbon impact than traditional materials.

Environmental Health – No Objection subject to conditions

Essentially as the original buildings are being demolished and a new building created so the requirement for a questionnaire is not applicable. Given the circumstances the following conditions should be attached:

No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified competent professional, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice, and the Environment Agency's Land Contamination Risk Management Guidance.

No development shall take place on those areas of the site which have been identified as potentially containing contaminants until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Upon completion of remediation works, a verification report undertaken by a suitably qualified competent professional must be submitted to and approved in writing by the Local Planning Authority before the development/relevant phase of development is resumed or continued, and no later than before first occupation

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, refusal 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)

SS 4 (Environment)
HO 5 (Agricultural, Forestry and Other Occupational Dwellings in the Countryside)
EN 2 (Protection and Enhancement of Landscape and Settlement Character)
EN 4 (Design)
EN 6 (Sustainable Construction and Energy Efficiency)
EN 8 (Protecting and Enhancing the Historic Environment)
EN 9 (Biodiversity and Geology)
CT 5 (The Transport Impact of New Development)
CT 6 (Parking Provision)

Material Considerations:

National Planning Policy Framework (NPPF) (December 2024)

Chapter 2 (Achieving sustainable development)
Chapter 4 (Decision-making)
Chapter 9 (Promoting sustainable transport)
Chapter 12 (Achieving well-designed places)
Chapter 14. (Meeting the challenge of climate change, flooding and coastal change)
Chapter 15 (Conserving and enhancing the natural environment)
Chapter 16 (Conserving and enhancing the historic environment)

Supplementary Planning Documents and Guidance

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

OFFICER ASSESSMENT:

Main issues for consideration:

1. Principle of development
2. Impact on character of the area and design
3. Ecology
4. Nutrient Neutrality
5. Arboriculture
6. Energy and Water Efficiency
7. Highways and parking
8. Other matters
9. Conclusion & Planning Balance

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.

In this case the development plan for the area currently includes the North Norfolk Local Development Framework Core Strategy which was adopted in September 2008 and the Site Allocations Development Plan Document which was adopted in February 2011. The emerging North Norfolk Local Plan has been subject to examination and the Local Planning Authority (LPA) have received the Inspectors initial feedback:

Three key areas arose for consideration:

- **Housing need and supply** – considering options to provide additional dwellings over an adjusted Plan period of 2024-2040 in order to address an identified shortfall of housing, and to allow for flexibility and contingency across the Local Plan period.
- **Spatial strategy** – considering a range of options to broaden the ‘Small Growth Villages’ element of the settlement hierarchy to allow for additional growth.
- **Evidence updates** – an updated Gypsy & Traveller Accommodation Needs Assessment to assess the latest need in line with best practice (already commissioned).

Following receipt of the Inspector’s findings the Council have drafted revisions and undertaken further public consultation, seeking feedback on the LPA’s proposals to address the Inspector’s main areas of concern.

At the current time, only very limited weight can be afforded to the policies of the emerging plan as noted above.

At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the LPA must have regard to. The NPPF, as amended in December 2024, does not change the statutory status of the development plan as the starting point for decision making but is a material consideration in any subsequent determination.

The spatial strategy for North Norfolk is set out within Core Strategy Policy SS 1. This states that the majority of new development within the district will take place in the towns and larger villages dependent on their local housing needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints. The policy lists principle and secondary settlements as well as service and coast service villages. The rest of North Norfolk is designated as ‘Countryside’ and development will be restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy.

The application site is within the designated Countryside as detailed in Policy SS 2, here development is limited to that which essentially requires a Countryside location. The policy sets out a number of qualifying criteria for development that will be considered in such locations. Other than agricultural workers dwellings, the only new build residential proposals that would be considered acceptable under Core Strategy policy is affordable housing under the exceptions Policy HO 3. As such, the proposal for a market dwelling in the countryside would be considered a departure from Core Strategy Policies SS 1 and SS 2.

Infill development

The supporting planning statement considers that the plot is in effect an infilling development within an informal historical linear development. However, the application itself states that the plot is set back 70 metres from the Highway extensively screened by woodland. The detached setback screened nature of development fails to provide infilling of any obvious gap in the loose linear settlement pattern at Thwaite Common.

The preamble to policy SS 2 (2.4.12) states

...that countryside area is a principal element in the rural character of North Norfolk and is enjoyed by residents and visitors. The quality and character of this area should be protected and where possible enhanced, whilst enabling those who earn a living from, and maintain and manage, the countryside to continue to do so. Therefore, while some development is restricted in the Countryside, particular other uses will be permitted in order to support the rural economy, meet local housing needs and provide for particular uses such as renewable energy and community uses.

Officers find that the proposals do not follow the settlement pattern at Thwaite Common and are not infill development. Further consideration is given to development in Countryside areas in the context of paragraph 84 of the NPPF below.

In addition to Policies SS 1 & SS 2 of the Core Strategy, paragraph 84 of the NPPF (2024) applies to consideration of development in isolated countryside locations and states:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - ii. would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area”.

In the first instance for paragraph 84 to be applicable then the application site must be remote in its setting. The ‘Braintree’ judgments (*Braintree District Council v Secretary of State for Communities and Local Government & Others [2017] EWHC 2743 (Admin) of 15 November 2017, and subsequently in the Court of Appeal judgment of 28 March 2018*); determined that “remoteness” should be given its ordinary objective meaning, i.e. ‘far away from other places, buildings or people’. The Appeal Court Judge stated that whether a proposed new dwelling is, or is not, ‘isolated’ in this sense will be a matter of fact and will be determined by the planning judgment of the decision-maker based on the specific circumstances of each case.

The site is part of wider setting of Thwaite Common, it is within the loose cluster of buildings that characterises the locality:

- 60m St Jude’s Cottage,
- 60m Walpole Barns,
- 90m Nutmeg Cottage

The impact of development in that landscape and heritage setting will be considered later. Nevertheless, the proximity of other buildings and activity from other people lead to the conclusion that the site cannot be considered ‘isolated’ in the terms of NPPF paragraph 84 as determined by the Braintree judgments i.e., it is not set ‘away’ from places, buildings and people is very limited.

In any event, even should the Council be minded to agree that the site was remote then officers would turn to consideration of exceptional design as set out in the qualifying criteria (e). Whilst there may be some limited landscape and biodiversity benefits, it seems unlikely that the proposals would “significantly enhance” the immediate setting as required by paragraph 84. The architectural design of the proposed house has merit, it may help in some small way to raise standards of design in rural areas, but there is rather less evidence to suggest that it would clear the extremely high bar of being truly outstanding design under NPPF paragraph 84.

From a technological perspective, then the aspiration for “*greener ways to use concrete*” initiative appears predicated on solving problems that do not necessarily require residential development or are otherwise predicated by mitigating the impacts of an otherwise unnecessary form development to the application site. There may be elements that would inform other efforts to address climate-change. However, it is unclear as to the extent that the proposed technology, particularly self-heating, is either groundbreaking or would readily transfer to the everyday development of smaller plots that will need to be engaged in any meaningful action. Other elements such as PV panels are already in wide commercial use. Officers can see no outstanding uniqueness to any individual technology proposed, or indeed any outstanding merit in the way in which the individual technological elements are harnessed in combination to support this project.

The result of these conclusions is that the exceptions in NPPF paragraph 84 cannot be applied, and that the proposal, being in a location not listed in Policy SS1 and for development outside of Policy SS2, would be contrary to local and national policies of restraint of new development in Countryside policy areas.

Five-year housing land supply:

The National Planning Policy Framework (NPPF) requires Local Planning Authorities to identify a supply of specific deliverable sites to provide a minimum of five-years’ worth of housing. At the current time, North Norfolk District Council is unable to demonstrate deliverable sites sufficient to provide a minimum of five years’ worth of housing.

Planning applications will therefore be considered in line with paragraph 11(d) “Tilted Balance” of the NPPF which states that:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”.

Further consideration of this will be provided within the Planning Balance section of this report below.

Self or Custom Building:

The applicant’s agent referred to the proposals in an email on 22 July 2024 as being a *self-build house*. No further evidence is submitted to inform the proposals as Self or Custom Building beyond the title of the title of that email. No mechanism is proposed to control occupancy to be restricted to Self or Custom Builders. However, for the sake of making a comprehensive decision it is appropriate to consider the proposals as updated by the agent’s email.

The Self-build and Custom Housebuilding Act 2015 (‘The Act’, as amended by the Housing and Planning Act 2015), and the Self build and Custom Housebuilding Regulations 2016, together provide the legislative basis for promoting Self and Custom Build Housing in England. The Act requires the Council to maintain a register of persons ‘seeking to acquire’ serviced plots on which to construct a custom or self-built dwelling which are “*to be occupied as homes*”

by those individuals". The Act places a duty on the Council to permit enough 'suitable' development permissions to meet the demand for serviced plots (as established by those persons and plots entered onto Part 1 of the Register).

Development permission is defined as 'suitable' in the Act if it is 'development which could include custom and self-build housing'. The relevant national guidance states 'Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area'. The definition and interpretation of 'suitable' is a key consideration in the grant of development permissions.

Irrespective of whether a dwelling is custom or self-built, this does not negate the application of the strategic development plan policies, in particular Core Strategy Policies SS 1 and SS 2 as noted above. As referenced earlier Policy SS 1 sets out the spatial strategy for North Norfolk, development will be focused on the majority of new development in the Principal Settlements. Policy SS 2 requires that development in such areas will be limited to that which requires a rural location and is for one of the forms of development listed in the policy. The acceptable forms of development listed under Policy SS 2 does not include Custom and Self Build dwellings, they would be assessed similar to market dwellings in the countryside.

The custom and self-build housing' register for North Norfolk shows a very modest requirement of 13 people (in a population of 105,000) for custom and self-build plots in North Norfolk (2023 - 2024). Officers find no specific self-build need registered for Thwaite Common or Erpingham, out of the total registrations two registrations relate to a district wide location and two do not specify a preferred location.

The Council's current position is that policies in the emerging Local Plan have been developed to address this modest demand for custom or self-built, in the interim, Officers continue to seek to negotiate provision of self-build plots where appropriate. The Council has been successful in granting suitable development under PO/17/0680 which includes up to 30 serviced custom or self-build plots in Fakenham, secured by S106 agreement. That permission is granted in a suitable and sustainable location in accordance with the adopted settlement hierarchy.

Whilst the demand for a serviced self-build plot may be established by the Register, the proliferation of development in an unsustainable location and in conflict with the Development Plan makes this proposal unsuitable for a new dwelling to meet demands for Self or Custom Building.

Summary

Notwithstanding the submissions from the applicant in support of their proposal, Officers consider that the proposal should be assessed as a new market dwelling in the countryside which would be considered a departure from Core Strategy Policies SS 1 and SS 2. Even if the proposal were to be regarded as a Self or Custom Building, the countryside location would nonetheless weigh heavily against the grant of planning permission.

NPPF paragraph 84 is not considered to apply to this proposal and there are no other material considerations that would support the principle of a new dwelling in this location.

2. Impact on character of the area and design

Landscape policy context

Core Strategy Policy EN 2 states that proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies. Development

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

- the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character)
- gaps between settlements, and their landscape setting
- 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
- visually sensitive skylines, hillsides, seascapes, valley sides and geological features
- nocturnal character
- the setting of, and views from, Conservation Areas and Historic Parks and Gardens.
- the defined Setting of Sheringham Park, as shown on the Proposals Map.

Proposals should demonstrate measures that enable a scheme to be well integrated into the landscape and enhance connectivity to the surrounding green infrastructure and Public Rights of Way network and provide biodiversity enhancements.

Officers note that the application is supported by a Landscaping Statement with a Schedule and Landscape Management Plan. Officers consider that the proposed landscape scheme is robust, comprehensive and in accordance with LVIA guidelines.

From a landscape setting perspective, views to and from the Conservation Area are restricted or obscured by green infrastructure, the setting of the dwelling within the proposed earth banks will further limit visibility.

The site is within two identified landscape character areas - River Valleys & Tributary farmland landscape. On site woodland planting will enhance the structural complexity and biodiversity of the existing woodlands. Forces for change include settlement expansion and infill to meet housing demand. Negative impacts upon the nocturnal character of the area may arise and will need mitigation and conditional control.

Overall, the expansion of woodland with a more diverse planting is considered a benefit from the proposals. On balance and if appropriate conditioned then the proposals are considered to comply with policy EN 2.

Heritage policy context

Policy EN 8 of the Core Strategy states that development proposals should preserve or enhance the character and appearance of designated assets, historic buildings/structures, monuments, landscapes and their settings through high quality, sensitive design. Where required, development proposals affecting sites of known archaeological interest will be required to include an assessment of their implications and ensure that provision is made for the preservation of important archaeological remains. This policy also seeks to ensure that the character and appearance of Conservation Areas is preserved, and where possible enhanced, encouraging the highest quality building design, townscape creation and landscaping in keeping with these defined areas.

The Local Planning Authority will also take into consideration the guidance contained within Chapter 16 of the NPPF. A number of these requirements are detailed below, including the requirement to balance any less than substantial harm to a designated heritage asset against the public benefits of the development.

Paragraph 212 of the NPPF states that:

“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

Paragraph 215 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposals have potential to impact upon two heritage assets The Mannington & Wolterton Conservation Area and the listed building Nutmeg Cottage.

The Mannington & Wolterton Conservation Area allocation is extensive its main significance is derived from the lands which formerly made up the Walpole estate. However, it also extends eastwards to include the attractive countryside around Thwaite Common. Key considerations are the re-aligned access drive, going through the woodland belt; and the proposed house laying just outside the conservation area. From a heritage point of view the more additive form of the proposed house would be preferable to the monolithic boxiness of the previously approved hangar. Further, the tree belt would provide a strong landscape buffer through which only filtered views of the new build would be available. As such it is considered that the proposals would only result in limited harm being caused to the Mannington & Wolterton Conservation Area.

Nutmeg Cottage is a characterful Grade II listed building which lies to the south east of the site, approx. 90m from the proposed dwelling. Despite this proximity it is considered that any harm that would be caused to its setting is mitigated by the self-contained curtilage of the cottage and the intervention of the two-storey St Jude’s Cottage which is situated between the receptor listed building and proposals. With limited intervisibility the development would have a neutral impact upon the overall significance of this asset.

Officers consider that the proposals would comply with Policy EN 8 and Chapter 16 of the NPPF.

Design policy context

Core Strategy Policy EN 4 states that all development will be of a high-quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. Proposals will be expected to have regard to the North Norfolk Design Guide:

- incorporate sustainable construction principles,
- make efficient use of land, be suitable designed within their context,
- retain important landscape and natural features and incorporate landscape enhancements, ensure appropriate scales,
- make clear distinctions between public and private spaces, create safe places, are accessible to all, incorporate footpaths and green links,
- ensure that parking is discreet and accessible
- and where possible, contain a mix of uses, buildings and landscaping.

The scheme proposes a bespoke contemporary design which is embed into the contours of

the site, rather than sitting atop of the topography in a conventional manner. It aspires to sustainable building credentials and carbon neutrality. There is a distinctive palette of materials and a layered arrangement of elements.

As noted above the proposals cannot be considered under the strategic locational exceptions afforded under NPPF paragraph 84, the location is not remote from other buildings and dwellings. Further the proposals fail to meet the high design bar under NPPF paragraph 84. The proposals will not significantly enhance the immediate setting as required by the NPPF. Rather the proposals are designed to merge and minimise impacts, the development does not showcase an exceptional and innovative design which would truly enhance the heritage and landscape setting of Thwaite Common. Furthermore, the sustainable technology proposed is not singularly or in combination considered expressly innovative and for the reasons detailed above the sustainability criteria would not meet the design tests laid out in NPPF paragraph 84.

The extent and impact of the glazing is a concern, more so when within the nocturnal rural setting and in combination with glint and glare from PV panels. However, those concerns maybe suitably addressed using conditions requiring Photochromatic / VLT glass and detailed design of PV panels to be submitted.

On balance, Officers consider that the proposals, if conditioned appropriately, would comply with Policy EN 4.

3. Ecology

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

Core Strategy Policy SS 4 states that areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged. Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife.

Core Strategy Policy EN 9 States that all development should protect the biodiversity value of land and buildings and minimise the fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Proposals which cause a direct or indirect adverse effect to nationally designated sites, 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.

The policy also states that development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.

NPPF paragraph 187 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity

value, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

NPPF paragraph 193 states that when determining planning applications, significant harm to biodiversity should be avoided, adequately mitigated, or, as a last resort, compensated for. Should this not be possible, then permission should be refused.

Extensive and amended evidence has been submitted by the applicant. Officers consider that, subject to the imposition of conditions to secure the mitigation and enhancements recommended in the submitted report, the proposal would accord with Policy EN 9 of the adopted North Norfolk Core Strategy.

4. Nutrient Neutrality

Long-term nutrient pollution has led to adverse impacts upon designated Habitat Sites to the extent that the condition of some sites, including The Broads Special Area of Conservation (SAC) and Ramsar site, are no longer considered to be favourable. Nutrient neutrality guidance was issued by Natural England on 16 March 2022 requiring competent authorities to ensure that any planning applications proposing a net gain in overnight accommodation (e.g., new dwellings) must evidence that there will be no net increase in nutrient loads (nitrates and phosphates) within an affected catchment area. As the competent authority, North Norfolk District Council is required to have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended). Where the Local Planning Authority cannot lawfully conclude that development within the catchment of The Broads SAC and Ramsar site will not have an adverse effect, permission would have to be refused. However, where there is sufficient evidence to rule out likely significant effects, permission can be granted.

The proposed development would result in the creation of overnight accommodation through the creation of a new stand-alone dwelling. Given the application site lies within the catchment area for The Broads SAC and Ramsar site it is likely to have an adverse impact on European Designations requiring mitigation in relation to nutrient enrichment. Officers are satisfied with the additional information provided in respect to demonstrating that the development would fulfil the criteria to be considered a 'low risk' and to not cause significant phosphorus pollution in accordance with *Annex F of Natural England's advice*.

The Nutrient Neutrality Assessment and Mitigation Strategy (Create Consulting Engineering Ltd, 20th August 2024) has provided nutrient budget calculations for the proposed development which demonstrates the change of land use at the site would lead to the scheme being nitrogen neutral. The Council are satisfied these calculations are accurate and based on the best available evidence.

Further, desk-based and site investigations have been undertaken to demonstrate the proposed development and foul water discharge via a drainage field would follow all criteria required to be considered a 'Low Risk' in accordance with Annex F of Natural England's Nutrient Neutrality advice.

On this basis, it is considered the proposed development would not result in an increase in nitrogen or phosphorus discharge within The Broads SAC/Broadland Ramsar catchment, and therefore no significant adverse impacts on the integrity of these sites would occur.

It has been demonstrated the proposed development would be highly unlikely to result in the discharge of higher volumes of nitrogen or phosphorus over the existing site use. Therefore, there is negligible risk of the project contributing to in-combination impacts upon The Broads SAC/Broadland Ramsar.

Officers consider that the proposals would comply with Policies SS 4 and EN 9 of the adopted North Norfolk Core Strategy..

5. Arboriculture

Core Strategy Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries. Core Strategy Policy EN 9 seeks to maximise opportunities for restoration, enhancement and connection of natural habitats.

Paragraph 187 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside, including the benefits associated with trees and woodland.

The application is supported by an Arboricultural Impact Assessment, Tree Protection Plan, Method Statement report. Officers are satisfied with the methodology and conclusions drawn in these supporting documents.

The overall strategy of tree removal (facilitating access) and replacement with more diverse and appropriate species is supported. As proposed replacement planting will consist of new woodland and individual tree planting to the north and will include underplanting and edge planting to provide structurally complex woodland of higher biodiversity value. Overall, the proposals will have a beneficial impact upon existing woodlands through favourable management which will improve green infrastructure and ecological interest in the longer term. Conditions can be used to ensure compliance with the arboricultural reports submitted.

Officers consider that the proposals would comply with Policy EN 2 of the adopted North Norfolk Core Strategy.

6. Energy and Water Efficiency

Core Strategy Policy EN 6 states that new development will be required to demonstrate how it minimises resource and energy consumption and how it is located and designed to 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, and regard should be given to the North Norfolk Design Guide in consideration of the most appropriate technology for the site.

The applicant has submitted documents which demonstrate exemplar practise in supporting the councils 2045 Net Zero district ambition. From an operational sense the building will be Net Zero ready (in line with grid decarbonisation) and an immediate 84% domestic regulated CO2 reduction against part L (Building Regs) shows the applicant will significantly reduce their contribution of carbon emissions.

There will be significant embedded carbon emissions associated with the construction, officers would encourage consideration of local sourced materials and suppliers that are sustainable and possess a lower embedded carbon impact than traditional materials.

Subject to conditional control and agreement over materials sourcing then the proposals are considered to comply with Policy EN 6 and NPPF paragraphs 164 & 165.

7. Highways and Parking

As a remote location which intends to service a single new build dwelling then Policy CT 5 (The Transport Impact of New Development) is a material consideration. The policy requires that proposals provide safe and convenient access on foot, cycle, public and private transport inclusive of those with a disability. The proposals shall be served via a safe highway network with detriment to the character or amenity of the locality. The expected nature and volume of traffic generated by the proposal should be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety.

Policy CT 6 requires adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with the Council's parking standards, including provision for parking for people with disabilities. Annex C to the local plan details requirements in terms of parking for proposed uses.

Officers recognise that the site has an existing access and therefore has volumes of vehicular flow associated with the historic uses on site. No objections on highway safety are raised under Policy CT 5 & 6.

However, the location is remote from services with no pedestrian facilities or means to encourage alternative modes of transport. It is dependent on the use of a private car contrary to NPPF paragraph 115 (a).

8. Other material considerations

Contaminated land

Given the agricultural history of the land/buildings there is potential for it to be contaminated. A contaminated land questionnaire has not been completed. Officers recommend a condition is applied to ensure that the applicant provide information to confirm a non-contaminated site and control over demolition of buildings is added in respect of Section 80 of the Building Act.

Fallback

The applicant highlights a previous planning permission PF/16/1243, granted on 8 March 2017, *Demolition of outbuildings/sheds (stables, outbuildings and tennis court) and erection of two-storey garage and hanger at 1 Walpole Barns, Thwaite Common*. The current application proposes that the planning permission PF/16/1243 is surrendered in favour of the current proposals, and that all helicopter activity associated with the applicant and their dwelling is to cease in the locality. A Revocation Order would be required to ensure that the previous permission is surrendered.

Consideration of the fallback position:

i) Implementation: The planning permission PF/16/1243 is claimed as being extant via a contemporaneous email exchange with a planning officer. The email submitted states that *"Removal of the existing sheds and outbuildings is currently underway"* (as at 5.3.20 supporting statement). However, there is no Lawful Development Certificate to support implementation of the planning permission. The proposal is reliant solely on an email exchange with no detailed case officer site visit note or photographs to verify implementation in March 2020.

In any event, if agreed that it fails to be lawfully implemented then two further tests are relevant to consideration of the fallback position (*R v Secretary of State for the Environment and Havering BC 1998*):

- ii) *There must be a likelihood or real prospect of such use occurring.*
- iii) *A comparison must then be made between the proposed development and the fallback use.*

ii) Intent: The second test directs toward the *real prospect of such a use occurring*.

The supporting Design & Access Statement appears to rule out the probability of the development approved under PF/16/1243 now coming forward by removing the possibility of Helicopters flying from the site for private use.

Furthermore, the permission, which was granted in March 2017, was followed by a hiatus with no action being taken to bring the permission forward until the eleventh hour of that permission expiring. A “*death knell*” commencement manifested in March 2020. No operational development associated with the building work appears to have taken place following the demolition.

These actions do not speak of a keen intent to build out this historic permission. Furthermore, there appears to have been no further activity on site in the period from March 2020 to the current application being submitted in March 2022. At this stage, more than seven years from the grant of permission had elapsed.

The Local Planning Authority are told the applicant is minded to surrender the historic hangar permission and to no longer fly Helicopters from the site. Officers note that in any event planning permission is not required to fly and land helicopters from the site for private use. Further, that there is no record of complaints regarding helicopters flying to and from the applicant’s site.

The likelihood / real prospect of the planning permission PF/16/1243 ever being built out appears to be limited from the evidence available. Officers could be forgiven for thinking that interest in the hangar project had waned. Rather, it appears that the hangar permission is “banked” as a bargaining chip, now to be used to facilitate the current proposals. However, the case law in these matters sets a low bar as to the *real prospect of such a use occurring*. Officer’s note that the applicant firmly states that if this permission is refused than he will build out the hangar project.

iii) Comparison: The third test relies on an accurate comparison between the proposed development and that already permitted. The Design and Access Statement endeavours to address this point by showing approved and proposed drawings. Further assistance has now been offered by an overlay of proposed and approved now been submitted.

The application PF/16/1243 was subject to detailed consideration in terms of impacts on landscape and heritage assets, the case officer determined the application with appropriate policy consideration for landscape and heritage. Officers note that the proposals were considered under the same local plan policy framework as the current application, the hangar was found to comply with Policies SS 2 & H0 8, it was a suitable domestic outbuilding being proportionate in scale to the existing dwelling and its curtilage.

The hangar is beyond the conservation area but was found to potentially impact on views to and from the heritage asset. However, the limited glimpsed views and screened nature of the site were considered to suitably ameliorate impacts of the hangar under policies EN 4 and EN 8. Similarly, under Policy EN 2 the setting of the site and wider landscape was suitably mitigated. Conditional controls enabled the officer to arrive at a view that the building would not result in any material landscape harm. Indeed, the rather perfunctory agricultural vernacular of the hangar was a positive in this respect.

Amenity impacts on near neighbours were considered acceptable, given the permitted development allowance for flights already in place and CAA regulations governing the maximum number of flights from the site. The permission was conditioned to be for private flights only.

The proposed demolition of outbuildings and removal of the tennis court to create a new dwelling with associated mitigation is not without landscape, design or ecological merit. In design terms the building is better articulated than the approved hangar, its scale and mass are reduced by excavating the building into the ground. A suite of new planting and biodiversity measures are associated with the proposals. The proposed dwelling can be carbon neutral.

However, the proposed building is a single stand-alone dwelling, it is contrary to strategic and locational policies. It is set apart from local services and facilities, reliant on the use of the private car and otherwise not in sustainable location. It is not considered under the same policy criteria as the hangar (this which was an ancillary building associated with an existing dwelling). The limited benefits from the proposals are set against the approved hangar building which was otherwise policy compliant and considered to have limited to nil impact on local amenity, landscape and heritage assets.

Officers' find the new build dwelling proposals are not preferable over the implementation of the Hangar building approved under PF/16/1243. The hangar proposals had otherwise satisfied policy compliance, the proposed new dwelling is in an unsustainable location and reliant on delivery of further mitigation to justify a policy balance. Officers consider that additional planting and biodiversity improvements are not in themselves reliant on the addition of a new dwelling. If there is an intent to reduce carbon footprint then the existing hangar permission could be reviewed, and measures taken to improve carbon emissions and deliver initiatives to be considered. Furthermore, the proposed new dwelling creates harm to strategic plan policy and is otherwise unsustainably located.

Officers find that the Fallback position does not support the new dwelling proposals, the Local Planning Authority would prefer the permitted hangar to be built out as approved and otherwise being policy compliant.

9. Planning balance & Conclusion:

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 site is outside settlement boundaries, contrary to local and national policies of restraint. Harm would be caused to matters of acknowledged strategic importance. The proposal fails to comply with Policies SS 1 and SS 2 of the Development Plan which seek to deliver a strategic plan led approach to development within the district.

The site this is not an isolated location such as may otherwise be supported under NPPF paragraph 84, as an exception to the plan led approach. In any event even should the site have been considered to be "remote" within the context of NPPF paragraph 84, then the proposals are considered not to be of an exceptional quality of design which may be otherwise be supported under NPPF paragraph 84 section e).

As a Self and Custom Build Housing proposal then the strategic policies SS 1 and SS 2 still apply, there is no recorded demand for such housing at Thwaite Common or Erpingham. In

addition, Self and Custom Build proposals are required to be provided in otherwise sustainable locations with appropriate access to services and facilities.

However, the District Council cannot demonstrate a five year supply of deliverable housing sites. As such the tilted balance is engaged under para 11d of the NPPF, i.e. permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of granting permission. when considered against the policies in the Framework taken as a whole.

The proposals will add no more than a single dwelling which is afforded limited weight in meeting the undersupply of housing within the district. Limited positive weight can also be afforded to the contemporary design of the proposals which will locally lift the bar for design in the immediate area. Further limited positive weight is given to the employment provided during construction and future occupants contribution to spending to the local economy.

Officers afford limited positive weight to mitigation measures which are otherwise required to offset harm arising from the development's impact. Of relevance in this matter is the proposed landscape planting and biodiversity measures. However, these elements are deliverable independently and do not need to be tied to the actions required to mitigate otherwise unacceptable proposals.

Similarly, carbon neutrality for the proposed dwelling is required to offset the impact / footprint of the development, i.e. should no dwelling built then the measures would not be required.

The applicant seeks to attach weight to a fallback position which relates to an extant planning permission for a helicopter hangar building. For the reasons given above officers do not support the fallback position for a new dwelling and afford no positive weight to this consideration.

The harm afforded to development of a dwelling in a countryside location which is set apart from services and facilities is a fundamental negative in the strategic plan led process. The proposal will generate more traffic to and from the site, as the resident's struggle to access local services and facilities, there are no local footways servicing the application site, it is remote from cycle routes and local bus services. It would be unattractive for proposed residents to utilise alternative modes of transport.

The limited scale of a single dwelling together with its equally limited associated benefits can only weigh modestly in favour of the proposals. The proposal is in an unsustainable location and causes significant harm, both to locational strategy and reliance on additional private car journeys. It would therefore be contrary to the provisions of the development plan taken as a whole. There are no material considerations in this instance, either individually or collectively, which indicate determination of the application should be other than in accordance with the development plan.

RECOMMENDATION:

REFUSE Planning permission for the following reasons:

1. The dwelling is in the countryside set apart from services and facilities, the harm afforded to an unsustainable car dependent form of development is clearly contrary to the strategic plan led process and sustainable development aims of the local plan. It would be unattractive for proposed residents to utilise alternative modes of transport. given the remoteness from cycle routes, infrequent local bus services and the narrow lanes with no local footways servicing the application site. Residents will struggle to access local

services and facilities by alternative modes of transport, the proposal will generate more private car journeys to and from the site.

The development site is not in a remote location as required under NPPF paragraph 84, furthermore the proposed design is not considered to be truly outstanding within the provision of NPPF paragraph 84 (e).

The proposals are not considered to be an acceptable form of infill development and attract no support for Self and Custom Build Homes given the otherwise unsustainable location of the application site.

The Local Planning Authority consider that the tilted balance is engaged under NPPF paragraph 11 (e) as the Council are currently unable to demonstrate a five year housing land supply. Given the scale of development, then the contribution of a single dwelling together with its associated benefits would only weigh modestly in favour of the proposal. The proposal would be in an unsustainable location and cause further harm by increased private car journeys. It is contrary to the provisions of the development plan taken as a whole. There are no material considerations in this instance, either individually or collectively, which indicate determination of the appeal should be other than in accordance with the development plan.

The proposals are contrary to Development Plan Policies SS 1 & SS 2 and NPPF paragraphs 11 & 84.

Final wording of reasons for refusal to be delegated to the Assistant Director – Planning

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WALSINGHAM – LA/24/2551 – Construction of lightweight fire-resistant partition in ground floor at Mill House, 5 Scarborough Road, Walsingham, Norfolk, NR22 6AB

Minor Development
Target Date: 30th January 2025
Extension of time: n/a
Case Officer: Nicola Wray
Listed Building Consent

RELEVANT SITE CONSTRAINTS:

Grade II Listed Building
Within the Walsingham Conservation Area

RELEVANT PLANNING HISTORY:

No relevant planning history

THE APPLICATION

Seeks listed building consent for works to construct a lightweight fire-resistant partition and door on the ground floor.

REASONS FOR REFERRAL TO COMMITTEE:

The applicant is an elected District Councillor for North Norfolk.

REPRESENTATIONS:

No representation has been received.

CONSULTATIONS:

Walsingham Parish Council – No response

Conservation and Design – No Objection.

The minor alterations proposed would be eminently reversible and would not harm the overall significance of the host grade II listed building. In the event of an approval ultimately being issued, please condition that the new kitchen door is of four-panel design to closely match the existing doors within the property.

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)

EN 8 (Protecting and Enhancing the Historic Environment)

Material Considerations:

National Planning Policy Framework (NPPF) (December 2024)

Chapter 4 (Decision-making)

Chapter 16 (Conserving and enhancing the historic environment)

OFFICER ASSESSMENT:

Main issue for consideration:

1. Impact on the Heritage asset

Policy EN 8 of the Local Plan states that Development proposals, including alterations and extensions, should preserve or enhance the character and appearance of designated assets through high quality, sensitive design.

The proposal relates entirely to the internal construction of a fire-resistant partition and door within the Grade II listed building.

The Conservation and Design Team have raised no objection to the works, on the basis that the proposal would be eminently reversible and would not harm the overall significance of the building. They have requested a condition that, the new kitchen door is of a four-panel design to closely match the existing doors within the property.

The proposal would not result in harm to the heritage asset and would comply with Core Strategy Policy EN 8. Approval of the application would comply with the Council's statutory duties under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990

RECOMMENDATION:

APPROVAL subject to conditions relating to the following matters:





- Time limit
- Development in accordance with approved plans
- Materials (as set out in the application)
- Appearance of kitchen door as requested by the Conservation Team.

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

DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – 23 January 2025

1. INTRODUCTION:

- 1.1 This report briefly sets out performance in relation to the determination of planning applications in Development Management the period **November 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 November 2024)</i> | Major two decisions issued <i>100% within time.</i> | 60% <i>(80% NNDC)</i> | 24 month average to 30 November 2024 is 100.00%  |
| | Non-Major 90 decisions issued <i>96% within time period</i> | 70% <i>(90% NNDC)</i> | 24 month average to 31 October 2024 is 97.00%  |
| (Quality) % of total number of decisions made that are then subsequently overturned at appeal | Major | 10% <i>(5% NNDC)</i> | 24 month average to 30 November 2024 is 1.59% (one case RV/22/1661)  |
| | Non-Major | 10% <i>(5% NNDC)</i> | 24 month average to 30 November 2024 is 0.76%  |

| Performance Measure | Actual Performance | Target | Comments |
|--|---|--|---|
| Validation <i>(Period November 2024)</i> | 209 applications registered 180 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 four S106 Obligations being progressed, two 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:

23 January 2025

| 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/22/2225 | 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 | S106 being signed | |
| PO/20/1251 | Former Sports Ground Station Road North Walsham | 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) | CP071 - North Walsham | Phillip Rowson | Committee | 17/10/2024 | Fiona Croxon | 24394 | COMPLETED | |
| PF/24/1370 | Woodside Heydon Road Corpusty Norwich Norfolk | Erection of 1 self-build dwellings with vehicular access to Heydon Road | CP021 - Corpusty and Saxthorpe | Olivia Luckhurst | Delegated | TBC | Fiona Croxon | TBC | COMPLETED | |
| PF/24/1572 | Land Off Mill Road Wells-next-the-sea Norfolk | Erection of 47 dwellings with associated landscaping, open space, drainage, vehicular access and parking provision. | CP112 - Wells-next-the-Sea | Mark Brands | Committee | 12/11/2024 | Fiona Croxon | 24634 | Draft S106 circulating | |

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APPEALS SECTION

NEW APPEALS

CATFIELD - CL/24/1249 - Lawful Development Certificate for existing use of land as residential garden
Fenview, 3 Fenside Cottages, Fenside, Catfield, Great Yarmouth, Norfolk, NR29 5DD

For Mr J Amos

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision:

Appeal Decision Date:

CROMER - PF/24/1536 - Replacement of 2 No. first floor windows with Upvc double glazed windows on rear elevation (retrospective)

Flat 2, Shipden House, High Street, Cromer, Norfolk, NR27 9HG

For Mr Stuart Parry

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision:

Appeal Decision Date:

CROMER - LA/24/1384 - Replacement of 2 No. first floor windows with Upvc double glazed windows on rear elevation (retention of works already carried out)

Flat 2, Shipden House, High Street, Cromer, Norfolk, NR27 9HG

For Mr Stuart Parry

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision:

Appeal Decision Date:

SMALLBURGH - PF/22/1697 - Erection of single storey building for use as holiday accommodation on site of existing tennis court

Smallburgh Hall, Hall Drive, Smallburgh, Norwich, Norfolk, NR12 9FW

For Mr Garry Coaley

WRITTEN REPRESENTATION

Appeal Start Date: 11/12/2024

Appeal Decision:

Appeal Decision Date:

INQUIRIES AND HEARINGS - IN PROGRESS

NONE

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:

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:

CROMER - PF/24/1206 - Single storey rear extension to dwelling

27 Shipden Avenue, Cromer, Norfolk, NR27 9BD

For Mr Andrew Crane

FAST TRACK - HOUSEHOLDER

Appeal Start Date: 22/11/2024

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:

MELTON CONSTABLE - EF/23/2472 - Lawful Development Certificate for proposed conversion of loft to bedroom and installation of rooflights

Sloley House, 27 Briston Road, Melton Constable, Norfolk, NR24 2DG

For Mr & Mrs Dean & Sonia James

WRITTEN REPRESENTATION

Appeal Start Date: 18/11/2024

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:

**RAYNHAM - TW/24/0784 - T1 & T2 - Cherry Tree - Take down leaving only Stump
T3 - Whitebeam - Reduce width to 4m and height to 7m**
19 Earl Of Bandon Avenue, West Raynham, Fakenham, Norfolk, NR21 7DQ

For Miss Stephanie Inns
WRITTEN REPRESENTATION

Appeal Start Date: 30/09/2024

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:

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:

SHERINGHAM - PF/24/0476 - Erection of a single storey detached dwelling with rooms in the roof space and associated works.
Land North Of East Court , Abbey Road, Sheringham, Norfolk

For GSM Investments Ltd
WRITTEN REPRESENTATION

Appeal Start Date: 31/10/2024

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

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/24/0639 - Conversion of First floor restaurant into Air B&B holiday accommodation
Platten's Fish and Chips, 12 & 13 The Quay, Wells-next-the-sea, Norfolk, NR23 1AH

For Plattens
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

For Platten's
WRITTEN REPRESENTATION

Appeal Start Date: 16/09/2024
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

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 Allowed with Conditions**
Appeal Decision Date: 16/12/2024

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 Dismissed**
Appeal Decision Date: 12/12/2024

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 Dismissed**
Appeal Decision Date: 09/12/2024

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 Dismissed**
Appeal Decision Date: 13/01/2025

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 Dismissed**
Appeal Decision Date: 09/12/2024

Total Number of Appeals listed: 25

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**OFFICERS' REPORTS TO
DEVELOPMENT COMMITTEE (ENFORCEMENTS)**

*Appeals Information for Committee between
05/12/2024 and 14/01/2025*

23-January-2025

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:

Total Number of Appeals listed: 6

| REPORT: MHCLG Working Paper – Planning Reform: Modernising Planning Committees | |
|---|--|
| Executive Summary | This report provides information on a Government Paper that suggests ‘modernising planning committees’ and suggests how the Council may wish to comment on the proposals within the Paper. |
| Options considered | This report does not consider options. |
| Consultation(s) | The report is itself a response to a Government paper seeking views. The Council hasn’t consulted others in the preparation of this Report. |
| Recommendations | That the Assistant Director for Planning be authorised to submit the ‘answers’ and ‘additional points’ contained within Appendix 2 of this report to Government as North Norfolk District Council’s opinion on the Working Paper – Planning Reform: Modernising Planning Committees. |
| Reasons for recommendations | Prepared at the request of the Councillors. |
| Background papers | The Government Paper referred to at paragraph 2.6 below. |

| | |
|--------------------------|-------------------|
| Wards affected | All |
| Cabinet member(s) | Cllr Andrew Brown |
| Contact Officer | Russell Williams |

| Links to key documents: | |
|---------------------------------------|-----------------------------|
| Corporate Plan: | Customer Focus |
| Medium Term Financial Strategy (MTFS) | No direct links to the MTFS |
| Council Policies & Strategies | Not applicable |

| Corporate Governance: | |
|--|------|
| Is this a key decision | No |
| Has the public interest test been applied | N/A |
| Details of any previous decision(s) on this matter | None |

1. Purpose of the report

- 1.1 To set out the Council's position on the Government's Working Paper: Planning Reform: Modernising Planning Committees.

2. Substance of Report

- 2.1 The Government published a short paper (14 pages) on this topic on 9th December 2024.

- 2.2 The Paper suggests in its 'Summary' that the proposal for a national scheme of delegation' would support better decision making in the planning system. The proposals are (quoting from the Paper):

'designed to facilitate faster delivery of the quality homes and places that our communities need, by bringing greater standardisation over the operation of committees, in turn to give greater certainty to applicants.'

- 2.3 In addition, the Government is interested in views on the creation of smaller targeted planning committees specifically for strategic development, as well as the introduction of a mandatory requirement for training for planning committee members.

- 2.4 The Paper notes that all three reforms would require changes to primary legislation – and envisages these being through the Planning and Infrastructure Bill.

- 2.5 The Government have indicated that they would welcome views on the options set out in their Paper - and in particular they are seeking views on the following questions (quoted from their paper):

- a. Do you think this package of reforms would help to improve decision making by planning committees?
- b. Do you have views on which of the options we have set out in regards to national schemes of delegation would be most effective? Are there any aspects which could be improved?
- c. We could take a hybrid approach to any of the options listed. Do you think, for instance, we should introduce a size threshold for applications to go to committees, or delegate all reserved matters applications?
- d. Are there advantages in giving further consideration to a model based on objections?
- e. Do you agree that targeted planning committees for strategic development could facilitate better decision making?
- f. Do you have a view on the size of these targeted committees?
- g. How should we define strategic developments?
- h. Do you think the approach to mandatory training is the right one?

- 2.6 The Government Paper can be accessed at: [Planning Reform Working Paper: Planning Committees](#).

2.7 To inform the Committee, a factual analysis of our Committee performance during 2024/25 (i.e. April to December 2024) has been undertaken and is attached as Appendix 1.

2.8 The suggested response to the Paper is contained at Appendix 2.

3. Corporate Priorities

3.1 The topic covered by this Report closely relates to parts of 'A Strong, Responsible and Accountable Council' Priority of the Corporate Plan 2023-2027.

4. Financial and Resource Implications

4.1 There are no direct financial implications resulting from this report.

Comments from the S151 Officer:

There are no direct financial implications arising from this paper as it is a response to a Government consultation.

5. Legal Implications

5.1 While there are not thought to be any legal implications directly associated with this report, there would be implications – and potentially significant one's – if the Government bring forward mandatory changes to how our Development Committee – and planning decision making – processes operate.

Comments from the Monitoring Officer

There is no obligation to respond to the Government Paper. It is a Paper / consultation seeking views. This report sets out a proposed procedure and suggested responses to provide information around reform of planning committees and related decision making.

6. Risks

6.1 The key risk is that the Government might make changes without considering the views of the District Council. This Report – if the recommendation is agreed – would ensure that the Government are made aware of the Council's views. That clearly doesn't mean that the Government wouldn't seek to continue with plans to make changes. If that were to be the case, it is believed that there would be further and more formal consultation on specific proposals.

7. Net Zero Target

7.1 No implications for this update report.

8. Equality, Diversity & Inclusion

8.1 No impact identified with this update report.

9. Community Safety issues

9.1 No impact on community safety issues with this update.

10. Recommendations

10.1 It is recommended that:

- the Assistant Director for Planning be authorised to submit the ‘answers’ and ‘additional points’ (contained within Appendix 2 of this Report) to Government as North Norfolk District Council’s opinion on the Working Paper – Planning Reform: Modernising Planning Committees.

**North Norfolk District Council
Development Committee
1st April 2024 to 31st December 2024
Quarters 1 to 3 Analysis**

1. 11 meetings of Development Committee took place (in 39 weeks – 1 every 3.55 weeks).
2. 35 different applications were considered by Committee – at an average of 3.1 per meeting.
3. 3 applications were ‘deferred’ at their first consideration at Committee (8.6%).
4. Two of those have since been reported back to Committee – meaning the 11 Committee meetings considered 37 reports (3.4 per meeting).
5. 7 ‘major’ applications were considered by Committee – none of those were deferred.
6. All 7 ‘major’ applications were approved – all in line with the Officer recommendation(s) (100%).
7. 28 of the 35 applications were recommended for approval (80%) and 7 for refusal (20%).
8. 5 of the 34 applications that were determined were determined contrary to the Officer recommendation (14.7%).
9. 4 applications where Officers had recommended refusal were approved (4 of 7 that have been determined – 57.1%).
10. 1 application where Officers had recommended approval was refused (1 of 27 that have been determined – 3.7%).
11. Of the 35 applications – 7 were advertised as a ‘Departure from the Development Plan’ (20%).
12. The proportion of applications determined at Committee was 1.74% (34 of 1954).
13. During the 9 month period, the Committee also considered two objections to provisional TPOs and decided to confirm both Orders.
14. For the 35 different applications, the reason each was reported to Committee was:
 - (a) 8 at the request of Senior Officers (i.e. Director / Assistant Director);
 - (b) 5 due to specific requirements of the Council’s Constitution (3 related to solar panels and 2 to a Councillor being the applicant);
 - (c) 22 were called in by one or more ward councillors; and,
 - (d) 1 was deferred from a Committee meeting held in 2021.

Note: 1 application was reported to Committee due to both grounds (b) and (c) in the list above.

15. 17 different councillors called an item into Committee (out of 40 Councillors on the Council). 2 was the highest number of items an individual councillor called in.
16. The 35 applications considered at Committee were in 18 different wards (out of 32 in North Norfolk). One ward (Coastal) had 4 different applications considered by Committee (the highest number).
17. A new 'Call-In' form system was introduced from 1st September 2024 – although that didn't change who could call items in or require a different level of justification (etc) than before. It has made it more transparent as to why the applications have been called in - and who made the Call In decision. A review of the new process will be undertaken in summer 2025.

Note: 'Determined' in the context of the above means that Committee resolved either how the application would be determined or resolved to give an Officer the authority to determine it in a specific 'direction' if certain matters were first concluded (e.g. the signing of a Section 106 Agreement).

List of Items Considered at Committee (April to December 2024)

| | | |
|-------------------|-------------------|--|
| <u>PO/20/1251</u> | | |
| PF/21/1479 | LA/24/0264 | ADV/24/1828 |
| PF/21/3414 | <u>PF/24/0265</u> | PF/24/1901 |
| <u>PF/22/1068</u> | PF/24/0348 | PF/24/1919 |
| <u>PO/23/1025</u> | PF/24/0362 | PF/24/1924 |
| PF/23/1580 | CL/24/0447 | |
| <u>PF/23/1612</u> | RV/24/0496 | * = deferred items |
| PF/23/2004 | PF/24/0747 | |
| <u>PF/23/2048</u> | PF/24/0795 | Yellow = departure applications |
| LA/23/2049 | PF/24/0841* | |
| <u>PF/23/2330</u> | RV/24/1082 | |
| PF/23/2569 | PF/24/1123 | |
| PO/23/2643 | PF/24/1364* | <u>Underlined</u> = major applications |
| <u>PF/24/0101</u> | PF/24/1500 | |
| PF/24/0201* | <u>PF/24/1572</u> | |
| PF/24/0246 | PF/24/1827 | |

Appendix 2**Draft Response from North Norfolk District Council to Government Questions**

- a. Do you think this package of reforms would help to improve decision making by planning committees?

Answer:

Each 'Planning Committee' is different and the need for change to 'improve' decision making isn't uniform across the country. The experience in North Norfolk would suggest that significant reform isn't required and indeed it might well be counter-productive to the Government goal of 'better decision making.

So the answer to the question would be 'No'.

The package put forward certainly has no regard to the differing scales and types of applications received by differing planning authorities and any introduction in national standards could well result in greater legal challenges to the form / level of decision – i.e. it isn't always clear cut as to what is a 'departure' from Policy and what isn't.

All the options put forward would almost certainly reduce the number of applications that would be considered by Committee at North Norfolk (with the average currently being less than 3.5 per meeting).

This would impact negatively on perceptions of the democratic accountability of the planning system and would probably result a higher likelihood of a higher proportion of decisions being reached contrary to recommendation – as councillors get involved in fewer items and become less experienced in dealing with a variety of applications.

It is also unclear how a national scheme of delegation would work in practice. Who would it require delegation to – noting that there isn't a 'statutory role' of Chief Planning Officer – and how would it operate in practice? Currently council constitutions include schemes of delegation that 'enable' officers to make certain decisions on behalf of their council, they do not 'require' those officers to make those decisions – i.e. officers can always decide to report a matter to a committee / councillors rather than exercise their delegation.

It is not clear how the Government are looking to address this point and it is not clear whether they even can do so legally. If Officers can choose not to exercise a delegation then they may very well choose that option from time to time - especially if they, and / or their employers, do not personally support the national schemes' provision. If the Government endeavour to require officers to have to make these decisions it will be interesting to understand how that requirement would be enshrined legally and how it would operate in contractual employment terms for the individuals being delegated to.

The proposals appear to be taking a sledge-hammer to crack something – but it really isn't clear what the something is - – and the main people that may well benefit from them are those opposed to whatever decision is reached (and the legal profession!).

In NNDCs circumstances the proposals are likely to be counter-productive. Our Planning Service is now recognised as one of the very best in the country for speed and quality of its Development Management service - see: [North Norfolk identified as 'platinum' rated planning service by industry experts](#). This shows that our Planning Service was one of twelve nationwide recognised as being at a 'Platinum' (i.e. the top) level (and the second highest district authority). These proposals would threaten that status and our Committee 'performance' played an important role in helping us secure that accolade.

In that regard, the Council would like to draw attention to core statistics associated with its Development Committee over the last 9 months, i.e.:

- (a) 11 meetings of Development Committee took place (in 39 weeks – 1 every 3.55 weeks).
- (b) 35 different applications were considered by Committee – at an average of 3.1 per meeting.
- (c) 3 applications were ‘deferred’ at their first consideration at Committee (8.6%).
- (d) Two of those have since been reported back to Committee – meaning the 11 Committee meetings considered 37 reports (3.4 per meeting).
- (e) 7 ‘major’ applications were considered by Committee – none of those were deferred.
- (f) All 7 ‘major’ applications were approved – all in line with the Officer recommendation(s) (100%).
- (g) 28 of the 35 applications were recommended for approval (80%) and 7 for refusal (20%).
- (h) 5 of the 34 applications that were determined were determined contrary to the Officer recommendation (14.7%).
- (i) 4 applications where Officers had recommended refusal were approved (4 of 7 that have been determined – 57.1%).
- (j) 1 application where Officers had recommended approval was refused (1 of 27 that have been determined – 3.7%).
- (k) Of the 35 applications – 7 were advertised as a ‘Departure from the Development Plan’ (20%).
- (l) The proportion of applications determined at Committee was 1.74% (34 of 1954).

Whilst there may well be elements where North Norfolk’s Development Committee could be better, the statistics above ((a) to (l)) demonstrate that there is not a clear issue that needs national intervention. Realistically enforced national change would run the risk of actually worsening performance – and in particular reducing the democratic input into decision making and then the mandate such input provides to any such decision(s).

- b. Do you have views on which of the options we have set out in regards to national schemes of delegation would be most effective? Are there any aspects which could be improved?

Answer:

Options 1 and 2 take an overly simplistic view as to what is a ‘departure’. It isn’t always clear cut as to what is and what isn’t a departure. A legally defined system that relates to such judgement calls runs considerable risk of inviting Judicial Review applications for being considered under ‘delegation’ when objectors might argue it should have been considered at ‘Committee’ (or even vice versa). For instance, where would proposals be determined where there is a ‘viability’ issue – and some of those issues only become apparent during the course of an application (i.e. not at submission)?

These options also mean that really significant planning applications would be determined by officers – which misses entirely the significance of planning as part of our local democratic processes. It would also put significant pressure on relatively unaccountable officers and also run the risk of excessive pressure being applied on individual officers.

Option 3 is possibly the most attractive conceptually but getting the ‘prescriptive list’ right would be a huge challenge bearing in mind the differences between planning authorities in types and scales of application and place.

It is also difficult to see how any such list could factor in the contentiousness of an application (which isn’t always defined by either scale or type).

- c. We could take a hybrid approach to any of the options listed. Do you think, for instance, we should introduce a size threshold for applications to go to committees, or delegate all reserved matters applications?

Answer:

It really isn’t that clear what ‘problem’ the Government are trying to fix and collecting data on Committee performance would seem sensible. If that was then used to influence which authorities might be considered for ‘Special Measures’ then that might result in a lower propensity to refuse (or approve) applications contrary to recommendation or contrary to the Development Plan headline position on them (if those are the ‘problems’ the Government are trying to fix).

Reserved matters applications are often hugely significant and can be the first time major parts of the proposal are seen (e.g. access proposals, locations of buildings etc). Making all of those applications automatically ‘officer’ decisions wouldn’t be appropriate.

- d. Are there advantages in giving further consideration to a model based on objections?

Answer:

Important applications should be considered by Committee. And importance isn’t (solely) determined by the ‘number’ of – or ‘type of’ objections. In addition having a target – that by its very nature – would have to be arbitrary – would just act as an aim for well organised individuals / groups and might disadvantage individuals who could well have equally or even more valid planning points.

Experienced officers that decide which applications should be considered by Committee will invariably have some regard to the level of interest in them - but setting a national rule / numbered based approach would be counter-productive. What is deemed ‘a lot’ of objections is likely to vary from place to place in any event.

- e. Do you agree that targeted planning committees for strategic development could facilitate better decision making?

Answer:

Councils already have the flexibility to set up separate Committee if they so wish – but a prescribed model is unlikely to result in uniformity of better decision making. It is understood that the current legislation already allows Councils to do this – i.e. if they set out appropriate ‘terms of reference’ for such a committee within their individual constitution.

Many of the more major applications that it might be argued would be suitable for such committees might also be 'in conformity' with the Development Plan – and therefore potentially fall within any delegated list as required by the 'national scheme' put forward (be that Option 1, 2, 3 or hybrid).

There are myriad complications to this notion that would need to be thought through – e.g. could Councillors sit on 'normal' and 'strategic' committees – could applications be 'bumped' from one Committee type to another – what might the role of Cabinet members be on strategic committees.

f. Do you have a view on the size of these targeted committees?

Answer:

One of the strengths of the Planning Committee system is its political proportionality and – in most cases – political neutrality. Having a far smaller committee would risk these two elements and having more than one large committee would be a challenge in terms of numbers of Councillors, training and ensuring requisite experience on both committees.

g. How should we define strategic developments?

Answer:

As North Norfolk's view is that such Committees shouldn't be prescribed – then this should be a matter for individual Councils – if they decide to set up a 'strategic committee'. The Government could provide guidance as to when they might think such committees are appropriate but leave it to local places to decide.

h. Do you think the approach to mandatory training is the right one?

Answer:

Most places – including NNDC – do not have a track record of repeated contentious over-turning of recommendations. What is the evidence to suggest mandatory national training would result in different outcomes for those that do?

In addition, mandatory training – depending on what is proposed and how it would be delivered – may cause serious delays to decision making after each election cycle. The Paper appears to advocate this training being provided at national level and via online learning – which may disadvantage some – and would certainly miss out any component of local training (e.g. around local committee processes and / or local planning policies).

Laying on national courses and / or producing national material that could be delivered locally would be helpful but anything that is purely national would never pick up on local nuances, policies and issues.

It may be that there could be a national scheme of training for committee chairs that would be useful – e.g. where the training needs to be completed within a set period by existing chairs and where each council could put forward a number of people to attend.

Locally organised training before Councillors attend their first meeting could be a recommendation from Government. This already happens at North Norfolk and is mandated within our constitution. Maybe part of the 'Special Measures' process could include mandatory training for councillors in those councils.

Additional Points

The Paper makes no reference to a range of factors that tend to be important locally – such as the fact that most – but not all - councils have some scope for ‘Councillor Call In’ and some also facilitate a greater role for Town and Parish Councils in the process – including some form of influence over what does and doesn’t go to Committee.

Any such flexibility would appear to be missing from all the Options being put forward by the Government. Both are considered to be democratically sensible and while arguably such systems could be open to mis-use that isn’t the experience at North Norfolk.

Fundamentally, whilst some standardisation might not be a bad thing – getting rid of all areas of local democratic input into what can and can’t go to Committee is considered a step too far. In terms of other ideas that aren’t mentioned in the Paper the Government may wish to consider:

1. Some national standardisation(s) around the role(s) that ward councillors should be able to play in applications in their areas might well be worth considering – e.g. why not standardise whether they can or cannot take part in decision making on those applications.
2. Some ‘national good practice’ guides would be helpful for each Council to consider and would be a lower key way forward – e.g.
 - public speaking at Committee procedures; or,
 - the role of Town and Parish Councils; or,
 - local councillor training schemes; or,
 - model schemes of delegation; or,
 - good practice advice on report formats and presentations to Committee; or,
 - good practices guides to stakeholder attendance at Committees; or,
 - time suggestions for each item and the number of items each Committee should consider.

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