

# Development Committee



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**TO REGISTER TO SPEAK PLEASE CALL 01263 516150**

Wednesday, 29 January 2020

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN** on **Thursday, 6 February 2020** at **9.30 am**.

Coffee will be available for Members at 9.00am and 11.00am when there will be a short break in the meeting. A break of at least 30 minutes will be taken at 1.00pm if the meeting is still in session.

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

Any site inspections will take place on **27 February 2020**.

**PUBLIC SPEAKING – REGISTRATION IS STRICTLY BY TELEPHONE ONLY**

Members of the public who wish to speak on applications must register **by 9 am on Tuesday 4 February 2020** by telephoning **Customer Services on 01263 516150**. We do not accept requests by email or on any other number. Please read the information on the procedure for public speaking on our website [here](#) 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 C Cushing, Mr P Fisher, Mrs A Fitch-Tillett, Mrs W Fredericks, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Dr C Stockton, Mr A Varley and Mr A Yiasimi

**Substitutes:** Mr T Adams, Dr P Bütikofer, Mrs S Bütikofer, Mr N Housden, Mr J Punchard, Mr J Rest, Mrs E Spagnola, Mr J Toye and Ms K Ward

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

## 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 AND DETAILS OF ANY SUBSTITUTE MEMBER(S)

3. MINUTES

To approve as a correct record the Minutes of a meeting of the Committee held on 9 January 2020.

4. 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.

5. 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.

6. DECLARATIONS OF INTEREST

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.

### OFFICERS' REPORTS

### ITEMS FOR DECISION

#### PLANNING APPLICATIONS

7. HOLT - PO/18/1857 - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 110 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE TO SERVICE 2 HECTARES OF LAND POTENTIALLY FOR A NEW TWO FORM ENTRY (2FE) PRIMARY SCHOOL, PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) WITH MAIN VEHICULAR (Pages 1 - 110)

ACCESS POINT FROM BERESFORD ROAD AND SECONDARY PEDESTRIAN, CYCLE AND EMERGENCY ACCESS FROM LODGE CLOSE. ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS; LAND OFF BERESFORD ROAD, HOLT FOR GLADMAN DEVELOPMENTS LTD

8. BINHAM - PF/19/0456 - DEMOLISH OLD READING ROOM BUILDING AND ERECTION OF ONE AND A HALF STOREY DETACHED DWELLING AND DETACHED GARAGE WITH STORAGE ABOVE, INCLUDING PART RETROSPECTIVE ALTERATIONS TO EXISTING SECTION OF FRONT BOUNDARY WALL; LAND EAST OF NO.5 (FORMER READING ROOM), LANGHAM ROAD, BINHAM, NR21 0DW FOR MR BIRCHAM (Pages 111 - 122)
9. COLBY - PF/19/1974 - CONVERSION OF BARN TO 2NO.DWELLINGS (PART RETROSPECTIVE); HEPPINN BARN, NORTH WALSHAM ROAD, BANNINGHAM, NORWICH, NR11 7DU FOR MRS JONES (Pages 123 - 128)
10. MUNDESLEY - PF/19/1664 - ERECTION OF TWO BEDROOM DETACHED DWELLING FOLLOWING DEMOLITION OF EXISTING TRIPLE GARAGES; LAND OPPOSITE 8 HEATH LANE, MUNDESLEY, NR11 8JP FOR MR LEES (Pages 129 - 134)
11. SUSTEAD - PF/19/2033 - DEMOLITION OF SCAFFOLD YARD BUILDINGS AND STRUCTURES AND ERECTION OF TWO DETACHED HOUSES AND DETACHED SINGLE GARAGES; THE YARD, THE STREET, SUSTEAD, NORWICH, NR11 8RU FOR WILD BOAR PROPERTIES LTD (Pages 135 - 144)
12. APPLICATIONS RECOMMENDED FOR A SITE INSPECTION (Pages 145 - 146)
13. APPEALS SECTION (Pages 147 - 148)
  - (a) New Appeals
  - (b) Inquiries and Hearings – Progress
  - (c) Written Representations Appeals – In Hand
  - (d) Appeal Decisions
  - (e) Court Cases – Progress and Results
14. ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE
15. 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

16. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE
17. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

**HOLT - PO/18/1857 - Outline planning application for the erection of up to 110 dwellings with associated infrastructure to service 2 hectares of land potentially for a new Two Form Entry (2FE) primary school, public open space, landscaping and sustainable drainage system (SuDS) with main vehicular access point from Beresford Road and secondary pedestrian, cycle and emergency access from Lodge Close. All matters reserved except for means of access; Land off Beresford Road, Holt for Gladman Developments Ltd**

## **Major Development**

**- Target Date: 22 January 2019**

**- Extension of Time agreed till 31 Jan 2020**

Case Officer: Mr G Lyon

Outline Planning Permission

## **THE APPLICATION**

The application is in outline form with all matters of detail reserved for later approval, except for means of access. The principle of accommodating up to 110 dwellings on the site, together with the associated infrastructure to service 2 hectares of land for a new primary school, public open space, landscaping and sustainable drainage system (SuDS) is also for consideration.

## **BACKGROUND**

The Development Committee previously considered this application on 10 October 2019 at which it was resolved:

**That consideration of this application be deferred:**

- 1. to seek proof of the need for primary school places and greater financial commitment to the school by the Education Authority; and**
- 2. to seek an independent report in respect of the highway and access issues.**

A copy of the previous Committee Report is attached at **Appendix 1** and relevant Minutes attached at **Appendix 2**. The previous Committee report should be read in conjunction with this addendum report for a complete assessment of all aspects of the proposal.

Since the item was deferred, Officers have held discussions with the applicant and Education Authority (Norfolk County Council) in respect of the primary school and have appointed independent highway consultants to review the highway and access issues raised by Committee.

Other matters have also arisen during further consideration of the application including the status of the school within the outline application and the applicant's position in responding to a climate emergency.

Set out below are the latest positions in respect of the matters previously deferred together with consideration of these further matters.

- 1) Primary School - to seek proof of the need for primary school places and greater financial commitment to the school by the Education Authority**

Following the Development Committee meeting on 10 October 2019 a meeting took place between the representatives of the District Council, Norfolk County Council Education

Authority (Place Planning Manager and Sufficiency Delivery Manager) and Gladman to discuss the further supporting evidence that would need to be provided by the Education Authority so as to assist the considerations of the Development Committee. Discussions included:

- the education context for Holt and the pressure for school places;
- consideration of existing and planned housing developments in the Town;
- the Norfolk County Council pupil yield multiplier;
- sustainability;
- funding for the new school building;
- what would happen to the vacant school site (if a new school is built) and
- the site identification/assessment process in finding a new site for a school.

A further written response from the Education Authority was provided on 09 January 2020, a copy of which is available at **Appendix 3**. The following issues are drawn from the response of the Education Authority.

#### Education context for Holt and the pressure for school places

The Education Authority have acknowledged that ‘...some families who live in Holt do choose other schools in the area. Historically over the past few years only around 75% of the local catchment have chosen Holt Primary. There are various reasons for this preference; parents prefer a smaller village school, families live closer to local village schools, the consideration that other schools are better than Holt’.

In terms of pressure for places the Education Authority note that ‘...in 2012, 34 children applied for a place at Holt Primary for 30 places. In 2013 this figure was 32, in 2014 – 38 and in 2015 – 34. ...There has been pressure on school places in the Town for some years...[but] it is correct to say that since 2015, numbers have dropped slightly but still very close to the Admission number of 30. With the addition of many planned new properties in Holt, as Place Planners...[the Education Authority] aim to provide a local school place for all local children so...[considered]...it was the right time to begin the process to secure a new school site for Holt Primary School as this can take some time’.

#### Consideration of existing and planned housing developments in the Town

The Education Authority ‘...are aware of sites in Holt that have planning permission for housing or are allocated in the current development plan for housing development. The main sites to consider (not including small sites) are:

- 3 x sites at Greshams total of 150 dwellings with around 80 built out.
- Site at Hempstead Road for 213 dwellings with around 60 built out.
- Site at Woodfield Road / Peacock Lane for 85 dwellings – not started but included in Council’s 5 year supply.
- Site at Hempstead Road (remaining part of allocation H09) for 51 dwellings – application not yet determined and development not started but site is included in Council’s 5 year supply.

On this basis, [the Education Authority are making their assumption that] there are at least 359 additional dwellings that are yet to be built that have planning permission or an existing development plan allocation’.

The Education Authority also note that ‘In addition to existing housing development commitments...some more housing will be allocated to Holt, as part of the emerging Local Plan, currently being prepared. [The Education Authority note] that the First Draft Local Plan

proposes to allocate land for 330 additional dwellings (over and above existing development commitments). This includes the current application site on land south of Beresford Road’.

On this basis, the Education Authority are making their Place Planning assumptions on the basis of existing (unbuilt commitments) and proposed future housing growth in Holt amounting to 689 dwellings. These assumptions on housing numbers are generally concurred with by Officers and form a sound basis against which to consider future primary school place need over the ten-year land option period.

#### Norfolk County Council pupil yield multiplier

The Education Authority have again confirmed that, in Place Planning for schools they ‘use a pupil yield multiplier of 28.1 primary age children per 100 new homes [across Norfolk]. This is a standard multiplier used for NCC pupil forecasting’. The Education Authority have confirmed that ‘...his multiplier is reviewed annually and calculated from the number of children now living on new housing developments across the County. NCC school place planners are aware that some areas of the County are likely to generate in excess of the multiplier (A11 corridor/Norwich outskirts) and some less than the multiplier (rural villages in North Norfolk and coastal villages).

Officers fully recognise the concerns raised by the Development Committee on 10 Oct 2019 in respect of predicting the number of children likely needing primary school education which could be affected by the age demographic and sales profile of purchasers of the new dwellings in Holt. The Committee were concerned that house sales in Holt from occupiers without younger children would reduce the need for primary school places and thus reduce the likelihood of the Education Authority from taking up the option to acquire the land for a new school.

The Education Authority recognise that ‘The size of houses, the number of affordable homes, the cost of the properties and the proximity to local services can all have an impact on the number of families choosing these homes’.

Whilst the Education Authority do not consider their pupil yield multiplier of 28.1 is too high, even if a lower figure of 20 primary age children per 100 homes were used ‘the pupil generation from 689 new homes would give an additional 138 primary age children which equates to an additional 20 children per year group. The same calculation based on the LA Norfolk multiplier of 28.1 primary age children per 100 new homes gives 194 additional primary age children – 28 per year group. **Using either of these scenarios, the additional pupil numbers for Holt would justify the building of a new school** and to future proof a new school, 420 places appears sensible’. (emphasis added).

#### Sustainability

The Education Authority have indicated that eight primary schools have a catchment that borders the catchment of Holt Primary School. These schools range from 3.3 miles away from the centre of Holt (Kelling Primary School) up to 10.1 miles away from the centre of Holt (Aldborough) with most in the region of 5-6 miles from the centre of Holt. Whilst parental choice means some residents in Holt do currently send their children to rural schools outside of the town, the Education Authority has indicated that it ‘...does not consider it sustainably appropriate for children of this age to travel these distances from their homes to school unless completely unavoidable. This is one reason why Children’s Services do not plan school places by ‘Districts’, [but] plan by school catchment and each school has its own catchment’.

Officers consider that one of the key sustainability benefits of a larger primary school that can accommodate the primary school needs of the town is a likely reduction in longer car journeys to other catchment areas and the ability to encourage modal shift including walking and cycling

as part of a wider travel plan for the school when then the future planning application is submitted.

#### Funding for the new school building

Officers note the concerns of the Development Committee expressed during the 10 Oct 2019 meeting and the expressed wish to see proof of a greater financial commitment to the school by the Education Authority.

The Education Authority have set out in their 09 Jan 2020 response that 'the responsibility for capital funding for the new [two form entry primary school] sits with Norfolk County Council. It will be [funded from] a combination of growth (Basic Need grant and S106 developer contributions) and condition funding. The existing school was built in the mid-19th Century and the condition funding acknowledges the need to invest in the fabric of the building and re-provide existing school places'.

Whilst the Education Authority have not expressed that specific money is allocated, ready and waiting to be spent on a new 2FE primary school for Holt, the factors set out above all point to the need for a larger primary school within the ten-year time period of the proposed land option agreement. Furthermore, the Education Authority have a duty to ensure that there are sufficient school places in their area and capital funding streams are available from various sources to enable the Local Education Authority to provide sufficient school places for those that want one.

The issue of need and a financial commitment to fund the school are therefore very much interlinked.

#### What would happen to the vacant school site (if a new school is built)

The Education Authority have indicated that, 'When a school site becomes available for any reason,...[the] first consideration is reuse for educational purposes.... If it does not meet any education need, a site and building can then be offered up for wider County Council use. An example of this could be the 'Housing with Care Strategy' which is looking to support the housing needs of older people across the County. If there is no identified need across the County Council it is only then that a site might then be considered for disposal and put up for sale.

The Education Authority have also indicated that 'In parallel to the process set out above, the Secretary of State reserves the right to take a site off the Local Authority and directly commission a 'free school' where there is either a pupil need or standards issue in existing schools in the area. It is not currently anticipated this would be the case in Holt'.

Whilst it is recognised that the provision of land for a new school in Holt would result in the existing school site needing to be re-used or redeveloped and which could be put towards addressing the affordable housing deficit associated with this proposal on Beresford Road Officers consider that very limited weight, if any, could be given to the proposed re-use of the existing school site in the assessment of this application particularly as the existing school site does not form part of this application.

#### The site identification/assessment process in finding a new site for a school

The Education Authority have set out in their response of 09 January 2020 the process they have gone through in identifying a site for a new school which has been ongoing since 2015. It was reported to the Development Committee on 10 Oct 2019 that an allocation of £500,000 has been made by the County Council to support the development of the school site at Beresford Road through the design development stage. A masterplan produced for Norfolk County Council demonstrates that a 420 place primary school, nursery, associated external areas including staff and visitor parking can be successfully achieved on the proposed site.



### Primary School conclusion

The Education Authority's response of 09 Jan 2020 provides further information explaining the need for primary school places in Holt and some further evidence that there is an overall commitment to the school by the Education Authority. Whilst Officers understand that there is no specific budget commitment by the County Council to fully fund a two form entry primary school in Holt at this moment in time, the fact that an allocation of £500,000 has been made by the County Council to support the development of the school site at Beresford Road through the design development stage provides a reasonable indication of commitment which can be taken forward and accelerated once the option to take on the two hectares of land has been signed and agreed by the Education Authority.

Officers consider that the available evidence points towards a need for an enlarged primary school to meet the needs of Holt well within the next ten years and this need, coupled with the duty placed on the Education Authority to ensure that there are sufficient school places in their area, will drive the final funding commitments necessary to deliver the school.

## **2) Highway Matters - to seek an independent report in respect of the highway and access issues**

In considering the application on 10 Oct 2019, the Development Committee raised a number of concerns about matters of highways safety including concerns about the single point of vehicular access to the site from Beresford Road, associated increase in traffic on nearby roads and associated road safety implications as well as concerns about detrimental effect on quality of life for local residents associated with inconsiderate driving and parking and the impact of the proposal on the wider network including Hempstead Road.

Whilst Norfolk County Council Highways had raised no objection to the proposal subject to S106 funding towards the local hopper bus and imposition of a range of conditions, on the basis of local knowledge and concerns, the Development Committee considered it necessary to seek an independent review of the highway and access issues raised.

Following a competitive tendering process, the Council appointed Edwards and Edwards Consultancy (EAE) to act as independent highway consultants (IHC). Steve Clarke (Dip TP MRTPI) is the Senior Transport Consultant at Edwards & Edwards Consultancy Ltd (EAE) who undertook the highway review work for the Council.

The work undertaken comprised of:

- Reviewing the application proposal in terms of all related aspects of highway design, capacity and highway safety (including Junction Capacity Assessments, the Adequacy of Beresford Road and Lodge Close and On Street Parking);
- Reviewing correspondence in relation to highway matters received for this application;
- Providing a written report/assessment of the proposal;
- Updates as necessary following receipt of any further information from the applicant

A copy of the initial IHC report (minus the appendices) is attached at **Appendix 4**.

In summary the IHC note the context of the NPPF advice 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 would be severe.”***

The IHC report contends that, having regard to all of the relevant issues, development would be acceptable, in principle, but there were some further questions/issues to consider/validate including:

- i) That the 2018 base junction capacity assessment predictions [by the applicant] can be validated.
- ii) Provided that a Parking and Travel Plan for the primary school is submitted and agreed by the local planning authority in consultation with the highway authority.
- iii) That the Parking and Travel Plan for the primary school is secured through the planning process in a way that enables a broad range of remedies to be called upon in the event that future annual monitoring reveals that its outcomes are not being realised.
- iv) Auto track analysis is submitted to demonstrate that Beresford Road and Lodge Close can function for their intended purpose.

The IHC report and conclusions were forwarded to the applicant on 17 Dec 2019 and a subsequent response from the applicant was received on 23 Dec 2019 including a 22 page technical note produced by Stirling Maynard which responds to the initial IHC report (copy (minus appendices) attached at **Appendix 5**).

This technical note was reviewed by the IHC and a specific issue impacting upon the assessment of highway related matters had been identified, that being the status of the School within the Outline planning application. The applicant has subsequently confirmed that the school does not form part of the outline application and further information about the status of the school is set out in more detail in the **section 3**) below.

In considering the issues raised by the Independent Highway Consultant, Officers can advise as follows:

- i) That the 2018 base junction capacity assessment predictions [by the applicant] can be validated.

In putting together their application submission in September 2018, the applicant's highway consultant (Stirling Maynard) set out the base junction capacity predictions using software modelling known as 'PICADY' (Priority Intersection Capacity and Delay) and 'ARCADY' (Assessment of Roundabout Capacity and Delay). As with any modelling it is important to understand that these predictions offer a reasonable reflection of actual traffic conditions in terms of predicted queues, delays and ratio of flow to capacity.

The Highway Authority have confirmed that 'it is our professional opinion, based on local knowledge, that the Stirling Maynard assessment provides a reasonable reflection of the current traffic conditions'.

With the base data assessment predictions validated by the local Highway Authority, the Council's independent highway consultant has indicated that, in his professional opinion, the junctions assessed could accommodate the development traffic and there would therefore be no junction capacity issues to address.

- ii) Provided that a Parking and Travel Plan for the primary school is submitted and agreed by the local planning authority in consultation with the highway authority; and

iii) That the Parking and Travel Plan for the primary school is secured through the planning process in a way that enables a broad range of remedies to be called upon in the event that future annual monitoring reveals that its outcomes are not being realised.

With the applicant now clearly confirming that consideration of the principle of a school is **not** part of the outline application, this means that further detailed highway consideration in relation to the school is not strictly necessary in order to enable the Development Committee to make a decision.

It should however be noted that notwithstanding the planning status of the school in the application, the Traffic Assessment submitted by the applicant does take into account the trip generation associated with a 2FE primary school. This is provided by the applicant in order to seek to demonstrate that the local highway network can accommodate the level of movements without any need to upgrade junctions or undertake any significant off site highway improvement works. Furthermore, this information is provided by the applicant to seek to demonstrate that the means of access to the site (that is specifically being applied for) is appropriate and safe to support a development of up to 110 dwellings and a 2FE primary school.

The need for a Parking and Travel Plan can be secured as part of the future consideration of an application for the two-form entry primary school. Further consideration is set out below in the section titled 'Highway Impact of the Primary School'

iv) Auto track analysis is submitted to demonstrate that Beresford Road and Lodge Close can function for their intended purpose.

The applicant has provided tracking plans requested by the Council's Independent Highway Consultant. These were requested to show that larger vehicles such as coaches and refuse collection vehicles could access the site via Beresford Road and fire tenders could access via Lodge Close in an emergency, even when there are cars parked along the roads. Whilst such matters would form part of the consideration of the future school proposal application(s), the Council's independent highway consultant has noted that coach access along a 5.5m wide road would be 'extremely tight' and that the 'coach tracking envelope encroaches very close to the footway edge and parked cars'. Ideally a 500mm margin should be achieved.

#### Highway Impact of the Primary School

Whilst the Council's independent highway consultant considers that 'increased on-street parking demand is likely to arise from the primary school', the extent to which this might occur is not clear as 'no consideration has been given, in detail, to how parking associated with the primary school will be managed through a Parking and Travel Plan'.

In respect of larger vehicles associated with a school, the applicant has indicated that the number of coaches accessing the site would be limited to the 'occasional coach for school trips' and has sought to paint a more optimistic picture regarding access for larger vehicles once a school is built and operational. However, the submitted tracking detail for coaches suggest to the Council's independent highway consultant that coach access to the site from Beresford Road could be 'extremely tight' if parked cars are present. There is therefore a slight difference of opinion regarding the impact of parked cars associated with the school on access to the site.

Officers fully recognise the concerns previously expressed by the Development Committee about the traffic implications associated with the primary school. Whilst the primary school

itself is not for determination today by this Committee and therefore any proposition for refusal based on the traffic impact concerns of the school traffic alone would not be supported by Officers, the very nature of this application means that, if the Development Committee are minded to approve the proposal, it would set in train the assumption that a school could be built on the site at some point in the future if the Education Authority take up the land option being offered by the applicant. The delivery of a school is clearly a key component of the 'material planning considerations' being put forward by the applicant to justify approval and it would be right for the Committee to reasonably expect its delivery off the back of approval of this proposal (assuming the Education Authority take up the land option).

If a school is to be built, there would be a further opportunity for the decision maker of a future school application to consider the traffic impact of the school on the local area including securing potential mitigation measures and a Travel Plan.

Given that approval of this application would set in train the presumption of a school being eventually built on the Beresford Road site, Officers asked the applicant to consider the sort of measures and controls that could potentially be put in place (secured by conditions or planning obligation on any subsequent school permission, if justified) to ensure the school operates successfully in highways terms

The applicants position remains that, 'based on the highways and transportation work undertaken as part of the current application (which takes into account the vehicle movements that would be generated by a 2FE school), there is nothing to suggest that any insurmountable highways issues would arise from a detailed school proposal. Notwithstanding this, [the applicant asked their] transportation consultants to comment on the sort of controls that could potentially be linked to a subsequent school permission'.

The applicant then goes on to set out that 'It should be noted that the measures suggested, have been done so on a hypothetical basis. It is not our position that these measures are necessarily justified or required to be attached to any future permission for a school'.

'Notwithstanding this, some suggested measures are:

1. Timing

Any conditions where relevant should be "prior to commencement of development" so that it is plain any issues are sorted out before work starts.

2. Travel Plan

The easiest way to avoid parking problems is to make sure the number of cars is as low as possible in the first place. This is especially relevant here where a significant population is within easy walking distance of the school. A robust Travel Plan would be required with regular monitoring and reports to the Council. No doubt an initial Plan would be submitted as part of the school application but agreement on the full Travel Plan needs to be conditioned to ensure it is taken forward and implemented.

3. Parking Management Plan

Given this appears to be the key area of concern, the details of this could be considered at the school application stage so the matter can be discussed and successfully concluded before permission is granted. There are a range of measures that could be put in place such as:

- A) Yellow markings prohibiting parking in inappropriate areas, with a time element so it covers school start and finish times. (This is quite common for on-street parking near schools.)
- B) Regular monitoring of car parking outside the school to ensure antisocial parking is not taking place.
- C) If any problems do occur liaison with the Local Police Community Officer can often quickly address this.
- D) Liaison with parents if any problems occur reminding them of their responsibilities.
- E) The plan should also address management of staff and visitor parking making sure that staff do not park off-site.

The agreed Plan can be subject to a condition / undertaking to ensure that it is implemented and regularly monitored.

#### 4. Servicing

A condition could be imposed requiring servicing and refuse collection is controlled to take place outside school start and finish times. In practice this is usually the case anyway.

#### 5. Coaches

There could be a requirement for the school to have a protocol for managing coaches coming to the school. This would control the time that larger coaches arrive at the school.'

Officers consider that these are all sensible suggestions for measures to control the impact of traffic associated with the primary school. These measures, if implemented, would go a long way to addressing local concerns previously expressed by local residents and should give some comfort to the Development Committee to be able to make a positive recommendation.

#### Summary of Highway Matters

On the basis of the development proposed and having reviewed the available evidence, the Council's independent highway consultant has confirmed that the junctions assessed could accommodate the development traffic (including the school traffic).

The independent highway assessment has found no evidence to suggest that the application would give rise to an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe.

Officers note the previous concerns raised by Development Committee, particularly in relation to the traffic and parking impacts of the proposed school, but these are matters that would need to be the subject of mitigation at the time when the principle and detailed design of the school are for determination. However, the available evidence suggests that mitigation control options are possible in order to ensure the school operates successfully in highways terms and Officers consider this should give some comfort to the Development Committee to be able to make a positive recommendation.

### **3) Status of the School within the Outline Application**

For the avoidance of any doubt, it is important for the Development Committee to be clear as to the exact status of the school within this outline planning application. This is necessary so

that the Development Committee can, if necessary, apply appropriate weight to any material planning considerations and conversely to understand when matters are not material planning considerations when making the planning balance.

During the assessment of highway matters, there was some confusion as to whether the principle of a two-form entry primary school formed part of the Outline application. This was relevant to highway matters because means of access is being agreed at this stage. Whether the school is in or out of the outline proposal affects the information needed at this stage prior to making a decision and also whether, if minded to approve, any conditions or S106 obligations need to have regard to the highway impact of the school.

In clarifying this situation, the applicant has confirmed that:

‘The school does not form part of the outline application and the proposal is not seeking outline planning permission for a specified quantity of Use Class D1 floorspace. The application forms...make clear that the proposal does not involve the provision of non-residential floorspace. What would be secured through the development package is the transfer of 2 ha of fully serviced land to the [Local Education Authority] for use as a school. The [Local Education Authority] would be able to call on this land for use as a school for a period of 10 years’.

The applicant then goes on to confirm that:

‘The school proposal would need to be subject to a separate future planning application (not a reserved matters application). This approach is entirely appropriate in procedural terms and is particularly appropriate for the purposes of this proposal as the [Local Education Authority] is not currently in a position where it can categorically confirm that it would be in a position to make a reserved matters submission within 3 years of an outline permission (as would be required by standard condition).’

In addition to the principle of up to 110 dwellings and the means of access thereto, the Development Committee are also being asked to consider whether the proposed ten-year option to transfer 2 hectares of land to the Education Authority is acceptable or not (with the necessary associated on site infrastructure – e.g. means of access from Beresford Road and the provision of other infrastructure to the site including water, sewage, electricity, broadband) on to which a two form-entry primary school could be built, and whether the offer of land is a material planning consideration to which sufficient weight can be afforded to justify a departure from the Development Plan.

If Development Committee were minded to grant outline planning permission, the two hectares of land identified for a primary school would have ‘null’ planning use, albeit that such land would be provided to the Education Authority with necessary services should they be minded to take up the option to acquire the land within ten years.

A school which can be built would only be secured once a Full planning application is submitted and approved for the school and, depending on the type of school, this application could be made either to the County Council or North Norfolk District Council at which point all relevant matters can be considered including the possible need for a Travel Plan to, amongst other things, address any potential future off-site highway concerns associated with the impact of school drop-off and pick-up.

Whilst the status of the school has not changed since Development Committee last considered the application, a further refinement to the description of development has been suggested by Officers following legal advice. Proposed new description set out below (additional text highlighted in bold). The applicant has confirmed their agreement to this description change.

‘Outline planning application for the erection of up to 110 dwellings with **associated infrastructure to service** 2 hectares of land **potentially** for a new **Two Form Entry (2FE)** primary school, public open space, landscaping and sustainable drainage system (SuDS) with main vehicular access point from Beresford Road and secondary pedestrian, cycle and emergency access from Lodge Close. All matters reserved except for means of access’

In summary, whilst the principle of approving a school does not form part of this outline proposal and would need to be the subject of a separate permission, the future delivery of a new primary school is clearly a key component of the ‘material planning considerations’ / public benefits associated with the transfer of land to the Education Authority leading to school (assuming the Education Authority take up the land option).

The very nature of this application means that, if the Development Committee are minded to approve the proposal, it would set in train the assumption that a school could be built on the site at some point in the future if the Education Authority take up the land option being offered by the applicant. In light of the evidence set out in Section 1 of this report it would be right for the Committee to have the confidence so as to reasonably expect delivery of a new school off the back of approval of this proposal.

#### **4) Responding to a Climate Emergency**

During consideration of the application on 10 October 2019, Development Committee expressed ‘disappointed that there was no reference to climate emergency in the report’. The applicant subsequently prepared a four-page letter setting out how they consider the ‘proposal will result in a sustainable pattern of development and identifies some of the measures that are committed to by the applicant to help tackle the climate change emergency, which go significantly beyond any measures set out in the statutory development plan and have been informed by draft measures in the emerging Local Plan’. A copy of the letter dated 04 Dec 2019 is attached at **Appendix 6**.

The applicant has set out how the proposal responds to a climate emergency in relation to:

- Location of the Site;
- Electric Vehicle Charging Points
- Transportation – Influencing Modal Shift;
- Ecology and Biodiversity Net Gains;
- Sustainable Urban Drainage Systems;
- Water Efficiency;
- Fibre to the Premises Broadband;
- Sustainable Construction, Energy Efficiency and Carbon Reduction; and
- New School Buildings

The applicant has also indicated a range of measures over and above those required in the current Core Strategy which they are prepared to sign up to either through a S106 Obligation or specific planning conditions. Officers welcome the approach set out by the applicant and, subject to these matters being secured as part of the outline application, these are matters which could attract significant weight in favour of the grant of planning permission.

## 5) Other matters

A letter of support dated 01 November 2019 has been submitted on behalf of Holt CP School by the Deputy Chair Governors. This letter sets out the background to the issues facing Holt School including those resulting from its current split site; provides observations on the issues raised by Development Committee on 10 Oct 2019 (including the demand for school places) and makes observations about the preferred site. The letter sets out that:

'Holt Community Primary School can confirm its strong support for the Beresford Road site, as a location for the new school. A school in this locality would be very well placed to serve the school catchment area and would support opportunities for children to walk or cycle to school. Furthermore, the whereabouts of the proposed school site, adjacent to Holt Country Park, would enable easy access to this facility for children and sustain increased opportunities for Forest Schooling – an opportunity which our children should not be denied'.

The letter concludes:

'Overall, Holt Community Primary School is supportive of the application proposals at Beresford Road. The transfer of land to the County Council (on a site that is supported by the education authority and the school as the preferred site for a new primary school) will be an important step forward in realising the joint aspiration for a new school facility and in meeting the current and future primary school age needs of the town.'

A letter of support dated 26 Nov 2019 has also been received from the Director of Victory Housing Trust, now part of the Flagship Group. Victory manages properties on the adjacent site at Lodge Close. The letter sets out the severe shortage of affordable homes in Holt and North Norfolk more generally and Victory set out that they would welcome the opportunity to acquire and manage the affordable stock delivered as part of the application proposal.

A letter received 20 Jan 2020 from a local resident in Holt has also been submitted which indicates that, in their opinion, following correspondence the support from Victory/Flagship Housing is limited to the provision of affordable housing and not support as to the general suitability of the scheme in regards to all other matters.

## 6) Conclusions on Reasons for Deferral

Development Committee deferred the application on 10 Oct 2019 in order:

- 1. to seek proof of the need for primary school places and greater financial commitment to the school by the Education Authority; and**
- 2. to seek an independent report in respect of the highway and access issues.**

Officers have undertaken further work to seek clarification from the Education Authority in regard to need for primary school places and the financial commitment towards provision of a new primary school in Holt. Officers consider that the Development Committee have been provided with sufficient information in order to positively address the need and financial commitment concerns previously expressed.

In respect of highway matters, an independent assessment has been carried out by Edwards and Edwards Consultancy (EAE) and this has concluded that there is no evidence to suggest that the application would give rise to an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe.



In respect of the status of proposed school within the application, the applicant has confirmed that the school is not included in the outline application therefore meaning that the Development Committee are not being asked to grant the principle of a school today. This affects the level of information reasonably necessary to determine the proposal (particularly in relation to highway matters).

The very nature of this application means that, if the Development Committee are minded to approve the proposal, it would set in train the assumption that a school could be built on the site at some point in the future if the Education Authority take up the land option being offered by the applicant.

The applicant has set out a range of possible measures and controls that could potentially be put in place (secured by conditions or planning obligation on any subsequent school permission, if justified) to ensure the school operates successfully in highways terms and this should give some comfort to the Development Committee to be able to make a positive recommendation.

The applicant has also set out a range of positive measures/actions regarding how the proposal responds positively to a climate emergency. These are all matters which attract weight in favour of the proposal.

## **7) Overall Planning Balance and Conclusions**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The principle of housing development on this site does not accord with the development plan. Due to the sites 'Countryside' designation the proposed development conflicts with Policy SS 1 Spatial Strategy for North Norfolk and SS2 - Development in the Countryside and this is not a site currently allocated for development. The development plan is operating effectively, delivering the necessary level of homes as part of its overall approach and for this reason substantial weight should be attached to the identified conflict with the development plan.

The identified conflict with development plan should be considered alongside any other material planning considerations relevant to this application.

One such material consideration is the community benefit of providing land for future delivery of a 2FE primary school. This land has been assessed at a high level as being fit for its intended purpose and is available to Norfolk County Council as Local Education Authority for this use. The weight to be applied to this benefit should be moderated as it includes the gift of land only and not the provision of a school. However, even though there is currently no budget or formal commitment from Norfolk County Council members to provide a new school, the further evidence within this report sets out a likely need in the short term for such provision as the existing constrained primary school in Holt is forecast to be at capacity and new dwellings will become occupied which already have the benefit of planning permission. The provision of land to allow a new school to be constructed is a significant first step in securing a new primary school for Holt to meet current commitments and future growth needs.

It is officer opinion that the application, through an appropriately worded legal agreement, would secure sufficient certainty through offering the land for a period in which it should be realistically possible for the Local Education Authority to secure real progress in the construction of a new school. Officers consider that the public benefit of land to deliver a new school is a material consideration in favour to which substantial weight may be afforded. Beyond this period in the event that a primary school is not provided a fall back of a financial contribution to mitigate impacts of the development on primary education provision will be

provided, ensuring that the impact of the development on primary education is at least properly mitigated.

The environmental and social benefits that the development will secure in terms of the location of the development directly adjacent to Holt Country Park and the opportunity that this brings to secure improved pedestrian access for existing residents through the site to access the green space which is Holt Country Park and the physical health and overall wellbeing benefits that this brings to new and existing Holt residents are not to be underestimated. This improved accessibility to green infrastructure should attract moderate weight.

Increasing the available supply of land for both market and affordable housing, supporting the economic dimension of sustainable development is another material consideration. In the context of the NPPFs objective in paragraph 59 to significantly boost the supply of homes, the delivery of market and affordable housing weighs in favour of the proposal, providing greater certainty that needs would be met and contributing to the delivery of affordable housing in the area. However, given that the Council can already demonstrate a supply of both market and affordable housing sufficient for the next five years of need, this benefit would attract no more than moderate weight.

With regard to the economic role of sustainable development, the proposed development would bring direct and indirect economic benefits to the local area including Council Tax receipts, additional trade for local shops and businesses by virtue of people living in the houses, and the economic benefits during the construction phase including jobs in construction and economic benefits to the construction industry supply chain. These benefits would be realised from any policy compliant residential development but would nonetheless be a benefit to the local area attracting only limited weight in the planning balance.

Finally, the previous appeal decision from 2015 is material to the consideration of this application and should be afforded some weight. The proposed development is however materially different from the proposals which were considered at appeal, as the amount of housing proposed has been reduced from 'up to 170 dwellings' to 'up to 110 dwellings' and the current proposals include land to accommodate a new 2FE Primary School, whereas the previous development proposed for the site made no such provision.

Caution should be taken in the unquestioning application of the Inspector's conclusions. The relevance of the appeal decision is advised to be drawn from its constituent parts. The differences in the development proposals could reasonably give rise to different conclusions. Contextually, housing land availability is not a matter of contention here; the County Council's position regarding existing school capacity concerns and new school requirements has not fundamentally changed, however this application is set apart by to provide a school site. The Inspector's conclusions relating to the openness of the site contributing to the protection and enhancement of the natural environment, has been addressed, at least in part, by the introduction of a site to accommodate a school centrally in the development. Further amelioration is provided by significant areas of green space, which act as a buffer between the proposed built residential form and Holt Country Park. The planning balance considerations will therefore differ greatly from that undertaken previously. Officers are persuaded that only limited weight should be given to the appeal conclusions when applied to the revised proposals.

It is the view of officers that taking the entirety of the identified benefits into account along with all other material considerations, subject to the securing of a S106 Obligation and the imposition of appropriate conditions, cumulatively these benefits are considered to outweigh the identified conflict with development plan policy.

**RECOMMENDATION:**

**Part 1:**

**Delegate authority to the Head of Planning to APPROVE subject to:**

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

- Not less than 36% affordable housing,
- Emergency access to the site from Lodge Close,
- On site open space scheme (including equipped children's play area) detailing provision and management details (including 3 access points to Holt Country Park),
- Provision and transfer of 2 hectares of serviced land for provision of a primary school to the Local Education Authority (in a location in accordance with the Development Framework plan and in accordance with the details contained within the schedule of costs within Appendix 13.0 of the Affordable Housing Viability Assessment – Supplemental Report 15 August 2019) – exact terms to be agreed with Norfolk County Council,
- Payment of £337,676 [index linked] to Norfolk County Council in the event that the land for the provision of a school is released from its obligations,
- Financial contribution towards mitigating healthcare impacts - £38,167,
- Financial contribution towards libraries - £75 per dwelling (£8,250),
- Financial contribution towards Norfolk Coast European Sites Mitigation - £50 per dwelling (£5,500),
- Financial contribution towards Holt Country Park access management (Norfolk Valley Fens European Site Mitigation) - £127,300,
- Financial contribution towards a Hopper Bus Service - £353 per dwelling (£38,830)

**2) The imposition of appropriate conditions to include:**

1. The submission of reserved matters within three years and two year commencement upon approval of reserved matter(s),
2. Reserved matters to relate to appearance, landscaping, layout and scale

Prior to submission of reserved matters

3. Archaeological mitigatory work

As part of submission of reserved matters

4. Provision of detailed surface water drainage scheme, incorporating measures as required by the Appropriate Assessment.
5. Minerals Management Plan to be informed by the Mineral Resource Assessment October 2018.

6. A layout plan which provides at least 3 pedestrian access points into Holt Country Park (in accordance with the locations shown on the Development Framework Plan).
7. A layout plan providing for drop off pick-up parking for the primary school for at least 10 vehicles to be provided in a dedicated area within the public highway, in close proximity to the main point of access to the school site.
8. A layout plan providing a landscaping buffer along southern and eastern boundaries, amount in accordance with parameters plan.
9. Provision of interpretation signage within the application site at access points to Holt Country Park
10. Landscape and Ecological Management Plan to be agreed.
11. Ecological Design Strategy to be agreed.
12. Arboricultural Method Statement and Tree Works Plan to be agreed.
13. Land contamination investigation report to be submitted
14. Electric Vehicle Charging Scheme to be agreed
15. Commitment to deliver all housing development that complies with the optional 110 litres per person per day water efficiency standard.
16. Each dwelling to be provided with Fibre to the Premises Broadband

#### Prior to Commencement of Development

17. Highways, details of roads, footways, cycleways, drainage etc. to be submitted for approval.
18. Details of on-site construction worker parking to be submitted for approval.
19. Interim Travel plan to be submitted for approval.
20. Construction Environment Management Plan to be agreed.
21. Details of noise from plant (heating or ventilation) if proposed to be installed in dwellings.
22. External lighting details to be agreed.
23. Details of refuse storage areas and refuse collection vehicle access to be submitted
24. Details of the provision of 2 fire hydrants

#### Prior to Occupation

25. Prior to first occupation construction of road, footways etc. to binder course surfacing level from each dwelling to the County road
26. Prior to first occupation the Interim Travel plan shall be implemented in accordance with details approved

27. Prior to occupation of the final dwelling completion of roads, footways, cycleways, drainage to agreed specification

**and any other conditions considered to be necessary by the Head of Planning**

**Part 2:**

**That the application be refused if a suitable section 106 agreement is not completed within 3 months of the date of resolution to approve and, and in the opinion of the Head of Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale.**

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**REPORT TO DEVELOPMENT COMMITTEE – 10 OCTOBER 2019**

**HOLT - PO/18/1857** - Outline planning application for the erection of up to 110 dwellings with 2 hectares of land for a new primary school, public open space, landscaping and sustainable drainage system (SuDS) with main vehicular access point from Beresford Road and secondary pedestrian, cycle and emergency access from Lodge Close. All matters reserved except for means of access; Land off Beresford Road, Holt for Gladman Developments Ltd

**Major Development**

- Target Date: 22 January 2019

Case Officer: Miss S Hinchcliffe

Outline Planning Permission

**CONSTRAINTS**

LDF - Countryside

LDF - Residential Area – adjacent to the north

LDF - Settlement Boundary – adjacent to the north

County Wildlife Site – Holt Country Park, adjacent to the south and east

Glaven Valley Conservation Area - adjacent to the south and east

SFRA - Areas Susceptible to Groundwater Flooding

EA Risk of Flooding from Surface Water 1 in 1000

EA Risk of Flooding from Surface Water 1 in 100

SFRA - Risk of Flooding from Surface Water + CC

Mineral Safeguard Area

Unclassified Road

**RELEVANT PLANNING HISTORY**

(for Land off Beresford Road, Holt)

PO/14/0846 PO

Land south of Lodge Close, Holt

Erection of up to 170 dwellings and associated infrastructure

Refused 02/10/2014 Appeal Dismissed 18/09/2015

PO/14/1603 PO

Land South of 63, Lodge Close, Holt

Erection of up to 170 dwellings and associated infrastructure

Refused 26/02/2015

**THE APPLICATION**

The application is in outline form with all matters of detail reserved for later approval, except for means of access. The principle of accommodating up to 110 dwellings on the site, together with 2 hectares of land for a new primary school, public open space, landscaping and sustainable drainage system (SuDS) is also for consideration.

The application is supported by the following plans / documents:

'Development Framework' plan – setting defined parameters

Location Plan

Access Drawing

Emergency Access Drawing

Planning Statement

Design and Access Statement (including 'Illustrative Masterplan')

Indicative Layout/Sections – through Public Open Space  
Transport Assessment  
Travel Plan  
Landscape and Visual Appraisal  
Arboricultural Assessment  
Ecological Appraisal  
Bat Survey Report  
Habitats Regulations Assessment Addendum  
Archaeological Desk Based Assessment  
Land Contamination Report  
Mineral Resource Assessment  
Air Quality Screening Report  
Flood Risk Assessment  
Foul Drainage Analysis  
Utilities Assessment  
Socio-economic Sustainability Statement  
Statement of Community Involvement  
Affordable Housing Viability Assessment and Supplemental Report

Also submitted is a draft list of Heads of Terms (S.106 Obligation) covering the following:

**Affordable Housing** – 36%

**Education** – transfer of 2 hectares of serviced land to the Local Education Authority to be used for the construction of a primary school (or an index linked contribution of £337,676 if the option to acquire the land is not taken up by the County Council).

**Open Space** – on site informal open space and equipped children's play area.

**NHS Healthcare Contribution** - £38,167

**Holt Country Park Contribution (Norfolk Valley Fens European Site Mitigation)** - £127,300, towards access management at Holt Country Park

**Library Contribution** - £75 per dwelling (£8,250)

**Norfolk Coast European Sites Mitigation** - £50 per dwelling (£5,500)

**Hopper Bus Service Contribution** - £353 per dwelling (£38,830)

## **REASONS FOR REFERRAL TO COMMITTEE**

At the request of the local Member, Councillor Baker for reasons of planning policy, access and local school capacity and at the request of the Head of Planning given the public interest in the application.

## **HOLT TOWN COUNCIL**

Object to this application. Have raised concerns about the access coming off a small road [Beresford Road] that is unsuitable for traffic and consider that 110 dwellings on that plot of land is too many and not needed.

Holt Town Council agree a school is needed, but are of the opinion that they do not want to be held 'hostage' to agree to 110 dwellings in exchange for it.

## **REPRESENTATIONS**

67 individual letters of objection were received over three separate rounds of public consultation raising the matters as outlined below:

- Increased traffic on Charles Road / Edinburgh Road is of concern.
- Access via Beresford Road is inadequate to serve the scale of development proposed.
- Increased congestion associated with the school at drop off and pick up times.
- There are lots of parked cars on Hempstead Road, Charles Road & Beresford Road.



- Road safety issues in relation to the nearby Holt Community Hub (day centre) and the Children's Centre on Charles Road
- Parents will park on inadequate Lodge Close to then walk their children to school avoiding the congestion on Beresford Road.
- Loss of open views.
- Loss of agricultural land.
- Will reduce appeal of Holt Country Park, impacting on its peacefulness.
- Fire risk from surrounding heathland / Holt Country Park - land should be retained as a fire break.
- Impact on wildlife, both on the site and Holt Country Park adjacent.
- The development is close to an area of European importance for habitats and wildlife.
- Would be in excess of the planned number of dwellings allocated for Holt.
- Density and scale of development more suitable to a town rather than the edge of the countryside.
- The town needs more shops and employment opportunities.
- There is already more housing being built in Holt than can be sold.
- Affordable housing should be provided for the benefit of the local community.
- Any new school needs to be located on the existing site or an easily accessible site more centrally located.
- There is no need for a new school as pupil numbers drop and there is no funding to build it. Norfolk County Council Children's Services have already spent their budget.
- There are significant financial, educational and community risk to the application.
- Without details of the school it could become a big, sterile, institutional block in the middle of a number of houses.
- The land allocated for the new school may eventually be used for housing.
- The developer has assigned a residential value to the school land, which is incorrect and is at the expense of affordable homes.
- Strain on local medical centre capacity.
- Impacts of air and noise pollution.
- The plans have been rejected before.

**Norfolk County Councillor** (Cllr Sarah Butikofer) – a single point of access to the site is completely inadequate for the location. Traffic flow issues, on street parking congestion and dangerous driving are issues in the vicinity.

I am yet to see the report confirming that this is the only suitable site in the town for a school. I am concerned that this is a back door approach to closing other small local schools in the medium term.

The site is contrary to NNDC planning policy and the weight given to a new school to mitigate a housing development on the site should be proportionate.

## **CONSULTATIONS**

**Anglian Water** - Confirms that there will be available capacity for foul drainage flows at Holt Water Recycling Centre. There is a sewage pumping station within 15 metres of the site and a cordon sanitaire prevents development within 15 metres of the boundary of the sewage pumping station.

**Norfolk County Council (Lead Local Flood Authority)** – No objection, subject to agreement by the applicant to accept a pre-commencement condition to provide a detailed surface water drainage scheme.

**Norfolk County Council (Highways)** - Beresford Road is technically suitable to cater for the development proposed, although there may be more appropriate locations in Holt for a new school. The proposals are likely to lead to amenity concerns locally, however it is unlikely that a technical highway objection could be substantiated.

NCC Highways are satisfied that the framework and layout secures the principles required of a suitable layout, encompassing a type 2 loop road with the school fronting onto it, an emergency access and the provision of layby parking to provide some school drop off /pick up facilities, with exact detail to be agreed as part of a reserved matters application.

NCC Highways are pleased that a 3.7 metre wide emergency access via Lodge Close has been secured (which should function as a shared use pedestrian/cycle/emergency access, with a single removable bollard).

In addition it is considered that a development of this scale, in this location, should make a contribution towards the local hopper bus scheme and this should be secured through a Section 106 Agreement.

Suggest a number of planning conditions to secure full details of highways/access proposals, on-site construction worker parking and interim travel plan if minded to approve the application.

**Norfolk County Council (Planning Obligations Co-ordinator)** - Response relates to education provision/contributions, library, fire service and green infrastructure contributions.

#### *Education*

Taking into account the other permitted developments in Holt, a total of 561 dwellings (including the Beresford Road site) would generate an additional

- 54 Early Education age children,
- 146 Primary age children,
- 97 High school age children.

Although there would be spare capacity at High School levels there would be insufficient capacity at Early Education and Primary School levels for children from this proposed development should it be approved.

The planning proposal includes a site for the provision of a new Two Form Entry (2FE) replacement primary school located within the proposed housing development site and the county council is prepared to accept the primary school site in lieu of any education contributions. A development of 110 dwellings would generate 29 primary age children requiring £337,676 in developer contributions.

The provision of a new school site associated with this proposal has already been endorsed by the County Council's Children's Services Committee and within a site appraisal for the town, this land has been identified as having strong potential for a school development. An allocation of £500,000 has been made to support the development through the design development stage but not a full budget allocation required for the construction of a new school building. S106 contributions from other developments in and around Holt will also contribute to the new school project.

### *Library and Fire Service*

In addition payments are required for library provision (£75 per dwelling) to be spent on IT infrastructure and equipment at Holt Library and 2 fire hydrants (£818.50 per hydrant per 50 dwellings).

### *Green Infrastructure*

The inclusion of a footpath and cycleway within the site is welcomed as it provides a route for residents through the green open space as well as providing a link with the adjacent country park and Public Rights of Way (PRoW) network creating local recreation opportunities. However, there will undoubtedly be increased pressure on the Public Footpaths and other pathways within the Holt Country Park which is owned and managed by North Norfolk District Council (NNDC), requiring contributions from the developer to mitigate against this increased footfall for the management of the PRoW and other pathways within the County Park.

It is anticipated, that the adjacent Special Area of Conservation and SSSI (The Lowes) will also see the impact of these increased recreational opportunities and so at the new access points from the site into the County Park the developer should install adequate and robust access point infrastructure that restricts access to pedestrians only. As further mitigation, NCC have asked for basic improvements to the surface (filling potholes with road planings) of Holt Restricted Byway 22 (Candlestick Lane) to provide an improved link west and north to a series of PRoW and quiet lanes. Restricted Byway 22 is linked to Edinburgh Road/Lodge Close via a footway along Norwich Road. In order to encourage use of this alternative opportunity, NCC ask that interpretation/information boards are placed at the Lodge Close pedestrian entrance and at the access points into the Country Park showing the local PRoW and road links.

**Norfolk County Council (Mineral Planning Authority)** - The application site is underlain by an identified mineral resource (sand and gravel) which is safeguarded as part of the adopted Development Plan for Norfolk, through the Norfolk Minerals and Waste Core Strategy Policy CS16 'Safeguarding' is applicable.

A Mineral site allocation (MIN 71) is located approximately 75 metres from the site. A Mineral Consultation Area extends into the application site 250 metres from the boundary of the mineral allocation.

There may be opportunities for the sand and gravel from on-site resources to be used in the construction phases of the developments, improving the sustainability of the project. A condition should be imposed to require a Minerals Management Plan – Minerals, to estimate the quantities of materials which could be extracted from the groundworks and re-used.

**Norfolk County Council's (Historic Environment)** - Recommends that if outline planning permission is granted, conditions are imposed for a programme of archaeological mitigatory work and the results of the initial geophysical survey/trial trenching phase of the programme of archaeological work could be used to inform the layout of the development as well as the requirements for any subsequent phases of archaeological work, in accordance with National Planning Policy Framework para. 199.

**Norfolk Fire Service** – There is no guidance for applying a fire break in this situation. We would only recommend that premises are a reasonable distance from the wooded area in case of fire in that location. Water supplies and emergency access to the site is covered by Building Regulations.

**NHS England (Midlands and East)** - The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 242 residents and subsequently increase demand upon existing constrained services.

The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

The development would give rise to a need for improvements to capacity by way of refurbishment, reconfiguration, extension, or potential relocation, for the benefit of the patients at Holt Medical Practice (including its branches at Blakeney and Melton Constable); a proportion of the cost of which would need to be met by the developer. The Capital Cost Calculation of additional primary healthcare services amounts to £38,167.

**NNDC Environmental Health** - No objection, subject to conditions in relation to land contamination, noise control scheme, control of noise from plant, external lighting.

**NNDC Strategic Housing** – The applicant does not commit to delivering 45% of the homes as affordable homes (H02). Instead a lower percentage of affordable homes is proposed due to the costs associated with proving free land for the school and the 'green space' and on this basis a viability assessment has been submitted.

The applicant proposes all of the affordable homes will be two and three bedroom (no one or four bedroom homes). The applicant proposes house sizes which are not large enough for optimal use for affordable housing. The indicative scheme does not appear to be compliant with the requirements of Policy HO 1 which requires 40% of the homes to have two bedrooms or less. Also it is not clear whether the proposal meets the HO 1 requirement to provide 20% of homes which are suitable for or easily adaptable to meet the needs of the elderly, infirm or disabled.

It is advised that there is a need for affordable housing in Holt with 98 households on the Housing Register and in addition there are a further 136 households on the Transfer Register and 907 households on the Housing Options Register who have stated that they require housing in Holt. The proposed development would therefore assist in meeting some of the proven housing need.

To conclude, the proposed indicative housing mix will not provide enough of every property size/type to meet the proven housing need. The viability appraisal must justify any non-compliance with the required amount of affordable housing.

**NNDC Landscape Officer** - The development site is visually well contained within the wider landscape as it is bordered by the woodland of Holt Country Park to the south, south-east and east and by existing housing to the north and west, and therefore the visual impact will be localised. The LVIA findings that there will be minor to moderate adverse landscape effects in the long term are concurred with. Furthermore, while the impact of the development on individual landscape receptors is considered to be minor adverse, the impact on the overall local landscape character is negligible.

Ecological and Bat Survey reports have been carried out in accordance with good practice guidelines the general conclusions of the reports are concurred with.

Because details are not being secured at the outline stage and left to the reserved matters stage, only the theoretical application of measures to minimise impacts on biodiversity and

compensation measures to be achieved within the development site can be considered and an assessment of the impact on biodiversity is based on these assumptions.

The Landscape Section raise a concern that there is not sufficient land to deliver all of the features of the planning application as set out, including public open space, new woodland, hedgerow and grassland planting, attenuation ponds, other biodiversity enhancements and highways requirements, without compromising on the quality or scale of what is to be delivered.

The impact of the development on European sites is considered in detail in the Council's Habitats Regulations Assessment, including Appropriate Assessment which concludes that the development is not expected to negatively impact on the identified European sites.

**Natural England** - No objection, subject to appropriate mitigation being secured.

Without appropriate mitigation the application would have an adverse effect on the integrity of:

- North Norfolk Coast Special Area of Conservation
- North Norfolk Coast Special Protection Area
- North Norfolk Coast Ramsar
- Norfolk Valley Fen Special Area of Conservation
- Holt Lowes Site of Special Scientific Interest

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- A financial contribution of £50 per dwelling to North Norfolk District Council's Monitoring and Mitigation Strategy
- A developer contribution towards access management at Holt Country Park
- Information boards and/or leaflets to explain the sensitive nature of Holt Lowes SSSI and associated SAC

It is advised that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

**Norfolk Wildlife Trust** – support the visitor pressure mitigation recommendations made by Natural England. Also recommend that the areas closest to the SSSI and SAC are green space and an infiltration basin as a precautionary measure to minimise risk of site run-off to groundwater.

**NNDC Countryside and Parks Manager** - Provided a list of potential impacts on Holt Country Park and how these impacts might be mitigated including approximate costs of any additional infrastructure required within the park.

**Secured by Design Consultant on behalf of Norfolk Police** - No objections, it is apparent that safety and security aspects have been considered and as such there is no reason to suggest the development will be to the detriment of existing properties. A variety of uses across the site will undoubtedly increase both vehicular and foot traffic, thereby providing an increased level of passive surveillance - a proven deterrent.

The intention to incorporate a school on the proposed development site should be seen as a crime preventer as opposed to a crime promoter. Whilst traffic calming measures form part of the LA Highways Department specialism, there are occasions where inconsiderate driving or parking can lead to criminal acts being committed. It is with this in mind that the notion of a dedicated drop-off area (for the school) be considered.

The layout of the dwellings is well-designed from the security aspect. The proposed grid formation of the dwellings is another proven positive in respect of design in a residential setting. Restricting access to the rear of dwellings is a key factor of a successful development when considering both safety and security aspects.

The documentation also refers to 'corner turning' properties across the development. These 'wrap around' dwellings are another key consideration for the security consultant. The removal of blank gable ends is advantageous from both the security and aesthetic aspects - installation of non-opaque glazing units within the majority of side elevations is another factor that will be examined at any reserved matters stage (subject of course to achieving your minimum privacy distances).

### **Holt Lowes Trustees**

Holt Lowes is a SSSI and SAC notified for its groundwater fed valley mires. The proposed development lies within the surface water catchment of the valley mires and thus any development on the land has the potential to affect the quantity of water discharging into the fens. As the uninterrupted supply of water to the springs in the mires is the main reason for their great species diversity and national and international importance, it is clear that the precautionary principle should be applied and the application refused.

The presence of roads and hard standing could affect the quality of the ground water with polluted surface run-off, salting etc., and again affect the SSSI / SAC.

Holt Lowes has Schedule 1 breeding birds, notably Nightjar. We are already very concerned about the amount of disturbance by dog walkers to the breeding Nightjars, and the ever-increasing number of houses in the immediate area (e.g. Heath Farm) can only bring in more dog walkers. Should this development go ahead, the Trustees will have to seriously consider closing all access points from Holt Country Park into Holt Lowes apart from the public rights of way.

### **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.

### **POLICIES**

#### **North Norfolk Core Strategy (Adopted September 2008):**

Policy SS 1: Spatial Strategy for North Norfolk (*specifies the settlement hierarchy and distribution of development in the District*).

Policy SS2: Development in the Countryside (prevents general development in the countryside with specific exceptions).

Policy SS 3: Housing (strategic approach to housing issues).

Policy SS 4: Environment (*strategic approach to environmental issues*).

Policy SS 6: Access and Infrastructure (*strategic approach to access and infrastructure issues*).

Policy SS 9: Holt (*identifies strategic development requirements*).

Policy HO 1: Dwelling mix and type (*specifies type and mix of dwellings for new housing developments*).

Policy HO 2: Provision of affordable housing (*specifies the requirements for provision of affordable housing and/or contributions towards provision*).

Policy HO 3: Affordable housing in the Countryside (*specifies the exceptional circumstances under which affordable housing developments will be allowed in the Countryside policy area*).

Policy HO 7: Making the most efficient use of land (*Housing density*) (*Proposals should optimise housing density in a manner which protects or enhances the character of the area*).

Policy EN 2: Protection and enhancement of landscape and settlement character (*specifies criteria that proposals should have regard to, including the Landscape Character Assessment*).

Policy EN 4: Design (*specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction*).

Policy EN 6: Sustainable construction and energy efficiency (*specifies sustainability and energy efficiency requirements for new developments*).

Policy EN 8: Protecting and enhancing the historic environment (*prevents insensitive development and specifies requirements relating to designated assets and other valuable buildings*).

Policy EN 9: Biodiversity and geology (*requires no adverse impact on designated nature conservation sites*).

Policy EN 10: Flood risk (*prevents inappropriate development in flood risk areas*).

Policy EN 13: Pollution and hazard prevention and minimisation (*minimises pollution and provides guidance on contaminated land and Major Hazard Zones*).

Policy CT 2: Development contributions (*specifies criteria for requiring developer contributions*).

Policy CT 3: Provision and Retention of Local Facilities and Services (*specifies criteria for new facilities and prevents loss of existing other than in exceptional circumstances*).

Policy CT 5: The transport impact on new development (*specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport*).

Policy CT 6: Parking provision (*requires compliance with the Council's car parking standards other than in exceptional circumstances*).

**Norfolk Minerals and Waste Core Strategy and Development Management Policies DPD (adopted September 2011):**

Policy CS16: Safeguarding mineral and waste sites and mineral resources.

**Material Considerations**

National Planning Policy Framework (2019)

This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development. It also reinforces the position that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. As national policy the NPPF is an important material planning consideration which should be read as a whole, but the following sections are particularly relevant to the determination of this application.

Section 2 - Achieving sustainable development - *Para 2 and 12*

Section 4 - Decision-making - *Para 47*

Section 5 - Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities – *Para 56, 59, 64, 77, 91, 94*

Section 9 - Promoting sustainable transport - *Para 103 and 109.*

*Section 11 – Making effective use of land – Para 122*

Section 12 - Achieving well-designed places - *Para 124, 127, 130,*

Section 14 - Meeting the challenge of climate change, flooding and coastal change *163, 165,*

Section 15 - Conserving and enhancing the natural environment – *Para 170*  
Section 17 – Facilitating the sustainable use of minerals – *Para 206*

#### Other material considerations

- Strategic Housing Market Assessment 2017
- North Norfolk District Council Interim Plan Wide Viability Assessment, October 2018
- Department of Communities and Local Government, 'Nationally Described Space Standards', March 2015
- Securing developer contributions for education – Department for Education, April 2019

#### **MAIN ISSUES FOR CONSIDERATION**

1. Principle of Development
2. Land for School Provision
3. Access and Highways Considerations
4. Site Layout
5. Development Viability
6. Housing Mix and Type
7. Residential Amenity
8. Landscape, Green Infrastructure and Impacts on Designated Sites
9. Site Ground Conditions
10. Emerging Policy as a Material Consideration
11. Planning Balance and Conclusion

#### **APPRAISAL**

##### Site Context

The application site comprises a rectangular area of flat, open agricultural land arranged over two fields (total 7.09 ha.) located on the southern edge of Holt. It adjoins existing residential development to the north, west and south west, and woodland at Holt Country Park to the south and east. Residential properties along the sites northern boundary consist of a mix of single storey and two storey properties, while to the west is a farm house and converted complex of barns providing residential accommodation. The application seeks outline approval for a mixed use development, the only matter of detail for which approval is sought relates to means of access to the site. On this matter vehicular access to the site is proposed from Beresford Road, while access for cycles, pedestrians and emergency purposes is proposed from Lodge Close, via an entrance with a lockable bollard to prevent general vehicular access. Pedestrian access is also proposed to and from the site to Holt Country Park, directly adjacent to the south.

The proposals consist of two constituent parts, residential development of up to 110 dwellings and land to accommodate a new primary school.

##### Strategic Policy Context

Holt is one of the Growth Towns identified in the adopted Core Strategy and it is proposed to retain this status in the emerging Draft Local Plan. The existing Development Plan identifies a number of residential development sites for the period up to around 2024 and some, but not all, of these are under construction. The new Plan proposes to allocate further development sites to address needs for the period up to 2036 and to contribute towards this the recent consultation version of the Plan includes the application site as a potential mixed use allocation for housing, primary school and public open space.

Members will see from the report that a proposal for 170 dwellings on the site has previously been refused and the Council was successful in defending this refusal at Public Inquiry. The argument made at the time was that there was already sufficient allocated land in Holt, much



of which had not commenced development, and the correct mechanism to consider the further release of land for the longer term would be via the preparation of a new Local Plan. In essence there were no reasons to depart from adopted policies which were effectively addressing growth requirements in the town at that time. The County Council in its role as Lead Education Authority also supported refusal of the application on the grounds of inadequate primary school provision, a position which they continue to adopt via the preparation of the new Local Plan which ideally should identify a suitable site for a new school.

The Plan led system, where decisions on planning applications are made in accordance with up to date Local Plan policies, is a cornerstone of land use planning. This means that only in those circumstances where 'material considerations' provide justification, or the relevant policies of a Plan are shown to be out of date, should decisions which are contrary to an adopted Plan be contemplated. Whilst Holt is likely to continue to grow in future years, the scale of this growth and the specific locations of sites are matters to be addressed via Local Plan preparation. As the new Local Plan has only recently been subject to an initial round of options consultation (Reg 18) it is too early in its preparation to be afforded all but very limited weight in any decision.

The application site is outside of the adopted development boundary of Holt in an area designated as Countryside. As such the housing proposals are contrary to Core Strategy policy.

## **1. Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a statutory requirement that, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) at paragraphs 2 and 12 restates this requirement.

The development plan for North Norfolk comprises:

- The North Norfolk Core Strategy (adopted 2008),
- The North Norfolk Site Allocations Development Plan Document (adopted 2011),
- Norfolk Minerals and Waste Core Strategy and Development Management Policies DPD (adopted September 2011).

The Council's latest available information relating to the supply of housing land in the district demonstrates a 5.02 years supply of housing land. It is understood that the applicant does not take issue with the Council's housing land supply position. Therefore the Council's policies relevant to the supply of housing are considered up to date and the development plan remains the starting point for decision making.

Paragraph 12 of the NPPF states that 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

North Norfolk Core Strategy Policy SS 1 sets out a broad indication of the overall scale of development in the District including a settlement hierarchy designed to ensure that the type and quantity of development planned reflects the role and character of each settlement. Holt is identified to be a 'Principal Settlement' within the hierarchy. However, the application site

lies outside of the defined development boundary for Holt (the boundary runs along the northern boundary of the site) and it is therefore located within the 'Countryside' policy area. The site is not allocated for development in the Site Allocations DPD 2011 which is part of the current development plan.

Core Strategy Policy SS 2 (Development in the Countryside) sets out the range of uses that are generally considered to be acceptable in the 'Countryside' policy area, housing development is not permitted in the 'Countryside' (apart from 'exception' affordable housing developments and the re-use of existing buildings). The residential element of the application therefore represents a departure from the development plan as it is contrary to Core Strategy policies SS 1 and SS 2.

As the residential element of the proposals is contrary to the provisions of the development plan then it could only be considered acceptable in this location if there are other material considerations in favour which outweigh the identified policy conflicts.

However, the element of the application which proposes land to be made available to accommodate a new primary school, could be considered acceptable under Policy SS 2 as a community service or facility to meet a proven local need, so long as the need for the facility exists and the requirement to provide it in a countryside location can be demonstrated.

The current policy situation is as set out above, consideration should also be given to any material planning considerations which may be relevant to this application and whether they are sufficient to outweigh the identified policy conflict.

The weight to be afforded to any relevant material planning considerations is a matter of planning judgment for the decision maker, in this case the Development Committee. It will nonetheless be important for any decision relying upon material considerations in favour to justify a departure from the development plan to be clearly articulated.

## **2. Land for School Provision**

The application proposes the provision of 2 hectares of land within the development site, towards the east of the site, to allow the delivery of a two form entry primary school (2FE). The application does not include proposals to build the school or provide monies towards its construction. It does however propose the gift of serviced land (with access and utilities provided to the edge of the site) to Norfolk County Council as Local Education Authority (LEA) to allow a school to be built. The gift of land is in lieu of the financial contribution which would otherwise be payable towards any shortfall in school capacity arising from the development proposed, which has been calculated by Norfolk County Council to be £337,676 and is made on the assumption that there is soon to be a need for a new primary school in Holt. The arrangements would provide the LEA with land which it would otherwise be required to source from a willing landowner and then purchase at a price which would encourage the landowner to sell, in order to allow the delivery of a new primary school in Holt.

### *Existing school capacity*

The existing Holt Community Primary School is a Victorian era school located close to the A148 and which has its playing field located diagonally opposite on a split site on the opposite side of the A148 roundabout, accessed by a pedestrian underpass beneath the road. The school is a single form entry with 210 pupil capacity, taking 30 pupils in each year group.

Local opinion suggests that the existing Holt Primary school is not at capacity. Figures provided by the LEA of pupil numbers over the 5 years since the planning appeal on the application site (application ref: PO/14/0846) are found in the following table.

Year	Number of pupils on school role	Capacity
Jan 2015	192	210
Jan 2016	191	210
Jan 2017	184	210
Jan 2018	177	210
Jan 2019	182	210

The figures show some variation in the total number of pupils on the school role, but this does not explain the situation fully. If admission numbers for children first starting school exceed 30 then the need will be in excess of the admission number and the school will have exceeded its capacity on intake. The number of primary school aged children living in the Holt Primary School catchment would suggest that the school should be at capacity now. The element of parental choice has however resulted in some children (for a variety of reasons) not attending their catchment school and releasing some capacity as a result.

#### *Existing and future need*

School capacity is a matter that the Planning Inspector who dealt with the previous planning appeal on this site in 2015 (PO/14/0846) considered in great length (See **Appendix A** for a copy of the appeal decision). At that time although there was debate surrounding the LEA's methods of pupil forecasting, the Inspector considered that there was *'a compelling case for increasing school capacity'* to meet existing and planned new residential development need in Holt and *'to minimise the unsustainable patterns of commuting to other schools'*. The Inspector suggested that *'a minimum 2FE primary school would be required'*.

It has been previously acknowledged by Norfolk County Council that the existing Holt Community Primary School due to its age and constrained site is unlikely to be able to accommodate the required standard and size of school that Holt requires moving forward. The Inspector suggested that *'a new school would likely be the most sensible and cost effective means of meeting future increases in pupil numbers'*.

It is a fact that planning permission has been granted and construction is under way on a number of residential sites in Holt as set out in the table below. The number of dwellings with planning consent and the type of housing proposed on each of these development sites would suggest that some children of primary school age are likely to be living in these properties and will therefore require a place within the local school.

Planning Reference	Site	Number of Dwellings	Percentage of Family Housing (3 – 5 bed properties)
PM/16/1204	Heath Farm, Holt (by Lovell Homes)	213 – under construction	56%
PM/15/1578	Kings Meadow, Holt (by Hopkins Homes)	125 – under construction	53%
PM/16/1511	Grove Lane, Holt (by Hopkins Homes)	17 – under construction	100%
PM/16/1512	Grove Lane, Holt (by Hopkins Homes)	8 – not yet commenced	100%
PM/15/0804	Cley Road, Peacock Lane, Woodfield Road (by Norfolk Homes)	83 – development on site commenced	60%

		but no recent progress made	
PF/17/1803	Hempstead Road, Holt (by Hopkins Homes)	51 net (yet to be determined)	55%

Locally there is concern that LEA forecasting does not reflect what is happening in reality. This is because, despite planning permissions being in place, the rate of new building construction and occupation in Holt is not happening as quickly as might be expected. A significant proportion of the dwellings on these sites consists of 3 to 5 bedroom properties and as such would be suitable as family housing.

There are many likely factors affecting the rate of construction and occupation of development in Holt. Price, level of demand and current market uncertainties are all likely contributory factors. Locally there is concern that new market housing in Holt is too expensive and cannot be afforded by families on local wages. This reduces demand and means that only those with higher incomes or those selling property in more expensive parts of the country can afford to buy with many people doing so choosing to retire to North Norfolk. This accounts for a number of properties being occupied by people without children, with some properties occupied as second homes. Although there is some evidence of a small number of the properties being used as second homes it is believed that the number of properties involved is actually very small.

The LEA are provided with district trajectories on an annual basis detailing the number of dwellings that have been constructed within the District, allowing adjustments to be made to pupil forecasting as actual up-to-date information becomes available on new development constructed in Holt. Current forecasting (July 2019) shows that even taking into account parental preference and not taking into account housing yet to be built in Holt, the numbers of children actually living in Holt and wanting a place at Holt Primary School will exceed the admission number of the school (30) in September 2020. Therefore, the initial need for a new primary school in Holt would not solely be a consequence of any grant of consent for housing on the development site in question.

*Site for a new school – options, availability and deliverability*

Paragraph 94 of the NPPF stresses the importance of there being sufficient availability of choice of school places to meet the needs of existing and new communities and requires local planning authorities to take a positive, proactive and collaborative approach to meeting this requirement and to development that will widen the choice of education.

Once the existing primary school reaches capacity there is a significant likelihood that children living in Holt will not be able to access a place at their local school and would then need to be accommodated in a school within another settlement which has capacity, which removes the education choice that the NPPF promotes. Whilst the education choice that the NPPF promotes does already increase the potential for unsustainable travel patterns, once the primary school in Holt reaches capacity, the need to access other schools will further exacerbate unsustainable travel patterns, adding to transport costs and giving rise to greater air pollution implications associated with the combustion engine and dust from tyres and brakes.

Once accepting of the need for a new school in Holt to meet future needs, the question becomes one of what available options are there to deliver a new school? In terms of site suitability, availability and deliverability.

The reality when searching for a site to accommodate a school within a town such as Holt, which has limited available brownfield sites and high demand within the urban centre for

residential development, is that greater availability of sites are likely to be found around the periphery of the built up area of the town. It is accepted by Officers as being highly likely that a site to accommodate a new primary school in Holt will be located on land currently designated as 'Countryside'. However, so long as there is a need for a school locally then provision of land to accommodate a school could be an accepted use of a site which is subject to a 'Countryside' designation, in accordance with Core Strategy Policies SS 2 and CT 3.

The LEA have carried out an appraisal of sites in and around the town for their potential to accommodate a school, the assessment considered sites identified in the Housing and Economic Land Availability Assessment (HELAA) of June 2017. The HELAA is produced by NNDC and reports availability of sites, but inclusion within the document is not necessarily an indication of the suitability of a site for development. The appraisal of sites by the LEA identified this site at Beresford Road as being the preferred site to accommodate a new 2FE Primary School, based on development of the site having a relatively limited impact on the open countryside and residential amenity and being accessible to the existing and future pupil catchment area. It is understood that the use of land or premises north of Holt at Holt Hall Residential Field Studies Centre (in Norfolk County Council ownership) is not an available option to accommodate a new primary school to meet the needs of Holt.

The 2 hectares of land within the development site proposed for school use is clearly available as it is being offered by the applicant to Norfolk County Council for that use. It is understood that at this point in time no other land in Holt has been suggested to the LEA as being available for this use. The terms of any legal agreement to secure the transfer of the land for this purpose are important and should ensure that sufficient flexibility exists to enable a school to be delivered, even if there is no fixed timetable to do so in the short term.

Whether a 2FE primary school is deliverable on the site is ultimately dependent on the LEA securing the funds to cover the capital costs to build the school and providing a commitment to then build a school on the site. It is understood that a site assessment has recently been carried out in relation to this site on behalf of the LEA to ensure that the site is suitable for development of a school and this is understood to have not highlighted any issues which would prevent a school from being constructed on the site. The provision of a new school site associated with this proposal has already been endorsed by Norfolk County Council's Children's Services Committee. An allocation of £500,000 has been made to support the development through the design development stage, but not a full budget allocation required for the construction of a new school building. S106 contributions from other developments in and around Holt will also contribute to the new school project.

Therefore, although finances are not in place at this time to cover the capital costs associated with constructing a new school, there is understood to be a commitment from Norfolk County Council that once the existing primary school is full (forecast to be within the next year) they will then be in a position to provide a commitment to put forward a strong business case to finance the construction of a new school and the site assessment shows a commitment by Norfolk County Council to delivering a primary school on this site in particular.

*Risks surrounding non-delivery of school land:*

If either the need for a new school does not arise or the finances to deliver a new school cannot be secured, then the benefits of 'gifting of land' to deliver a new school for the benefit of the children of Holt is not realised and the process of attributing weight to such a gift of land would alter and fall away.

In such an event that the LEA are not able to deliver a school on the site within a ten-year period from commencement of development on site, for whatever reason, then the school land would be released from all obligations. It is entirely reasonable for land to be returned to a developer if the need for that land for the intended use is not realised within this time period.

However, if this was to become the case then a financial contribution should be payable which is equivalent to the financial contribution required due to the shortfall in school capacity identified at the time that the application was made (index linked from the grant of permission). This will ensure that if a new school is not delivered that monies are released to mitigate the impact of the development on primary education provision. Furthermore, if the unused school site is subsequently put forward for residential development then this should also attract appropriate education contributions over and above the contributions already made for the 110 dwellings forming this application.

Considering all of the variables above, the weight to be attributed to the offer of land to deliver a school must be determined according to the level of certainty that the school will be delivered. Officers are of the opinion that the terms agreed to date with the applicant and to be secured by legal agreement give the greatest level of certainty regarding the school lands ability to deliver a school, while remaining reasonable, with a financial contribution payable if the land and therefore new school is not delivered after ten years. Committee are reminded that, without the school, the proposal amounts to a purely residential development for which there would be limited public benefit to justify a departure from development plan policies.

### **3. Access and Highways Considerations**

#### *Sustainability of location*

The application site is located on the southern edge of Holt. Paragraph 103 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Access to public transport with regular bus services (with the exception of Sundays) to Sheringham, Cromer, Fakenham, North Walsham and Norwich is available within a short distance of the application site from existing bus stops on Edinburgh Road and Coronation Road. Also there is continuous, lit, footpath connectivity to the town centre through the existing housing development to the north or via Norwich Road, to access the range of local services that Holt has to offer including a supermarket, banks, community centre, public houses, cafes and a range of independent shops and professional services. Directly adjacent to the south is the green flag award winning Holt Country Park which offers an extensive area for woodland walks and recreation.

#### *Local highway network*

A Transport Assessment and Travel Plan was submitted as part of the planning application. Although the school does not form part of this application itself, for completeness it rightly forms part of the scope of the transport assessment.

Much of the local concern received to the application relates to increased traffic using the local road network and the suitability of the site to be served solely by Beresford Road. There is no doubt that additional traffic will be generated on the road network as a result of these proposals. However, base survey traffic data, growth forecasting (until 2023) for the development proposed and the new school and factoring in committed development already permitted on large development sites within the town, identified that there were no capacity issues associated with this part of the highway network. Overall the Transport Assessment concluded that there will be no materially detrimental traffic impact as a result of these proposals.

#### *Access arrangements*

In terms of access to the site itself, which is the sole detailed issue for consideration, initial plans showed the site to be accessed by vehicles, pedestrians and cycles via Beresford Road, with pedestrian and cycle access only from Lodge Close. Beresford Road is currently a no

through road which links into Charles Road / Edinburgh Road, which forms part of the residential estate in this southern part of Holt. Charles Road and Edinburgh Road connect with Norwich Road and Hempstead Road which link to the town centre and beyond. Beresford Road at 5.5 metres wide is accepted by the Highway Authority of being of sufficient width to provide an access road with a pedestrian footway on either side to the required standard to serve the proposed development.

Further to initial comments received from the Highway Authority the applicant has negotiated with the adjacent landowner to secure the provision of access for emergency vehicles from Lodge Close. Therefore, a revision has been accommodated to provide a 3.7 metre wide shared surface route into the site from Lodge Close allowing pedestrian/cycle access and a single lockable bollard which will allow access to the development by emergency vehicles in the event of an emergency. It is understood that the adjacent landowner is not agreeable to allowing general vehicular access to the site across land that they own between the site and Lodge Close.

The Committee will note that the Highway Authority has not raised an objection to the application with the access arrangements proposed, including with a single point of vehicular access from Beresford Road only. Although the Highway Authority have expressed a view previously that in terms of network resilience and good design that two points of vehicular access would be preferred to the access the site, they do not raise an objection to the site being accessed from a single point of access as is now proposed given current guidelines and the fact that the applicant has been able to secure emergency access from Lodge Close, together with some requirements that the detailed site layout would need to provide at reserved matters stage. Paragraph 109 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 would be severe and this is not considered to be the case for the development proposed.

There are also proposed to be new pedestrian access points from the development site into Holt Country Park, to connect the development into the public footpath network and wider paths within the Country Park. This improved accessibility for green infrastructure is an important means of supporting healthy lifestyles which paragraph 91 of the NPPF promotes. The framework plan shows three points of connection through the new proposed areas of open space and landscaping along the south and east site boundaries. The exact points of connection and means of making this connection are to be determined at the reserved matters stage through discussion and agreement with the Council as land owner with management responsibilities for Holt Country Park. Provision for such pedestrian access points can be adequately secured by planning condition, through agreement of the 'Development Framework' plan or through agreement of the specification of the areas of open space to be secured as a planning obligation through a legal agreement.

#### *Considerations directly associated with accessing a primary school site*

It is recognised that a school is a significant focus for vehicle movements associated with dropping children off in the morning and collecting them at the end of the school day and the implications of this needs careful consideration. The LEA have evidence that a large proportion of the pupils attending Holt Community Primary School at present reside in the area to the south of the A148 (Holt bypass) and in relative close proximity to the application site, making it a realistic option for many pupils to attend school on foot. In addition a large proportion of the new housing currently under construction in Holt is located to the south of the A148.

However, it is acknowledged that some parents may choose to take their children to school by car. There are no parking standards applicable for parking associated with school drop off/pick-ups and accommodating parking within the school grounds for such use is not feasible

in terms of school management responsibilities and security. There is also an argument that providing large amounts of parking may only serve to encourage parents to drive their children to school rather than use more sustainable methods such as walking or cycling, which would be a more attractive option for a school in this location.

Further advice on the matter of school drop off and pick-up provision was provided by Norfolk Police Architectural Liaison & Crime Reduction Officer using the police initiative Secured by Design. It was concluded that experience shows that for such parking facilities to be used by parents they need to be very close to the school and its entrance and therefore layby parking would help. However, the use of laybys along the southern boundary in an area facing on to the woodland and with no active surveillance should be avoided, as this could give rise to misuse of these areas outside of school times and in particular in the evenings.

Discussions have taken place with the Highway Authority about arrangements and measures which would be required to be accommodated within the site layout to manage any vehicle movements associated with the school in an acceptable way and as a result it was recommended that:

- the school site should not be located at the termination of the cul-de-sac,
- the school be served by a loop road arrangement,
- layby parking be provided along the boundary of the school site within the public highway,
- a range of traffic management measures could be secured at reserved matters stage once the precise details of the layout are known.

In order to secure some of these measures at outline stage it has been necessary for the applicant to confirm a set of parameters to be agreed on a plan, including the location of the school land and demonstration that the fundamental elements of the highways infrastructure requirements can be accommodated within the site with sufficient space remaining to accommodate the necessary amounts and arrangements of landscaping, drainage infrastructure and total number of dwellings proposed. Officers consider that discussions and modifications relating to school drop off/pick-ups have been explored as far as is reasonably possible for outline proposals. At reserved matters stage it would be expected that this issue is progressed in more detail and if insufficient measures are proposed in terms of physical infrastructure and traffic management measures to the extent that there was to be a highways objection then amendments would be required or reserved matters approval would not be forthcoming.

Therefore, considering the advice of the Highway Authority the conclusion of officers is that there are no sustainable grounds for refusal of the development proposed on highway safety grounds, either in terms of the proposed type and amount of development, its indicative layout or the adequacy of the access to serve the development proposed. The proposal would therefore be considered to accord with relevant development plan policy.

#### **4. Site Layout**

Although the application is in outline form the applicant has provided a 'Development Framework' plan which demonstrates in basic terms:

- residential areas - along the northern site boundary and to the east and west of the site,
- 2 hectares of land to deliver a primary school – east of the centre of the site, in a location which allows a loop estate road to pass to the north and south of the land and connect the two areas of residential development,



- green infrastructure - landscaped areas and open space with drainage infrastructure to the south and east of the site where it adjoins Holt Country Park; open space/drainage infrastructure to the west; a play area west of and directly adjacent to the school site,
- vehicular access routes and pedestrian linkages consisting of a main access road which forms a loop around the site, with pedestrian linkages to Holt Country Park along the southern and eastern boundary. Provision of short term drop off laybys for the school can be achieved along the eastern boundary of the school site.

An 'Indicative Site Layout' and 'Indicative Sections' across the landscaped area, have been provided for illustrative purposes only and show in greater detail an arrangement of housing and associated landscaped areas, play space etc. which could deliver the amount and type of development for which permission is being sought. The indicative layout does demonstrate a denser form of development than is evident within some of the developments found south of Edinburgh Road and Charles Road. However, paragraph 122 of the NPPF supports the efficient use of land without focusing on density standards, so long as it is possible to secure a well-designed, attractive and healthy place, which delivers the different types of housing which have been identified to be required. Therefore, the 35 dwellings per hectare as shown on the indicative layout appears to adequately demonstrate that a maximum of 110 dwellings can be successfully accommodated on the site. Exact details of the site layout and an assessment of whether the amount of development proposed achieves a well-designed development would be determined at reserved matters stage when more detail is available.

The central part of the site which would be set aside to accommodate a primary school will provide a sense of openness across the central part of the site as the school buildings will be located within 2 hectare grounds, with buildings surrounded by areas for play. Added to this, almost a quarter of the total development site area will accommodate green infrastructure, landscaping, open space and areas for play.

A local resident was concerned that the site in its existing use acts as a fire break between existing housing and Holt Country Park and development of the site would see this safety break cease. Norfolk Fire Service have confirmed that there is no guidance for applying a fire break in a situation such as this. Water supplies and access to dwellings by the Fire Service is dealt with by Building Regulations. It was observed during a site visit however that there appears to be fire hydrant provision within the main footpath towards the north within Holt Country Park itself. The Fire Service did advise that premises should be a reasonable distance away from the wooded area in case there was a fire in that location. The layout as proposed on the Development Framework plan provides for a landscape buffer (to likely include drainage infrastructure) along the south and east boundary of the site with Holt Country Park. Beyond this it is likely that road infrastructure will be required and then development beyond this. It is therefore considered that a reasonable and sensible separation can be provided between any new dwellings and Holt Country Park itself.

There is therefore nothing within the submission to suggest that development would not comply with Core Strategy Policy EN 4 or paragraphs 124, 127 and 130 of the NPPF.

## **5. Development Viability**

The application was supported by an Affordable Housing Viability Assessment. The application initially proposed 31% affordable housing. As the application progressed a supplemental viability report was provided and revised to include updated figures for all of the identified planning obligations required of the development and more details surrounding the abnormal costs associated with delivering 2 hectares of serviced land for provision of a primary school. The revised reports also went on to apply many of the assumptions and methodology

applied within the 'Interim Plan Wide Viability Assessment' which forms part of the evidence base for the new Local Plan. The housing mix proposed was also amended to more closely align with the need identified within the Strategic Housing Market Assessment (SHMA) 2017. As the application is in outline form only the housing mix is indicative but is considered to represent a reasonable scenario regarding housing mix and type for the purpose of determining the viability of the development.

The abnormal costs associated with delivering a serviced school site have been robustly challenged and at £703,010 are understood to represent reasonable costs specifically attributable to delivering a form of development which accommodates land for provision of a school within it. Such costs include access to the school site itself, provision of drainage for the site, secure perimeter fencing and a specific type of road layout within the site required due to the presence of a school in the specific position within the site. The supplemental viability report as revised proposes 36% affordable housing, which would be secured by Section 106 Agreement.

The viability reports have been reviewed by the Councils viability advisor who considers that the methodology adopted in undertaking the viability assessment is sound and the inputs are in accordance with the Councils plan wide viability assessment and therefore are considered appropriate and reasonable.

The appraisal and the conclusion reached is agreed with. The applicant has therefore made a justified case that the proposed development is able to support the delivery of:

- 36% affordable housing,
- the provision of 2 hectares of land within the development for provision of a primary school (with no education contribution),
- other planning obligations totalling over £218,000 (health care, libraries, European Sites mitigation, public open space).

All of these obligations are required to address the additional demands of the development on physical infrastructure and social facilities and where such requirements cannot be addressed by conditions as required by Core Strategy Policy CT2 and paragraph 56 of the NPPF and CIL Regulation 122 can be secured by legal agreement.

## **6. Housing Mix and Type**

The supplemental viability report proposes 36% affordable housing, which would be secured by Section 106 Agreement. As part of the affordable housing provision, at least 10% of the homes (total number of dwellings) will be available for affordable home ownership as paragraph 64 of the NPPF requires, in this case shared ownership dwellings are proposed to meet this element of the affordable housing requirements.

The Housing Strategy Section of the Council have raised concerns that the size of the affordable units are too small for optimal use as affordable homes. However, the applicant has used the floor areas within the range specified within the Department of Communities and Local Government, 'Nationally Described Space Standards' document and which are used and accepted by the Council in its 'Interim Plan Wide Viability Assessment'. The applicant has provided confirmation from a locally based Registered Housing Provider that they would not have issue with taking on affordable units of the sizes proposed. The exact mix and size of dwellings however would be determined at reserved matters stage. Also, the viability assessment includes costs associated with meeting adaptable and accessible dwelling standards proposed by the Council in the emerging Local Plan and in doing so would comply with more stringent accessibility standards than is currently the case and the proposal would

therefore comply with the current requirements of Core Strategy HO 1 in terms of meeting the needs of the elderly, infirm or disabled.

Housing Strategy also raised concerns that the proposed indicative housing mix will not provide the correct quantum of every property size/type to meet the proven housing need that they have identified. Specifically, that there is a lack of one and four bedroom properties within the affordable housing mix proposed. The most up to date housing need is identified in the SHMA and while it is untested it is considered to represent significant new and up to date evidence which officers consider should be given weight in the planning balance and this represents a material consideration which diminishes the weight to be attached to any conflict with Core Strategy policies HO 1 or HO 2 in terms of affordable housing mix.

The site specific viability assessment demonstrates that 36% is the maximum viable amount of affordable housing which can be provided on the site. Due to the 'countryside designation' of the land it is relevant to determine whether the site can be considered as a rural exception site under Core Strategy Policy HO 3. Paragraph 77 of the NPPF would support development which provides affordable housing to meet identified local needs with market housing allowed as part of such a development if it would help to facilitate this provision.

However, the site is clearly not being proposed with the provision of affordable housing (for an identified local need) at the forefront. Emphasis instead is placed by the applicant on the importance to be attributed to the provision of land to accommodate a primary school and therefore what is proposed in terms of the housing is a balance of sufficient market housing to deliver the land for primary school use while meeting as many other obligations considered necessary to address the impacts of the development. The result when taking all other necessary obligations into account is that 36% affordable housing is the maximum viable amount of affordable housing which can be delivered. The market housing serves to enable delivery of the school land and all of the other necessary obligations. Without the market housing, it seems very unlikely that the proposal would be able to proceed. Officers therefore consider that the proposal does not strictly accord with the requirements of Core Strategy Policy HO 3 and should instead be considered as a departure from development plan policies. An assessment of the Planning Balance is provided below.

## **7. Residential Amenity**

The site has a northern and western boundary which is directly adjacent to residential development. Along the northern boundary are a mix of single storey and two storey properties, many of which have windows which face directly towards the site. There are a variety of boundary treatments and vegetation in existence along this boundary. It is likely from the positioning of the school land and the requirement to access the western part of the site via a highway loop that any future proposed layout will seek to accommodate a row of dwellings along the northern site boundary. Some of the existing properties to the north are located within 8 to 10 metres of the boundary of the application site. The North Norfolk Design Guide and Core Strategy Policy EN 4, recommends separation distances between most sensitive windows of between 15 and 21 metres. There are no recommendations within the Design Guide as to appropriate distances to prevent overlooking of private garden areas. The applicant has confirmed that it would be possible in almost all instances to accommodate a 10.5 metre long garden to properties along the northern site boundary and maintain the separation distances required in the North Norfolk Design Guide to maintain adequate levels of privacy and prevent overlooking. In addition at reserved matters stage through design and internal layout considerations together with the introduction of single storey dwellings in some locations along the northern boundary where necessary it should be possible to ensure that unacceptable impacts on residential amenity do not occur. It would be possible at reserved matters stage to refuse permission for development proposals of a detailed layout which does not make adequate provision to ensure that a significant detrimental effect on residential

amenity does not arise. The proposal does not therefore give rise to concerns about possible non-compliance with Core Strategy Policy EN 4 at the outline stage.

## **8. Landscape, Green Infrastructure and Impacts on Designated Sites**

The site is not prominent within the surrounding landscape, as it is visually well contained by woodland and residential development. Neither does the site itself contain any significant landscape features, the most notable feature is a length of hawthorn hedge separating the two parcels of land.

In order to create an attractive setting for the development and assist in assimilating the site in its landscape context any development on the site needs to provide a soft landscaped buffer edge, between any built development and the woodland of the adjoining country park and Glaven Valley Conservation Area, something that the submitted (illustrative) 'Development Framework' plan demonstrates.

At 1.68 hectares, a significant amount of green infrastructure is proposed on site, as identified on the 'Development Framework' plan. The Councils open space standards suggest a total of 0.9 hectares of open space would be required on site. Public open space, landscaped amenity areas, sustainable drainage features such as attenuation basins and swales make up the less formal provision which is of great importance given the location of the site adjacent to Holt Country Park. A small (approx. 0.04 hectare) locally equipped area for play will also be provided along with a contribution towards additional play equipment in Holt Country Park itself to meet extra demand and make up for the shortfall in this element of on-site open space provision. As almost a quarter of the total development site area will accommodate green infrastructure this will help to maintain a sense of openness of the site.

The Landscape Section raised initial concerns that there is not sufficient land to deliver all of the features of the public open space, new woodland, hedgerow and grassland planting, attenuation ponds and other biodiversity enhancements together with highways requirements and other built form elements of the proposals, without compromising on the quality or scale of what is to be delivered. The applicant has taken further steps to investigate the ability to provide sufficient, meaningful landscaping in the southern part of the site and also accommodate the likely highway infrastructure requirements. More detailed information was provided in the form of indicative plans which demonstrate that a 16 to 28 metre wide area of land would be available for landscaping along the southern and eastern boundary in the form of informal open space areas and native shrub planting. This information, although indicative, supplements the information provided at a larger scale on the 'Development Framework' plan, which defines the parameters of areas in which green infrastructure, landscaping, play areas and natural drainage features will be provided; land for primary school provision; residential areas and highway infrastructure. The applicant has adequately demonstrated that it is possible to deliver the green infrastructure as indicated which would comply with the requirements of Core Strategy Policy EN 4 to include landscape enhancements and green links and networks to the surrounding area.

### *Impacts on Designated Sites*

The Council as a competent authority has carried out an Appropriate Assessment under the Habitat Regulations due to the proximity of the development site to both national and international designated habitat sites which are afforded protection under the 'Habitats Regulations'; namely Holt Lowes - SSSI (national), part of the Norfolk Valley Fens, Special Area of Conservation (SAC) (international) some 500m distance south of the site and the North Norfolk Coast Special Protection Area (SPA) (international) some 5km distance.

The Appropriate Assessment concludes that the issue of effects on water quantity and quality at Holt Lowes, which may impact upon the sensitivity of this site can be mitigated through the adoption of an appropriate SuDS treatment train (secured by planning condition) to allow for natural infiltration with no water quality impacts, ensuring that the underlying hydrological conditions will be maintained resulting in no effect on the supporting processes on which the SAC features depend such that any detrimental effect on the integrity of the SAC is unlikely.

Recreational impacts from the new residential development on Holt Lowes could be mitigated through the provision of on-site public open space and provision of information boards near access points explaining the sensitivities of Holt Lowes. In addition a contribution towards access management of Holt Country Park is required to ensure that the Country Park is able to absorb the additional visitors which may arise as a result of the development without reducing its appeal as a destination for recreation, which could otherwise give rise to visitors using the adjacent SAC as an alternative destination. The identified mitigation measures can be secured by planning condition and legal agreement and are considered appropriate mitigation by Natural England to avoid adverse effects on the integrity of Holt Lowes SAC.

Visitor pressure impacts from the new residential development on the North Norfolk Coast SAC/SPA/Ramsar (Natura 2000 sites) can be mitigated for through a financial contribution of £50 per dwelling towards North Norfolk District Council's Monitoring and Mitigation Strategy. With a legal agreement in place to secure this contribution an adverse effect on the integrity of the North Norfolk Coast Natura 2000 sites is not expected. This is a position which the Inspector considering the previous appeal at the site concurred with and is also considered to be appropriate mitigation by Natural England.

## **9. Site Ground Conditions**

### *Drainage*

The site is located in Flood Zone 1 where there is the lowest risk of flooding. There is however a small area at risk of surface water flooding in the south east corner of the site. A Flood Risk Assessment and Drainage Scheme has been submitted which identifies variable ground conditions for infiltration and surface water drainage by infiltration methods only. This is a strategy agreed by the Lead Local Flood Authority and a planning condition can be used to require detailed designs to be submitted for approval at reserved matters stage, to also incorporate measures as identified by the Appropriate Assessment to mitigate impacts on Holt Lowes designated site. The application has therefore had adequate regard to flood risk and surface water drainage and is considered to comply with Core Strategy Policy EN 10 and paragraphs 163, 165 and 170 of the NPPF.

### *Mineral Resource*

The application site lies within a mineral resource safeguarding area identified in the Norfolk Minerals and Waste Core Strategy. An allocated mineral site (sand and gravel) is located nearby, thus indicating the presence of these materials in the local area. The NPPF states in paragraph 206, "*When determining planning applications, local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain future use for mineral working*". The applicant's Mineral Resource Assessment considered that the onsite mineral resources would be unviable to extract, however Norfolk County Council (as Mineral Planning Authority) consider that there may be opportunities for the sand and gravel from on-site resources (such as groundworks) to be used in the construction phases of developments and restoration for areas in which mineral has been extracted could form part of sustainable drainage systems, areas for landscaping, and/or renewable energy schemes, such as ground source heat pumps. Norfolk County Council's policy is to object to development on safeguarded areas if the proposed development would prejudice the viable economic extraction of minerals on a particular site, unless a Materials

Management Plan to address this matter is secured by planning condition to be submitted as part of a subsequent reserved matters application, therefore such a condition is proposed in this instance.

### *Archaeology*

The site has potential to contain heritage assets of medieval or earlier date as identified in a desk based assessment submitted by the applicant. Norfolk Historic Environment Service have confirmed that the significance of any such heritage assets is likely to be such that the harm to the historic environment could be successfully mitigated through a programme of archaeological mitigatory work, including initial geophysical survey / trial trenching, which can be secured by planning condition. With such a planning condition in place it is possible to manage the historic environment implications of the proposed development in accordance with paragraph 199 of the NPPF.

## **10. Emerging Policy as a Material Consideration**

The Council has carried out Regulation 18 consultation on a first draft of a new Local Plan which once adopted will replace the Core Strategy and Site Allocations DPD and form the new development plan for North Norfolk. Within that draft Holt is identified as a 'Small Growth Town', which contains a comprehensive range of services to meet most of the day to day needs of residents within the town and surrounding catchment area and in which additional development will be accommodated, but in a more limited amount than the 'Large Growth Towns' of North Walsham, Fakenham and Cromer. It remains the clear view of the Council through designation of the town as a 'Small Growth Town' that Holt is capable of sustaining further growth. Within that same document the situation with regards limited capacity at the existing primary school in the town is highlighted. The application site is one of the preferred sites (H04) being considered for allocation as a mixed use development within that document, on the same terms as this application, i.e. reserving two hectares of land suitable for a two form entry primary school, resulting in a draft preferred mixed use allocation of Policy DS 9.

It is the case however that many reports have been produced as part of the evidence base for the new Local Plan and such evidence, although not yet subject to examination, represents the most up to date position than some of the technical and data content of the existing Local Plan itself. However, at this very early stage in the Local Plan adoption process, little if any weight can be attached to any policies or preferred site allocations identified in the plan.

## **11. Planning Balance and Conclusion**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The principle of housing development on this site does not accord with the development plan. Due to the sites 'Countryside' designation the proposed development conflicts with Policy SS 1 Spatial Strategy for North Norfolk and SS2 - Development in the Countryside and this is not a site currently allocated for development. The development plan is operating effectively, delivering the necessary level of homes as part of its overall approach and for this reason substantial weight should be attached to the identified conflict with the development plan.

The identified conflict with development plan should be considered alongside any other material planning considerations relevant to this application.

One such material consideration is the community benefit of providing land for delivery of a 2FE primary school. This land has been assessed at a high level as being fit for its intended purpose and is available to Norfolk County Council as Local Education Authority for this use.

The weight to be applied to this benefit should be moderated as it includes the gift of land only and not the provision of a school. However, even though there is currently no budget or formal commitment from Norfolk County Council members to provide a new school, there is understood to be a likely need in the short term for such provision as the existing constrained primary school in Holt is forecast to be at capacity and new dwellings will become occupied which already have the benefit of planning permission. The provision of land to allow a new school to be constructed is a significant first step in securing a new primary school for Holt to meet current commitments and future growth needs.

It is officer opinion that the application through an appropriately worded legal agreement would secure sufficient certainty through offering the land for a period in which it should be realistically possible for the Local Education Authority to secure real progress in the construction of a new school. Officers consider that the public benefit of land to deliver a new school is a material consideration in favour to which substantial weight may be afforded. Beyond this period in the event that a primary school is not provided a fall back of a financial contribution to mitigate impacts of the development on primary education provision will be provided, ensuring that the impact of the development on primary education is at least properly mitigated.

The environmental and social benefits that the development will secure in terms of the location of the development directly adjacent to Holt Country Park and the opportunity that this brings to secure improved pedestrian access for existing residents through the site to access the green space which is Holt Country Park and the physical health and overall wellbeing benefits that this brings to new and existing Holt residents are not to be underestimated. This improved accessibility to green infrastructure should attract moderate weight.

Increasing the available supply of land for both market and affordable housing, supporting the economic dimension of sustainable development is another material consideration. In the context of the NPPFs objective in paragraph 59 to significantly boost the supply of homes, the delivery of market and affordable housing weighs in favour of the proposal, providing greater certainty that needs would be met and contributing to the delivery of affordable housing in the area. However, given that the Council can already demonstrate a supply of both market and affordable housing sufficient for the next five years of need, this benefit would attract no more than moderate weight.

With regard to the economic role of sustainable development, the proposed development would bring direct and indirect economic benefits to the local area including Council Tax receipts, additional trade for local shops and businesses by virtue of people living in the houses, and the economic benefits during the construction phase including jobs in construction and economic benefits to the construction industry supply chain. These benefits would be realised from any policy compliant residential development but would nonetheless be a benefit to the local area attracting only limited weight in the planning balance.

Finally, the previous appeal decision from 2015 is material to the consideration of this application and should be afforded some weight. The proposed development is however materially different from the proposals which were considered at appeal, as the amount of housing proposed has been reduced from 'up to 170 dwellings' to 'up to 110 dwellings' and the current proposals include land to accommodate a new 2FE Primary School, whereas the previous development proposed for the site made no such provision.

Caution should be taken in the unquestioning application of the Inspector's conclusions. The relevance of the appeal decision is advised to be drawn from its constituent parts. The differences in the development proposals could reasonably give rise to different conclusions. Contextually, housing land availability is not a matter of contention here; the County Council's position regarding existing school capacity concerns and new school requirements has not

fundamentally changed, however this application is set apart by to provide a school site. . The Inspector's conclusions relating to the openness of the site contributing to the protection and enhancement of the natural environment, has been addressed, at least in part, by the introduction of a site to accommodate a school centrally in the development. Further amelioration is provided by significant areas of green space, which act as a buffer between the proposed built residential form and Holt Country Park. The planning balance considerations will therefore differ greatly from that undertaken previously. Officers are persuaded that only limited weight should be given to the appeal conclusions when applied to the revised proposals.

It is the view of officers that taking the entirety of the identified benefits into account along with all other material considerations, subject to the securing of a S106 Obligation and the imposition of appropriate conditions, cumulatively these benefits are considered to outweigh the identified conflict with development plan policy.

## **RECOMMENDATION:**

### **Part 1:**

**Delegate authority to the Head of Planning to APPROVE subject to:**

#### **1) Satisfactory completion of a S.106 Planning Obligation to cover the following:**

- Not less than 36% affordable housing,
- Emergency access to the site from Lodge Close,
- On site open space scheme (including equipped children's play area) detailing provision and management details (including 3 access points to Holt Country Park),
- Provision and transfer of 2 hectares of serviced land for provision of a primary school to the Local Education Authority (in a location in accordance with the Development Framework plan and in accordance with the details contained within the schedule of costs within Appendix 13.0 of the Affordable Housing Viability Assessment – Supplemental Report 15 August 2019) – exact terms to be agreed with Norfolk County Council,
- Payment of £337,676 [index linked] to Norfolk County Council in the event that the land for the provision of a school is released from its obligations,
- Financial contribution towards mitigating healthcare impacts - £38,167,
- Financial contribution towards libraries - £75 per dwelling (£8,250),
- Financial contribution towards Norfolk Coast European Sites Mitigation - £50 per dwelling (£5,500),
- Financial contribution towards Holt Country Park access management (Norfolk Valley Fens European Site Mitigation) - £127,300,
- Financial contribution towards a Hopper Bus Service - £353 per dwelling (£38,830)

#### **2) The imposition of appropriate conditions to include:**

1. The submission of reserved matters within three years and two year commencement upon approval of reserved matter(s),



2. Reserved matters to relate to appearance, landscaping, layout and scale

Prior to submission of reserved matters

3. Archaeological mitigatory work

As part of submission of reserved matters

4. Provision of detailed surface water drainage scheme, incorporating measures as required by the Appropriate Assessment.
5. Minerals Management Plan to be informed by the Mineral Resource Assessment October 2018.
6. A layout plan which provides at least 3 pedestrian access points into Holt Country Park (in accordance with the locations shown on the Development Framework Plan).
7. A layout plan providing for drop off pick-up parking for the primary school for at least 10 vehicles to be provided in a dedicated area within the public highway, in close proximity to the main point of access to the school site.
8. A layout plan providing a landscaping buffer along southern and eastern boundaries, amount in accordance with parameters plan.
9. Provision of interpretation signage within the application site at access points to Holt Country Park
10. Landscape and Ecological Management Plan to be agreed.
11. Ecological Design Strategy to be agreed.
12. Arboricultural Method Statement and Tree Works Plan to be agreed.
13. Land contamination investigation report to be submitted

Prior to Commencement of Development

14. Highways, details of roads, footways, cycleways, drainage etc. to be submitted for approval.
15. Details of on-site construction worker parking to be submitted for approval.
16. Interim Travel plan to be submitted for approval.
17. Construction Environment Management Plan to be agreed.
18. Details of noise from plant (heating or ventilation) if proposed to be installed in dwellings.
19. External lighting details to be agreed.
20. Details of refuse storage areas and refuse collection vehicle access to be submitted
21. Details of the provision of 2 fire hydrants

Prior to Occupation

22. Prior to first occupation construction of road, footways etc. to binder course surfacing level from each dwelling to the County road
23. Prior to first occupation the Interim Travel plan shall be implemented in accordance with details approved
24. Prior to occupation of the final dwelling completion of roads, footways, cycleways, drainage to agreed specification

**and any other conditions considered to be necessary by the Head of Planning**

**Part 2:**

**That the application be refused if a suitable section 106 agreement is not completed within 3 months of the date of resolution to approve and, and in the opinion of the Head of Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale.**

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## Appeal Decision

Inquiry held between 28 and 31 July 2015

Site visits made on 27 and 31 July 2015

by **P R Crysell BSc MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 September 2015

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**Appeal Ref: APP/Y2620/W/14/3000517**

**Land south of Lodge Close, Holt, Norfolk NR25 6BZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Ltd against the decision of North Norfolk District Council.
  - The application Ref PO/14/0846, dated 4 July 2014 was refused by notice dated 2 October 2014.
  - The proposed is for the residential development of the site to provide up to 170 dwellings and associated infrastructure.
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### Decision

1. I dismiss the appeal.

### Procedural Matters

2. The proposal is in outline with all matters reserved for later determination. Prior to the inquiry the main parties submitted a Statement of Common Ground clarifying matters which were not in dispute. These included traffic generation, contamination, drainage, archaeology, minerals safeguarding and landscape impact. Local residents have referred to some of these areas in objecting to the development and I have had regard to these in coming to my decision.
3. The appellant has sought to address concerns in relation to the provision of infrastructure and other facilities by means of a legal agreement under section 106 of the Town and Country Planning Act 1990. A signed and dated copy of this document was submitted on behalf of the appellant and the District and County Councils before the close of the Inquiry.
4. The S106 confirms that provision will be made for affordable housing and open space and financial contributions will be provided. These include mitigation measures for protected areas, improvements to Holt Country Park, education, travel plans and a hopper bus service. A contribution towards library facilities was withdrawn because it was contrary to Regulation 123(3) of the Community Infrastructure Regulations 2010 (CIL). The Agreement would come into effect if planning permission is granted. I have considered the obligations in the Agreement and I am satisfied these would pass the statutory tests in Regulation 122 of the CIL.

5. At the opening of the inquiry I was informed that the Supreme Court had adjudicated on an appeal against North Norfolk District Council for failing to comply with the procedures required by the regulations governing Environmental Impact Assessment (EIA) and "appropriate assessment" under the EIA and Habitats Regulations. I have considered the relevance of this judgement in determining the appeal.

### **Main Issues**

6. I consider the main issues are:
- 1) Whether the Council can demonstrate there is a five year housing land supply having regard to national guidance and the implications of my findings in that matter having regard to the policies contained in the District Council's Core Strategy and Site Allocations Development Plan Document<sup>1</sup>; and
  - 2) The effect of the proposed development on the provision of education facilities.

### **Reasons**

7. The appeal site comprises 7.09 hectares of flat, agricultural land which is divided between two fields. Properties on Norwich Road limit views from the west to glimpses between buildings and an extensive area of woodland forming part of Holt Country Park lies to the south and east. An illustrative diagram shows access would be gained from an existing area of housing which lies immediately to the north of the site and which marks the transition from the urban edge of the settlement to the countryside beyond.

#### *Planning policy*

8. The development plan for the area comprises the North Norfolk Core Strategy<sup>2</sup> which was adopted in 2008 (CS) and the Site Allocations Development Plan Document<sup>3</sup> (SADPD) adopted in 2011.
9. The objective of spatial policy SS 1 is to focus the majority of new development on four principal settlements of which Holt is one. More limited development is anticipated at four secondary settlements. Smaller amounts of growth, intended to support rural sustainability, are directed to a number of service and coastal villages.
10. The remainder of the District is classified as 'Countryside' which includes the appeal site. The supporting text to policy SS 2 explains this is a principal element contributing to the rural character of North Norfolk and one which should be protected. In these locations policy SS 2 therefore seeks to limit development to uses which require a rural location.
11. Policy SS 3 sets out housing allocations for identified settlements and explains that allocations will be made through the SADPD. The policy anticipates that 700 dwellings will be provided in Holt in the 20 year period to 2021 which is considerably lower than the provision in other principal settlements. Policy SS 9 specifically refers to Holt. This clarifies that 250 – 300 of the town's housing

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<sup>1</sup> Also referred to as the Site Specific Development Plan Document

<sup>2</sup> North Norfolk Local Development Framework – Core Strategy incorporating Development Control Policies

<sup>3</sup> North Norfolk Site Allocations Development Plan Document

target will be provided on greenfield sites which should be well integrated with the built-up area and minimise the impact on the countryside.

12. Policy CT 2 clarifies that improvements which are required to infrastructure, services and facilities in order to make development acceptable will be sought by means of planning conditions or obligations.

#### *Development plan issues*

13. Legislation requires that applications should be determined in accordance with the development plan<sup>4</sup>, unless material considerations indicate otherwise. The requirement is repeated in paragraph 11 of the National Planning Policy Framework (NPPF).
14. The weight to be attached to relevant policies in the CS was a matter debated at the inquiry. It was not disputed that the appeal site is outside the settlement boundary to Holt. Therefore the proposal would conflict with the objectives of policy SS 2 for land in the countryside and not accord with policies SS 1, SS 3 or SS 9.
15. In setting out the location and amount of growth the Council intends to provide in key settlements and limiting development elsewhere, the objectives of these policies are broadly consistent with the core planning principles of the NPPF. However, the degree to which they are fully compliant is crucial to the weight which can be accorded to them. I have therefore had regard to various legal judgements, particularly in relation to housing land supply, in considering the merits of the proposal<sup>5</sup>.

#### *Housing land requirements*

16. The context for identifying future housing requirements is set out in paragraph 47 of the NPPF which says local plans should meet the full, objectively assessed market and affordable housing needs for their housing market areas (HMA), subject to compliance with other policy provisions. Local planning authorities are required to identify and update annually a supply of deliverable sites capable of providing five years worth of housing against their overall requirements. Paragraph 49 goes on to explain that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if a five year supply cannot be demonstrated.
17. The Council accepted the housing target in the CS was not equivalent to an objective assessment of housing need (OAN) required by the NPPF. In the absence of an up-to-date OAN it sought to rely on its adopted CS. The CS identifies housing needs up to 2021 but these were based on assessments made in the Regional Spatial Strategy for the East of England (RSS) which predates the NPPF.
18. The Inspector who examined the SADPD in 2010 invited comments on the implications of the Government's decision to revoke the RSS. Other than those from the Council, none were forthcoming. As no alternative housing position

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<sup>4</sup> The Town and Country Planning Act 1990, s70(2) & the Planning and Compulsory Purchase Act 2004, s38(6)

<sup>5</sup> For example, *Huston Properties Ltd. v SSCLG* [2013] EWCA Civ 1610; *Solihull MBC v Gallagher Homes Ltd and Lioncourt Homes Ltd* [2014] EWHC 1283 (Admin); *South Northamptonshire Council v SSCLG & Barwood* [2014] EWHC 573 (Admin); *Wynn-Williams v SSCLG* [2014] EWHC 3374 (Admin); *Zurich Assurance Ltd v Winchester City Council & South Downs National Park Authority* [2014] EWHC 758 (Admin)

was put forward he accepted the RSS figure remained appropriate for housing supply purposes.

19. Circumstances have changed in the intervening years and, as other inspectors have pointed out<sup>6</sup>, the current approach to determine housing provision differs substantially from the previous one. Furthermore, RSS targets were founded upon a constrained supply, the evidence on which it relied is dated; it predates more recent population and household projections and it takes no account of the economic recession.
20. I therefore consider it is inappropriate to give weight to the housing target of the CS (400 dwellings per annum [dpa]) in relation to the current appeal. However, it does provide a reference point in gauging how effective the Council has been in ensuring sufficient housing has come forward.

*Objectively assessed need*

21. The absence of an OAN means there is no agreed basis for assessing the five year housing position. The Council is working on a replacement plan and as part of its preparatory work is cooperating with four other authorities in producing a Strategic Housing Market Assessment (SHMA). A preliminary draft of the findings produced by Opinion Research Services (ORS) was made available to the inquiry<sup>7</sup>. An alternative assessment was undertaken by GVA Grimley (GVA) on behalf of the appellant<sup>8</sup>.
22. Both studies are broadly consistent with the approach set out in Planning Policy Guidance (PPG) and take the latest population and housing projections as their starting point. Adjustments have been made to take account of local factors (market signals) such as house prices and affordability and employment trends have been modelled to understand how these may influence housing needs. Affordable housing requirements have also been considered in arriving at a final figure.
23. Neither assessment has been subject to independent review and examination and it is not for me to examine in detail the underlying factors which influence housing needs. Consequently, it would be unwise to give unqualified weight to either document, especially as the PPG acknowledges that forecasting is not 'an exact science'. Having made this clear, I am nevertheless mindful that the two studies represent the best available and most recent evidence on this matter.
24. The parties agreed that their independent assessments for the Central Norfolk HMA produced similar outcomes. The Council's conclusion was that housing needs amounted to 3,167 dpa for the HMA, whereas the appellant's figure was 3,026. The latter acknowledges that these would represent a significant boost over past completion rates. When estimates of housing needs in the HMA are applied to North Norfolk, however, a substantial difference emerges between the two assessments. The main reason for this is the way in which future employment levels have been calculated.
25. Forecasts used in the ORS report are derived from a model developed by Oxford Economic for authorities in the East of England<sup>9</sup>. The most recent

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<sup>6</sup> See for instance, APP/XO360/2209286 & APP/F1610/A/14/2213318

<sup>7</sup> Draft Central Norfolk Strategic Housing Market Assessment 2015: Opinion Research Services, 29 May 2015

<sup>8</sup> Statement pertaining to the objective assessment of housing needs: GVA Grimley Ltd, June 2015

<sup>9</sup> East of England Forecasting Model (EEFM)

figures published by EEFM in January 2015 suggest an extra 2,000 jobs will be created each year (2011 – 2031) in the HMA. Having regard to various factors including employment levels and commuting flows, ORS calculate that a 20% increase above demographic trends for the HMA will be required in the period between 2012 and 2036.

26. The picture is complicated by a 'City Deal' agreed by the three Councils within the 'Greater Norwich' part of the HMA<sup>10</sup>, the intention being to provide a significant boost in the number of jobs created in these areas. The ORS report acknowledges that an increase in the number of workers will be needed in the HMA so that workers and jobs balance. It suggests this requires a higher level of net inward migration to provide a larger workforce but allocates this to the Greater Norwich area in recognition of the City Deal. The implication is that more housing will be required in this part of the HMA than in Breckland or North Norfolk.
27. The GVA analysis uses modelling provided by Experian and Oxford Economics (EEFM) to produce what was referred to as a 'blended' rate<sup>11</sup>. Experian forecast that growth in the HMA will average 0.99% over the period to 2031 in comparison to the EEFM figure of 0.54%. An average of 0.76% (the mean growth rate of the two forecasts) was proposed as a reliable growth rate because it would be consistent with past rates for the HMA. This equates to employment growth averaging 0.53% in North Norfolk. Using this as the basis for assessing growth results in an annual housing requirement of 497 dpa in North Norfolk.
28. I have reservations with both assessments although I find the analysis in the draft SHMA (ORS report) to be more convincing. In particular, GVA apply the results for the HMA to North Norfolk with relatively little acknowledgement of local factors. The Council, for instance, claims the appellant's figures do not reflect the difficulties it has faced in attracting jobs and says 400 jobs have been lost since 2001. In addition, it is unclear whether the implications of the City Deal have been taken into account and how a substantial boost in jobs in the Greater Norwich area will affect housing needs in more rural parts of the HMA.
29. Nevertheless, as ORS admit, forecasting economic activity rates is complex and depends on many factors including structural changes in the labour market. In this respect, I am concerned that the ORS forecasts for employment growth in North Norfolk may prove to be pessimistic. I am also conscious of the appellant's warning that insufficient housing will impede economic growth. The GVA study showed an additional 206 jobs being created annually in North Norfolk (between 2013 and 2031) in comparison to which, I was told, the Council's figure is 91. Whether an improving economy would require more than the modest level the Council regards as realistic will be for others to determine. Until such time as these matters are tested through a development plan examination, I can only rely on the evidence before me.

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<sup>10</sup> Norwich, Broadland and South Norfolk Councils

<sup>11</sup> Popgroup and Derived Forecasting

*Five year housing land position*

30. Two areas separate the parties on housing land requirements, the choice of base date and the relevant 'buffer' to be applied having regard to paragraph 47 of the NPPF.
31. In view of my conclusions in relation to the housing target in the Council's adopted plans (400 dpa) and the work undertaken to determine an OAN, I consider the ORS figure of 420 dpa represents the best available albeit minimum level of annual provision which should be used when assessing the current housing position. ORS takes the 2012 population estimates as its starting point which the Council says represents the most appropriate base date for calculating the housing requirement. In contrast, the appellant has used 2011. The choice of base date is not one which, in my opinion, makes a significant difference to the land supply calculations.
32. Completion rates show there have been considerable variations in the number of dwellings built each year. The Council explained that this was partly due to the absence of land allocations prior to the adoption of the SADPD in 2011. Completions at the CS rate have exceeded or been close to the annual requirement on several occasions over the last decade but numbers have fallen short more often so that the cumulative deficit has grown. Given the importance the Government attaches to boosting the supply of housing, I consider a 20% buffer would increase the likelihood that sufficient land is available to meet future housing targets.
33. As a result I consider the Council's five year requirement as at 1<sup>st</sup> April 2015 amounts to 2,678 dwellings (536 dpa) based on an annual need for 420 units, a shortfall since 2012 of 132 and applying a 20% buffer. If the appellant's choice of base date was used (2011) a total of 2,778 units would be required (556 dpa).
34. The participants confirmed the number of dwellings from windfall sources was their only area of disagreement on housing supply. For its part, the Council has attempted to identify specific windfall sources rather than apply a discounted rate based on past performance. To my mind this is a better approach because the inclusion of large unallocated sites as windfalls will distort yearly averages.
35. Small-scale projects in settlements are seen as the main source of future windfalls with more modest contributions coming from rural conversions, exception sites and from those which do not require planning permission. In recognition that the contribution from these sources may diminish the Council has discounted the supply in settlements by 50% from recent rates of delivery and reductions have also been made to the numbers anticipated in the other categories.
36. The appellant contends that it is unreasonable to include windfall contributions for a full five year period because it is very unlikely that completions will occur soon after the start. I agree because time is taken up obtaining planning permission and constructing a building. Even so, discounting close to the equivalent of two of the five years of windfall supply is excessive especially as the Council has adopted a conservative stance on windfall numbers. For this reason, I consider that discounting a single year would be a reasonable and precautionary approach.



37. I therefore consider a total of 2,887 (the Council's estimate of 3,022 discounted by one year's supply of windfalls [135]) represents the housing supply position at 1<sup>st</sup> April 2015. The Council is therefore able to demonstrate it has a 5.4 year land supply based on an annual requirement for 420 dwellings, a shortfall of 132 units (from 2012) and applying a 20% buffer. Taking 2011 as the base date, a supply of 5.2 years is available; using the appellant's supply estimate of 2,782, the 2011 base date and 20% buffer it is still possible for the Council to demonstrate a 5 year supply exists.

#### *Conclusions on housing supply*

38. I find that the Council's development plan does not accord with objectives in the NPPF to meet the full objectively assessed needs for housing and, in this respect, it is out-of-date. Work to complete an OAN has yet to be finalised and relies upon a draft SHMA which has not been tested. In the context of a s78 inquiry it is not possible to establish a reliable figure but, on balance, I find the draft SHMA and OAN findings produced on behalf of the Council provides the best available evidence for estimating future housing needs and are preferable to those submitted by the appellant. I therefore consider the Council is able to demonstrate it has a five year housing land supply.

#### *Education*

39. Norfolk County Council is the Local Education Authority (LEA) for the area and contends that there is insufficient capacity at Holt Primary School to accommodate new pupils once children from other approved developments are provided for. The school is physically split between two areas of approximately the same size. These are separated by a roundabout but connected by a pedestrian underpass beneath the road junction. The school buildings are located immediately to the north-west of the junction between Norwich Road, the A148 and the B1110. Diagonally opposite the school, to the south-east of the junction, is the school playing field.

40. The LEA says its analysis shows there is a deficiency in places but this is not an issue because some children in the catchment go to other schools. It calculates that planned housing growth and windfall schemes mean a further 118 pupils of primary school age will require places. It is therefore considering changing the school from one form entry (FE) to 1.5FE. Capacity would then increase from 210 to 315 places but require up to four further single storey classrooms.

41. The proposed development is likely to generate 44 primary age schoolchildren, according to the LEA. These could not be accommodated because it claims expansion beyond a 1.5FE is not possible. Instead pupils would be offered places at the next nearest schools, raising safety concerns, adding to transport costs and encouraging unsustainable travel.

42. The appellant questioned the predictions of pupil numbers suggesting that these had been over-estimated because they made no allowance for parental choice. Applying current trends in school choices would reduce potential numbers from anticipated development in the area from 162 to 109. This might reduce demand in Holt but there is no information to show how other schools might be affected. The LEA says it is likely that financial contributions from the developer would be used to increase the capacity of other schools. In

- my view this would be undesirable because it would consolidate unsustainable patterns of school commuting.
43. The accuracy of the LEA's forecasting may be questioned but I consider there is a compelling case for increasing school capacity to minimise the need to travel to other schools. To accomplish this would require a minimum 2FE primary school in Holt but the LEA claims the present school is too constrained for this purpose.
  44. There was some debate on this matter because the site area exceeds the minimum building requirements for a 2FE school<sup>12</sup>. The BB103 acknowledges it was generally written to apply to new buildings but that the principles apply to all types of mainstream schools. However, it appears to make few concessions for existing configurations. In this case, many of the buildings are old, space is limited and the layout is not readily conducive to further expansion.
  45. The number of extra classrooms needed for a 2FE entry school was a further source of disagreement. Having visited the site, it appears likely it would be necessary to compromise playgrounds or circulatory routes unless two storey development was considered acceptable.
  46. The LEA's preference is to examine future needs in Holt in tandem with the District Council's local plan review as this would provide a better basis for a long term education strategy. Nevertheless, as it acknowledged it has a statutory duty to provide school places and accepted it would have to work within existing constraints to provide places should the appeal be allowed. Furthermore it confirmed it had commissioned a study into future options for Holt, including the provision of a new school<sup>13</sup>.
  47. Based on areas alone, the study accepts the school site would be capable of accommodating a 2FE school if the playing field were included in the calculation. However, it notes that this would conflict with the County Council's desire to move away from split school provision while expansion would make it difficult to comply with parking standards and address access and drainage issues.
  48. The LEA stressed that it rarely contested development proposals at inquiry and I do not doubt that it has serious concerns in this case. I appreciate the difficulties involved in school expansion but I am not convinced that additional children would create a short term issue which the LEA would be unable to resolve.
  49. I also understand its desire to align future education provision in Holt with proposals in the District Council's LP review but it seems to me that this risks putting off crucial decisions when the evidence points to pupil numbers exceeding 2FE capacity within a few years. How this is dealt with is a matter for the LEA but in my view it increases the likelihood that a new school would be the most sensible and cost effective means of meeting any future increase in pupil numbers.
  50. I queried the appellant as to the likely date of first completions should the development proceed. These, it was suggested, would begin from late 2017 onwards. I regard this as optimistic because of the time needed to secure

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<sup>12</sup> Area guidelines for mainstream schools. Building Bulletin 103 (BB103), June 2014

<sup>13</sup> NPS Property Consultants Ltd – Site Assessment, Holt Primary School, Norwich Road, Holt, June 2015

reserved matter approval and undertake the sale of the site. I am not convinced the development would add significant numbers of pupils until 2018/19. The lead-in time therefore provides an opportunity for the LEA to consider its future education strategy for Holt while also having regard to planned development coming through the LP review.

51. I therefore find a potential shortage of school places is not a reason for refusing the appeal.

### *Sustainability*

52. As a Principal Settlement, Holt was recognised in the CS as a sustainable settlement, albeit one which was associated with the 'cluster' role it shares with Sheringham and Cromer. However, the presumption in favour of sustainable development, which is at the heart of the NPPF, means that the Council's ability to demonstrate that it has a five year housing land supply is not sufficient reason alone for rejecting the proposed development. The appellant's position is supported in this regard because policy SS 3 acknowledges that the housing provision for the District represents a minimum figure, a point confirmed by the Council at the inquiry.
53. Nevertheless, as paragraphs 7 and 8 of the NPPF make clear, sustainability has economic, social and environmental dimensions which collectively contribute to sustainable development irrespective of whether or not a proposal would be in a sustainable location.
54. The proposal would be beneficial in helping to increase the available supply of housing land in the District and assisting in the further provision of both market and affordable dwellings. In doing so, it would accord with economic dimensions to ensure land is available to support growth. However, the proposal would extend development into the countryside to the south of the town. The Council accepted that this would have no discernible impact on the landscape because the site is screened by existing buildings and the wooded area of Holt Country Park.
55. Even so, the openness of the site can be readily appreciated from the residential area to the north where it provides a buffer to the wooded land beyond. This would be lost were development to take place. In my view, this would not contribute to the environmental dimension of protecting and enhancing the natural environment or one of the core planning principles of the NPPF to recognise the intrinsic character of the countryside. The proposal would also be contrary to the objective of policy SS 2 which seeks to maintain the rural character of North Norfolk for the benefit of its residents and visitors.
56. Furthermore, I consider there is some tension between the social benefits of extra housing and the ability of the town to support the health, social and cultural well-being of its inhabitants required in the NPPF. Holt has a busy and vibrant centre with a large number of shops and businesses but the majority focus on tourist interests and only a relatively small number provide basic services. I was told that facilities are likely to improve as planning permission has been granted for a small supermarket. Nevertheless, Holt's limitations as a service centre means residents are obliged to travel elsewhere for services such as secondary schools or significant medical facilities.

57. In my assessment of sustainability I have also taken into account the complementary role of Holt, as set out in the CS, which distinguishes it from the major role envisaged for other Principal Settlements. The Council says that the town's lesser role is recognised in policies SS 3 and SS 9 of the CS and reflects its 'small market town' character, a point made by the inspector who examined the CS and found its designation as a Principal Settlement was not 'overwhelmingly strong'<sup>14</sup>. Consequently, only limited housing growth, similar to that of Sheringham, a Secondary Settlement, was proposed.
58. Greenfield sites to the west of Woodfield Road (H01) and at Heath Farm/Hempstead Road (H09) were allocated in the SADPD. These sites are available to meet local housing needs and relate well to the built-up area of the town so that development would be contained within the existing northern (H01) and eastern (H09) limits of the settlement, unlike the proposed development which would intrude into the countryside to the south of the town.
59. I therefore accept that while there would be some benefits of the development, the environmental and social harm I have found is such that the proposal would not represent sustainable development in the terms set out in paragraph 7 of the NPPF. Taking into account the five year housing land supply position, I do not consider these adverse impacts would significantly and demonstrably outweigh the benefits I have identified. Consequently, I find there is insufficient justification for allowing development which would not accord with relevant policies and principles in the CS or with sustainability objectives of the NPPF.

#### *Protected habitats*

60. The appeal site is approximately 7 km. from an area of European importance for habitats and wildlife on the North Norfolk coast<sup>15</sup> (NNC). The Norfolk Valley Fens SAC/Holt Lowes SSSI (HL) is a further designated area within 500m of the site. As a result, there is a possibility that the proposed development could have indirect effects upon the qualifying features of the designated sites.
61. The appellant commissioned a Habitats Regulation Assessment (HRA) in accordance with the Conservation of Habitats and Species Regulations 2010. The HRA found the proposed development could give rise to increased visitor numbers to the NNC. The same conclusion had been reached when an assessment was undertaken of site specific proposals in the Council's SADPD.
62. Housing on the appeal site is considered likely to have an additional cumulative effect on the NNC because it has the potential to add to the number of visitors who could disturb its habitats and bird populations. Nevertheless, the previous study for the SADPD concluded that any likely significant effect on the NNC could be mitigated by a monitoring and mitigation strategy supported through financial contributions from relevant developments (£50 per dwelling).
63. The area of HL differs because local residents are the main source of disturbance. The proximity of the appeal site increases the likelihood of adverse effects although the HRA concluded that the residual impact of the development could be negated. This could be achieved by including an area of greenspace as part of the development and introducing measures to divert

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<sup>14</sup> Report on Examination into the North Norfolk Core Strategy, July 2008 (paragraph 5.11)

<sup>15</sup> The North Norfolk Coast Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and also listed as a Ramsar site

pressure on the adjacent HL by encouraging visitors to remain within Holt Country Park.

64. The District Council accepted the HRA and Natural England agreed with the findings. However, a recent judgement of the Supreme Court<sup>16</sup> has raised concerns about the appropriate process to be followed by decision makers in order to comply with the relevant legislation. Even so, the judgement does not alter my role as the competent authority and I am required to decide whether or not the development would be likely to have significant adverse effects which would require appropriate assessment.
65. The evidence suggests the NNC is likely to be frequented by more visitors than the less accessible area of the HL. Previous work found that a mitigation and monitoring strategy would avoid significant adverse effects from allocations in the Council's SADPD. I am satisfied the same strategy remains an appropriate means of mitigating adverse effects which might otherwise result from the development of the appeal site, a conclusion which was reached in the appellant's assessment and endorsed by Natural England.
66. In the case of HL the likelihood of significant adverse effects are less obvious but a precautionary stance is advocated. Providing greenspace on the appeal site and using financial contributions to help maintain paths in Holt Country Park would divert pressure off HL. The proposed mitigation measures are therefore capable of avoiding significant adverse effects to qualifying features within the vicinity of the appeal site.
67. In coming to this conclusion, I have had regard to the implications of the Supreme Court judgement in the application of paragraph 119 of the NPPF. Having concluded that mitigation measures mean that significant effects are not likely, then Appropriate Assessment is not required and paragraph 119 does not apply.

#### *Other matters*

68. The Council sought to argue that allowing the development could prejudice delivery of the mixed use allocation at Hempstead Road (policy HO9 of the SADPD). I was told a number of matters need to be resolved before development on this site could commence but there is no evidence to show other sites would hinder its development. I am not persuaded it is a sound reason for rejecting the proposed development.
69. In opposing the development local residents, Holt Town Council and CPRE Norfolk<sup>17</sup> had a number of concerns. These included housing provision, school capacity and Holt's role as a sustainable settlement. I have addressed these matters previously. Other issues such as access, congestion and road safety were cited including the loss of agricultural land and wildlife habitat as well as the impact of the development on the town's infrastructure. The proximity of the proposed development to Holt Country Park was also seen by some as a potential fire risk.
70. A variety of assessments were undertaken by the appellant in support of the proposal. These show than many of the issues raised by objectors had been or were capable of being addressed as part of a reserved matters application.

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<sup>16</sup> R (Champion) v North Norfolk District Council [2015] UKSC 52

<sup>17</sup> Council for the Protection of Rural England

Neither the Council nor statutory consultees raised objections providing that, where necessary, appropriate conditions were attached to the grant of outline planning permission. Having reviewed this documentation, I can find no justification for refusing the application for any of these reasons.

*Conclusions*

71. The NPPF emphasises the importance the Government attaches to boosting significantly the supply of housing and the presumption which exists in favour of sustainable development. In this context, the proposal would increase the amount of housing land available in the District and assist in the further provision of both market and affordable dwellings. Nevertheless, I am not convinced it would accord with the social or environmental role attributed to sustainable development as set out in paragraph 7 of the NPPF and similar objectives in the CS which are consistent with it.
72. The CS is dated and I accept its housing targets do not reflect NPPF requirements to meet needs which have been identified in an OAN. However, I have found that the emerging evidence suggests sufficient housing land is available to satisfy an updated five year housing land requirement based on the initial findings of the draft SHMA (OAN).
73. In these circumstances, I find there is not a compelling case requiring additional land to be identified in the District while two significant allocations are capable of meeting local housing needs in Holt. In addition, the development would be contrary to the aims of policy SS 2 to limit development in the countryside.
74. I do not consider the concerns of the LEA are sufficient reason for dismissing the appeal and I have reached a similar conclusion regarding the matters raised by local residents and organisations. However, for the reasons given above and having regard to all other matters, I conclude that the appeal should not succeed.

*P R Crysell*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Ms Estelle Dehon, of counsel She called	Instructed by Noel Doran, Solicitor, Eastlaw
Mr S Faulkner BA (Hons) MSc DipTP MRTPI	Principal Planner, Norfolk County Council
Ms J Blackwell	Place Planning Manager (Children's Services) Norfolk County Council
Mr M Ashwell MRTPI	Planning Policy Manager, North Norfolk District Council
Mr J Williams DipTP MRTPI	Team Leader (Major Projects), North Norfolk District Council

### FOR THE APPELLANT:

Mr Richard Kimblin	Instructed by John MacKenzie, Gladman Developments Ltd.
He called	
Mr J Powell BSc LLB	Operations Director, EPDS Consultants Ltd
Mr T Baker BA (Hons) MA	Associate, GVA
Mr J MacKenzie BSc DipTP MRTPI	Planning & Development Manager, Gladman Developments Ltd.

### INTERESTED PERSONS:

Cllr M Prior	Ward Councillor and School Governor speaking on behalf of Holt Primary School and local residents
Ms N Freni	Local resident
Ms A Phillips-Wright	Local resident
Mr J Loughlin	Local resident
Mr C Greenwood	Local resident

## **DOCUMENTS SUBMITTED DURING THE INQUIRY**

- 1 Appearances on behalf of the Appellant
- 2 Appearances on behalf of North Norfolk District Council
- 3 Opening Statement by the Council
- 4 Opening Statement by the Appellant
- 5 Statement by Nicolle Freni
- 6 Qualifications and Experience of Mr S Faulkner and Ms J Blackwell
- 7 NPS Property Consultants Ltd, Site Assessment, Holt Primary School (CD 8.2.2)
- 8 Extract from Holt Conservation Area, Character appraisal & management proposals
- 9 Norfolk County Council statement on Schools' capital funding (CD 8.23)
- 10 E-mail from Mineral Planning Authority relating to mineral condition
- 11 Copy of Draft S106 Agreement
- 12 Copy of Draft conditions
- 13 Copy of High Court judgement in Wynn-Williams v SoS CLG [2014] EWHC 3374 (Admin) (CD 10.17)
- 14 Copy of High Court judgement in Zurich Assurance Ltd v Winchester City Council & South Downs National Park Authority [2014] EWHC 758 (Admin) (CD 10.19)
- 15 Extract from Planning Practice Guidance, Chapter 2a – Housing and economic development needs assessments
- 16 Appellants transcript extract of evidence given by Mr Ashwell on OAN
- 17 Completed S106 Agreement
- 18 Supreme Court judgement in Champion v North Norfolk District Council [2015] UKSC52 (CD10.18)
- 19 Revised Draft Conditions
- 20 Statement clarifying position in relation to housing completions and commitments
- 21 Closing Statement on behalf of North Norfolk District Council
- 22 Closing Statement on behalf of the Appellant



EXTRACT FROM DEVELOPMENT COMMITTEE MINUTES – 10 OCTOBER 2019

- 53 **HOLT - PO/18/1857 - Outline planning application for the erection of up to 110 dwellings with 2 hectares of land for a new primary school, public open space, landscaping and sustainable drainage system (SuDS) with main vehicular access point from Beresford Road and secondary pedestrian, cycle and emergency access from Lodge Close. All matters reserved except for means of access; Land off Beresford Road, Holt for Gladman Developments Ltd**

The Committee considered item 7 of the Officers' reports.

Public Speakers

Mr R Carter (objecting)  
Mr C Greenwood (objecting)  
Mr A Bamforth (objecting)  
Mr J Mackenzie (supporting)

The Major Projects Team Leader presented the report and displayed plans and photographs of the site, including the proposed access points, an indicative layout plan and photograph of the existing school site. She reported that the latest figures provided by the Education Authority showed there had been 186 pupils on the school roll in May 2019. The Highways Officer was unable to attend the meeting but had submitted a position statement prior to the meeting which did not raise any new matters.

Councillor D Baker, local Member, stated that the site was within the Countryside policy area and was therefore contrary to policy. He considered that the school land was an inducement to grant planning permission on a site for which a previous application for 170 dwellings had been refused in 2014. There was no current need for a replacement school as pupil numbers had fallen over the last 5 years and the County Council had no budgetary provision or timeline for building it. He was also concerned that a new two-form entry school would lead to the closure of small local schools. He considered that the proposed single access through Beresford Road was inappropriate as it would become a bottleneck, a rat run, chaotic and dangerous. The proposal would add to the 500 new homes already scheduled for Holt, the population of which was set to double in five years. Whilst there was a need for affordable homes, he considered that they should not be built at any cost in an area which was against policy, and that the environment and countryside should be protected.

Councillor Mrs G Perry-Warnes, local Member, considered that although the forecast for primary school capacity supposedly established a need for a new school, the proposed location was not the most suitable site and the proposal was contrary to Policy SS2. She was concerned that Holt could be left with no public benefit to justify a departure from Development Plan policies if the funding for the school did not materialise. Her major concern related to highways issues in respect of the increase in traffic on nearby roads and associated road safety implications, detrimental effect on quality of life for local residents associated with inconsiderate driving and parking, and impact on the wider road network, particularly Hempstead Road which was already a safety concern due to the increase in traffic from other developments. She considered that the single access via Beresford Road was unsuitable and inadequate. Whilst the Highway Authority had raised no objection, she considered that there was sufficient concern to justify a re-examination of the highway issues. She requested deferral of this application pending an independent highway survey.

Councillor A Brown stated that he was addressing the Committee as Portfolio Holder for Housing and Planning, and as Member for Stody Ward which was within the Holt Primary School catchment area. He expressed disappointment that there was no Highways Officer or representative of the Local Education Authority at the meeting, which he considered to be disrespectful.

With regard to the need for the school, Councillor Brown considered that it could be argued that the new school would be of benefit to the community which could outweigh contravention of planning policies, and that the development of additional housing in Holt could create the necessary demand for capacity. There was no indication of the possible uses for the existing school site. With regard to viability of Norfolk County Council providing a new primary school, the County Council had only committed to a feasibility study and he stated that there was no legal reason why there should not be an option agreement on the land for the development of the school at this stage. He supported the request by Councillor Perry-Warnes for an independent highway report. He proposed deferral of this application for further information to be brought to a future meeting of the Committee.

Councillor Mrs S Bütikofer stated that she was speaking as County Councillor for Holt. She stated that the school was a pivotal factor in this application. She explained how the requirement for primary school places was calculated. The same calculation was used throughout the whole of the county and did not explicitly take into account the demographic and sales profile of purchasers of dwellings in Holt. In the event of the new dwellings not generating the expected number of pupils, NCC had stated clearly that other options may need to be considered, which was the reason for holding the land for 10 years. NCC had confirmed that there was capacity in other primary schools in the area. The scheme had not been prioritised by NCC and funding had only been set aside for the development of a plan. She stated that the site was not the NCC preferred site but other options had fallen away. She received many more representations as a County Councillor regarding Hempstead Road than anything else, raising concerns about highway safety of that location, and she could not understand the Highway Authority's views. She considered that the location was completely unacceptable and supported the request for an independent traffic management survey. She also requested further substantive evidence of the need for primary school places in Holt.

Councillor G Mancini-Boyle considered that a one-way system could have been introduced if access had been given to Lodge Close. He had calculated that the proposed housing development could result in around 160 vehicles, with over 300 in the event of the school being opened. He considered that the proposal was not a viable site for a new school.

The Head of Planning and Major Projects Manager referred to concerns which had been raised outside of the meeting with regard to amenity issues relating to vehicle movements associated with a new school in this location, but which had not yet been discussed.

Councillor N Lloyd stated that when he visited the site he had been struck by the inconvenience to existing residents. He considered that the area would become gridlocked with parents bringing children to the school in cars. He was also disappointed that there was no reference to climate emergency in the report.

The Head of Planning explained that given its position with regard to the existing and emerging local plans, the Local Planning Authority had to be guided by National Planning Policy which had not yet caught up with climate emergency. He was unable to advise the Committee to give material weight in planning judgements to issues which were not currently part of planning policy.

Councillor P Heinrich stated that there would be at least 100 vehicles arriving in the morning and afternoon. He considered that engines would be idling when children were dropped off at the school, causing air pollution and environmental damage, and at picking up time parents would be parking to wait for their children and socialising with other parents, causing severe damage to the amenity of the area for new residents as well as existing residents. He considered there was no logical reason to impose this environmental damage on existing residents.

Councillor Mrs S Bütikofer referred to concerns which had been raised in a nearby town regarding the impact of parents dropping off and picking up their children with no regard to the local community.

The Chairman expressed concern that there could be safety issues with parked cars as small children were not very aware of road safety.

The Chairman asked for a proposer for the Officer's recommendation. There was no proposer.

Councillor Brown proposed deferral of this application to seek due diligence with regard to the need for primary school places and financial commitment from the Education Authority to the provision of a new school, and a traffic assessment.

In response to a question by Councillor D Baker as to the effect of the deferral, the Head of Planning explained that a further report would be submitted to the Committee for consideration following receipt of an independent traffic report and further information.

Councillor N Pearce seconded the proposal.

## **RESOLVED**

**That consideration of this application be deferred:**

- 1. to seek proof of the need for primary school places and greater financial commitment to the school by the Education Authority; and**
- 2. to seek an independent report in respect of the highway and access issues.**

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**The education context of Holt is that there has been pressure on school places in the Town for some years**

School catchment numbers for reception in Holt exceeded the Published Admission Number of 30 for the school for 4 years in a row from 2012 to 2015:

2012 – catchment of 36

2013 – catchment of 33

2014 – catchment of 38

2015 – catchment of 42

2016 – catchment of 26

2017 – catchment of 29

2018 – catchment of 31

2019 – catchment of 28

2020 catchment forecast 35 (not including housing impact)

2021 catchment forecast 31 (not including housing impact)

2022 catchment forecast 34 (not including housing impact)

It is correct to say that some families who live in Holt do choose other schools in the area. Historically over the past few years only around 75% of the local catchment have chosen Holt Primary. There are various reasons for this preference; parents prefer a smaller village school, family live closer to local village schools, the consideration that other schools are better than Holt. However in 2012, 34 children applied for a place at Holt Primary for 30 places. In 2013 this figure was 32, in 2014 – 38 and in 2015 – 34. The statement above is correct, there has been pressure on school places in the Town for some years. It is correct to say that since 2015, numbers have dropped slightly but still very close to the Admission number of 30. With the addition of many planned new properties in Holt, as Place Planners we aim to provide a local school place for all local children so we felt it was the right time to begin the process to secure a new school site for Holt Primary School as this can take some time. We could make the assumption that if housing is more central to the local school then these families would choose Holt rather than village schools surrounding Holt.

**Existing and future planned housing developments in the Town**

We are aware of sites in Holt that have planning permission for housing or are allocated in the current development plan for housing development.

The main sites to consider (not including small sites) are:

3 x sites at Greshams total of 150 dwellings with around 80 built out.

Site at Hempstead Road for 213 dwellings with around 60 built out.

Site at Woodfield Road / Peacock Lane for 85 dwellings – not started but included in Council's 5 year supply.

Site at Hempstead Road (remaining part of allocation H09) for 51 dwellings – application not yet determined and development not started but site is included in Council's 5 year supply.

On this basis, there are at least 359 additional dwellings that are yet to be built that have planning permission or an existing development plan allocation.

In addition to existing housing development commitments, we are aware from North Norfolk District Council that some more housing will be allocated to Holt, as part of the emerging Local Plan,

currently being prepared. We are advised that the First Draft Local Plan proposes to allocate land for 330 additional dwellings (over and above existing development commitments). This includes the current application site on land south of Beresford Road.

On this basis, existing (unbuilt commitments) and proposed housing growth in Holt amounts to 689 dwellings.

#### **Norfolk County Council pupil yield multiplier**

Norfolk use a pupil yield multiplier of 28.1 primary age children per 100 new homes. This is a standard multiplier used for NCC pupil forecasting. This multiplier is reviewed annually and calculated from the number of children now living on new housing developments across the County. NCC school place planners are aware that some areas of the County are likely to generate in excess of the multiplier (A11 corridor/Norwich outskirts) and some less than the multiplier (rural villages in North Norfolk and coastal villages). The number of children generated from new housing can vary considerably even across sites in close vicinity to each other. The size of houses, the number of affordable homes, the cost of the properties and the proximity to local services can all have an impact on the number of families choosing these homes. For Holt, even if we do consider that 28.1 is too high (we have no evidence of that though), we can also calculate a scenario based on 20 primary age children per 100 homes for comparison. Calculating the pupil generation from 689 new homes would give an additional 138 primary age children which equates to an additional 20 children per year group. The same calculation based on the LA Norfolk multiplier of 28.1 primary age children per 100 new homes gives 194 additional primary age children – 28 per year group. Using either of these scenarios, the additional pupil numbers for Holt would justify the building of a new school and to future proof a new school, 420 places appears sensible.

I have listed below the schools whose catchment borders the catchment of Holt Primary School and the distance (according to google maps) from the centre of Holt to each of these schools. Children's Services does not consider it sustainably appropriate for children of this age to travel these distances from their homes to school unless completely unavoidable. This is one reason why Children's Services do not plan school places by 'Districts', we plan by school catchment and each school has its own catchment. We would not consider these other schools below when planning school places for Holt catchment numbers for the reason given below.

Astley Primary School – 4.7 miles  
Langham Village School – 5.5 miles  
Blakeney Primary School - 4.8 miles  
Kelling Primary School – 3.3 miles  
Sheringham Primary School – 6.5 miles  
Gresham Village School - 7 miles  
Aldborough Primary School – 10.1 miles  
Corpusty Primary School – 6.7 miles.

#### **What would happen to the vacant school site?**

When a school site becomes available for any reason, our first consideration is reuse for educational purposes. This could include special educational needs and disabilities if it fits with an identified in the Norfolk County Council SEND Sufficiency information.

If it does not meet any education need, a site and building can then be offered up for wider County Council use. An example of this could be the 'Housing with Care Strategy' which is looking to support the housing needs of older people across the County. If there is no identified need across the County Council it is only then that a site might then be considered for disposal and put up for sale.

In parallel to the process set out above, the Secretary of State reserves the right to take a site off the Local Authority and directly commission a 'free school' where there is either a pupil need or standards issue in existing schools in the area. It is not currently anticipated this would be the case in Holt.

### **Funding for the new school building**

The responsibility for capital funding for the new building sits with Norfolk County Council. It will be a combination of growth (Basic Need grant and S106 developer contributions) and condition funding. The existing school was built in the mid-19<sup>th</sup> Century and the condition funding acknowledges the need to invest in the fabric of the building and reprovide existing school places.

### **Site identification/assessment**

The existing school was originally assessed for expansion but at under 1 hectare in size there is no opportunity to expand on its current site. NCC attended the earlier appeal Inquiry in 2015 and gave evidence confirming that it is not possible to expand the school on the current site to provide a 2FE facility. It also firmly expressed an aspiration to move away from the current split site in Holt.

In response to the number of housing allocations made for Holt town, NCC Children's Services commissioned a site search for available land in the town – on the basis of a set of general criteria which are as follows:

- 2-hectare site
- Serving existing community and new development
- Delivery in next two years
- Appropriate access onto a highway
- Impact on residential amenity of neighbouring properties
- Need to avoid statutory and non-statutory environmental protection designations
- Need to avoid areas of high flood risk

Aside from site size, the location in relation to existing and new development is an important consideration. The initial search identified ten possible sites but there were two shortlisted to compare more closely. Another site was originally favoured over Beresford Road, but it became clear that this opportunity was no longer available. The site assessment was refreshed in Dec 2018 to see whether any other any assumption had changed in the meantime, but it was apparent that there were no sites meeting as many of the criteria than Beresford Road.

Following site assessment work that has been ongoing since 2015, this site is currently the only available option for the delivery of a new primary school to serve Holt. The proposal has been endorsed by NCC's Children's Services Committee and an allocation of £500,000 has been made to support the development through the design development stage.

A masterplan produced for Norfolk County Council demonstrates that a 420 place primary school, nursery, associated external areas including staff and visitor parking can be successfully achieved on

the proposed site. This would allow the original Victorian school building to be replaced with a fit for purpose 21<sup>st</sup> century school building.

NCC as well as the school and governing body welcomes the opportunity that the proposal provides to secure a new primary school site and is supportive of the planning application.

JANE BLACKWELL  
PLACE PLANNING MANAGER

ISABEL HORNER  
SUFFICIENCY DELIVERY MANAGER

NORFOLK COUNTY COUNCIL  
7<sup>th</sup> January 2020





**Independent Review**

of

**Planning Application No. PO/18/1857**

relating to:

**Outline planning application for the erection of up to 110 dwellings with 2 hectares of land for a new primary school, public open space, landscaping and sustainable drainage system (SuDS) and main vehicular access point from Beresford Road. All matters reserved except for means of access. Land off, Beresford Road, Holt, Norfolk**

for

**North Norfolk District Council**

by:

**Steve Clarke DipTP MRTPI**

**Edwards & Edwards Consultancy Ltd**

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19th DECEMBER 2019

## **REPORT CONTROL**

**Project:** Planning Application No. PO/18/1857

**Client:** North Norfolk District Council

### **Quality Checking**

**Primary Author:** Steve Clarke Dip TP MRTPI      **Date:** 16<sup>th</sup> December 2019

**Review by:** Malcolm Edwards (Director)      **Date:** 16<sup>th</sup> December 2019

## Executive Summary

This independent review, commissioned by North Norfolk District Council, has considered all the supporting information sent with the commission including representations from residents and Cllr Sarah Butikofer. It also considers the highway authority response which recommended approval subject to conditions and one planning obligation which relates to a contribution towards a local hopper bus service.

My starting point was the national and local planning policy framework which provides a basis for considering how development should be considered and related impact should be mitigated. I have also drawn upon advice in the Manual for Streets and the research that led to its production particularly in respect of the adequacy of Beresford Road.

The introduction to the Transport Assessment (TA) produced by Stirling Maynard (SM) advises that ‘..... ***The school does not form part of this application but is taken into account in this assessment for completeness.***’ I have a fundamental issue with respect to this contention for two reasons. Firstly, the primary school is part of the outline planning application and secondly the submitted Transport Assessment and Framework Travel Plan have not taken into account the primary school in sufficient detail to enable a full understanding of impact and mitigation to be considered.

The upshot of this independent review is that more work needs to be undertaken to demonstrate that the impacts of the development can be mitigated and development meets national and local planning policy requirements. This relates to the following:

- i. In respect of the junction capacity assessments, this would involve providing validation of the 2018 base junction capacity predictions relating to queues, delays and ratio of flow to capacity (RFC). This could be achieved by providing the evidence that the predictions are reliable. If this can be undertaken, I can confirm that I have no objections to the conclusion’s SM reach in their TA
- ii. No information has been submitted in respect of the type of traffic that might be associated with the primary school and whether the existing 5.5m wide

carriageway on Beresford Road would be sufficient to accommodate the vehicle demands.

- iii. A Parking and Travel Plan for the primary school should be submitted setting out the likely cumulative car parking demands off-site and how this would be managed. The submission and agreement of the Parking and Travel Plan is considered to be essential in advance of the planning committee being invited to consider the application to ensure that planning committee members can make an informed decision.
- iv. Depending on the scope and content of the Parking and Travel Plan for the primary school, consideration should be given to how its outcomes, measures, and remedies are best secured through the planning process (i.e. S106 or planning condition).
- v. Auto tracking is required for Beresford Road and Lodge Close to demonstrate that these can function as the primary and emergency accesses. This analysis should take into account the on-street parking likely to arise from the primary school.

I have considered the highway authority's recommended planning conditions and S106 obligation and agree with the inclusion of these in a planning consent subject to consideration being given to the matters raised above. Other conditions and S106 obligations may follow once consideration has been given to these matters. In addition, a planning consent should include a condition requiring a Construction Management Plan.

## **1.0 Introduction**

- 1.1 My name is Steve Clarke (Dip TP MRTPI) and I am a Senior Transport Consultant at Edwards & Edwards Consultancy Ltd (EAE) where I am involved in a wide range of highway and transport related projects. During 2013-2017 I was the Chair of 6C's an East Midlands Regional Group tasked with developing excellence in respect of the delivery of Development Management services across the 3 Counties of Derbyshire, Leicestershire and Nottinghamshire including the four Cities of Derby, Leicester and Nottingham and Cheshire East. Its aim is to contribute towards the creation of sustainable and high-quality highways, transport and drainage infrastructure in partnership with other public authorities, developers and communities.
- 1.2 I have worked for many years in the public sector and at Staffordshire County Council I was Group Manager of Transport & Development Management for 15 years. For the past eight years I have worked in the private sector and as such I have extensive experience in town planning, transport planning, highway and traffic engineering.
- 1.3 EAE have been commissioned by North Norfolk District Council to review Norfolk County Council's (NCC's) response on Planning Application No. PO/18/1857 to provide an independent view on whether I agree with their response dated 20<sup>th</sup> May 2019.

## **2.0 Background and Purpose**

- 2.1 The invitation to tender (see Appendix A1) provides the brief for the independent review of Planning Application No. PO/18/1857 from a highways perspective and Norfolk County Council's (NCC) highways response. In the interests of containing the review, the work undertaken has focussed on:
- a) The national and local policy context.
  - b) The following information forwarded to Edwards and Edwards Consultancy by email dated 15<sup>th</sup> November 2019:
    - The Planning application form.

- Drawing Number 5664-L-02-K 'Development Framework' produced by FPCR Environment and Design Ltd, dated 17 April 2019.
- Drawing Number 5664-L-03-A 'Indicative Layout' produced by FPCR Environment and Design Ltd, dated 23 April 2019.
- Drawing Number 5664-L-04-A 'Location Plan' produced by FPCR Environment and Design Ltd, dated 11 April 2019.
- Drawing number 5664-L-05-B 'Indicative Layout Section – Public Open Space Adjacent Holt Country Park' produced by FPCR Environment and Design.
- Drawing number 5664-L-06-A 'Indicative Layout– Central Public Open Space' produced by FPCR Environment and Design Ltd, dated 18 March 2019.
- Drawing number 17033-12-01 'Proposed Access' produced by Stirling Maynard Construction Consultants dated Sept 2018.
- Drawing number 17033-12-02 'Proposed Emergency Access and Lockable Gate' produced by Stirling Maynard Construction Consultants dated Apr 2019.
- Framework Travel Plan produced by Stirling Maynard Transportation Consultants dated September 2018 (project ref FP028).
- HOLT - PO181857 - Outline planning application Development Committee report 10 Oct 2019 - Appendix A.
- HOLT - PO181857 - Outline planning application Development Committee report 10 Oct 2019.
- NCC Highways representation dated 18 Dec 2018.
- NCC Highways representation dated 20 May 2019.

- Planning Statement produced by Gladman dated September 2018.
- Transport Assessment produced by Stirling Maynard Transportation Consultants dated September 2018 - project ref FP028.

### **3.0 Methodology**

3.1 The starting point for this independent review has been to consider the relevant national and local policies which inform decisions. Consideration will then be given to the planning application, the transport assessment and the framework travel plan which have been submitted in support of the application.

3.2 In undertaking this independent review I have been mindful of NCC's response to the application which comprises of a recommendation of approval subject to conditions and one planning obligation. I have also considered Councillor Sarah Butikofer's concerns who considers that a single point of access to the site is completely inadequate for the location and that traffic flow issues, on street parking congestion and dangerous driving are issues in the vicinity. I have considered all these issues including those made by residents who have expressed the following concerns:

- a. Increased traffic on Charles Road / Edinburgh Road.
- b. Access via Beresford Road is inadequate to serve the scale of the proposed development.
- c. Increased congestion associated with the school at drop off and pick up times.
- d. There are lots of parked cars on Hempstead Road, Charles Road & Beresford Road.
- e. Road safety issues in relation to the nearby Holt Community Hub (day centre) and the Children's Centre on Charles Road.
- f. Parents parking on Lodge Close, which is deemed to be inadequate.

## 4.0 The National and Local Plan Policy Context

4.1 This section considers adopted policies that are relevant insofar as the consideration of the proposed development in respect of highway and transport matters are concerned. This includes:

- National Planning Policy Framework (NPPF – February 2019).
- Norfolk County Council’s Local Transport Plan; and,
- North Norfolk Local Plan.

### **National Planning Policy Framework (NPPF) 2019**

4.2 The revised NPPF was adopted in February 2019 and sets out the Government’s policies for England and how these would be expected to be applied. This revised framework replaces the previous NPPF published in March 2012.

4.3 The revised NPPF reaffirms the contention that at its heart “***....there is a presumption in favour of sustainable development***” and 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 would be severe.***”

4.4 The revised NPPF also alludes to:

- Seeking appropriate opportunities to promote sustainable transport modes.
- Providing a safe and suitable access to the site for all users.
- Ensuring that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Giving priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.



- Facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
- Creating places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- Allowing for the efficient delivery of goods, and access by service and emergency vehicles.

4.5 The NPPF also requires that developments that generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

4.6 The NPPF also provides the following guidance on planning conditions and obligations

- Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- Planning obligations must only be sought where they meet all of the following tests
  - a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.

## **Local Plan Policies**

- 4.7 A further key policy document which helps inform this independent highways and transport review is the Development Plan, which currently primarily comprises of the North Norfolk Core Strategy (September 2008). This document provides a detailed framework for the control of development and use of land that guides most day-to-day planning decisions in North Norfolk. The following policies from the core strategy 2012 which was adopted in September 2008 are relevant:

### **Policy SS6:Access and Infrastructure**

*New development should be supported by, and have good access to, infrastructure.....*

*Permission for development will not be granted unless there is sufficient capacity in existing local infrastructure.....*

*The transport strategy for North Norfolk is to maximise the use of non-car modes, within the context of a rural area where, for many trips, there are limited alternatives to the car. This will be achieved through promotion of walking and cycling for local trips, particularly within towns and villages, through traffic management schemes and parking regimes to reduce the impact of traffic on the rural and urban environment....*

### **Policy EN4:Design**

*All development will be designed to a high quality.....*

*Ensure that places and buildings are accessible to all ,including elderly and disabled people; Incorporate footpaths, green links and networks to the surrounding area; Ensure that any car parking is discreet and accessible....;*

### **PolicyCT2 Developer Contributions**

*On schemes of 10 or more dwellings and substantial commercial development where there is not sufficient capacity in infrastructure ..... improvements*

*which are necessary to make that development acceptable will be secured by planning conditions or obligations ....*

### **Policy CT5: The Transport Impact of New Development**

*Development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location.*

*Development proposals will be considered against the following criteria:*

- *the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability;*
- *the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;*
- *outside designated settlement boundaries the proposal does not involve direct access on to a Principal Route, unless the type of development requires a Principal Route location.*
- *The expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to .... highway safety; and*
- *If the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.*

### **PolicyCT6: Parking Provision**

*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. In exceptional circumstances, the application of these standards may be varied in order to reflect the accessibility of the site by non-car modes, or if*

reduced provision would enhance the character of Conservation Areas in town or village centres. In such cases commuted payments may be required.

### Extract from Core Strategy

Table 7 Car Parking Standards

Use Class	Car parking requirements (gross floor area unless stated otherwise)	Cycle parking requirements
<b>Class C3: Dwelling Houses</b>		
Use as a Dwelling House (whether or not as a sole or main residence)	<p>Average of 1.5 spaces / 1 bedroom unit</p> <p>2 spaces / unit for 2 or 3 bedroom unit</p> <p>min 3 spaces and max 4 spaces / unit for 4 or more bedroom unit (depending if double garage)</p> <p>In designated town centres the standard may be reduced if justified by improved accessibility and/or to enhance a Conservation Area. In these cases, an average of 2 spaces / unit or less will be provided over the development site.</p>	<p>None for individual houses with garages or rear gardens for a garden shed.</p> <p>For flats and developments with communal parking:</p> <p>Residents: 1 space / unit</p> <p>Visitors: 1 space / 4 units</p>
<b>Class D1: Non-residential Institutions</b>		
Education (Primary and Secondary Schools)	1 space / 1 FTE staff plus provision for school transport	<p>Children: 1 space / 6 children (secondary only)</p> <p>Staff: 1 space / 5 FTE staff</p>

4.8 This independent review will consider whether NCC's consideration of the planning application has taken the spirit of the NPPF including the above local plan policies into account.

### 5.0 The Planning Application Submission

5.1 Gladman Developments Ltd submitted an Outline Planning Application for the erection of up to 110 dwellings with 2ha of land for a new primary school,

public open space, landscaping and sustainable drainage system (SuDS) and main vehicular access point from Beresford Road. All matters are reserved except for means of access

- 5.2 The introduction to the Transport Assessment (TA) produced by Stirling Maynard (SM) advises that ‘..... ***The school does not form part of this application but is taken into account in this assessment for completeness.***’ I have a fundamental issue with respect to this contention for two reasons. Firstly, the primary school is part of the outline planning application and secondly the submitted Transport Assessment and Framework Travel Plan has not taken into account the primary school in sufficient detail to enable a full understanding of impact and mitigation to be considered. This compromises the planning committee members ability to fully understand the impact and ability to make an informed decision.
- 5.3 The proposed access is off an existing residential road known as Beresford Road which is 5.5m in width (flanked by 2.0m footways). The standard of design is proposed to be continued through to the development site albeit with possible localised widening on bends within the new estate (to accommodate school buses / service vehicles). NCC have advised that the detail of this will be determined as part of vehicle tracking exercise involved with any reserved matters application. An emergency access is also proposed off Lodge Close which has been agreed in principle by NCC but have yet to agree the detailed design of the emergency access.
- 5.4 To support the planning application a Transport Assessment and Framework Travel Plan have been submitted along with details of the proposed vehicle access, the emergency access including indicative plans of how the site could potentially be laid out. Although I shall not consider the indicative plans in detail I will provide comments on the principles underlying the proposed access and indicative internal layout.
- 5.5 All these matters will now be considered in the following sections.

## **6.0 The Transport Assessment (TA) and Framework Travel Plan (FTP)**

6.1 In considering whether the TA produced by Stirling Maynard (SM) is a fair and accurate assessment with sound conclusions I have considered the following issues:

- a. The adequacy of Beresford Close as the primary means of access and Lodge Close as an emergency access to serve the proposed development.
- b. The contentions made about congestion on local roads.
- c. The concerns expressed about existing parking problems and likely increased on-street parking arising from the proposed development
- d. The methodology employed in the TA in respect of:
  - Committed development.
  - Proposed traffic generation.
  - Proposed traffic distribution and assignment to the network.
  - Junction capacity.
  - Recorded accidents
- e. The measures and outcomes in the proposed Framework Travel Plan

### **SM's TA Methodology**

6.2 **Traffic Generation:** The TA has recommended residential trip rates and primary school trip rates that I would suggest are different than if a more selective interrogation of the TRICS database had been undertaken to better represent conditions at the site.

6.3 I have undertaken a more refined search of sites within the TRICS database (see Appendix A2) which has produced slightly higher trip rates and resultant traffic generations. This search has placed more emphasis on settlements with a lower population. Table A below shows the difference.

- 6.4 The TA makes an allowance between pupils generated from the proposed housing development and the pupils generated from outside the development. The assumption used seem reasonable. The arrival and departure trips have been factored accordingly resulting in a more accurate estimate of primary school trips impacting on the external highway network.
- 6.5 The TA also proposes to reduce the residential arrival and departure trips on the network on the assumption that there will be pupils from the housing development that will be driven to school. I do not accept this. Parents living in such close proximity to the primary school are more likely to walk to and from the school so I would suggest that the traffic generations referred to in Table A should remain the same. I have therefore produced Table B to show the additional traffic impacting on the external highway network.

**Table A: TRICS Trip Rates and Traffic Generations of the Proposed Development**

	AM (800:0900)			PM (1700:18:00)			Daily		
	Arrival	Departure	Total	Arrival	Departure	Total	Arrival	Departure	Total
Stirling Maynard's Trip Rate/Dwelling	0.137	0.359	0.496	0.321	0.141	0.462	2.244	2.235	4.479
Stirling Maynard's Traffic Generation	15	39	54	35	15	50	247	246	493
More Selective Trip/Rate/Dwelling	0.205	0.392	0.597	0.354	0.282	0.636	2.526	2.499	5.025
More Selective Traffic Generation	23	43	66	39	31	70	278	275	553
Net Difference Not Allowed for in TA	+8	+4	+12	+4	+16	+20	+31	+29	+60
Stirling Maynard's Trip Rate/Pupil	0.318	0.243	0.561	0.024	0.037	0.061	0.836	0.845	1.681
Stirling Maynard's Traffic Generation	134	102	236	10	16	26	351	355	706
More Selective Trip Rate/Pupil	0.305	0.214	0.519	0.062	0.061	0.123	0.854	0.844	1.698
More Selective Traffic Generation	128	90	218	26	26	52	359	354	713
Net Difference Not Allowed for in TA	-6	-12	-18	+16	+10	+26	+8	-1	+7
<b>Total Net Difference Between Stirling Maynard's and the more Selective Interrogation of TRICS</b>	<b>+2</b>	<b>-8</b>	<b>-6</b>	<b>+20</b>	<b>+26</b>	<b>+46</b>	<b>+39</b>	<b>+28</b>	<b>+67</b>



**Table B: TRICS Trip Rates and Traffic Generations of the Proposed Development on the External Network During the AM and PM Peaks**

	AM (800:0900)			PM (1700:18:00)			Daily		
	Arrival	Departure	Total	Arrival	Departure	Total	Arrival	Departure	Total
Stirling Maynard's Trip Rate/Dwelling	0.137	0.359	0.496	0.321	0.141	0.462	2.244	2.235	4.479
Stirling Maynard's Traffic Generation	15	39	54	35	15	50	247	246	493
More Selective Trip/Rate/Dwelling	0.205	0.392	0.597	0.354	0.282	0.636	2.526	2.499	5.025
More Selective Traffic Generation	23	43	66	39	31	70	278	275	553
Net Difference Not Allowed for in TA	+8	+4	+12	+4	+16	+20	+31	+29	+60
Stirling Maynard's Trip Rate/Pupil	0.318	0.243	0.561	0.024	0.037	0.061	0.836	0.845	1.681
Stirling Maynard's Traffic Generation (388 Pupils)	123	94	217	9	14	24	324	328	652
More Selective Trip Rate/Pupil	0.305	0.214	0.519	0.062	0.061	0.123	0.854	0.844	1.698
More Selective Traffic Generation	118	83	201	24	24	48	331	327	659
Net Difference Not Allowed for in TA	-5	-11	-16	+17	+10	+24	+7	-1	+7
<b>Total Net Difference Between Stirling Maynard's and the more Selective Interrogation of TRICS</b>	<b>+3</b>	<b>-7</b>	<b>-4</b>	<b>+21</b>	<b>+24</b>	<b>+44</b>	<b>+38</b>	<b>+28</b>	<b>+67</b>

## **Junction Capacity Assessments**

6.6 The key junctions that have been assessed using the standard TRL software programs are:

- i) B1149 Norwich Road / Edinburgh Road priority junction.
- ii) B1149 / A148 roundabout.
- iii) A148 / Hempstead Road priority junction.
- iv) Hempstead Road / Charles Road

6.7 With the exception of the way traffic generations have been derived, as explained above, I have no disagreements with the assumptions made in respect of:

- i. Establishment of base flows which were derived by traffic counts;
- ii. The assessment year of 2023;
- iii. The addition of committed development traffic;
- iv. Traffic growth applied from the base year to the 2023 assessment year and
- v. Traffic distribution and assignment to the network.

6.8 The TA compares the way junctions perform in terms of junction capacity under the following scenarios:

- i. 2018 Base;
- ii. 2023 Base;
- iii. 2023 Base + Committed; and
- iv. 2023 Base + Committed + Proposed Development.

6.9 Whilst the above approach is acceptable, in principle, I would have expected validation of the 2018 junction capacity predictions (i.e. queues and delays) to ensure that the base assessment is an acceptable foundation upon which to

base the other scenarios. This is generally undertaken by providing queue and delay surveys. Unless this is undertaken the future year predictions can be misleading and unreliable.

- 6.10 For the purpose of this desk-based study I have not been able to check the geometry input into the PICADY and ARCADY modelling programs as no detailed plans of the junctions were provided with the brief.
- 6.11 The PICADY and ARCADY junction capacity analysis undertaken by SM demonstrates that the theoretical junction capacity predictions in terms of ratio of flow to capacity (RFC), vehicle delays and queues are within acceptable limits. Notwithstanding this, I would reserve judgement on this until it can be demonstrated that the 2018 base junction capacity assessments are representative of actual conditions.
- 6.12 If it can be demonstrated that the 2018 base assessment does represent actual conditions then the analysis undertaken demonstrates that the proposed development would result in acceptable conditions at the junctions assessed. I am also of the opinion that the traffic generation flows I refer to in Table B above would not result in a material difference in terms of predicted queues, delays and RFC's.

#### **Framework Travel Plan (FTP)**

- 6.13 Although this is an outline planning application the submitted Framework Travel Plan only relates to the residential component of the proposed development. This is surprising as the traffic generation from the primary school will generate more traffic than the residential development during the AM peak period and over the 24 hour-period. Also, given the car parking space allocated for the primary school, as shown on the indicative plan, it is likely that the primary school will result in a car parking demand on streets. On this basis, I cannot understand the reason why a Parking and Travel Plan has not been submitted with the Outline application to demonstrate how traffic and indeed the car parking demand arising from the primary school will be managed.

- 6.14 Neither the TA or FTP has considered what vehicles might be associated with the primary school. For example, I presume school buses and other service vehicles would be involved. If so, details of size and frequency would be helpful.
- 6.15 The Planning Statement submitted with the planning application advises that auto track analysis will be submitted to inform the road design serving the proposed development. I would recommend that auto tracking on Beresford Road and Lodge Close would also be helpful to demonstrate that these would function as the primary and emergency accesses before outline planning consent is granted. This analysis should take into account the likely on-street parking demand arising from the primary school.
- 6.16 There has been no assessment of likely cumulative parking demand arising from the primary school during the schools AM and PM peak periods to consider how this would impact on surrounding streets.
- 6.17 I would have reservations granting outline planning consent in the absence of a Parking and Travel Plan that has been submitted and agreed for the primary school which:
- i. Considers the cumulative car parking demand arising from the primary school during the AM and PM school peak periods.
  - ii. Includes indicative measures and outcomes on how vehicle traffic and car parking demand will be managed.
  - iii. Includes a methodology for monitoring the performance of the effectiveness of measures and outcomes for a minimum period of 10 years.
  - iv. Includes a commitment to remedies where the Parking and Travel Plan is deemed to be failing.
  - v. Includes a commitment to liaise with the County Council highway authority on the Travel Plan who should be made responsible for considering annual monitoring performance reports and agreeing the

remedies required to resolve problems as they arise in accordance with commitments set out in the Parking and Travel Plan.

- 6.18 Consideration also needs to be given to how such a Parking and Travel Plan is secured through the planning process. In my opinion, it might be better to secure it through a S106 obligation as this provides more scope than a planning condition.

#### **Adequacy of Beresford Close and Lodge Close**

- 6.19 Ideally an inter-connected street pattern would be better than the proposed culs-de-sac arrangement as this would enable better circulation of traffic. The only option to achieve this would be via Lodge Close but this is only proposed as an emergency access.
- 6.20 Beresford Road is 5.5metres wide and flanked with 2m wide footways either side. As alluded to above, auto track analysis should be undertaken to assess how bus and other service vehicles associated with the primary school would negotiate the 5.5m wide carriageway. Some sensitivity testing should be included in the assessment to take account of the likely on-street parking arising from the primary school.
- 6.21 Section 7.1 from the Manual for Streets provides advice about road widths. See Table C below.

**TABLE C: Extract from Manual for Streets**

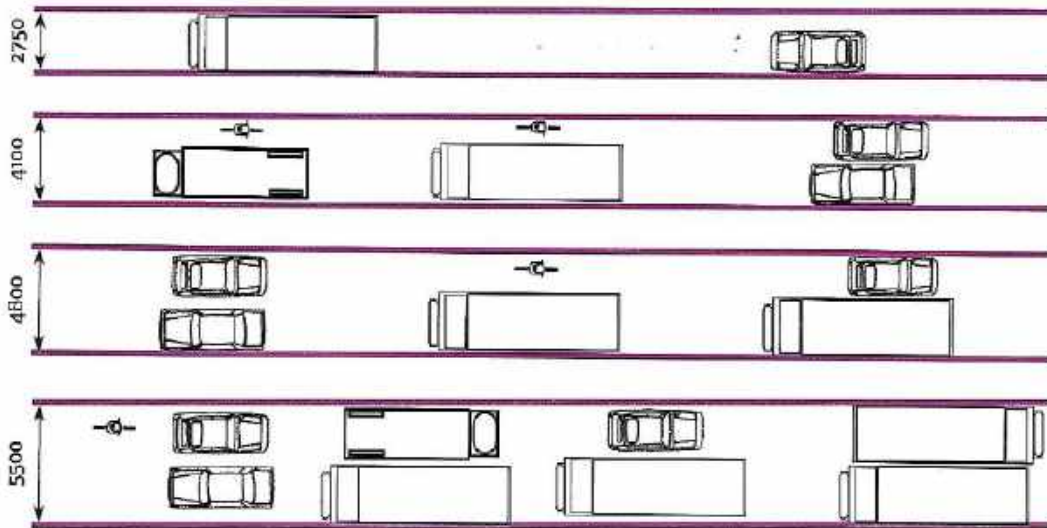


Figure 7.1 Illustrates what various carriageway widths can accommodate. They are not necessarily recommendations.

6.22 Section 7.1 from the Manual for Streets advises that roads widths should be informed by the particular context and use of the street which should include:

- i. Volume of vehicular traffic and pedestrian activity.
- ii. The composition of traffic.
- iii. The presence of on-street parking.
- iv. The design speed which in a residential area should be 20mph.
- v. The curvature of the street.

6.23 Beresford Road appears to currently serve approximately 35 dwellings so the proposed 110 additional dwellings including primary school will undoubtedly increase traffic volume. See Table D below which provides an indication of the way traffic would change.

**Table D: Traffic Volume Taken from Tables A and B Existing and Proposed**

	AM	PM	24 Hr Period
<b>Existing (Assuming 35 Dwellings)</b>	21	22	176
<b>Proposed 110 Dwellings</b>	66	70	553
<b>Primary School</b>	201	48	659
<b>TOTAL EXISTING + PROPOSED</b>	<b>288</b>	<b>140</b>	<b>1388</b>

6.24 The relationship between traffic flow and road safety for streets with direct frontage access was researched to inform the Manual for Streets. The upshot from this research was that very few accidents occurred involving vehicles turning into or out of driveways even on the survey sites which averaged 4,000 vehicles per day.

6.25 In the context of the research and table C above I am inclined to the view that the existing carriageway width of 5.5m of Beresford Road would suffice in respect of traffic volume but more information is required in respect of the matters alluded to earlier i.e.

- i. The cumulative on-street parking demand during the AM and PM school peak periods and how impacts can be managed through a Parking and Travel Plan;
- ii. The method of securing the Parking and Travel Plan outcomes and remedies; and
- iii. Auto tracking for Beresford Road and Lodge Close.

**On-Street Parking**

6.26 Increased on-street parking demand is likely to arise from the primary school component of the proposed development. The extent to which this might

happen in the case of the proposed development is not clear as no consideration has been given, in detail, to how parking associated with the primary school will be managed. In my opinion, consideration of the outline application by planning committee is premature until this work has been submitted as members would be invited to make a judgment without the full facts.

- 6.27 The Framework Travel Plan submitted with the application, albeit for the residential component only, is acceptable in principle but as advised earlier there is a need for a Parking and Travel Plan for the primary school.

## **7.0 Other General Issues**

- 7.1 Given the location of the proposed development I would expect there to be a planning condition on any planning consent granted requiring a Construction Management Plan.
- 7.2 The internal layout should be informed by the Parking and Travel Plan associated with the proposed primary school.

## **8.0 Highway Authority's Response**

- 8.1 I note the HA's views in respect of the primary means of access via Beresford Road. Whilst I am inclined to agree that Beresford Road would be an acceptable primary means of access in traffic volume terms, I would recommend further work prior to planning consent being granted to demonstrate that Beresford Road can accommodate the parking and service access demands arising from the primary school. This will include an assessment of cumulative car parking demand and agreement of the measures, outcomes and remedies to be included in a Parking and Travel Plan. This information is required before providing a definitive view that a 5.5m wide road would be an acceptable means of access to both the housing and primary school developments.
- 8.2 Auto track analysis would also be required for Lodge Close to demonstrate that this would be an acceptable emergency access.



- 8.3 As advised above, a more comprehensive construction management plan condition should be imposed to safeguard the environmental and safety interests of local residents.
- 8.4 I note the suggested travel plan conditions recommended by the HA but its not clear whether these conditions relate to the housing development only. For reasons explained earlier, I consider the impact of parking during school drop-off and pick-up times needs to be properly understood so that appropriate and mitigation measures, outcomes and remedies to be included in a Parking and travel Plan can be secured through the planning process.

## 9.0 Summary

### Junction Assessments

- 9.1 In terms of junction analysis, I am the opinion that providing the micro-modelling 2018 predicted traffic conditions can be validated the additional traffic arising from the proposed development would be within acceptable limits.

### On-Street Parking

- 9.2 Increased on-street parking demand is likely to arise from the primary school component of the proposed development. The extent to which this might happen in the case of the proposed development is not clear as no consideration has been given, in detail, to how parking associated with the primary school will be managed through a Parking and Travel Plan. In my opinion, consideration of the outline application by the planning committee would be premature until this work has been submitted. See earlier advice about the scope of the Parking and Travel Plan including how it should be secured through the planning process.
- 9.3 Auto track analysis is required for both Beresford Road and Lodge Close before any planning consent is granted to demonstrate that they can accommodate the vehicle demands that would be placed upon these roads.
- 9.4 In my opinion, consideration should be given to whether the Parking and Travel Plan for the primary school is secured through a S106 Agreement as this approach provides more scope to remedy problems that might be identified once the school is in operation. This will depend on the scope of the Parking and Travel Plan, the measures, the outcomes and remedies that might need to be called upon to resolve any issues.
- 9.5 If the S106 route is not a viable option at this stage in the planning application process an alternative approach, although in my opinion less satisfactory, would be to impose the following condition on any planning consent granted:

***No part of the development which includes both the housing and primary school, shall commence until a Parking and Travel Plan for the***

***primary school has been submitted to and approved in writing by the North Norfolk District Council as local planning authority and shall be carried out in accordance with a timetable to be included in the Parking and Travel Plan, unless otherwise agreed in writing by the Council. The Parking and Travel Plan shall: (a) assess the site in terms of transport choice for primary school staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice and measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals the dates of which should be identified in the Parking and Travel Plan, for a minimum of 10 years from the date the primary school is brought into use. (e) include a commitment to produce an Annual Performance Plan setting out how the plan has performed against targets, the measures in the approved Parking and Travel Plan and the outcomes from the monitoring referred to above and (f) provide an updated Parking and Travel Plan which shall address the negative impacts identified in the Annual Performance Plan which shall thereafter be submitted to, and approved in writing by, North Norfolk District Council prior to the anniversary of the previously approved Travel Plan.***

- 9.6 My reservation in respect of using a condition is that it would limit the scope of remedies. My suggestion would therefore be to consider what would be the most appropriate planning tool to manage parking demands once the Parking and Travel Plan has been submitted for consideration.
- 9.7 With regard to the issue of on-street parking, I would advise that on-street parking arising from new development should not necessarily be construed as

a matter causing highway safety problems. Much depends on where people park and how this affects other drivers and pedestrians using the street, hence the need for further work as explained earlier.

9.8 In the context of the NPPF advice 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 would be severe.”*** I would contend that development would be acceptable, in principle, providing:

- i. The 2018 base junction capacity assessment predictions can be validated.
- ii. A Parking and Travel Plan for the primary school is submitted and agreed by the local planning authority in consultation with the highway authority.
- iii. The Parking and Travel Plan for the primary school is secured through the planning process in a way that enables a broad range of remedies to be called upon in the event that future annual monitoring reveals that its outcomes are not being realised.
- iv. Auto track analysis is submitted to demonstrate that Beresford Road and Lodge Close can function for their intended purpose.

## TECHNICAL NOTE

## PLANNING APPLICATION PO/18/1857

OUTLINE APPLICATION FOR UP TO 110 DWELLINGS WITH LAND FOR  
A NEW PRIMARY SCHOOL ON LAND OFF BERESFORD ROAD, HOLTRESPONSE TO INDEPENDENT REVIEW OF  
HIGHWAY AND TRANSPORT MATTERS

DECEMBER 2019

## 1.0 INTRODUCTION

A planning application (reference PO/18/1857) is currently under consideration by North Norfolk District Council. The application is outline with all matters reserved except access. The application is for up to 110 dwellings with, in addition, two hectares of land to be transferred to the County Council as a site for a new primary school. The application has not been subject to any objection from the Council's main transport advisor, Norfolk County Council as Highway Authority. This follows extensive consultation with the Highway Authority over the actual location of the school site, the principle for the internal road layout and the access points (and in particular the design of the emergency access). Nonetheless, North Norfolk District Council, at the request of Members, have commissioned an independent review of the highway aspects of the application. This was carried out by Edwards and Edwards Consultancy Limited. This is a comprehensive document covering a range of items but in its summary recommends some additional information on some aspects of the application. This additional information was summarised by the Case Officer as follows:

“The introduction to the Transport Assessment (TA) produced by Stirling Maynard (SM) advised that ‘..... **The school does not form part of this application but is taken into account in this assessment for completeness.**” I have a fundamental issue with respect to this contention for two reasons. Firstly, the primary school is part of the outline planning application and secondly the submitted Transport Assessment and Framework Travel Plan have not taken into

account the primary school in sufficient detail to enable a full understanding of impact and mitigation to be considered.

The upshot of this independent review is that more work needs to be undertaken to demonstrate that the impacts of the development can be mitigated and development meets national and local planning policy requirements. This relates to the following:

- i) In respect of the junction capacity assessments, this would involve providing validation of the 2018 base junction capacity predictions relating to queues, delays and ratio of flow to capacity (RFC). This could be achieved by providing the evidence that the predictions are reliable. If this can be undertaken, I can confirm that I have no objections to the conclusion's Stirling Maynard reach in their Transport Assessment.
- ii) No information has been submitted in respect of the type of traffic that might be associated with the primary school and whether the existing 5.5m wide carriageway on Beresford Road would be sufficient to accommodate the vehicle demands.
- iii) A Parking and Travel Plan for the primary school should be submitted setting out the likely cumulative car parking demands off-site and how this would be managed. The submission and agreement of the Parking and Travel Plan is considered to be essential in advance of the planning committee being invited to consider the application to ensure that planning committee members can make an informed decision.
- iv) Depending on the scope and content of the Parking and Travel Plan for the primary school, consideration should be given to how its outcomes, measures, and remedies are best secured through the planning process (i.e. S106 or planning condition).
- v) Auto tracking is required for Beresford Road and Lodge Close to demonstrate that these can function as the primary and emergency accesses. This analysis

should take into account the on-street parking likely to arise from the primary school.

I have considered the highway authority's recommended planning conditions and S106 obligation and agree with the inclusion of these in a planning consent subject to consideration being given to the matters raised above. Other conditions and S106 obligations may follow once consideration has been given to these matters. In addition, a planning consent should include condition requiring a Construction Management Plan.'

The Technical Note has been produced to provide as far as possible the additional information requested. Each of the points raised in the summary will be addressed in turn. It should be noted that, as previously stated, the review discusses a number of areas and queries a number of points. In producing this Technical Note it should not be assumed that all the points raised in the Review are accepted as correct, as we would take issue with some of these. However in the spirit of cooperation between applicant and Council rather than try to rebut these points of contention, the focus of this note is to try and provide where possible the additional information required to demonstrate that after further consideration an objection on highway grounds is not justified.

However, before getting into the detail, there is one point that needs to be raised and that is the status of the school site. The Highway Review raised what it calls a "fundamental issue" right at the start of the report. It actually states in the Executive Summary that:

"The introduction to the Transport Assessment (TA) produced by Stirling Maynard (SM) advises that '..... **The school does not form part of this application but is taken into account in this assessment for completeness.**' I have a fundamental issue with respect to this contention for two reasons. Firstly, the primary school is part of the outline planning application and secondly the submitted Transport Assessment and Framework Travel Plan have not taken into account the primary school in sufficient detail to enable a full understanding of impact and mitigation to be considered."

It is respectfully suggested that this statement is incorrect. The application results in the transfer of land to the County Council for a new primary school but does not seek actual planning permission for the school itself. This is confirmed in the committee report for the application. Under “2. Land of School Provision” it states:

“The application does not include proposals to build the school or provide moneys towards its construction.”

Further under “3. Access and Highway Considerations” it states:

“Although the school does not form part of the application itself, for completeness it rightly forms part of the scope of the transport assessment.”

(The emphasis is ours.)

The point here is that clearly the school needs to form part of the consideration of transport aspects of the proposal but the level of detail required at this stage is less detailed compared to what should rightly form part of a future reserved matters application or, more pertinently, a full application for the school. The relevance of this is discussed later in this report but in practice the school might be considered as committed development so it needs to be taken into account but it is not for the applicant to consider detailed aspects of the development for that site.

## **2.0 ADDITIONAL INFORMATION**

In this section each of the items listed in the request for additional information are considered in turn.

### **2.1 Junction Capacity Assessment**

Although not an actual part of the information requested the review does query some of the trip rates and trip generations used in the assessment. For completeness we have rerun the traffic assignment and capacity assessments using the Review traffic generation figures. Revised flow diagrams and a summary of junction performance are enclosed as Appendix 1 to this note. The key point here is that using the slightly higher traffic generations makes very little difference to the performance of the



junction with the key ratio of flow to capacity (RFC) statistics barely changing (in fact some don't change at all). For example the highest RFC at any junction (Hempstead Road / A418) changes from 0.59 to 0.60 and the mean maximum queue length is unchanged. (All RFC values are thus well below the theoretical capacity figure of 1.00 and the normal desirable maximum of 0.85). The conclusions in the Transport Assessment therefore remain the same.

The request for information does require validation of the base year junction assessment. The usual way of doing this is by undertaking queue length surveys and comparing those observed to those "forecast" in the model. (The review does mention delayed surveys but we have never before been asked for this level of detail at a single junction.) Unfortunately, it is not possible to undertake these at this time as it is the Christmas holiday period and traffic surveys at this time are not considered representative or valid.

In respect of the application and the junction models it is however suggested that the conclusions can be given some weight. There are a number of reasons for this:

- i) By general observation the key junctions modelled operate well within capacity consistent with the model results.
- ii) Norfolk County Council, who clearly would have knowledge of their own network, did not raise any issue with the junction modelling.
- iii) Assessments for previous major applications, although done before this application, consistently show there are no capacity issues on the local network.
- iv) The assessments show significant spare capacity at the junction so there would have to be something fundamentally wrong for them to actually be at capacity, (most RFCs would have to at least double to reach capacity). As has been shown, for example, increasing the development traffic has virtually no impact on the model outputs.
- v) Surveys of queues or delays at junctions which are operating below capacity are not particularly useful in any case for validation (apart from confirming the junctions are under capacity). They are more relevant for junctions operating

over capacity with significant queuing which can be more meaningfully matched with model outputs.

In addition there are aspects of the traffic forecast which would suggest these forecasts are “robust” giving further reassurance in the final conclusion. These include:

- i) Future background growth has been calculated using TEMPRO factors as is the normal approach. In addition some specific committed development has been taken into account. The TEMPRO factor has not been amended to reflect this so there is an element of double counting.
- ii) Since the analysis was undertaken the TEMPRO database has been updated and in fact the latest TEMPRO factors are slightly lower for this area.
- iii) Construction of the committed developments was underway at the time of the surveys so again there is an element of double counting.

Taking all these factors into account it is suggested that, even without the opportunity to undertake further surveys, the conclusions on junction performance are robust.

## **2.2 Beresford Road**

The specific request is for information regarding traffic to and from the primary school and whether the 5.5 metre carriageway is wide enough to accommodate these vehicles. Notwithstanding previous comment on the status of the school some discussion is possible on this point. The Review’s own traffic generations show a total of 659 vehicle movements (two-way) over the day. Of these by far the majority will be staff and pupil drop-off trips. These will mainly occur during the morning peak hour, and the period after school finishes (typically around 15:30) but there will be some spread due to:

- i) Staff starting earlier and finishing later.
- ii) A spread of pupil trips due to breakfast clubs and after school clubs.

It is also relevant to note the commentary in the committee report on accessing a primary school site. It states:

*“Considerations directly associated with accessing a primary school site*

It is recognised that a school is a significant focus for vehicle movements associated with dropping children off in the morning and collecting them at the end of the school day and the implications of this needs careful consideration. The LEA have evidence that a large proportion of the pupils attending Holt Community Primary School at present reside in the area to the south of the A148 (Holt Bypass) and in relative close proximity to the application site, making it a realistic option for many pupils to attend school on foot. In addition a large proportion of the new housing currently under construction in Holt is located to the south of the A148.”

This would infer considerable scope to reduce these numbers.

Clearly those staff and pupil drop-offs who do come in vehicles will principally be cars. In addition, based on experience of a considerable number of primary school projects in recent years, our experience is that most servicing is done by vans, from small vans up to transit size. Very little if any is by HGVs. In addition these are managed to occur outside school start and finish times. The only large vehicle likely to serve the site will therefore be a refuse vehicle and in addition there will be the occasional coach for school trips.

Beresford Road is 5.5 metres wide. This is wide enough for two HGVs to pass each other (reference for example Manual for Streets Table 7.1) so clearly in terms of geometry it is comfortably wide enough to accommodate traffic flows which are predominately cars. Even if a car is parked on street, a car or HGV will be able to pass it. In addition the Review itself confirms that traffic volumes themselves are not at a level to cause an issue in terms of capacity and road safety.

The Review does refer to the impact of school car parking in this context but that impact is for consideration in deciding the school application as it is that application which should assess how parking will be controlled and any impact mitigated for example by appropriate markings. It is relevant to note in this context however that the County Council points to layby parking being supplied around the school so that

would remove the need to park in Beresford Road and also reduce any impact on road width.

In conclusion therefore, although a lot of journeys to and from school will be by the more sustainable modes, the traffic that is generated by the school would be almost completely car based. Projected levels of flow are well within the capacity of the road and the overall impact cannot be classed as “severe”.

### **2.3 School Travel and Parking Plan**

Based on previous commentary it is firmly our view that these documents should form part of any application for the primary school and not part of this application. Apart from the fact that this application does not cover the school the Parking and Travel Plan can only be, and needs to be, developed as part of the planning for the layout of the school so one can influence the other. If we produce the Plans here we would potentially be proposing measures over which we have no control to implement and based on a lot of missing information. These are considerations for the school application in the knowledge that if these are not addressed the application will be refused.

It is however relevant to note that there was a considerable discussion with the County Council’s Education and Highways teams over the development and the submitted scheme shown on the Development Framework including the location of the school, the internal loop road and the layby parking was the result of an interactive process during those discussion. The details of this can of course be further discussed and confirmed in a future reserved matters application.

The commentary in the committee report on accessing the school confirms that the County Council have considered these matters in principle before deciding not to object to the scheme and they had significant input into deciding where on the site the school should be located.

No comment is offered here on planning conditions and S106.

## **2.4 AutoTracking**

Attached as Appendix 2 are AutoTrack plots for:

- i) A fire tender entering and leaving the emergency access via Lodge Close.
- ii) A large refuse vehicle entering and leaving the site via Beresford Road.

In each case we have assessed a “worst case” in that we have included a significant number of parked cars on the approach roads but, as can be seen, the manoeuvres can be safely carried out. As informed above we don’t in practise anticipate this level of parking. It should also of course be noted that refuse vehicles will typically serve the site only twice a week (once for residential and once for school) and would normally not serve the school at peak times. The emergency access will hopefully never have to be used but would be an extreme event.

## **3.0 CONCLUSION**

Following on from the comprehensive Review carried out by independent consultants this Technical Note has discussed the points reached and concludes that there are no material or “severe” highway impacts and the County Council was correct in not registering an objection.

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Mr Geoff Lyon  
 North Norfolk District Council  
 Planning Section  
 Holt Road  
 Cromer  
 Norfolk  
 NR27 9EN

04 December 2019      **Sent by Email**

Dear Geoff,

**RE: LAND OFF BERESFORD ROAD, HOLT, NORFOLK – Planning Application Ref: PO/18/1857**

We write in respect of the above planning application proposal. In particular, you will recall that during the Planning Committee meeting on 10 October 2019, Councillor Nigel Lloyd expressed some disappointment that there was no reference to the climate change emergency in the officer's report. The Head of Planning provided a verbal response to this comment, which is recorded in the Council's minutes for this meeting as being as follows:

*"The Head of Planning explained that given its position with regard to the existing and emerging local plans, the local planning authority had to be guided by National Planning Policy which had not yet caught up with the climate emergency. He was unable to advise the Committee to give material weight in planning judgements to issues that were not currently planning policy"*

My concern with the above response is that it doesn't assist Members in fully understanding the sustainability credentials of the application proposals. In order to address this situation, the following summarises how the proposal will result in a sustainable pattern of development and identifies some of the measures that are committed to by the applicant to help tackle the climate change emergency, which go significantly beyond any measures set out in the statutory development plan and have been informed by draft measures in the emerging Local Plan. For the avoidance of doubt, these measures have been allowed for in the scheme viability appraisal.

### **Location of Site**

As a broad matter of principle, the spatial strategy established by the North Norfolk Core Strategy and emerging Local Plan is to direct additional housing growth to Holt (and other Principal Settlements) in order to deliver a sustainable pattern of development; allow people to live, work and undertake recreational activities with a minimal amount of travel; and, enable residents (where travel is required) to make sustainable transport choices. The Core Strategy [para. 2.9.12] makes clear that Holt is a significant importer of employees from other areas. The delivery of additional housing, including affordable housing, as proposed will assist in addressing this imbalance and help reduce the need for travel and vehicle emissions.

The site's location within the town and its connectivity provides opportunities for new residents to access services by walking and cycling and make sustainable transport choices. Bus stops are within easy walking

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distance of the site. The Transport Assessment demonstrates that all facilities in Holt are within walking distance of the site for most people. Linked to this, the LEA has made clear that the proposed site for a new primary school within the development site is particularly well located to serve the school catchment, enabling pupils to be able to get to school without reliance on car borne trips. This point has also been made separately in a letter<sup>1</sup> by Holt Community Primary School and the Governing Body, which confirms that:

*“A school in this locality would be very well placed to serve the school catchment area and would support opportunities for children to walk or cycle to school”*

A point that was made in the officer’s report for the October 2019 committee was that, if the primary school capacity cannot be increased (and this proposal provides the only realistic opportunity to facilitate this in Holt), an increasing number of children from Holt are going to need to be transported to schools in other settlements (with schools that have capacity), exacerbating unsustainable travel patterns, adding to transportation costs and resulting in increased vehicle emissions.

### **Electric Vehicle Charging Points**

The applicant has had regard to the Council’s emerging Local Plan policy (Policy SD16) on the provision of electric vehicle charging points. Notwithstanding the Head of Planning’s comments to Members that draft policy requirements cannot be insisted upon, the applicant is committed to delivering sustainable development and is prepared to make provision for electric vehicle charging infrastructure within the proposed housing development. In this context, it is proposed that a condition be imposed on any grant of outline planning permission requiring the approval of an electric vehicle charging scheme, which includes making provision for standard electric vehicle charging points to all dwellings with parking within their curtilage (to accord with the requirements of emerging Policy SD16 and the draft accompanying text at paragraph 7.122).

### **Transportation – Influencing Modal Shift**

The outline planning application is accompanied by a Travel Plan, which demonstrates a commitment to minimising the impact on the environment, of travel to and from the site, by encouraging those who have to travel to do so in an environmentally friendly way. The Plan is consistent with the aims of Norfolk’s Local Transport Plan. The Travel Plan measures include providing new residents with a ‘Sustainable Travel Information Pack’ providing forms for subsidised public transport tickets, where the household can make use of these; advisory walking and cycling routes showing links with the development; and car sharing scheme details for those who have no alternative means of travel to the private car. Pedestrian and cycle path infrastructure will be delivered within the application site and a dedicated pedestrian and cycle access to the site is proposed at Lodge Close.

It is also proposed, through the development package, to provide a financial contribution towards the local hopper bus scheme, which will be secured through the Section 106 Agreement. The details of this have been agreed with NCC highways.

### **Ecology and Biodiversity Net Gains**

The officer’s report for the October 2019 committee helpfully confirmed that, subject to the agreed mitigation strategy, there will be no adverse impacts on designated habitat sites, in particular the Holt Lowes SSSI, Norfolk Valley Fens SAC and North Norfolk Coast SPA. However, what was not made clear in the officer’s report is the fact the proposed development (as demonstrated in the Ecological Appraisal) will secure net biodiversity gains, when compared to the current position. This complies with the objectives of emerging Local Plan Policy ENV4.

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<sup>1</sup> Letter of 24 October 2019 to NCC



## **Sustainable Urban Drainage Systems**

The application is accompanied by a flood risk assessment and drainage strategy, which has been agreed by the Lead Local Flood Authority. The SuDS strategy allows for infiltration drainage features to be incorporated within the site to support natural infiltration and allows for attenuation basins, swales and permeable paving, suitable for pedestrian or vehicle traffic while allowing surface water to percolate directly into underlying open stone construction. Surface water swales (i.e. linear vegetated channels with a flat base that encourage sheet flow of water through grass or other vegetation) are also proposed, which will be integrated within the Green Infrastructure, to collect, convey and store surface water runoff allowing water to soak into the ground where soil conditions are suitable.

The strategy uses infiltration-based techniques to replicate and increase control of the existing surface water discharge from the site in terms of rates and volumes. A number of treatment processes are to be included to ensure that any discharge from the site to ground has undergone sufficient treatment prior to discharge to the ground and there are no adverse water quality impacts.

The SuDS strategy aligns directly with the Council's drainage and water management objectives for delivering sustainable development and adapting to climate change (see for example the emerging Local plan para. 8.71 / Policy ENV9 [12] / Policy SD10).

## **Water Efficiency**

In terms of securing the efficient use of water in residential dwellings, all new homes have to meet the mandatory national standard set out in Building Regulations of 125 litres per person per day (lpppd). There is an optional water use standard of 110 lpppd. It is this more stringent water efficiency standard that the Council is proposing to take forward in its emerging Local Plan (Policy HOU10). The applicant is committed to delivering housing development that complies with the optional standard of 110 lpppd. It is prepared to accept a condition requiring dwellings to be specified to meet this standard.

## **Fibre to the Premises Broadband**

In line with the emerging Local Plan Policy SD8, the applicant is committed to providing high speed broadband within the proposed development. Broadband is an important element of social and economic infrastructure which key to supporting a sustainable local economy, education and home working and community cohesion. It is also an important component in reducing the need to travel and securing sustainable development.

In direct compliance with emerging Policy SD8, the applicant is committed to ensuring that all new dwellings will be designed and constructed in a way that enables them to meet the Government's building regulations relating to the provision of high speed fibre to the premises infrastructure in the home.

## **Sustainable Construction, Energy Efficiency and Carbon Reduction**

The emerging Local Plan highlights the importance of good design and refers to the Government's objective to increasingly move towards a low carbon economy. It highlights that developments should follow the principles of design set out in the energy hierarchy by prioritising the requirement to eliminate energy need through measures such as design and scheme layout and the use of thermally efficient construction methods and materials.

In respect of the proposed development, the scheme will follow the latest guidance to reduce CO<sub>2</sub> emissions by providing a "fabric first" approach, to (amongst other things) increase insulation and reduce the effects of

thermal bridging; and increase air tightness. As set out in the Energy Savings Trust Guide “Fabric First”, these methods alone can achieve the target of 25% reduction in CO<sub>2</sub> emissions as required for Regulations Part L 2010. To achieve the additional 6% reduction in CO<sub>2</sub> emissions to meet the 2013 Part L Regulations further improvements in fabric first insulation performances, window and door U values and increased air tightness can achieve this requirement, however there may also be a consideration for on-site renewable or low carbon technology as an alternative approach.

As with all outline planning applications, the total reduction in CO<sub>2</sub> emissions that will be possible cannot be calculated until detailed design stage. In order to achieve the reduction in CO<sub>2</sub> emissions committed to, the following techniques will be utilised:

- Walls - Enhanced U Values to be achieved by increasing the size of the cavity walls and increasing the insulation thickness, or alternatively through the use of timber framed construction with the use of high levels of insulation with the timber studwork.
- Roof - Enhanced U Values to be achieved through increasing the thickness of the insulation.
- Floors - Installation of high-performance insulated ground floors will provide enhanced U values.
- Windows and Doors - Utilisation of high-performance glazing will provide improved U values.
- Thermal Bridging – Heat loss will be minimised by employing enhanced constructions details.
- Air Tightness - Following Passive house principles air leakage rates can be significantly improved.
- Ventilation - With enhanced air tightness principles used, appropriate ventilation will need to be installed in line with Building Regulations to provide fresh tempered air.

In addition to the foregoing, the layout and design of the development will maximise the use of passive solar design and shading to address heating and cooling. Buildings can also be specified to include A-rated low carbon boilers (which can include flue-gas heat recovery) and low energy light installation. This would be developed further and confirmed at detailed design stage.

### **New School Buildings**

Whilst the detailed specification for the new school is a matter to be agreed between NCC and NNDC, any new school building designed to meet or exceed Building Regulations would far outperform the existing historic school buildings on energy efficiency and sustainability grounds.

### **Concluding Comments**

Overall, it is considered that the application proposal will secure a highly sustainable form of development that will deliver additional housing and a serviced school site whilst having excellent sustainability credentials and responding positively to the climate change emergency. The applicant has committed to a range of measures intended to reduce energy use and carbon emissions. The package of measures identified goes well beyond any measures set out in the statutory development plan. We would be obliged if the above points could be set out as appropriate in the officer’s report so that Members are aware of the steps being proposed.

Your sincerely



John Mackenzie  
Planning Director

cc. Cllr Nigel Lloyd (by email only)

**BINHAM - PF/19/0456 - Demolish old reading room building and erection of one and a half storey detached dwelling and detached garage with storage above, including part retrospective alterations to existing section of front boundary wall; Land east of no.5 (former Reading Room), Langham Road, Binham, NR21 0DW for Mr Bircham**

## **Minor Development**

**- Target Date: 21 May 2019**

Case Officer: Caroline Dodden

Full Planning Permission

## CONSTRAINTS

- LDF - Countryside
- Area of Outstanding Natural Beauty
- Conservation Area
- C Road

## RELEVANT PLANNING HISTORY

CL/17/1433 CL

The Reading Room, Langham Road, Binham, Fakenham, NR21 0DN

Certificate of lawful use of building as B8 storage and use of existing access gate

Was Not Lawful 01/12/2017 Appeal Withdrawn 09/10/2018

PF/17/1581 PF

Land at Langham Road, Binham, Fakenham, NR21 0DN

Creation of vehicular access

Withdrawn by Applicant 20/02/2018

## INTRODUCTION

This application was deferred at the meeting of the Development Committee on 9 January 2020 in order for a site inspection to be carried out prior to determination.

For clarification purposes, below are responses to some of the comments raised at the Committee meeting on 9 January:

**Comment:** The Agent referred to the dwelling as being 'social housing' for a local family.

**Response:** The tenure of the proposed dwelling is for private market housing. It is not possible to secure and control the occupation of a dwelling to a particular family by condition and consequently, the property could be built and sold immediately on the open market.

**Comment:** The Agent commented that Binham has been identified as a Small Growth Village within the emerging local plan and that the principle of the dwelling should therefore be accepted.

**Response:** Binham has been identified as a Small Growth Village under Policy SD 3 of the Draft Local Plan. Such settlements would be defined by a development boundary (allowing for infill) and the Council would look to identify small sites suitable for between 0-20 dwellings. As the Draft Plan is at Regulation 18 consultation stage and the Council has not reached any formal decisions in relation to which settlements might eventually be identified as suitable

locations for development, it is considered too early to attribute any weight to the emerging policies. The Policy Manager has also commented that should Binham be chosen as a Small Growth Village, the settlement boundary would be drawn quite tightly around the core of the village and would not extend out to include where the application site is located.

**Comment:** Councillor Kershaw commented that he understood that Council officers had accepted the loss of the flint wall on the basis of the submission of revised drawings.

**Response:** Neither the existing nor future loss of the flint wall has been accepted by Officers. This matter forms part of the second reason for refusal.

**Comment:** Councillor Kershaw referred to Policy HO 8, which relates to house extensions and replacement dwellings in the Countryside.

**Response:** This proposal is for a new dwelling in the Countryside and does not involve either a house extension nor is it a replacement dwelling. As such, Policy HO8 is not relevant to the assessment of the proposal.

## THE APPLICATION

Demolition of old reading room building and erection of one and a half storey detached dwelling and detached garage with storage above, including part retrospective alterations to existing section of front boundary wall.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Kershaw, who states that the Application should be brought before the Development Committee to decide whether there are substantive objections to approval. Having visited the site Councillor Richard Kershaw is unclear why the Highway Authority is objecting to the wall and splay and considers that even if there was less than perfect sight of the road from the entrance, a traffic mirror opposite would solve this. He comments that this is a dwelling for a local family with connections in the village and is a self-build project.

## PARISH/TOWN COUNCIL

Binham Parish Council: supports the development of this long-neglected site. However, there are concerns over traffic movements during the demolition and construction phase on this narrow road close to a sharp corner. Because of the road layout, they request a condition to the effect that all contractor's vehicles are parked on site, and not on the highway and also, request that delivery vehicles either unload on site or that traffic management be put in place during delivery unloading.

## REPRESENTATIONS

One neighbour comment received with regard to the original proposal, stating:

- to preserve the privacy of the garden and property, a condition is requested that windows facing onto their property be in obscure glass and that they fully support the suggestion that a fence or wall be erected between the two properties as outlined in Paragraph 6 of the Design Access Statement.

- it is hoped that the existing mature trees on the property would be protected as they support a great variety of wildlife contributing to the biodiversity and the visual amenity of the area.
- given the location of the proposed dwelling at the lower end of the village and close to the river (which occasionally floods), and a history of sewage drains overflowing, it is hoped that investigations have taken place to confirm that the sewerage and drainage system will be able to cope with the pressure of an extra building.

## CONSULTATIONS

Conservation and Design Officer: The site lies within the Binham Conservation Area. The plot lies on a prominent approach route to the village and is characterised by its verdant qualities and close connection to 1-5 Langham Road; a grouping of cohesive vernacular cottages. The site's front boundary was altered in 2016 with the notable clearance of all vegetation and the erection of a prominent close boarded fence, which currently forms an unattractive gateway to the conservation area.

In terms of form and design, revised drawings have addressed concerns with the proposal as originally submitted. The cartshed style garage is considered to be largely acceptable, being read as a traditional outbuilding.

The treatment and enclosure of the southern boundary is a primary concern. Given the precedent for traditional flint and brick enclosures as seen further along Langham Road, this would be a much more sympathetic design solution. The existing flint wall on the western side of the front boundary was lowered in October 2019, but this existing wall would need to be lowered for at least another 3.5 metres westwards, in order to achieve the appropriate visibility for the new vehicular access in that direction, as requested by the Highway Authority. This additional section of flint wall forms part of the front boundary curtilage of No. 5 Langham Road, the applicant states that this section of the wall is in their ownership.

The cumulative impact of lowering a significant section of the existing flint wall, approximately 7 metres in total, would harm the significance of the Binham Conservation Area, contrary to Policies EN 4 and EN 8 and the statutory duties as set out within Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Landscape Officer: No objection subject to conditions. The mature trees on and adjacent to the site have amenity value and are important to the landscape of the area and would be worthy of protection by a Tree Preservation Order (TPO). The proposed development will have an impact on the trees, however if it is carried out sympathetically with the guidance of an arborist then the health of the trees will be retained.

The application is supported by an ecological report. The report details suitable mitigation and enhancements which should be a condition of any planning approval.

Environmental Health: Informative notes are requested regarding the demolition of the existing building, asbestos removal and connection to mains sewer.

County Council (Highway): In summary, recommend refusal on highway safety grounds, failure to deliver suitable provision for pedestrians and inability to deliver adequate visibility for vehicular access. Given the pivotal nature of these matters then those considerations, as relayed by the Highway Officer, are provided in detail below:

- *This site has been the subject of an application for a certificate of lawful use (CL/17/1433), which was refused on 01 December 2017, establishing that the site has no current lawful use. On this basis, it is considered that the proposed development, which would generate 6 daily movements (TRiCS database), would need to be safely catered for by a new vehicle access to the site. This view has previously been reflected in comments submitted with respect to application no. PF/17/1581. As such, the proposed development would need to accord with current highway requirements.*
- *The site is located on the C598 Langham Road, Classified as 3B3 Access route within the NCC route Hierarchy and has the function of carrying traffic between destinations. The proposed development would engender an increase in vehicle movements along the classified C598 Langham Road, which is unlit and subject to a 30mph speed limit, together with associated pedestrian footfall which needs to be safely accommodated. The narrow rural nature of Langham Road, in the vicinity of the site is noted, which is generally only suitable for single file traffic and has no formal pedestrian facilities along its length. This results in pedestrians sharing the narrow carriageway with all traffic and accordingly, any increase in vehicular use of this road would be resisted by the Highway Authority.*

#### Vehicular Access

- *As outlined above, the road network is narrow in the vicinity of the site, as such, emerging visibility is critical to the safe function of the site access. My previous assessment of the scheme noted that "the Richard Jackson plan" 49016/PP/001 details acceptable visibility distances however these distances cannot be achieved as the splay runs over third party land to the east, which would require the agreement of that landowner through a binding legal agreement (s106), which the applicants do not currently have. In order to remedy the situation, if the access were moved west by a short distance and the wall reduced in height for a greater distance to the west, then an acceptable visibility splay within the applicants control could be formed, which would mitigate the need for any agreements with third parties.*
- *If the access were repositioned as suggested, providing acceptable levels of visibility, it would then be feasible, if desired to serve both the new and donor dwelling and close off the existing gated access, but this is not an essential element in this proposal.*
- *Visibility requirements set out in MfS (see P91 7.6.1 to 7.6.3) requires checking the visibility splays in both the vertical and horizontal planes. Unfortunately, at this particular location visibility is restricted by the vertical height of the retained wall/building to the west preventing an acceptable visibility envelope from being provided. Visibility from the access, as seen on site, remains restricted to the west by the height of the frontage features, permitting only a limited window of visibility from a 2.4m setback which is significantly below the required standard and does not enable a view of any road users (PTW, Cycle, Peds) on the nearside of the carriageway.*
- *A residential dwelling would be expected to typically generate some 6 vehicular trips per weekday according to TRiCS (Trip Rate Computer Information Services) through the substandard access. I believe that this would result in conditions to the detriment of highway safety as the proposed level of visibility is clearly not suitable for the proposed use. This is not in accordance with the NPPF which also states that decisions should take account of whether safe and suitable access to the site can be achieved for all.*

#### Transport Accessibility

- *The National Planning Policy Framework sets out 12 core principles which underpin future decision making. The common theme of the principles is for the provision of sustainable development including the management of development to make full use of public*

*transport, walking and cycling. The siting of the proposed dwellings is such that the development is unlikely to meet the terms of any of the 12 core principles and particularly does not meet with the transportation aims.*

- *Sustainable transport policies are also provided at a local level through Norfolk's 3rd local transport plan Connecting Norfolk – Norfolk's Transport Plan for 2026. Policy 5 of this document (see Appendix D) states "New development should be well located and connected to existing facilities so as to minimise the need to travel and reduce reliance on the private car or the need for new infrastructure". It is clear that this development does not meet this aim and you may want to consider this point in your assessment.*
- *It is reasonable to assume that the residents of the new dwelling would need to access services such as shops, high school and employment on a daily basis. The LHA considers the Application Site to be poorly located in terms of accessibility and transport sustainability.*

*Given the reasons above, refusal is recommended for the following reasons:*

- *The proposed development does not adequately provide off-site facilities for pedestrians /people with disabilities (those confined to a wheelchair or others with mobility difficulties) to link with existing provision and / or local services. Contrary to Core Strategy Policy CT5*
- *The classified road serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width / lack of passing places and pedestrian provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety. Contrary to Core Strategy Policy CT5*
- *As far as can be determined from the submitted plans, the Applicant does not appear to control sufficient land to provide adequate visibility at the site access. The proposed development would therefore be detrimental to highway safety. Contrary to Core Strategy Policy CT5.*

#### 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.

#### POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

SS 3 - Housing

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

EN 9 - Biodiversity and geology

EN 10 – Development and Flood risk

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

## MAIN ISSUES FOR CONSIDERATION

- 1) Principle
- 2) Design and Heritage
- 3) Residential Amenity
- 4) Highways
- 5) Landscape
- 6) Environmental considerations
- 7) Other matters

## APPRAISAL

### Background

A Certificate of Lawful Use for the Reading Room building and use of a centrally located access on the site ref: CL/17/1433 was refused by the Council in December 2017. This was because it had not been proved, on the balance of probabilities, that the building and central access point has been used continuously for the asserted Class B8 storage for at least ten years preceding the date of the application. Evidence submitted suggested that the building and access had been used until 1995 in connection with a haulage business for the purpose of the servicing of lorries and other vehicles, storage and general repairs, but since that time, no evidence demonstrated the continuous use for at least 10 years of the building and access for the claimed storage use (Class B8). The claimed former use remains unproven and as such can carry very limited weight in decision making on any planning application.

A two metre high close boarded fence and an associated gate (for vehicular access) was erected adjacent to the highway after the removal of hedging at the site in 2016. Since this time, a planning application PF/17/1581, for the creation of a vehicular access from the site was submitted to the Council in January 2018. The proposal sought to replace the alleged existing vehicular access with one that met the Highway Authority's standards. However, the application was withdrawn in February 2018 on the basis that a full site topographical survey was required in order to produce drawings to show the original and proposed new access with levels. No subsequent application has been submitted.

With regard to the current application, a number of revised plans have been submitted to overcome concerns raised regarding the proposed design of the dwelling and the issues set out by the Highway Authority relating to the proposed vehicular access and visibility splays. In October 2019, the agent informed the Council that emergency maintenance had been carried out on the existing flint front boundary wall, because the combination of ivy that had grown through it and lack of foundations, meant the wall had become unstable to the degree that it would fall in to the road. The agent confirmed that the alterations involved its reduction in height to just below one metre, to improve the stability of the wall. Given the Conservation Area designation then this demolition would require planning permission.

### 1. Principle

The site is located on the north side of Langham Road in the village of Binham and falls within the Binham Conservation Area. The proposal seeks to demolish the existing building, known as the Reading Room, which is positioned close to the south eastern (front) boundary of the site and to erect a one and a half storey detached dwelling and a detached garage with storage



above. The proposal also includes alteration of the front boundary flint wall, some of which has already been carried out.

There is no overriding objection to the demolition of the former Reading Rooms building, given that it is a derelict tin shed, which detracts from the character and appearance of the area.

The site is located within an area identified as Countryside under Policy SS 1 of the Core Strategy. Policy SS2 builds on this by defining the types of development which can take place within the Countryside Policy Area. Policy SS2 states that development in areas designated as Countryside will be limited to that which requires a rural location or for 18 specified exceptions, and that proposals will not otherwise be permitted. Policy SS2 specifically allows for housing in the Countryside Policy Area in the form of “affordable housing in accordance with the Council’s ‘rural exception site policy’”, as well as housing from conversion of existing buildings and specialist forms of accommodation to meet very particular needs such as agricultural worker’s dwellings.

The agent considers that the Council's statement of housing land supply is out of date and as such, that the proposal should be considered on the basis that there is no five year supply of housing land. Despite the agent's views to the contrary, the Council is able to demonstrate a Five Year Housing Land Supply, with a housing land supply of 5.73 years, which confirms that the policies relating to the supply of homes can be treated as up to date and therefore, para.11 of the NPPF does not apply. Consequently, the policies of the adopted local plan can be applied with full weight. As such the proposal is contrary to Policy SS 2.

The National Planning Policy Framework (NPPF) 2019 post-dates the adoption of the Core Strategy and is a material consideration. It includes policies relating to rural housing. In para. 78 developments in rural areas should be located where it will enhance or maintain the vitality of rural communities and the framework also recognises that services in one community might be supported by development in another. This paragraph also requires that planning policies should identify opportunities for villages to grow and thrive. However, this is very much based on the wider proviso of promoting and delivering sustainable development in rural areas.

In para 79 authorities are required to avoid ‘isolated’ homes in the countryside other than in very limited, defined circumstances. The Court of Appeal, upholding the decision of the High Court, has clarified in the Braintree judgement that ‘isolated’ means “*a dwelling that is physically separate or remote from a settlement*”; it is not related to ‘access to services’ but proximity to other dwellings. It also confirmed that access to services by sustainable means is to be taken in the context of other policy considerations such as supporting the rural economy.

Although it is considered that the site can be described as the edge of Binham, where the number of existing houses is sparse, there are, nevertheless, dwellings on either side of the site and so, it is not considered to be physically isolated. As such, paragraph 79 of the Framework does not apply. In consideration of whether the application site is remote from services, it is acknowledged that the village of Binham has some limited services and facilities in the form of a village hall, church, public house, dairy shop and petrol station with convenience store, which are located in and around the village core, approximately 300 metres to the south. It is noted that the former Butchers shop at 32 Front Street, Binham has recently been granted planning permission (ref: PF/19/1382) to incorporate the shop area into the existing residential dwelling.

There appears to be a number of clubs including a youth club operating, and there is also a number of businesses in the Binham area. However, the nearest schools are at Langham 2 miles away and Hindringham 2.7 miles away. In terms of transport links Binham is served by very limited bus services to Holt, Wells and Fakenham and local villages in between.

On balance, whilst it is acknowledged there are some limited facilities in the village, they are dispersed and their distance from the site in combination with other constraints such as the lack of street lighting and footways, means that occupiers of the dwelling would be largely reliant on the use of the car to reach them, as well as other basic services such as a doctor's surgery, that do not exist in the village. The proposal is, therefore, considered to be unacceptable in principle, being an unsustainable form of development, contrary to Policies SS 1 and SS 2.

Members may be aware that the Draft Local Plan includes Binham as a potential location for growth within the Plan; suggesting that a new category of Small Growth Village is created. Such settlements would then be defined by a development boundary (allowing for infill) and the Council would look to identify small sites suitable for between 0-20 dwellings. As the Draft Plan has only reached Regulation 18 consultation stage, and the Council has not reached any formal decisions in relation to which settlements might eventually be identified as suitable locations for development, it is considered too early to attribute any weight to the emerging policies.

The application has been put forward on the basis that the proposed dwelling would be occupied by the Applicant and that it should be treated as a self-build proposal and that the absence of serviced self-build plots in the face of an expression of need for such plots via the self-build register, is a material consideration to which sufficient weight should be attached to justify the policy departure. This issue is material to the assessment of the proposal, however, it is not considered to be sufficient reason to justify the erection of a new dwelling in an otherwise unsustainable location. The fact that the dwelling might be self-build does not render the location sustainable.

The agent has cited a number of appeal decisions that have allowed dwellings within the Countryside. It should be noted that every planning application is assessed on its individual merits and it is considered that the applications and appeals referred to do not form any meaningful comparison or precedent. Of those referenced within the North Norfolk District, the Trunch planning consent cited (ref: PO/18/2135) and the Hindolveston appeal (ref: APP/Y2620/W/19/3222639), are not considered to create binding precedent. Those decisions should be viewed within the wider context, for example other more numerous appeal cases both subsequent and prior to these decisions which run in compliance with the Council's position and contrary to the position established by the Inspector. For example, appeal Ref: APP/Y2620/W/19/3227252, White Gables, Dove House Farm, Potter Heigham, for a new dwelling within the Countryside, which was dismissed at Appeal on 23 July 2019.

## 2. Design and Heritage

Policy EN 4 of the Core Strategy and Section 12 of the revised NPPF requires that all development is designed to a high quality, has regard to the local context and preserves or enhances the character or quality of the area in which the development would be located. Policy EN 8 also requires that the character and appearance of conservation areas to be preserved and where possible, enhanced by new development.

The site lies within the designated Binham Conservation Area. The plot lies on a prominent approach route to the village and is characterised by its verdant qualities and close connection

to 1-5 Langham Road; a grouping of cohesive vernacular cottages. The sites front boundary was altered in 2016 with the notable clearance of all vegetation and the erection of a rather incongruous close boarded fence, which currently forms a rather unfortunate and unattractive gateway to the Conservation Area.

he dwelling would provide a 4 bed one and a half storey dwelling, using traditional finishes. Revised drawings have been submitted for the proposed dwelling (drawing no. 1867-001 Rev.G), which have addressed all of the former design concerns. The cartshed style garage is considered to be largely acceptable, being read as a traditional outbuilding.

As it stands, the existing boundary close boarded fence detracts from the character and appearance of the Conservation Area and this enclosure does not have the benefit of planning permission. The revised proposal shows a flint wall along the front boundary. Given the precedent for traditional flint and brick enclosures as seen further along Langham Road, this would be a much more sympathetic design solution. As mentioned in the Background above, the existing flint wall on the western side of the front boundary was lowered in October 2019, but this existing wall would need to be lowered for at least another 3.5 metres westwards, in order to achieve the appropriate visibility for the new vehicular access in that direction. This additional section of flint wall forms part of the front boundary curtilage of No. 5 Langham Road, which it is understood, is in the ownership of the Applicant. However, it is considered that the cumulative impact of lowering a significant section of the existing flint wall (approximately 7 metres), would harm the significance of the Binham Conservation Area, contrary to Local Plan Policies EN4 and EN8 and the statutory duties as set out within Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In conclusion, it is considered that the existing and further removal of the historic wall would not preserve or enhance the character and appearance of the area, contrary to policies EN 4 and EN 8. The proposal would also, therefore, not accord with the guidance contained within paragraphs 194 and 196 of the NPPF.

### 3. Residential Amenity

The proposed dwelling would be positioned on the east side of the site. The occupier of the neighbouring property to this side has commented that any windows facing their property should be obscure glazed to preserve privacy to their garden and dwelling. The new dwelling would have one first floor obscure glazed window facing towards the neighbour, serving an en-suite bathroom. Given the nature of the proposed window and a distance between the existing and proposed dwellings of over 40 metres (where the neighbours garage is also located between the properties), it is considered that there would be no detrimental impact to the residential amenity of this neighbouring property by way of overlooking or loss of privacy. Therefore, the proposal would accord with policy EN 4, in this regard.

### 4. Highways

The Highways advice received is informed by the refusal of a certificate of lawful use CL/17/1433 (01 December 2017). On this basis, it must be considered that the proposed development would generate a need for 6 new daily movements (TRiCS database) to be safely managed to and from the site to meet the satisfaction of the Highway Authority.

The site is located on the C598 Langham Road, classified as 3B3 Access route within the NCC route Hierarchy. The road network is narrow in the vicinity of the site, close to a sharp bend and as such, emerging visibility is critical to the safe function of the proposed site access. The position of the proposed vehicular access has been amended and a section of the existing flint wall on the south-western side of the site has already been reduced in height. In order to

achieve the appropriate visibility for all road users, including cyclists and pedestrians, the wall would need to be lowered for a greater distance to the west (by approximately a further 7 metres and potentially require alterations to the existing outbuilding).

Visibility requirements set out in Department for Transport's Manual for Streets (see P91 7.6.1 to 7.6.3) requires checking the visibility splays in both the vertical and horizontal planes. Visibility from the access, remains restricted to the west by the height of the frontage features, including an existing outbuilding, permitting only a limited window of visibility from a 2.4m setback which is significantly below the required standard and does not enable a view of all potential road users (including cyclists and pedestrians) on the nearside of the carriageway. A residential dwelling would be expected to typically generate some 6 vehicular trips per weekday according to TRICS (Trip Rate Computer Information Services) through the substandard access. Consequently, it is considered that that this would result in conditions to the detriment of highway safety as the proposed level of visibility is not suitable for the proposed use and is therefore, contrary to Policy CT 5 of the Core Strategy and the NPPF, which also states that decisions should take account of whether safe and suitable access to the site can be achieved for all.

In response to the Councillor's suggestion regarding the use of a traffic mirror, the Highways Officer has subsequently referred to Norfolk County Council's Safe, Sustainable Development Guidance (Revised November 2015, which states at G2.4 that '*The use of a mirror to overcome visibility problems is not acceptable. The Local Highway Authority will not permit them to be erected in the public highway. If installed, mirrors can dazzle drivers, make it difficult to judge speed and distance and as a result lead to a higher risk of accidents. They are also often the targets for vandalism.*' Therefore, it is confirmed that the use of a traffic mirror to assist with access visibility would not be acceptable.

## 5. Landscape

The mature trees on and adjacent to the site have amenity value and are important to the landscape of the area. They are considered to be worthy of protection by a Tree Preservation Order (TPO). The proposed development will have an impact on the trees, however, if the proposed development is carried out sympathetically with the guidance of an arborist then the health of the trees will be retained. This could be the subject of a planning condition, if necessary.

The ecological report submitted with the report details mitigation and enhancements which, again, could be the subject of a planning condition. As such, the proposal would comply with Policies EN 4 and EN 9, in this regard.

## 6. Environmental Considerations

It is noted that the demolition of the existing reading room building would require reference to the Environmental Health department and include details submitted regarding the removal of any potential asbestos. Mitigation of asbestos removal and remediation of any contamination may be controlled by the use of suitable conditions.

## 7. Other matters

It is the Council's opinion that the recent lowering of the existing front boundary flint wall required planning permission. As such, if the Members are minded to refuse planning permission officers will also consider the expediency of further enforcement action in order to secure the re-instatement of the wall to its original height

### **Conclusion**

The proposed dwelling is within an area designated as Countryside where a general presumption against residential development and in a location with poor access to a full range of basic services prevails. The future occupiers would therefore be dependent on the car to be able to reach such services. The proposal would therefore not be sustainable development. In the opinion of the Local Planning Authority there is no justification to permit the erection of an additional dwelling in the Countryside contrary to policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy and paragraphs 78 and 79 of the NPPF.

The current revised drawings fail to provide an adequate vehicular access, with the appropriate visibility splays to the west. In addition to improve highways safety to an acceptable level that lowering of an existing flint wall is required, the facilitating work will neither preserve or enhance the character of the Binham Conservation Area. As such, the proposal, if permitted, would also likely give rise to conditions detrimental to highway safety and be contrary to both Core Strategy policies EN 8 and CT 5.

### **RECOMMENDATION: Refuse for the following reasons:**

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

SS1 – Spatial Strategy for North Norfolk  
SS2 – Development in the Countryside  
EN 4 - Design  
EN 8 - Protecting and enhancing the historic environment  
CT5 - Transport Impact of New Development

1. In the opinion of the Local Planning Authority, the proposal comprises residential development on a site which is located outside of the established settlement hierarchy and on land designated as Countryside under Policy SS 1 of the adopted Core Strategy. Policy SS 2 prevents new housing development in the countryside apart from certain limited exceptions which do not apply in this case. In the opinion of the Local Planning Authority there are no material considerations which would justify the erection of an additional dwelling in the Countryside contrary to policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy

2. The proposed access would provide an inadequate visibility splay to the west. To achieve suitable visibility in this direction requires the cumulative lowering of approximately 7 metres of the existing front boundary flint wall. This lowering would cause detrimental harm to the significance of the Binham Conservation Area, contrary to Local Plan Policies EN4 and EN8. As such the proposals are likely to result in an inadequate access that will be detrimental to highway safety and thus contrary to Core Strategy Policy CT5.

3. The proposed development does not adequately provide off-site facilities for pedestrians or people with disabilities. The proposals therefore fail to link effectively with local services. The classified road serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width / lack of passing places and pedestrian provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety, contrary to Core Strategy Policy CT5.

**COLBY - PF/19/1974 - Conversion of barn to 2no.dwellings (part retrospective); Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU for Mrs Jones**

## **Minor Development**

**- Target Date: 23 January 2020**

Case Officer: Mr C Reuben

Full Planning Permission

## RELEVANT SITE CONSTRAINTS

SFRA - Areas Susceptible to Groundwater Flooding

Landscape Character Area

EA Risk of Flooding from Surface Water 1 in 1000

LDF Tourism Asset Zone

LDF - Countryside

Enforcement Enquiry

Public Right of Way

B Road

## RELEVANT PLANNING HISTORY

PLA/19970430: CONVERSION OF REDUNDANT BARN TO TWO HOLIDAY COTTAGES.  
Approved 29/08/1997

PU/15/1129: Prior notification of intention to change of use of agricultural buildings to two (C3) dwellinghouses. Refusal of Prior Notification 18/09/2015

PU/16/0570: Prior notification of intention to change of use of agricultural building to dwellinghouse. Approval - Prior Approval Given 28/06/2016

CDA/16/0570: Discharge of condition 6 (soil analysis) of PU/16/0570. Condition Discharge Reply 15/02/2017

PU/18/0284: Notification for prior approval for proposed change of use of agricultural building to 2 dwellinghouses (Class C3) and for associated operational development. Approval - Prior Approval Given 23/04/2018

CDA/18/0284: Discharge of Condition for Planning Permission PU/18/0284 for Cond.2: Materials, Cond.3: Tiles, Cond.5: Sewage Disposal, Cond.6: Surface Water Drainage Condition Discharge Reply 13/11/2019

IS2/19/1504: Conversion of barn to two dwellings (part retrospective)  
Advice Given (for pre-apps) 30/10/2019

## THE APPLICATION

The proposal is for the conversion of a former agricultural barn to two dwellings. Prior approval was given in 2018 (PU/18/0284) and prior to this in 2016 (PU/16/0570), under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, for the change of use of the same building to two dwellings. Following these approvals, works have taken place which were not authorised as part of them, resulting in the need to now submit a full planning application for the proposed conversion in relation to the building that now

remains. It is positioned just off the Aylsham Road alongside a Public Right of Way approximately halfway between the A140 and Felmingham, and to the south-east of the main village centre of Banningham.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr J Toye given the needs of the applicant in relation to Core Strategy Aim 1 and the specific needs of the elderly/disabled, the allowance of Policy SS 2 relating to the re-use and adaptation of buildings for appropriate uses, and Policy EN 8 relating to the demolition of buildings which make little contribution to the area.

## PARISH COUNCIL

Colby Parish Council - No objection.

## REPRESENTATIONS

Two in support:

- The project is an ideal use of a dead and ugly space.
- The original shed is an eyesore.
- The proposed development will not impede access to daily walking, it will enhance it.
- The proposed development is a well-designed, modern, energy-saving family home.

## CONSULTATIONS

Norfolk County Council (Highway) - No objection subject to condition.

Norfolk County Council (Landscape & Green Infrastructure) - No objection. Highlight the proximity of the site to a Public Right of Way which must remain open and accessible and advise that any works within the alignment of the PROW will require Highway Authority approval.

Landscape Officer - No response.

Environmental Health - No objection.

## 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.



## POLICIES

### North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

HO 9 - Conversion and Re-use of Rural Buildings as Dwellings

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

### National Planning Policy Framework (NPPF):

Section 5 – Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

## MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design
3. Neighbouring amenity
4. Highway impact
5. Landscape impact
6. Biodiversity
7. Environmental matters

## APPRAISAL

### 1. Principle

The site is within the designated Countryside policy area of North Norfolk, as defined under Policy SS 2 of the adopted North Norfolk Core Strategy. The conversion of existing rural buildings to dwellings is considered to be acceptable in principle, subject to compliance with other relevant Core Strategy policies and in particular, the requirements of associated Policy HO 9.

The building as originally standing, consisted of concrete blockwork walls and a corrugated asbestos roof. Two prior approval applications have been approved for the building, one in 2016, the other in 2018, both of which proposed a reasonable conversion scheme that, based on the information submitted, were considered to comply with the requirements of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Since approval, the foundations of the building were found to be substandard and insufficient to support the approved development. This matter was highlighted to the local planning authority in 2018, at which time underpinning works to provide the necessary support to the building were reluctantly accepted, at the time being deemed as a pragmatic approach to an unfortunate situation. Since then, further building works have taken place which have resulted in the collapse/removal of the majority of the existing building, and new walls have started to

be constructed. Given that the original approval required the retention of the existing walls and roof of the building, the works that have taken place are considered to be unauthorised. The submitted Planning Statement acknowledges that the original building was not structurally adequate to meet the requirements of Class Q, though it is important to note that at the time of approval of the previous applications as referred to above, the Council had no grounds to suspect that the originally submitted structural survey (which was undertaken by a qualified structural engineer) was deficient. The survey stated that the building was suitable for residential conversion and that no underpinning would be required. It further explicitly stated that on the basis of the trial hole excavated, the foundation was “*more than adequate*” to support the structure. It is further noted that the existing roof structure would not have been capable of supporting a pantile roof as originally approved, however, had the plans proposed an alternative type of roof material, it is likely that this would have been accepted, as under Class Q replacement roofs can be acceptable. This was however, not proposed at the time.

As it stands, this application must now be assessed against the requirements of Core Strategy Policy HO 9. This policy requires that in order to be considered for conversion, buildings must be structurally sound and suitable for conversion to residential use without substantial rebuilding or extension and any alterations must protect or enhance the character of the building and its setting. It is clear that very little of the original structure now remains and as such, it is considered that the proposed development would not meet the requirements of Policy HO 9.

The proposed development would not represent a conversion, rather it would represent the building of a new dwelling in the Countryside. The previous two approvals under Class Q are a material planning consideration, but of little weight however, as these were considered against separate planning legislation and not judged against the development plan. It is also reasonable to conclude that because of the extent of building operations needed, the proposal would also now not meet the criteria under Class Q.

The proposed development is tantamount to a new dwelling in the Countryside which is contrary to Core Strategy Policies SS 1 and SS 2. No evidence has been provided to demonstrate that the dwelling would promote sustainable development nor that it meets one of the criteria in Paragraph 79 of the National Planning Policy Framework (NPPF). In addition, no evidence has been submitted to demonstrate that a single dwelling would either enhance or maintain the vitality of the rural community in order to meet the requirements of Paragraph 78 of the NPPF.

## 2. Design

Given that the design of the proposed dwellings is intended to replicate the dwellings granted under the previous two applications, the appearance of which was accepted, there are no concerns regarding the design of the proposed dwellings under this current application. It is considered that sufficient external amenity space would be available for the dwelling to meet the requirements of the North Norfolk Design Guide. Any site boundary treatments would need to be appropriate in terms of visual impact and the requirement for further details to be submitted for approval could be secured through conditions. On that basis it is considered that the proposed development complies with Policy EN 4.

### 3. Neighbouring amenity

By virtue of the single-storey nature of the proposed development, and its separation from the nearest neighbouring property (Pond Farm), with a Public Right of Way in-between and a tree-lined southern boundary, it is not considered that the proposed development would result in any detrimental impact on neighbouring residential amenity. As such, the proposed development complies with the requirements of Policy EN 4 in this respect.

### 4. Highway impact

No objections have previously been raised by the Highway Authority regarding the site access and as such, there are no concerns regarding compliance with Policy CT 5. Sufficient on-site parking and turning facilities can be provided to meet the requirements of Policy CT 6.

### 5. Landscape impact

The proposed design of the dwellings raises no significant concerns regarding the wider visual impact of the development upon the surrounding landscape under Policy EN 2. Arguably, the appearance of the two dwellings would be an improvement upon the relatively poor visual appearance of the previously existing building and the current remains. Any proposed lighting (if necessary) should be kept to a minimum and appropriately designed (for example, discreet and downward facing).

### 6. Biodiversity

Given that the majority of the barn has been removed, it is considered unlikely that the proposed development would have an impact on protected species. As such, the proposed development is compliant with Policy EN 9, subject to the control of external lighting which could be dealt with through a condition.

### 7. Environmental matters (Policy EN 13):

Matters of contamination have been previously addressed under the two previous approvals and the previously existing asbestos roof has now been removed. No objections have been raised by the Council's Environmental Protection Officer in relation to the methods of foul sewage disposal (septic tank) and surface water disposal. As such the proposed development complies with the requirements of Policy EN 13.

### 8. Other matters:

The site lies immediately adjacent to a Public Right of Way (PROW). As stated by Norfolk County Council's Green Infrastructure Officer, this should remain open throughout the duration of any works and thereafter. Furthermore, any works within the PROW would require the consent of the Highway Authority.

### 9. Conclusion:

It is clear that the existing building is not structurally sound and cannot be converted without substantial rebuilding of the majority of the structure. Given the extent of building operations that would be required, the proposed development would result in the erection of a new

dwelling, rather than a conversion of an existing building. As such, the proposal is contrary to Core Strategy policies SS 1, SS 2 and HO 9. and refusal of the application is recommended.

**RECOMMENDATION: Refuse for the following reason:**

In the opinion of the Local Planning Authority, the proposal, due to the state of the former building and the extent of the building work required, would not amount to a conversion. The proposal is for a new dwelling in the countryside, where development is limited to that which requires a rural location, as set out in Core Strategy SS 2, or conversion in accordance with the criteria set in Policy HO 9, or the criteria set out in Paragraph 79 of the National Planning Policy Framework (February 2019). The building is not considered to be in a convertible state due to only remains of a building in situ. No evidence has been provided that the provision of such a dwelling would promote sustainable development nor that it meets one of the criteria in Paragraph 79 of the National Planning Policy Framework. In addition, no evidence has been submitted to demonstrate that a single dwelling would either enhance or maintain the vitality of the rural community, contrary to Paragraph 78 of the National Planning Policy Framework.

Final wording of the reasons for refusal to be delegated to the Head of Planning.

**MUNDESLEY - PF/19/1664 – Erection of two bedroom detached dwelling following demolition of existing triple garages; Land opposite 8 Heath Lane, Mundesley, NR11 8JP for Mr Lees**

## **Minor Development**

**- Target Date: 10 December 2019**

Case Officer: Mr C Reuben

Full Planning Permission

## CONSTRAINTS

SFRA - Flood Zone 2

SFRA - Flood Zone 3A

SFRA - Flood Zone 3B

LDF Tourism Asset Zone

SFRA - Flood Alert Area

SFRA - Flood Warning Area

SFRA - Fluvial 1% AEP + 65% CC

SFRA - Risk of Flooding from Surface Water + CC

Landscape Character Area

LDF - Settlement Boundary

Flood Zone 2

Flood Zone 3

LDF - Residential Area

Unclassified Road

EA Risk of Flooding from Surface Water 1 in 30

EA Risk of Flooding from Surface Water 1 in 100

EA Risk of Flooding from Surface Water 1 in 1000

## RELEVANT PLANNING HISTORY

PF/19/0745

Demolition of existing triple garage and erection of detached one and a half storey dwelling

Refused 30/07/2019

PLA/20060414

CONTINUED USE OF GARAGES FOR STORAGE AND DISTRIBUTION

Approved 13/04/2006

PLA/20021859

CONTINUED USE OF GARAGES FOR STORAGE AND DISTRIBUTION

Temporary Approval 01/04/2003

PLA/19991338

CONTINUED USE OF GARAGE FOR STORAGE AND DISTRIBUTION

Temporary Approval 19/01/2001

PLA/19970753

DEMOLISH EXISTING GARAGE & ERECT BLOCK OF THREE GARAGES

Approved 15/09/1997

PLA/19931416

DEMOLISH & REMOVE GARAGE. ERECT DWELLING WITH INTEGRAL GARAGE

Refused 08/04/1994

## THE APPLICATION

The application proposes the demolition of the existing garage building and the erection of a detached one-and-half storey dwelling. The application was deferred at the last Development Committee meeting for a Committee site visit which was undertaken on 30 January 2020.

The site is occupied by a triple garage building which is in the same ownership as the property on the opposite side of Heath Lane. The garages have historically been used for storage and distribution purposes as evidenced by the planning history of the site. Their current use as stated on the submitted application form is storage. The garages are set back within the site with a driveway sloping downwards from the roadside. Neighbouring plots are occupied by bungalows. This application follows the previous refusal of application ref: PF/19/0745 for a similar development. This is currently the subject of an appeal.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr W Fredericks due to matters relating to housing need, flood risk, design and amenity.

## PARISH COUNCIL

Mundesley Parish Council - No objection.

## REPRESENTATIONS

One objection received raising the following concerns:

- East wall will be right up to boundary fence reducing light into side garden.
- Access to neighbouring garden would not be allowed.
- Scale of dwelling in relation to plot size is out of keeping with the general layout of Heath Lane.

## CONSULTATIONS

Norfolk County Council (Highway) - No objection subject to conditions.

Environment Agency - Holding objection. Sequential and exceptions tests have not been applied. Building will result in an increased footprint and will reduce flood storage capacity, thereby increasing the risk of flooding elsewhere. The applicant has failed to demonstrate that adequate flood storage compensation can be provided on site. Details regarding mitigation are not sufficiently detailed. Current hydraulic modelling is being updated, with draft modelling indicating that the site lies within Flood Zones 1 and 2, however, until this is formally signed off it is subject to change. As such, the Environment Agency assessment has to be made on current published data.

## 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.

## POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 3 - Housing

EN 4 - Design

EN 10 – Development and Flood risk

CT 5 - The transport impact of new development

CT 6 - Parking provision

National Planning Policy Framework (NPPF):

Section 5 – Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

## MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design
3. Residential amenity
4. Highway impact
5. Flood risk

## APPRAISAL

### 1. Principle (Policy SS 3):

The site is within the Settlement Boundary of Mundesley which is designated as a Coastal Service Village under Policy SS 1. It is also within the designated Residential area where Policy SS 3 allows for appropriate residential development. A dwelling in this location is therefore considered to be acceptable in principle, subject to compliance with other relevant Core Strategy policies.

### 2. Design (Policy EN 4):

The immediate surrounding context of Heath Lane is characterised by dwellings within sizable plots with plenty of external amenity space. By contrast, the application site is severely restricted in terms of width and depth and as such, any form of residential development will inevitably be extremely difficult to successfully achieve within the site. The proposed dwelling

would sit against the eastern site boundary with no access down this side of the property, and only a small gap (approx. 1 metre) to the western boundary. In addition, only an extremely small rear garden is shown, measuring far less than the footprint of the dwelling which conflicts with Paragraph 3.3.10 of the North Norfolk Design Guide SPD. This requires the external garden area to be no less than the footprint of the dwelling. Furthermore, two on-site parking spaces are proposed which take up the majority of the site frontage along with bin storage. The overall result is an uncomfortably cramped form of development that is not in conformity with the prevailing form of and character of the surrounding area. The design itself is unusual with an awkwardly designed almost flat-roof section across the centre of the building to afford additional depth to the property. This design element is not considered to be acceptable and would be visually detrimental to the street-scene which is characterised by largely pitched roof dwellings. No changes to the design of the dwelling itself have been made since refusal of the previous application (ref: PF/19/0745). It is therefore considered that the proposed development fails to meet the design requirements of Policy EN 4.

### 3. Residential amenity (Policy EN 4):

The proposed plot arrangement results in a short rear garden area and as such, the retained garden for the adjacent property (number 3) would run directly behind the proposed plot. As a result, the proposed first floor rear facing dormer window would create an unacceptable level of overlooking directly into the private amenity area of this neighbouring property. In addition, as previously referred to above, the proposed dwelling would be hard up against the eastern site boundary. This, in combination with the elongated eastern elevation would create an overbearing visual impact on the neighbouring property to the east. For these reasons, it is considered that the proposed development is contrary to the requirements of Policy EN 4 in this respect.

### 4. Highway impact (Policies CT 5 and CT 6):

No concerns have been raised by the Highway Authority regarding the proposed (existing) site access. The proposed dwelling would contain two bedrooms for which the adopted parking standards require two on-site parking spaces. Two spaces are shown on the submitted plans and as such, the proposed development meets the requirements of Core Strategy Policies CT 5 and CT 6.

### 5. Flood Risk (Policy EN 10):

The development site lies within Strategic Flood Risk Assessment Zones 2 and 3. Dwellings are classed as being a 'more vulnerable' use with regard to flood risk. In such cases the proposal must pass both the sequential test (which aims to steer new development towards areas at lower risk of flooding) and the exception test (demonstrating wider sustainability benefits and the development being safe for its lifetime from flooding) in line with Paragraphs 158 and 160 of the NPPF. No evidence has been provided with regard to these tests and none was provided previously for the refused application (PF/19/0745).

The application is accompanied by a Flood Risk Assessment which suggests that the sequential test is passed as the access drive and footprint of the dwelling lie in Flood Zone 2. However, as per the Flood Risk mapping data held within the Council, the footprint of the dwelling will also lie almost entirely within Flood Zone 3. Notwithstanding this, the sequential test still applies even if the development is in Flood Zone 2. Furthermore, Policy EN 10 of the Core Strategy restrict new development in Flood Zones 2 and 3a to water compatible uses, minor development, changes of use to an equal or lower risk category and to less vulnerable uses.



Finally, the proposed development has the potential to increase the risk of flooding elsewhere as a result of the increased footprint of the building which reduces the water storage capacity of the land. On the basis of potentially reduced flood plain storage, the Environment Agency have issued a holding objection. As such, taking the above matters into account, it is considered that the proposed development is contrary to Policy EN 10.

It is acknowledged that both the applicant and the Environment Agency have stated that the flood risk zone is being updated such that in the near future, the plot may not lie within a high risk flood zone. As the flood zone has not formally changed and therefore could be the subject of further change, the application has to be determined on the basis of the current designation, i.e. being within Flood Zones 2 and 3.

#### 6. Conclusion:

It is concluded that the proposal would lead to a cramped form of development which, along with the awkwardly designed roof, would not be in-keeping with the prevailing form and character of the surrounding area. In addition, the proposed east-facing elevation would have an overbearing impact upon the adjacent property. Finally, it has not been adequately demonstrated that the site would not increase the risk of flooding elsewhere, and the sequential and exceptions test have not been passed. The development is not considered to be in accordance with the requirements of the Development Plan, and it has been concluded that there are no material considerations which would outweigh the policy conflicts. Therefore refusal of the application is recommended.

#### **RECOMMENDATION: Refuse for the following reason:**

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO 9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

EN 4 - Design

EN 10 – Development and Flood risk

North Norfolk Design Guide Supplementary Planning Document (2008).

1. In the opinion of the Local Planning Authority, because of the restricted width and depth of the application site, the positioning of the proposed dwelling and resultant lack of adequate private external amenity space, that the proposal would result in a cramped form of development that would not confirm with the prevailing form and character of the surrounding area. In addition, the proposed elongated east-facing elevation and associated positioning of the proposed dwelling would result in an unacceptable overbearing impact on the adjacent property to the east. Furthermore, the proposed flat roof design would appear incongruous within the street-scene. The proposed development is therefore contrary to the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy and paragraph 3.3.10 of the North Norfolk Design Guide Supplementary Planning Document (2008).

2. The applicant has failed to provide both a sequential test and exception test and sufficient information with regard to flood plain storage, to adequately demonstrate that there are no other sites available for the proposed development, that there are wider sustainability benefits to outweigh the flood risk identified, and that the development will not increase flood risk elsewhere. As such, the proposed development is contrary to Policy EN 10 of the adopted North Norfolk Core Strategy.

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**SUSTEAD - PF/19/2033 - Demolition of scaffold yard buildings and structures and erection of two detached houses and detached single garages; The Yard, The Street, Sustead, Norwich, NR11 8RU for Wild Boar Properties Ltd**

**Minor Development**

**- Target Date: 21 January 2020**

Case Officer: Mr D Watson

Full Planning Permission

**RELEVANT SITE CONSTRAINTS**

- Landscape Character Area
- SFRA - Detailed River Network
- SFRA - Areas Susceptible to Groundwater Flooding
- LDF - Countryside
- LDF Tourism Asset Zone
- C Road

**RELEVANT PLANNING HISTORY**

Scaffold Yard

PF/19/0603: Change of use of a former scaffold yard to a self-storage facility (B8 Storage) including installation of storage containers & office/welfare unit and laying out of storage compounds.

This application is currently subject of an appeal against non-determination. The officer recommendation was for approval, but the Development Committee, at its meeting on 7 November 2019, resolved that it would have refused the application for the following reasons:

- *In the opinion of the Local Planning Authority the scale of the proposed development in terms of number of storage containers in the compound in combination with lighting and the nature of the use would result in noise and disturbance from general activity and comings and goings that would be harmful to the residential amenity of occupiers of nearby dwellings. The proposal is therefore contrary to adopted Core Strategy Policies EN4 and EN13.*
- *In the opinion of the Local Planning Authority the proposal is for a new business in the area designated as Countryside. It has not been demonstrated that the proposal requires rural location or there is a particular environmental or operational justification as to why it should be located in the Countryside. The proposed development is therefore contrary to policies SS1 and SS2.*

The appeal decision is awaited

PF/18/0140: Change of use from scaffold yard to self-storage facility (Class B8), including installation of storage containers and associated works. Refused 21/03/2018

PF/18/0139: Erection of 2 two-storey detached dwellings with detached garages following demolition of existing scaffold yard buildings & structures. Refused 21/03/2018 for the following reasons:

1. *The proposed dwellings would be within an area designated as Countryside where there is a general presumption against residential development and in a location with no services and poor access to a full range of basic services. The future occupiers would therefore be dependent on the car to be able to reach such services. The proposal would therefore not be sustainable development. In the opinion of the Local Planning Authority there is no justification to permit the erection of the additional dwellings in the Countryside contrary to policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy and paragraph 55 of the National Planning Policy Framework.*
2. *In the absence of a protected species survey, the applicant has failed to demonstrate that the proposed development would not result in harm to any protected species that may be present on, or using the site, or result in a net loss of biodiversity. The proposal is therefore contrary to Policy EN 9 of the adopted North Norfolk Core Strategy.*
3. *In the opinion of the local planning authority, the trees and hedges on the site have some value both in terms of providing screening the proposed development and the general amenity of the rural location, as well as biodiversity. As a tree survey has not been submitted with the application, there is no indication to the health or life expectancy of the trees and whether or not they would be affected by the proposed development or quantify the amount of vegetation that could be lost. As the proposal may result in the loss of important landscape features, it is contrary to the aims of policy EN 4.*

DE21/16/0928: Erection of 3 two and a half storey terraced houses with cart lodge style garages with the demolition of existing buildings. Advice Given (for pre-apps) 12/12/2016

PLA/20081174: Change of use of land to extend scaffolding yard. Approved 12/02/2009

PLA/20040826: Change of use of agricultural land for construction of access to serve building & construction premises. Approved 30/06/2004

PLA/19900151: Use of yard and barn for building and construction business - Established Use Certificate. Approved 26/06/1990

PLA/19750106: New access for heavy vehicle. Approved 02/05/1975

## THE APPLICATION

Two detached dwellings are proposed. Each would be two storeys with 4 bedrooms. They would include a projecting gable section to the front and rear, with a slightly lower section of roof containing dormers. Proposed external materials include brick and flint to the walls, with tiles to the roofs.

The dwellings would be sited on the north part of the site and their rear elevations would sit on the line of the rear (south) boundary of the existing yard, such that they would not extend any further back than the existing structures and 'buildings' on the site. Two detached single garages are also proposed, which would sit in the north east corner of the site, adjoining part of the boundary with Wendy Cottage. The existing site access would be retained and is unchanged. The existing trees and hedges on the boundaries of the site are retained, with new native hedge planting along the northwest side of the access.

The proposal is very similar to that refused previously (PF/18/0139). The main difference is the omission of the conservatories to the rear of both dwellings and the inclusion of more details regarding the proposed landscaping of the site and the submission of a Preliminary Ecological Appraisal, Tree Survey and Arboricultural Impact Assessment/Method Statement

The site is on the south side of The Street, Sustead which is a small hamlet, the main part of which is at the junction of The Street and Aylmerton Road to the northeast. It comprises a scaffold yard with its gated entrance set back about 35m from the road. The area between the road and the entrance to the yard is a parking and turning area for the scaffold yard, which also provides access to Wendy Cottage. The site has not been used since it went into receivership in 2016.

The front (north) part of the scaffold yard contains a number of portable single storey 'buildings', used for storage, office and staff facilities, and storage racking associated with the former scaffold business. The rear part of the site which is slightly larger, is overgrown with vegetation. Planning permission was granted in 2009 for the change of use of this area to extend the scaffolding yard, but it is not certain if this was ever implemented.

The south, west and part of the east sides of the site are adjoined by agricultural land. Part of the east boundary adjoins the garden of Rosedale which is a dwelling fronting The Street. To the north are two storey dwellings - Wendy Cottage and Forge Cottage. The former shares the vehicular access from The Street and the principle elevation of both properties faces towards it. The main outdoor amenity area for Wendy Cottage is adjacent to part of the boundary to the scaffold yard, with a 1.6m high fence along it.

There is also a former barn that is adjacent to The Street. This was previously used in association with the scaffold yard as offices and storage, but has been converted to a dwelling following planning permission granted in 2017.

The character of the area is primarily groups of dwellings surrounded by farmland

#### REASONS FOR REFERRAL TO COMMITTEE

At the discretion of the Head of Planning and given the recent planning history of the site / Development Committee referral on those matters.

#### PARISH/TOWN COUNCIL

Sustead Parish Council: object and consider none of the reasons stated with regard to policies SS 1 and SS 2 of the North Norfolk Core Strategy for the refusal of the previous application have changed.

It is also considered that the proposal is contrary to a number of policies in the draft Local Plan. Currently however, these carry very little weight.

#### REPRESENTATIONS

13 objections on the following summarised grounds:

- Village does not have sufficient infrastructure or amenities for new dwellings
- Overlooks private dwellings

- If approved would set a precedent for other applications which would fundamentally alter the beauty of this small village.
- Site is within designated countryside where new market housing is not permitted
- Proposal is similar to that refused previously
- Vast increase in footprint of buildings on the site.
- Overdevelopment, proposed houses would be too intrusive and imposing for the village.
- Executive style detached houses that would not be in keeping with the existing traditional flint period cottages and barn
- Would be of no benefit to the village.
- Proposed houses are taller than neighbouring properties and would dominate and overshadow their gardens.
- Siting of the dwellings at the front of the site close to existing properties is odd
- Impact on boundary with Wendy Cottage
- Increased traffic
- No mains drainage in the village, houses would add to a system already full to capacity.
- Would set a precedent for the village and open the door to less sympathetic developments within designated countryside.
- Effect on wildlife

Three of the representations note that they do not object to the principle of dwellings on the site, but feel that those proposed are too large and not in keeping with the village. A more modest single dwelling/family house with a large garden would be more appropriate.

2 in support for the following reasons:

- Would greatly improve the area
- More beneficial to Sustead than a storage yard
- If scaffold yard was to re-start it would be very busy and noisy and not be a suitable neighbour for the surrounding dwellings
- Design of the proposed houses is very attractive and would blend in well with the adjoining houses and village generally.
- Proposal would avoid the risk of the scaffold yard or some other unsuitable use starting on the site.

## CONSULTATIONS

County Council (Highway): no objection, conditions requested. They consider that given the previous uses of the site and the level and type of habitual traffic that it could generate, the impact of the proposal on the public highway is likely to be similar. The site has a good surfaced access having been improved in the past and any objection to the reuse of the site would be difficult to substantiate.

Landscape Officer: notes that whilst the proposal is contrary to policies SS 1 and SS 2, in landscape terms the proposal would not have any adverse landscape or visual impact. The removal of the untidy 'buildings' and replacement by dwellings could result in an enhancement of this part of the village. It is suggested that the buildings could be moved further back into the site to give more parking and amenity space at the front of the dwellings. Unlike the previous application (PF/18/0139) a tree survey and impact assessment has been submitted, along with a protected species survey.

Environmental Health: no objection.

#### 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.

#### POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 9 - Biodiversity and geology

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

National Planning Policy Framework (2019)

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

#### MAIN ISSUES FOR CONSIDERATION

- Principle
- Effect on the character and appearance of the area and landscape
- Effect on protected species
- Effect on the living conditions of neighbours
- Highway safety and parking

#### APPRAISAL

The front (north part) of the site benefits from an Established Use Certificate dated 26 June 1990, certifying its use for a building and construction yard. The certificate also covered the old barn fronting The Street and the access, which at that time ran along the west boundary of the site. Established use certificates were replaced by lawful development certificates in 1992. The effect

and value of any existing established use certificates remains unchanged, but they are not considered to have been made under section 191 of the 1990 Act. The key difference is that old style certificates could certify an established use and provide immunity from enforcement action, but not that the development was lawful. Whilst the certificate refers to a building and construction yard, based on subsequent applications, it is apparent that part of the application site has been used as a scaffolding yard for a considerable period.

Permission was granted in 2004 for a new access to serve the building and scaffold business (applicant was ACS Scaffolding). In 2008 an application was made to extend the “scaffold yard” on land to the rear of the existing business, and permission was granted. Based on what neighbours have said and aerial photos, it is not clear that the extension to the business was ever implemented. There is also no record of condition 2 having been complied with which required the site parking and turning areas to be laid out and demarcated prior to the site being used. Other than a condition requiring the retention of hedges there were no other conditions, such as hours of use, regulating the use of the land. It is understood this land forming the rear part of the site was historically used as gardens but is considered by officers to be in a nil use:

- i) given the length of time since it was last used as domestic garden,
- ii) being long since separated from the dwellings concerned;
- iii) and not implemented as the extension to the scaffold business.

However, the fact that part of the application site could recommence its business uses without the need for permission, or restrictive conditions limiting hours of use for, are material considerations that need to be given some weight when determining the application.

### Principle

The Council has a land supply for housing in excess of 5 years and the relevant policies for the determination of this application are considered to be up to date and to be consistent with the National Planning Policy Framework (NPPF).

Policy SS 1 sets out the spatial strategy for North Norfolk and identifies main and service settlements where development of varying scales can take place. The remainder of the district, including settlements not listed in the policy, are designated as Countryside. This is the lowest tier of the hierarchy and within it development is restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy.

The types of development acceptable in principle in designated Countryside are listed under policy SS 2. New build, unrestricted open market dwellings, as proposed, are precluded.

The NPPF encourages sustainable patterns of development, specifically with regard to new housing. It states that new isolated dwellings in the countryside should be avoided and encourages new housing to be directed towards those areas that have better access to everyday basic services for future occupiers to avoid reliance on the use of the car. The Core Strategy reflects this approach.

The proposed dwellings would not be physically isolated as there are other dwellings in the immediate vicinity. Sustead however, is a very small relatively isolated village/hamlet in itself, with no basic facilities for day to day living. The nearest principle settlement is Cromer about 3.8 miles to the north. The site is therefore functionally isolated. There is no bus service serving the village and roads are narrow, unlit and have no footways. Combined with the distance involved,



walking or cycling to a larger Principle or Secondary Settlement or, Service Village, would therefore not be an option for most people. It is therefore most likely that the occupiers of the proposed dwellings would rely on the private car to access services, facilities and employment. It would therefore not be sustainable development.

Paragraph 78 of the NPPF suggests housing in rural locations should be located where it will enhance or maintain the vitality of rural communities and planning policies should identify opportunities for villages to grow and thrive. In this case however, there are no local services within the village that the development could potentially support and it is considered Sustead does not form part of a group of smaller settlements, where development within it may support services in a village nearby.

There are some benefits associated with the proposal that need to be given some weight. With regard to environmental benefits, it is considered that the front part of the site at least, is previously developed land, although policies SS 1 and SS 2 make no concessions in this respect. Of potentially greater weight is the fact that the proposal would remove the scaffolding yard which is potentially intrusive to local amenity by virtue of such close proximity to adjacent dwellings and some potential for business use to recommence with noise and disturbance arising. An application for the retention of a scaffold yard in Catfield has recently been refused for this reason. If permitted, then the proposal would result in the removal of the existing structures associated with the scaffold yard and the potential harm to local amenity removed.

With regard to other potential benefits, the proposal would give rise to some economic benefits during the construction phase and there would be modest social benefits arising because as a windfall site, the development would boost the supply of housing within the District. Nevertheless, it is considered that these along with the other benefits identified are not sufficient to outweigh the sustainability concerns in relation to the site's location. Moreover, most of these benefits would apply equally to a similar development within a more sustainable location.

The proposal is therefore considered to be contrary to policies SS 1 and SS 2.

#### Effect on the character and appearance of the area and landscape

In landscape terms the proposal could not be considered to cause any adverse landscape or visual impact, indeed the removal of the untidy buildings/structures and replacement with suitable scale and design residential dwellings may result in an enhancement to this part of the village. The trees and hedges on the site have some value both in terms of screening and the amenity of the rural location, as well as biodiversity. Unlike the previously refused application, a tree survey has been submitted with the application, which indicates the health and or life expectancy of the trees and whether or not they would be affected by the proposed development and quantifying the amount of vegetation that could be lost or otherwise.

The proposal would retain the majority of the existing boundary hedges and trees within them. The proposed houses would also be outside the root protection areas of the trees. A small section of hedge is shown to be removed on the west boundary to facilitate the development, but it's replacement along with gapping up of the hedges where required, can be secured by condition. It is considered the existing planting would provide filtering of the development in views from the west in which otherwise it would be most apparent, and would not result in the loss of any important landscape features. On that basis it is considered that the proposal complies with policies EN 2 and EN 4

With regard to the design of the proposed dwellings, those in the immediate vicinity are generally small scale, fairly modest in height and scale, and mainly dating from before the 20th Century. External materials are a mix of brick, flint and pantiles to the roofs. The closest dwellings, Forge Cottage and Wendy Cottage, are a pair of semi-detached properties that are sited at an angle to the The Street, whereas others nearby front it, with narrow frontages and plot widths.

The overall height and scale of the proposed dwellings would be slightly greater that of Wendy Cottage which they would be seen in context with, but not excessively so. They would have a wider frontage than some nearby dwellings but this would be offset by the set back from the road and their siting close to the existing group of dwellings. The roof would be broken up by the use of gables to both the front and rear elevation, and dormers. The plans indicate detail such as brick quoins and the materials proposed would, in principle, be appropriate for the location with a requirement for further details to be submitted via a condition.

Retention of the existing boundary planting would provide some filtering in longer views from the west across the nearby open fields, as previously referred to. It is considered that the proposed dwellings themselves would not result in any substantial harm to the character and appearance of the immediate surrounding area, as such the proposal is acceptable in terms of policy EN 4.

#### Effect on protected species

The proposal would require demolition of existing buildings which have not been used for some time and the clearance of vegetation which has been allowed to grow unmanaged. As the site is close to wooded areas, old buildings and drainage ditches, there is potential for protected species to either be on or using the site. In this case however, and unlike the refused application, a Preliminary Ecological Appraisal (PEA) has been submitted which demonstrates that subject to checking for active bird's nests if works are carried out during the bird nesting season, there is no evidence or potential for other protected or important species on the site. Opportunities for biodiversity enhancement such as bat/bird boxes and the use of native planting are identified in the PEA and these can be secured by conditions. The retention of all of the species-rich boundary hedging as is proposed can similarly be secured by condition. It is therefore considered that the proposal complies with policy EN 9.

#### Effect on the living conditions of neighbours

The proposal would result in the removal of the extant element of the scaffold yard which immediately adjoins Wendy Cottage. Although it does not appear to have caused problems in this respect in the past, the use of the yard is not restricted by any planning conditions and as such it could be taken over by a new scaffold business and used more intensively and with less care for neighbours than previously may have been the case. In this respect it is noted that an application for a scaffold yard at Catfield was refused due to the impact of noise and distance on the living conditions of existing neighbouring occupiers. The proposal would therefore have some benefits in terms of reducing potential noise and disturbance from activity associated with a scaffold yard, and generally would be a more compatible neighbour as already noted.

With regard to the impact from the proposed dwellings and the concerns raised in some of the representations, the proposal is virtually identical to application PF/18/0139 which, although refused, was considered to be acceptable in this respect and in compliance with policy EN 4.

Whilst the two dwellings would be sited to the south of Wendy Cottage it is considered they would be sited far enough back into the site so as not to result in any material impacts with regards to

overshadowing or overbearing. Their principle elevations would be at about 90 degrees to that of Wendy Cottage and it is considered that the separation distance in combination with the acute angle of the view, would be sufficient to ensure there was not an unreasonable loss of privacy.

Wendy Cottage has 3 first floor windows in its south facing flank wall that face towards the site, two of those windows serve bedrooms. The first floor bedroom windows in the front elevation of the proposed dwelling on the east part of the site would face these bedroom windows in Wendy Cottage. Bedroom windows are classed a 'secondary' for the purposes of the North Norfolk Design Guide SPD, which suggests a minimum separation distance of 15 metres, which the proposal generally complies with. The proposal is therefore considered to be acceptable in this respect. The upper floor windows would result in some overlooking of the amenity/patio at the front of Wendy Cottage but given the relatively low level of privacy it currently has, this impact would not in itself warrant refusal.

Garages were proposed in the previous application adjacent to the boundary with Wendy Cottage, although full details of them were not submitted. Currently, a goods vehicle body used for storage sits against the boundary. As proposed, one of the garages would adjoin the boundary with Wendy Cottage and would have an eaves height of about 2.4m and ridge height of about 4 metres with the roof sloping away from the common boundary. This would be likely to reduce some of the outlook from the bedroom windows, but this is out over the site itself. The bedrooms affected are also served by a window in the front elevation and a rooflight to the rear respectively. It is considered that this relationship is acceptable.

The proposed dwelling on the east part of the site would result in some overlooking of the rear gardens of Rosedale and Bridland Cottage from the first floor window to bedroom 2. There is a garden room with terrace to its north side in the rear part of the garden to Bridland Cottage. The rear gardens of these properties are long (about 45m) and as such although there would be some reduction in privacy, the parts of the gardens closest to the rear of the properties where higher levels of privacy are expected, would not be materially affected. Similarly, any overshadowing, which would be later in the day, would only affect the area of garden furthest from these properties. There is also existing planting along the eastern boundary that may provide some screening and results in some shading. Officers consider that any effect on the garden room to Bridland Cottage cannot be given the same weight as the impact on a dwelling. The proposal is therefore considered to be acceptable in terms of policy EN 4.

#### Highway safety and parking

The highway authority has no objections to the proposal. The site is served by a good surfaced and kerbed access which was approved in 2004 and considered suitable to serve the scaffold yard and the goods vehicles associated with it. The lawful use of the site would have generated goods vehicle movements and those associated with employees travelling to the site. Although the pattern of movement would be different for dwellings, the advice from the Highway Authority is that the impact of the proposal on the public highway network would be acceptable. The proposed parking provision would accord with the current adopted standards in appendix C of the Core Strategy as the internal dimensions of the garages would be such that they could be counted as parking spaces. The proposal is therefore acceptable in terms of policies CT 5 and CT 6.

### **Other considerations**

Drainage - the site is not one where there is an identified risk from surface water flooding. Details of the proposals for both surface water and foul drainage could be secured by conditions and on that basis, the proposal is considered to be acceptable in this respect.

Precedent – approval of the application would not set a precedent for further development in the village, unless exactly the same circumstances are applicable elsewhere, this is considered to be unlikely. In any event case law requires that any future applications would need to be considered on their own particular merits.

### **Conclusion**

This application has addressed the some of the reasons for refusal of the previous application for two dwellings on the site, i.e. those relating to the potential effect on trees and protected species. It is also considered to be acceptable in terms of the effect on the character and appearance of the area, living conditions, protected species and highway impacts. Furthermore, it would promote in part the redevelopment of previously developed land and the removal of what is potentially a harmful use to the amenity of existing neighbours. These are not however, considered to be sufficient to outweigh the concerns about the sustainability of the location, which renders the proposal being unacceptable in principle. The relative remoteness of the site and absence of any significant level of service are significant material considerations, residents of the proposed dwelling would be heavily reliant on the private car to access day to day services and facilities. Two dwellings would add little in terms of the local economy or indeed to any need to significantly boost local levels of housing supply.

The development is not considered to be in accordance with the requirements of the Development Plan, and it has been concluded that there are no material considerations which would outweigh the policy conflict. Therefore, refusal of the application is recommended.

### **Recommendation**

REFUSE for reasons relating to the matters below

The proposed dwellings would be within an area designated as Countryside where there is a general presumption against residential development and in a location with no services and poor access to a full range of basic services. The future occupiers would therefore be dependent on the car to be able to reach such services. The proposal would therefore not be sustainable development and is contrary to Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy.

Full wording of reasons to be delegated to the Head of Planning

## **APPLICATIONS RECOMMENDED FOR A SITE INSPECTION**

There are no recommended site inspections at the time of publication of this agenda.

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## APPEALS SECTION

### (a) NEW APPEALS

**AYLMERTON - PF/19/0676 - Demolition of existing dwelling and erection replacement two storey dwelling; Breck Lodge, Holt Road, Aylmerton, Norwich, NR11 8QD for Mr Young**

WRITTEN REPRESENTATIONS

**BLAKENEY - PF/19/1037 - Single storey building for use as holiday let; Villeroche, Langham Road, Blakeney, Holt, NR25 7PW for Mr Scargill**

WRITTEN REPRESENTATIONS

**NEATISHEAD - PF/19/1778 - Single storey extension to south-east side of barn currently being converted to dwelling; Barn 1, Allens Farm, School Road, Neatishead for Mr Banks-Dunnell**

WRITTEN REPRESENTATIONS

### (b) INQUIRIES AND HEARINGS - PROGRESS

**LEATHERINGSETT WITH GLANDFORD - PF/18/1980 - Erection of single-storey detached dwelling, garage, associated engineering works and change of use of agricultural land to form residential curtilage; Land off Thornage Road, Letheringsett for Mr Cozens-Hardy**

INFORMAL HEARING 21 January 2020

**DILHAM - ENF/18/0046 - Change of use from B1 to Sui Generis (Car repairs); Granary Works, Honing Road, Dilham, NORTH WALSHAM, NR28 9PR**

INFORMAL HEARING 04 February 2020

### (c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

**ASHMANHAUGH - PF/19/0205 - Erection of single storey detached dwelling and detached double garage; Land South of Carousel, Stone Lane, Ashmanhaugh for Mr Pye**

**AYLMERTON - PF/19/1215 - Discontinuation of use of land for a recycling yard and the erection of a detached dwelling and garage; Hillside, Church Road, Aylmerton, Norwich, NR11 8PZ for Mr Wells**

**BINHAM - PF/18/1524 - Proposed conversion of an agricultural barn to a dwelling; Westgate Barn, Warham Road, Binham, Fakenham, NR21 0DQ for Mr & Mrs Bruce**

**BRISTON - PF/19/0135 - Erection of one and a half storey dwelling with detached garage; Site Adjacent to The New Bungalow, Thurning Road, Briston, NR24 2JW for Mr Semmens**

**HAPPISBURGH - PF/19/0461 - Revised position of mesh security fencing and gates (as approved in planning permission PF/18/1416) (Retrospective); Crop Systems Ltd, Whimpwell Green, Happisburgh for Crop System Ltd**

**MUNDESLEY - PF/19/0745 - Demolition of existing triple garage and erection of detached one and a half storey dwelling; 8 Heath Lane, Mundesley, Norwich, NR11 8JP for Mr Lees**

**STIBBARD - PF/18/2340 - Conversion and extension of barn to create one unit of holiday accommodation; The Wain, Bells Lane, Stibbard, Fakenham, NR21 0EW for Ms Clarke**

**ITTERINGHAM - ENF/17/0006 - Annex which has permission for holiday let is being used for full residential purposes.; The Muster, Land adjoining Robin Farm, The Street, Itteringham, Norwich, NR11 7AX**

**NORTH WALSHAM - ENF/18/0339 - Material change of use of the land for stationing of containers and jet washing of coaches, and a breach of condition as coaches are stored and manoeuvred outside the area details in the planning permission 12/0013; Bluebird Container Storage, Laundry Loke, North Walsham, NR28 0BD**

(d) **APPEAL DECISIONS - RESULTS AND SUMMARIES**

**MELTON CONSTABLE - PF/19/0481 - Erection of two-bedroom dwelling following demolition of garage; Land to rear of 18 Briston Road, Melton Constable, NR24 2DA for Dial a Worker  
APPEAL DECISION:- APPEAL DISMISSED**

**OVERSTRAND - PF/18/1330 - Erection of two-storey dwelling; Land at Arden House, 5 Arden Close, Overstrand, Cromer, NR27 0PH for Mr & Mrs M Storer  
APPEAL DECISION:- APPEAL DISMISSED**

(e) **COURT CASES - PROGRESS AND RESULTS**

No change from previous report.