

NORTH WALSHAM – PF/22/1784 – Hybrid planning application, comprising the following elements:

- 1. Full Planning Application for the construction of 343 dwellings (including affordable homes), garages, parking, vehicular access onto Ewing Road and Hornbeam Road, public open spaces, play areas, landscaping, drainage and other associated infrastructure;**
- 2. Outline Planning Application with all matters reserved for a phased development comprising 7 serviced self-build plots and associated infrastructure; and**
- 3. Outline Planning Application with all matters reserved for the construction of an elderly care facility and associated infrastructure, landscaping and open space on Land South Of Norwich Road, North Walsham for Hopkins Homes Limited.**

Major Development

Target Date: 7th November 2022

Extension of Time: 1st March 2024

Case Officer: (Initially) Phillip Rowson and (recently) Russell Williams – with support from an external consultant employed by the Council to support work on the application (and the duplicate application referred to below).

Hybrid Planning Application: Full and Outline

The proposal is a Departure from the Development Plan and has been advertised as such.

Note: A second duplicate application reference PF/22/1596 has been received from the same applicant for an identical proposal on the same site. An extension of time had been agreed for that separate application until 12th May 2024. That application will be considered at a later date – if it is still before the Council (i.e. if it is not withdrawn).

A number of responses from consultees and members of the public refer to both applications. However, some refer to only one or the other of the two applications. In those instances, the response was ‘copied’ across to the second application so that both have – at this time – the same set of responses. This approach has been agreed with the applicant.

EXECUTIVE SUMMARY TO THE REPORT

- a. This is a major planning application on land south of Norwich Road to the west of North Walsham. The application is in ‘hybrid’ form – with a full planning component for 343 dwellings and two outline elements – for 7 self-build units and an elderly care facility of up to 66 bedrooms.
- b. The main vehicular access would be via the creation of a new road linking Ewing Road and Hornbeam Road with the majority – but not all of the development to the south of that road link. The proposal makes provision for 15% affordable housing and the applicant is prepared to contribute to a range of other planning obligations including health, libraries and provision for policing. At the time of publication, officers are still considering the request from Norfolk County Council for a contribution towards Primary education provision. Agreement to any such request would be likely to result in a reduction in the affordable housing element of the scheme.

- c. The northern part of the site is an 'adopted Local Plan' allocation but the southern part is allocated as Countryside in that Plan. As such the application has been advertised as a Departure from the Development Plan. The entire site is allocated within the Draft Local Plan – the independent examination of that is due to start on 23rd January 2024. Issues associated with North Walsham are scheduled for discussion in mid-February – although the focus has tended to be on the larger 'North Walsham West' proposal rather than on this site.
- d. Three rounds of public consultation have taken place on the application – initially when it was received in 2022 and most recently in October / November 2023.
- e. The issue that has caused most public comment is the component of the proposal that involves building on an area of the site adjacent to its eastern edge near to Hornbeam Road / Smedley Close. Many representations seek the retention – and enhancement of that area – as a green / natural area. However, relevant expert consultees have not objected to the loss of that area and the draft Local Plan allocation doesn't seek its retention.
- f. A number of consultees are still to make their final comment(s) but the recommendation will be to give the Council's Director for Place and Climate Change the authority to grant planning permission – in the event that key / specified consultees confirm that they are not objecting – subject to a Section 106 obligation being completed and subject to numerous planning conditions.

RELEVANT SITE CONSTRAINTS

- Outside North Walsham Settlement Boundary as designated within the North Norfolk Core Strategy (adopted 2008)
- Countryside as defined by North Norfolk Core Strategy
- Partly allocated within the Site Allocations Plan (Policy / allocation NW01) (adopted 2011)
- Within the Low Plains Farmland Landscape Character Area as designated within the North Norfolk Landscape Character Assessment
- Tree Preservation Orders (TPO/21/0985 & TPO/16/0927)
- Within various GI RAMS Zones of Influence
- Mineral Safeguarding Area

RELEVANT PLANNING HISTORY

There is no relevant history of planning applications for residential development on the site prior to these applications.

Informal pre-application advice was sought by Hopkins Homes Ltd (via a series of paid for meetings) under ref: **IB/21/2537** for 'Meeting - Residential-led development in accordance with the provisions of emerging North Norfolk Local Plan policy DS 14, comprising 350-400 dwellings and provision of 3 hectares of public open space'.

Other planning applications relate to the operation of the garden centre and the industrial unit at Ladbrook Engineering and to the adjoining developments. Of relevance to the application site are the following:

TW/22/2246

Christmas trees in nursery area to be felled for use and also remove dead or damaged Christmas trees at North Walsham Garden Centre.
Works Approved 14 October 2022

PF/13/0866 (on adjacent site)

Erection of 176 dwellings with access, open space and associated works and formation of station car park and outline application for employment development. Land at Norwich Road, North Walsham
Approved 20 August 2014

PF/15/1010 (on adjacent site)

Hybrid Proposal- Full planning permission for erection of 100 dwellings and outline planning permission for 0.89 ha of commercial space. Land to the east of Norwich Road, North Walsham
Approved 22 December 2016

ABBREVIATIONS / ACRONYMS

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

BNG	Biodiversity Net Gain
BoCC	Birds of Conservation Concern
BPA	British Pipeline Agency
CEMP	Construction Environmental Management Plan
EIA	Environmental Impact Assessment
EclA	Ecological Impact Assessment
FRA	Flood Risk Assessment
GIRAMS	Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy
HRA	Habitats Regulations Assessment
ICB	Integrated Care Board
ICS	Integrated Care System
LAP	Local Area for Play
LCA	Landscape Character Assessment
LEAP	Local Equipped Area for Play
LEMP	Landscape and Ecological Management Plan
LLFA	Lead Local Flood Authority
LVIA	Landscape and Visual Impact Assessment
NHS	National Health Service
NNDC	North Norfolk District Council
NPPF	National Planning Policy Framework
POS	Public Open Space
SAC	Special Area for Conservation
SEND	Special Educational Needs and Disabilities
SHRA	Shadow Habitat Regulation Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SUDS	Sustainable Urban Drainage System

TPO Tree Preservation Order
5YHLS Five Year Housing Land Supply

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

THE APPLICATION

Site description:

1. The application site is situated to the southwest of North Walsham and comprises 18.62ha of land which includes the existing North Walsham Garden Centre and the commercial premises occupied by Ladbrook Engineering. Both the current operations at the Garden Centre and Ladbrook Engineering are shown as being retained and will continue to operate post development.
2. The site to be developed is in two parts with the northern portion forming a field on the northern side of the Garden Centre and bordered by Ladbrook Engineering to the west and residential development along Norwich Road (B1150) to the north and Nursery Drive to the east.
3. The southern portion of the site contains an area of existing patchy woodland and scrub on the southern side of the car park for the Garden Centre and has partly been used in the past for growing Christmas trees etc by the Garden Centre. Much of this part of the site is now overgrown and is edged along its southern boundary by a substantial hedge. This area of land, together with the land contained in the northern portion, was made the subject of a Tree Preservation Order in 2021. The application site extends to the south of the hedge to include a large open agricultural field.
4. The western boundary of the southern portion of the application site is bounded by the properties along Bailey Road and Ewing Road within the recent Persimmon residential development with open fields further to the southwest and south. The eastern boundary is formed by Nursery Lane and the recent Hopkins Homes development served by Hornbeam Road. The larger portion of the eastern boundary of the site is defined by the Norwich – Cromer railway, with the A149 beyond. To the south, the site is bounded by an existing hedgerow with open countryside beyond.

Proposal:

5. The application is a hybrid application. The application seeks planning permission for a total of 350 dwellings together with an elderly care facility (within use class C2). The application seeks full planning permission for the erection of 343 dwellings on the land to the north and south of the North Walsham Garden Centre (the northern and southern portions), together with associated garages and parking. The development would be split with 42 dwellings being located on the northern portion and 301 (+ 7 self build plots) on the southern portion. The application makes provision for a total of 53 affordable dwellings representing 15% of the total number of dwellings.

6. The dwellings comprise a mix of units as set out below:

Table 1

Market Dwellings	
Number of Units	Type
2	2 bed bungalows
69	2 bed houses
6	3 bed bungalows
144	3 bed houses
69	4 bed houses
7	Self Build Homes
Total: 297	

Table 2

Affordable Dwellings	
Number of Units	Type
18	1 bed apartments / maisonette
19	2 bed houses
10	3 bed houses
6	4 bed houses
Total: 53	

Note: 297 Market + 53 Affordable = 350 dwellings in total.

7. The application also seeks outline planning permission with all matters reserved for a phased development to comprise 7 serviced self-build plots and associated infrastructure together with the construction of an elderly care facility, also with associated infrastructure, landscaping and open space. Although reserved for future approval, the location and means of access to these components are shown on the submitted layout plans and are located on the western edge of the southern portion of the site, adjacent to the properties on Bailey Road.
8. Access for the development is proposed from both Hornbeam Road and Ewing Road and would serve to link these roads. The existing access to the site and to the Garden Centre from Nursery Road would be closed off and Nursery Road would be retained thereafter as solely serving the residential properties along its length together with pedestrian access. A new vehicular access is proposed for the Garden Centre from the new link road. A spur off this link road is proposed along the western boundary of the site between the retained garden centre and Ladbrook Engineering and would provide vehicular and pedestrian access to the dwellings in the northern portion of the site. The southern portion is served primarily by a single access from the new link road and is shown extending southwards, alongside the proposed elderly care facility, before dividing into a series of distributor roads and cul-de-sacs.
9. The proposals also seek detailed permission for public open space, play areas and landscaping as well as for drainage and other associated infrastructure. The main area of public open space (POS) is shown within the southern portion of the site, extending across the width of the site and crossed by the main distributor road. The proposed LEAP and a LAP are located within the area to the east of this road. Two other LAPs are proposed, one within the centre of the southern portion and another within the open space that extends along the western boundary. The other main area of POS extends

along the western boundary and forms the main area of SUDs for the development. New allotments and a public orchard are proposed along the northern side of the link road.

10. An extensive range of documents have been submitted with the application including:

- Detailed plans
- Flood Risk Assessment
- Planning Statement
- Statement of Community Involvement
- Minerals Assessment
- Design and Access Statement
- Landscape and Visual Assessment
- Preliminary Ecological Assessment
- Badger Surveys
- Bat Survey
- Reptile Survey
- Breeding Bird Survey
- Biodiversity Net Gain Assessment
- Arboricultural Assessment.
- Transport Assessment
- Viability Assessment

Note: All the documentation is available on the Council's website including amended submissions, plans and reports.

11. The applicant has advised that a programme of pre-application community consultation on the draft proposals for the site took place. It is understood that meetings took place with North Walsham Town Council and a public exhibition and wider community consultation took place in October 2021.

12. Both planning applications have also been subject to EIA screening and the Local Planning Authority has confirmed that the proposals would not require an EIA.

13. Both applications were received in July 2022 and were subject to normal consultation. Following receipt of consultee responses and comments from Officers, the applicant revised both applications and a package of revised drawings and reports was received in December 2022. The package included a revised site layout to address concerns regarding the road layout and included a new central play space. New house types were also proposed and the package also included a revised acoustic assessment and a report on Nutrient Neutrality. The revisions were subject to a further round of consultations in September 2022.

14. The December 2022 package addressed some of the issues raised by consultees but did not fully address some of the outstanding issues. These included the need for further ecological surveys in relation to badgers and breeding birds, for revisions to the layout and design of the site and the dwellings as well as further information in respect of flooding and the acoustic assessment. Delays in being able to undertake the ecological surveys resulted in the third package of documents and plans not being submitted until September 2023. The package included the required Viability Assessment, as well as a Habitats Regulations Assessment.

15. The revisions were subject to a third round of consultations in October 2023. The revisions to the layout and design of the scheme were relatively minor involving modified house-types aimed at providing additional visual interest.

REASONS FOR REFERRAL TO COMMITTEE

16. The application is referred to the Development Committee at the request of the Director for Place and Climate Change - due to the scale of the proposal and the fact that it is a departure from the Development Plan in relation to major housing development in the countryside.

CONSULTATIONS:

17. **North Walsham Town Council:** (Round 1) **Objects** to the proposal in connection with the tree parts of this hybrid planning application on the grounds of the loss of TPO protected trees, biodiversity and impact on protected species such as bats and badgers. Also objects in relation to the increased volume of use of Hornbeam Road and Ewing Road exits from the site, particularly those wishing to turn right across Norwich Road during peak hours.
18. **North Walsham Town Council:** (Round 3) **Maintains objection** for same grounds as set out in Round 1.
19. **Local Member (Cllr Don Birch):** Writes on own behalf as one of the two District Councillors who represent this ward and on behalf of many residents who live in the ward who have contacted him regarding this application.
20. Opposes this planning application for three hundred and fifty homes in it's current form because these plans will obliterate a woodland located south of the Garden Centre that contains badgers, rabbits, bats, foxes, deer and many species of birds. This is the only strip of land on this plot that contains any biodiversity and should be protected.
21. Hopkins would like to build twenty homes on this woodland but if they re-organised their plans this habitat could be preserved and incorporated into the development. The twenty homes could then be built on another part of the site so the total housing number is maintained and the profitability of this development is unaffected.
22. Notes the current plans include four hectares of 'new' woodland /meadow but it will take thirty years for biodiversity to re-establish itself at these locations and it is senseless to destroy an established woodland where wildlife can continue to thrive right away for the next thirty years and beyond.
23. If this application can be revised to maintain this small strip of our natural environment, then would be happy to support it.
24. **Anglian Water:** (Round 1): The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. It cannot be easily relocated and Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work

caused by the normal operation of the pumping station. The site layout should take this into account.

25. The foul drainage from this development is in the catchment of North Walsham Water Recycling Centre that will have available capacity for these flows.
26. The application site is served by North Walsham WRC. Development will lead to an unacceptable risk of flooding downstream. We therefore request a condition requiring phasing plan and/or onsite drainage strategy.
27. Used Water Sewerage Network - no objection subject to the conditions
28. **Anglian Water:** (Round 3): No additional comments to their Round 1 Response.
29. **British Pipeline Agency (BPA):** (Round 1): - No pipelines affected by the proposal
30. **BPA:** (Round 3): no comments.
31. **Historic England:** (Round 1): No Objections
32. **Historic England:** (Round 2): No further comments
33. **Internal Drainage Board** (Round 3): The site is near to the Internal Drainage District (IDD) of the Norfolk Rivers Internal Drainage Board (IDB) and is within the Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District as well as the wider watershed catchment.
34. Pleased to see that initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development. If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. Should a discharge to a watercourse be proposed, this would increase water levels within the Board's IDD, potentially increasing flood risk. Therefore we recommend that, in the event that a direct discharge to a watercourse is proposed, the applicant contacts the Board at an early stage to discuss their proposals with a view to reducing flood risk in the catchment.
35. The reason for their recommendation is to promote sustainable development within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 167 of the National Planning Policy Framework). For further information regarding the Board's involvement in the planning process please see our Planning and Byelaw Strategy, available online.
36. **Lead Local Flood Authority (LLFA):** (Round 1): **Objection** to full planning application in the absence of an acceptable Flood Risk Assessment (FRA), Drainage Strategy and supporting information relating to:
 - Local flood risk to the development
 - Impacts from the development adversely effects flood risk
 - Not complying with NPPF, PPG or local policies

37. No objections to outline application subject to conditions being attached.
38. **LLFA:** (Round 2): **Maintain objection** to full application in absence of acceptable Flood Risk Assessment (FRA) Drainage Strategy and supporting information.
39. **LLFA:** (Round 3): **Maintains objection** to this planning application (full) in the absence of an acceptable Flood Risk Assessment (FRA), Drainage Strategy and supporting information relating to:
- Local flood risk to the development
 - Impacts from the development adversely effects flood risk
 - Not complying with NPPF, PPG or local policies
40. Reason - to prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.
41. In previous response, stated would consider reviewing the objection if the following issues were adequately addressed (italics):
- *We see that a table has been submitted for our review, but it does not include the finished floor levels. As we previously recommended, the applicant should send us a table that allows us to compare the design water levels, finished floor levels, soffit and invert levels and other relevant data. All finished floor levels should be a minimum of 150mm above ground level or 300mm above flood levels where flooding is expected. Further work required.*
42. No updated table has been submitted for review.
- *From the information submitted in Appendix A and Appendix B, it still appears that the applicant is intending to develop outside the Local Plan allocated area. The site boundary extends further south than the southern Local Plan allocation extent. The applicant should therefore address this comment with regards to carrying out the sequential test where required. Further work required.*
43. No additional commentary has been provided.
- *We see that Appendix E contains a map showing the extents of the Source Protection Zones, but we can't see any commentary included that addresses the concerns in this point. Further work required.*
44. No additional commentary has been provided that addresses the concerns regarding highways runoff being mitigated in accordance with Tables G10 and G13 of The Environment Agency's Approach to Groundwater Protection (February 2018 Version 1.2).
45. No additional commentary has been provided that addresses the concerns regarding the applicant being able to demonstrate through appropriate methods that there is no risk of pollution posed to the Source Protection Zone 1 and 2 areas. Table G10 may not explicitly set parameters for what constitutes unacceptable risk, but welcomes the applicant's interpretation of this and will review when the information comes in.

46. No additional commentary has been provided that addresses the concerns regarding the applicant's comments on Table G13. Remains unsure how applicant has concluded that this is not regarding pollution control. Bullet point 3 in G13 clearly references the need for pollution control so that groundwater sources do not become polluted. Further work required.
- *Note that an email from Anglian Water was sent to the applicant on the 21 July 2023 at 10:45 saying that a meeting should be arranged following a form being submitted to Anglian Water. LLFA does not judge this to be an agreement in principle wishes to see further correspondence demonstrating an agreement in principle when it's agreed.*
47. Outline Application: LLFA have no objection subject to conditions being attached to any consent.
48. **LLFA:** (Round 4) The LLFA's consultation response to the December 2023 amendments repeats all of the text in its Round 3 consultation response and does not provide any new comments. **Further comments are awaited and will be reported to Committee.**
49. **National Grid:** (Round 3): No National Gas Transmission assets affected in this area.
50. **Natural England:** (Round 1): Additional information is required as the development could have significant effects on the following nationally designated sites:
- The Broads Special Area of Conservation (SAC)
 - Broadland Special Protection Area (SPA)
 - Broadland Ramsar site
 - Breydon Water SPA
 - Breydon Water Ramsar site
 - Great Yarmouth North Denes SPA
 - Winterton-Horesy Dunes SAC
 - North Norfolk Coast SPA
 - North Norfolk Coast SAC
 - North Norfolk Coast Ramsar site
 - Norfolk Valley Fens SAC
 - The Wash and North Norfolk Coast SAC
 - The Wash SPA
 - The Wash Ramsar site
 - Westwick Lakes SSSI
 - Byrant's heath, Felmingham SSSI
51. The application could also damage or destroy the interest features for which the underpinning Sites of Special Scientific Interest (SSSIs) of the above European sites have been notified. Natural England required further information in order to determine the significance of these impacts and the scope for mitigation. The information required was a Habitats Regulations Assessment, a SSSI assessment in respect of water quality of Westwick lakes SSSI and information on the origin of the water supply for the development.
52. **Natural England:** (Round 2) As submitted, the application could have potential significant effects on:

- Westwick Lakes Site of Special Scientific Interest (SSSI)
 - Byrant's Heath, Felmingham SSSI
53. In addition to the designated sites listed above, the application could also have an adverse effect on the integrity on the European sites designated within the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) report.
54. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:
- Further information on the origin of the water supply for the development and the potential for nutrient loading from surface water runoff to nearby designated sites. Should water be supplied to the development from abstraction, this could potentially impact the groundwater-dependent designated site listed above with regard to both water quantity, but also in terms of water quality through surface water run-off. This should be further assessed within the SSSI impact assessment.
 - The applicant has provided clarification that a financial contribution will be paid into the Norfolk GIRAMS. To ensure this mitigation is delivered, NNDC must secure this payment to ensure that the delivery of the GIRAMS remains viable and this will need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment.
 - Recommends that this development should provide significant contributions to biodiversity net gain in line with emerging Policy ENV 4 of the local plan and paragraphs 174(d), 179 and 180 of the NPPF. Natural England consider the land within and adjacent to this development being strategically important for nature's recovery, to which the proposed development could contribute with suitable on-site delivery of habitat, particularly with regard to heathland creation / re-creation.
55. **Natural England:** (Round 3) Advice is further to the previous responses that NE have provided for this application (dated 04 October 2022 and 09 December 2023). Further information is still required to determine the impacts on Designated Sites. As submitted, the application could have potential significant effects on:
- European sites scoped within the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) report
 - Westwick Lakes Site of Special Scientific Interest (SSSI)
 - Bryant's Heath, Felmingham SSSI
56. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:
- Further information regarding the open space / green infrastructure provision for the proposal.
 - Further information to justify ruling out water abstraction impacts
 - A revised SSSI impact assessment which considers the potential impact of this development on the water quality of Westwick Lakes SSSI.
57. Without this information, Natural England may need to object to the proposal.

58. **Natural England:** (Round 4) It is advised that this response should be read in conjunction with our previous response (our ref 453653, dated 02 November 2023), as this response only addresses Natural England's comments made in section 2) ii) SSSI Impact Assessment - Water Quality Impacts of our previous response, and the other advice will not be repeated here.
59. Natural England's Detailed Advice: Westwick Lakes SSSI Impact Assessment - Water Quality Impacts Following Natural England's previous response, further internal advice has been sought regarding the water pollution concerns to Westwick Lakes Site of Special Scientific Interest (SSSI) that Natural England raised. On the assumption that the proposed SuDS meet the requirements for sustainable urban drainage, as per the CIRIA SuDS Guidance, and that the maintenance of the SuDS will be provided for the lifetime of the project, Natural England are satisfied that water pollution impacts to Westwick Lakes SSSI can be ruled out.
60. Natural England have confirmed (on 16th January 2024) that in terms of their water quantity concerns via abstraction to both Westwick Lakes SSSI and Bryant's Heath, Felmingham SSSI – i.e. where they advised that NNDC should secure the efficiency measures as highlighted in the applicant's hydrology assessment i.e. "The 350 houses proposed by Hopkins Homes are calculated to have a demand of 0.09 Ml/d (assuming 53x affordable homes using 91.8 l/p/d and 297x homes using 109.4 l/p/d, with a 2.4-person occupancy rate", the current Appropriate Assessment of the applicant's SHRA does not mention this, so that document needs to be updated to include this, and Natural England then reconsulted. They also confirmed that – once they receive the updated SHRA – then their concerns for water quality and quantity to the SSSIs will have been addressed."
61. **Network Rail:** (Round 1) No objections but provides informative in respect of any works that may take place near the railway line and railway boundary.
62. **Network Rail:** (Round 2) No further comments
63. **Network Rail:** (Round 3) No further comments
64. **NHS Integrated Care Service (ICS):** (Round 1): This proposal comprises a development of 350 residential dwellings, with a population growth of circa. 751 residents, and a proposed elderly care facility which will have an impact on the NHS funding programme for the delivery of healthcare provision within this area and specifically within the health catchment of the development. Require a contribution of £878,292 towards the capital cost calculations of additional healthcare services arising from the proposed development.
65. **NHS ICS:** (Round 3): Maintains that the development will have an impact on the NHS funding programme for the delivery of healthcare provision within this area and specifically within the health catchment of the development. The ICS would expect these impacts to be assessed and mitigated. Maintains requirement for a contribution of £878,292 towards the capital cost calculations of additional healthcare services arising from the proposed development.
66. **NHS ICS:** (Round 3 Revised) Confirms that the development will have an impact on health services in the area. The practices closest to this development and therefore the GP primary healthcare services likely to be directly impacted by the proposed development, and which will be required to manage the extra primary care demand

placed upon them from this development are already constrained in terms of premises capacity for the number of registered patients. These are the Paston Surgery and Birchwood Medical Practice which both have a deficit in their net internal areas and in patient capacity.

67. EEAST are in a unique position that intersects health, transport and community safety and does not have capacity to accommodate the additional growth and demand on services resulting from the proposed development to achieve nationally set blue light response times. Developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth and demand generated by this development. Any funding would be used towards the capital cost of providing new additional ambulances and/or new additional medical equipment (both within and external to the ambulance), and/or new additional parking space(s) for ambulances at existing ambulance stations, this would not fund revenue for additional staff.
68. The proposal of an elderly care facility is also important to the N&W ICS in regard to the age profile as residents at both ends of the age spectrum consume a disproportionately large quantity of healthcare services and resource, this has the potential to place additional pressure upon the already constrained healthcare practices especially from a Primary care and community care perspective. Residents who have long term conditions, disabilities, live in care or assisted living accommodation are also more likely to use emergency ambulance services due to the nature of their condition/support requirements.
69. The development would give rise to a need for improvements to healthcare capacity which, in line with the ICS estates strategy; would be by way of extension and fit out, reconfiguration of healthcare premises in the area or a new build Surgery; a proportion of the costs, of which would need to be met by the developer.
70. Due to local health facilities being over capacity and falling below current compliance, a new healthcare facility is proposed within North Walsham to help with current capacity issues and those directly related to this development and to provide suitable space required for multidisciplinary teams including staff from acute, community and mental health care. The ICS estates workstream would like to request that developer contributions in the form of S106 be secured to go towards this build and help with the sustainability of healthcare in the area.
71. A developer contribution will be required to mitigate the impacts of this proposal. The ICS strategic estates workstream calculates the total level of contributions required, in this instance to be £353,490 divided across the health sectors with £268,845 for towards Primary & Community Care capital cost and £84,645 towards EEAST services capital cost.
72. **Norfolk Constabulary:** (Round 1) Norfolk Constabulary have identified that this is a significant proposal in North Walsham, which will result in an increase in the resident population and will place additional pressure on police resources. To address this, further investment will be required to enhance police infrastructure. The 2020 Report by Arup 'Improving the Status of the Emergency Services within the English Planning System' suggests that on a per new house basis, the cost to policing to maintain current levels is £168. In this case, Norfolk Constabulary have not identified any immediate need for a significant extension to existing buildings (which Arup's work suggested represented approximately two thirds of the infrastructure need costs). Therefore, it is considered that the contribution towards staffing infrastructure, vehicle provision and equipment would therefore be approximately £55 per dwelling.

73. **Norfolk Constabulary - Designing out Crime:** (Round 1) raised concerns regarding the layout of some of the cul de sacs, footpath design and parking and provide suggestions in respect of providing extra security for the LEAP and LAPs, the allotments.
74. **Norfolk Constabulary - Designing out Crime:** (Round 2) delighted to see that the rear parking courts have been removed and note the revised layout is much improved. No further comments.
75. **Norfolk Constabulary - Designing out Crime:** (Round 3) Following on from the positive amendment to remove the parking courts, pleased to see the inclusion of side view active room windows in many of the house types to provide active surveillance from the serving dwelling onto their car parking provisions. The relocation of the Public Open Spaces still allows for good surveillance from nearby dwellings and natural surveillance from the footpath network, which supports the overall security for the development. To ensure that the design delivers a secure and safe environment, the Planning Authority may wish to consider making Secured by Design a condition of planning.
76. **Norfolk Fire & Rescue:** (Round 1): **No objections**
77. **Norfolk Fire & Rescue:** (Round 2): **No objections**
78. **Water Management Alliance:** (Round 1): **No objections** subject to the detailed design.
79. **Norfolk County Council (NCC) (Public Rights of Way):** (Round 2) no objections
80. **NCC (Public Rights of Way):** (Round 3) **No objections** as no public rights of way in vicinity of site.
81. **NCC Historic Environment:** (Round 1) **No objection** subject to recommended conditions requiring a programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2021), Section 16: Conserving and enhancing the historic environment, para. 205.
82. **NCC Historic Environment:** (Round 2 and 3) **No objection** subject to recommended conditions.
83. **NCC Highways:** (Round 1) informal comments provided to the applicant.
84. **NCC Highways:** (Round 2) informal comments provided - The majority of previous comments have either been addressed or superseded by the new layout. However, with regards to drawings 21-3158-003 rev A and 004 rev A, would comment as follows:
1. The plans should clearly indicate that the main link road will be retained with a 30mph speed limit and the side roads will be subject to a 20mph zone.
 2. There are still sections of road that are too long and straight without any provision for traffic calming to enforce the 20mph zone.
 3. There would still appear to be some parking spaces they do not accord with the correct length (i.e. 6.0m or 11.0m adjacent to walls) and are not setback a minimum of 0.5m from the adjacent carriageway.
 4. The western section of loop road should have a 5.5m wide carriageway. For the avoidance of doubt, a dimensioned highway plan should be provided that also shows forward visibility on the inside of bends and visibility splays at all private drive accesses and road junctions.

5. Ensure there are no trees located in the required visibility splays and widen / realign the footways to match where necessary.
 6. Some of the size 3 turning areas still do not appear to meet the required minimum dimensions.
 7. Not all dwellings have been provided with clear unobstructed pedestrian access from the highway clear of adjacent parking spaces.
 8. Whilst significant visitor parking is provided throughout the development, which is fully supported, there is no provision on either the link road or the initial section of spine road to the south. All of the dwellings accessed from these sections of road have tandem parking, which could lead to increased levels of on-street parking causing an obstruction on these important routes.
 9. The section of footway across the carriageway adjacent to plot 319 should be removed.
 10. The emergency link to the west should be 3.7m wide. Additionally, it should connect to a road within the development to a similar standard (i.e. 4.8m carriageway and a single 1.8m footway).
 11. The section of footpath from the open space between plots 247 / 248 and 253 / 254 requires access across a private drive.
 12. The tracking plan shows a refuse vehicle manoeuvring onto private drives, across grass verges (at junctions) and overhanging private gardens. All of which is not acceptable.
85. **NCC (Highways):** (Round 3) Issues raised previously have been resolved. Recommends that any permission which the District Council may give should include conditions relating to:
- Detailed plans to be submitted, agreed and implemented relating to roads, footways, cycleways, lighting and drainage;
 - Construction matters and timings; and,
 - Travel plans.
86. Elements of Travel Planning and a commuted sum (£123,823 (at £361 per dwelling) associated with off-site works to the B1150 / A149 traffic signals should be secured via a Section 106 agreement.
87. An informative is also recommended.
88. **NCC Minerals and Waste:** (Round 1) objects to the planning application (PF/22/1784) on this site unless a condition is attached to any planning permission.
89. The proposal site is underlain by an identified mineral resource (sand and gravel) which is safeguarded as part of the adopted Norfolk Minerals and Waste Core Strategy, and Core Strategy policy CS16 'Safeguarding' is applicable. Safeguarded mineral resources are derived primarily from the BGS Mineral resources map (2004) as amended by the DiGMapGB-50 dataset.
90. The application site is allocated as site NW01 in the adopted version of the North Norfolk Local Plan. The allocation policy wording contains a requirement for any future development to consider the extraction and use of underlying mineral resources as part of the development. This is in accordance with the requirements of policy CS16 of the Norfolk Minerals and Waste Core Strategy. Therefore, any planning application for this site needs to assess whether the underlying mineral resources are economically viable and if it would be appropriate to work these resources before the proposed development takes place.

91. A duty is placed upon Local Planning Authorities to ensure that mineral resources are not needlessly sterilised, as stated in National Planning Policy Framework (2021) paragraph 210, and 'A Guide to Mineral Safeguarding in England' published jointly by DCLG and the BGS. Paragraph 212 of the NPPF (2021) states that "Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working".
92. The documents supporting the application do include reference to the adopted Norfolk Minerals and Waste Core Strategy, and those parts of the NPPF which relate to mineral safeguarding, together with a Mineral Resource Assessment. Therefore, these requirements in relation to mineral safeguarding have been assessed in the application.
93. The Planning Statement at paragraph 6.58 states that regarding a previous development to the east of the proposed site "a pre-commencement condition was attached to the planning permission requiring submission of a Materials Management Plan, to determine how sands and gravels could be reused on site, and details of any material which could be transported to an aggregate processing plant.". The Planning Statement at paragraph 6.59 further states that "It is anticipated that a similar approach will be adopted with the proposed development site".
94. Sand and gravel deposits are identified on the BGS mapping as occurring on the site. Intrusive site investigations have been included to support the Mineral Resource Assessment. Particle Size Distribution testing has been carried out, these prove sand and gravel deposits close to the surface. A Materials Management Plan-Minerals has been produced, which estimates the potential mineral recovery and reuse for the development. This work could be further refined by the classification of the mineral recovered, using Table 6/1 of the Manual of Contract Documents for Highway Works: vol. 1: Specification for Highway Works Series 600; with reference to material class types; to identify potential suitability for use in the construction phases.
95. The Mineral Planning Authority considers that the current application has appropriately assessed mineral resource safeguarding, the quality of the underlying mineral, the potential for mineral to be extracted as part of the groundworks on site, and its reuse on site. Further work will be required during the construction phases to ensure that best use is made of the material on site. However, it is considered that this could be achieved using a planning condition.
96. The County Council in its capacity as the Mineral Planning Authority (MPA) objects to the planning application (PF/22/1784) on this site unless a condition to require the proposed development to follow the Materials Management Plan-Minerals (MMP-M) is included in any grant of planning permission.
97. **NCC Minerals and Waste:** (Round 3) Previous response remains relevant.
98. **NCC Planning Obligations:** (Round 1) Comments in letter remain valid for 6 months.
 - Monitoring fee: NCC require a Monitoring fee for any legal agreement.
 - Education: Currently (July 2022) there is spare capacity within the Early Education, Primary and High school sectors. Therefore, education contributions will not be sought for the proposed development on this occasion.
 - Fire Service: Norfolk Fire Services have indicated that the proposed development (350 dwellings) will require the provision of at least one fire hydrant, connected to the potable water supply, for every 50 dwellings forming part of the development

(or part thereof to provide adequate fire fighting water supply, dependent on site layout). A fire hydrant will also be required for the care facility.

- Library Provision: A development of 350 dwellings would place increased pressure on the existing library service particularly in relation to library stock, such as books and information technology. This stock is required to increase the capacity of the library. It has been calculated that a development of this scale would require a total contribution of £26,250 (i.e., £75 per dwelling). This contribution will be spent on increasing the capacity of the library serving the development.

99. **NCC Planning Obligations:** (Round 2) The County Council's planning obligation response dated 06/09/22 remains valid for this planning application.

100. **NCC Planning Obligations:** (Round 3)

- Monitoring fee: NCC continue to require a Monitoring fee for any legal agreement
- Education: Update on Education: there is currently (October 2023) spare capacity within the Early Education and High school sectors. However, there is not sufficient capacity in the primary sector to accommodate all of the children generated from this development. Norfolk County Council seeks the following education contributions to improve the education facilities and increase capacity across the three local schools. This claim includes the NCC SEND contribution.
 - Primary sector: 57places (37 places gifted) x £22,200 (cost per place) = £1,265,400.00
 - SEND contribution: 3.34 x £74,920 = £250,232.80.
 - Total Education Contribution Sought = £1,515,632.80
- Fire Service: Norfolk Fire Services advice in respect of fire hydrants remains the same.
- Library Provision: An increased contribution of £35,000 is sought (i.e. £100 per dwelling). This contribution will be spent on increasing the capacity of the library serving the development.

101. **NNDC Economic and Tourism Development Manager:** (Round 1) No comments.

102. **NNDC Environmental Health:** (Round 1) Consider that the submitted noise assessment was insufficient and lacking considerably in proper assessment and details. For an application of this nature, the EP Team would expect to see a considerably longer monitoring period and more monitoring points. Information is insufficient in respect of noise from the B1150 Norwich Road, the railway, commercial elements in the vicinity and the potential noise impact of the heating system for the Extra Care Development. Details lacking also in respect of lighting.

103. Air Quality: the submitted air quality assessment is sufficiently robust, and officer agrees with the conclusions presented. In terms of the construction phase, there are no immediate concerns, as long as the developer abides by a robust construction management plan, which should include the mitigation proposals set out in section 6.27 of report NP/VL/P21-2286/02 Rev A. Noted that there is currently no construction management plan submitted, as such the officer would place a holding objection on the application until such time one has been submitted.

104. Contaminated Land: There is no widespread contamination of the site and the majority of the area appears to be suitable for residential use. However the submitted assessment has identified potential asbestos contamination at location WS102 and SP7. In view of this the applicant will need to commission further works to either investigate further or produce a remediation statement, followed by remediation and verification to deal with identified contamination. This can be conditioned.
105. **NNDC Environmental Health:** (Round 2) Comments from Environmental Health are expected soon – and will be reported to Committee. It is anticipated that they will cover concerns around:
- Noise associated with adjacent business uses, construction traffic and the railway (especially freight train idling) – and potential mitigations to those elements.
 - Contaminated land – although there is likely to be a condition proposed to address this possibility.
 - External lighting – although there is likely to be a condition proposed to address this possibility.
 - Waste management – although there is likely to be a condition proposed to address this possibility.
106. A number of informatives are likely to be recommended in the event that an approval is issued.
107. It is likely that further dialogue will be needed with the applicant on the noise component of the comments.
108. **NNDC Landscape Officer:** (Round 1) The application is supported by a Habitats Regulations & SSSI Assessment (henceforth referred to as the 'Shadow HRA' or 'sHRA') prepared by Southern Ecological Solutions (November 2022).
109. The Landscape section are satisfied that all foreseeable potential pathways of impacts upon Habitats Sites (also referred to as 'European sites') and SSSIs have been identified.
110. The Landscape section are satisfied there will be no nutrient impacts upon Habitats Sites arising as a result of the proposed development due to North Walsham WRC discharging to the North Sea.
111. The Landscape section does not consider the assessment of impacts to fully address the concern over water supply upon the groundwater dependent Westwick Lakes SSSI and Bryant's Heath, Felmingham SSSI. Sections 4.8 - 4.10 of the sHRA provide justification for screening out impacts via water supply with information from Anglian Water's 2019 Water Resources Management Plan (WRMP), including information copied verbatim from the HRA for the Council's emerging Local Plan. Whilst the HRA does rule out potential impacts for the proposed levels of growth in relation to water supply "for all European sites, alone or in combination", it does not consider the potential for impacts upon SSSIs which are not components of European sites, such as Westwick Lakes SSSI and Bryant's Heath, Felmingham SSSI. Table 3 of the sHRA screens out hydrological impacts upon these two SSSIs stating "Anglian Water will supply water for the development via mains supply; Anglian Water's WRMP for the area concludes that adequate water supplies will be available up to 2045 and will cater for proposed levels of growth in the region.". However, the provision of water supplies up to 2045 is: a) assessed at a strategic level, and b) has not assessed the potential for impacts upon SSSIs that are not components of Habitats Sites. Whilst there may be headroom in the

capacity for water supply to the proposed development, it does not demonstrate no impacts upon the SSSIs will occur. Further, Anglian Water are obligated to accept new mains connections where required.

112. The most recent Water Recycling Long Term Plan (Anglian Water, September 2018) suggests 8% growth (i.e. increase in demand) is expected in North Walsham between 2020 and 2045. The population is estimated at 12,634 within the emerging NNDC Local Plan (based on 2011 Census data) although the current figure will be higher. The proposed development will increase the population by approximately 800 residents within dwellings (based on a Norfolk-wide average of 2.27 occupants per dwelling in 2021 Census data) excluding the elderly care facility. Therefore, the proposed development alone would equate to population increase in excess of 5% for North Walsham with a similar increase in water demand expected.
113. The only references to capacity within submitted documents and consultee comments from Anglian Water relate to foul water discharge and not water supply. There is no information provided on where the supplied water would be abstracted from, whether there is an existing surplus in the area, or whether surplus water from elsewhere would be required. Anglian Water's Water Recycling Long Term Plan (September 2018) does not make any provisions for upgrades at North Walsham WRC between 2020 and 2045.
114. At present, the Landscape section considers the submitted sHRA does not identify how water will be supplied to the proposed development nor provide sufficient detail to demonstrate the increased demand in water supply would not impact upon Westwick Lakes SSSI and Bryant's Heath, Felmingham SSSI.
115. The Shadow HRA justifies that no adverse effect upon the integrity of any Habitats Sites will arise with the implementation of mitigation in the form of the Norfolk GIRAMS tariff payment and provision of onsite open space provision. The Council accepts the GIRAMS tariff payment as suitable and proportionate mitigation but does not consider the provision of open space to currently be sufficient for a development of the proposed size.
116. Section 5.13 notes the expectation in accordance with Natural England (2021) guidance for Suitable Alternative Natural Greenspace (SANGs) is 8ha per 1,000 new population. With the expected population increase of 800 (excluding the care home facility), a proportionate level of SANGS for this site would therefore be in the region of 6.4ha. However, not all provision needs to be onsite and contribution to improving green infrastructure and habitat creation in the wider area would be considered both more feasible and beneficial.
117. Section 5.14 suggests there will be 3.5ha of open space provision which exceeds "the quantum proposed in the draft site allocation for the site (red: Policy NW01/B)". The Landscape section contends the figure of 3.5ha of open space provision. As noted in Section 5.16, one of the "must-haves" for SANGs under Natural England guidance is their perception as "semi-natural spaces with little intrusion of artificial structures.". Whilst the dog walking route along the west boundary of the site will be separated from the residential development by SuDS features and green space, the path along the south and east boundaries run along access roads with dwellings opposite which would cause significant intrusion and likely be considered urban rather than semi-natural by users.
118. It is worth noting the submitted Biodiversity Net Gain report (Iceni Ecology Ltd, April 2022) shows a net loss of -7.09% Area Habitat Biodiversity Units (AHBU) onsite.

Although the development would (in its current form) lead to an increase of +103.29% Hedgerow Biodiversity Units (HBU), the two units are not interchangeable. The Landscape section consider it necessary for there to be at least no net loss of AHBU onsite, with any additional AHBU required to meet a minimum of 10% able to be delivered offsite within the local area. Any offsite habitat creation would be considered to contribute to the provision of open space where it is connected to, and accessible from, the site.

119. The proposed development must provide sufficient recreational opportunities onsite and nearby which are proportionate to the expected increase in population and fit for purpose. At present, the proposed open space provision would not deliver on either of these and further provision is likely to be required either onsite or nearby in order to sufficiently mitigate the foreseen increase in recreational impacts upon Habitats Sites.
120. **NNDC Landscape Officer:** (Round 3) Advises that further information is required.
121. Impacts Upon Designated Sites: The application is supported by an amended Habitats Regulations & SSSI Assessment: Information to Inform an Appropriate Assessment (SES, September 2023) document (hereon referred to as the 'sHRA').
122. The amended information seeks to address the previous concerns regarding impacts upon Westwick Lakes SSSI and Bryant's Heath, Felmingham SSSI. Of the potential pathways of impacts, only water abstraction impacts were screened into the Appropriate Assessment.
123. In providing potable water to North Walsham, Anglian Water rely on abstraction from three boreholes at wastewater treatment works at North Walsham, Coldham Hall and Royston Bridge. The sHRA points to the Environment Agency's (EA) statutory role in issuing and reviewing abstraction licences, and their engagement in a Restoring Sustainable Abstraction (RSA) programme, as an indication of no Likely Significant Effect (LSE) arising from the increase in water demand. It is noted the document referred to in the sHRA dates from 2017 and the EA has since lost a legal challenge on their failures with regards to abstraction licensing and the protection of Natura 2000 sites and SSSIs, and therefore the information provided in the document is unlikely to present an up-to-date view on abstraction. Similarly, the two Anglian Water - Water Resource Management Plan (WRMP) documents relied upon to ensure water supply meets demand are dated from 2019 and refer only to what is "likely to be delivered in the wider area" to cater for proposed levels of growth at the strategic regional level, and not proximate to North Walsham. Additionally, and as noted in previous Landscape comments, Anglian Water's Water Recycling Long Term Plan (September 2018) does not make any provisions for upgrades at North Walsham WRC between 2020 and 2045. Anglian Water have recently released a draft updated WRMP (dated September 2023) which confirms a reduction of groundwater abstraction in the Ant Valley catchment, within which North Walsham is located. This also includes details of the closure of licences at East Ruston and Witton – both located within 7km of North Walsham, and which could therefore subsequently require water supply to be drawn from other locations in the local area.
124. Regulation 67 of The Conservation of Habitats and Species Regulations 2017 (as amended) permits the Council to not consider implications of a project "which would be more appropriately assessed under that provision by another competent authority", e.g. where water abstraction impacts would be assessed as part of an abstraction licence issued by the EA. It is noted the EA has failed to respond to the previous three consultation requests for this application, and therefore a response to this fourth request

is unlikely to be forthcoming. However, in carrying out the Council's commitment in conserving the natural environment, it would be considered good practice to seek confirmation of no Likely Significant Effect (LSE) upon the identified SSSIs from the EA based on impacts arising from the existing abstraction licences. Additionally, confirmation should be sought from Anglian Water (who are yet to provide a consultation response on the latest document submissions) regarding available water supply capacity on their existing licences and to confirm nearby revocations and reductions of abstraction licences will not impact upon the supply to North Walsham.

125. Also of note, water quality impacts upon Westwick Lakes SSSI (which is in an 'unfavourable – declining' condition due to eutrophication) were ruled out at the screening stage on the basis of the proposed SuDS techniques to be utilised at the site and the Flood Risk Assessment Addendum rebutting impacts upon Source Protection Zone (SPZ) 1 raised by the Lead Local Flood Authority (LLFA). However, in their latest response dated 25th October 2023, the LLFA are maintaining an objection until further information is provided regarding SPZs and therefore the outcome of this element of the sHRA will also be contingent upon the LLFA being satisfied and their objection to the full planning application withdrawn.
126. Lastly, the Landscape section are satisfied with the public open space provisions and connectivity to publicly accessible walking routes in the wider area and consider the proposed scheme to provide sufficient Enhanced Green Infrastructure to address potential cumulative recreational impacts upon Habitats sites in the wider area.
127. Update Ecological Impact Assessment (EclA): The application is supported by an Update Ecological Impact Assessment (EclA) report (SES, July 2023) which details the further surveys (badger and breeding bird) undertaken at the site following previous Landscape comments.
128. Badger: The badger surveys have led to the reclassification of the 'Main' sett (S1) as a 'Subsidiary' sett with only low activity recorded, i.e. a single entrance had been disturbed between the three survey visits which were c. 2 weeks (between first and second visit) and 4 weeks (between second and third visit) apart.
129. An additional 'Outlier' sett (S2) was recorded to the east of this sett, though the single entrance had been blocked by a fallen tree with no apparent digging attempts present throughout the monitoring period and it was therefore considered disused.
130. A third sett (S3), also considered a potential 'Outlier' sett, was recorded during the second survey with trigger sticks and a camera trap setup, though only foxes were recorded around the entrance.
131. No badgers were recorded on camera traps during their deployment around the entrances of S1 and S3, though their remains potential for their use due to clean, undisturbed entrances and they are therefore considered to be in seasonal or occasional use only. As a result, the site is assessed as being of low value to badgers. The Landscape section concur with this assessment based on the survey findings.
132. The proposed development would result in the destruction and loss of these occasionally used setts. A pre-construction check for badgers will be required and, where evidence of recent badger activity is recorded, a monitoring period of 21 days would be required to determine whether the setts are active and require closure under a development licence. The EclA recommends mitigation throughout the construction period and suggests the creation of new hedgerows, grassland and scrub habitats and swales will

provide additional food resources for badger during the operation phase. Realistically, these will receive little use from badgers which are not acclimatised to urban environments and associated disturbance.

133. It is noted no compensation for the loss of setts is provided due to their classification as 'Subsidiary' and 'Outlier' setts. Research has shown artificial setts for 'Subsidiary' and 'Annexe' setts to not be effective in supporting badger in the long-term, though they may be useful in providing alternative shelter during construction. Therefore, the loss of these setts is likely to only have a minor impact upon badger behaviour and/or foraging success when viewed in the context of the wider landscape. Additionally, there would not be any suitable locations for replacement setts to be incorporated into the proposed development site, and retention of the setts in situ does not represent a viable option due to the degradation of surrounding habitats and increased disturbance (e.g. from new residents, dog walkers, etc.) which would occur. Therefore, the Landscape section are satisfied that it would not be appropriate to request compensatory sett provision.
134. Realistically, the construction of large volumes of dwellings are not going to be able to sufficiently avoid or mitigate for all ecological receptors present at a development site. The proposed development will lead to a loss of an infrequently used 'Subsidiary' sett and two disused 'Outlier' setts, and a reduction in potential sett locations and foraging resources for badger in the long-term. Whilst badger welfare and their setts are afforded protection under UK legislation, their populations are not considered threatened and they are not considered a Priority Species under Section 41 of the Natural Environment and Rural Communities Act 2006, nor afforded an elevated level of protection under The Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, the negative impacts upon badger are considered acceptable based on the relevant legislation but will need to be taken into consideration alongside all impacts upon ecological receptors within the wider planning balance.
135. Breeding Birds: Three breeding bird surveys were undertaken in March, April and May 2023 to build upon the results of survey in June 2021.
136. Seven red-listed species were recorded using the site, including two confirmed to be breeding (house sparrow, starling), one probably breeding (skylark) and two possibly breeding (greenfinch, yellowhammer). A further seven amber-listed species were recorded, including three probably breeding (dunnock, whitethroat, wren) and two possibly breeding (song thrush, wood pigeon). No Schedule 1 species were recorded. The overall assemblage was assessed as being of local importance.
137. An additional four skylark territories were recorded above the original four territories identified, taking the total to eight territories across the site. Along with yellowhammer, these territories will be displaced by the development and would not remain in an urban environment. It is recommended specific foraging enhancements for farmland species (which also includes linnet) are made in the wider area.
138. Provision for other breeding or potentially breeding red- and amber-listed species can be incorporated into the development within public open space. Green-listed species are likely to remain present following development assuming hedgerow/scrub habitat and green open space is retained or created.
139. Recommended mitigation for impacts upon farmland birds involves enhancing farmland in the wider area to be secured through an off-site bird mitigation strategy and secured by a S106 agreement. This will include provisions such as a minimum of 12 skylark plots within cereal crops, overwinter stubble as a foraging resource, conservation headlands

adjacent to an existing hedgerow and a winter-feeding station within rotational set-aside filled with seed mix twice per week between December and April.

140. Other mitigation recommended includes clearance of woody vegetation outside of the nesting bird season (March to August inclusive) or following a check for nests by a suitably qualified ecologist, and the retention of trees and hedgerows suitable for nesting. Where losses are unavoidable, replacement planting will be delivered and will include berry producing and thorny species to form dense hedgerow/scrub thickets suitable for nesting and foraging.
141. Recommended enhancements include landscape planting (as described above), rotational mowing for grassland and marginal habitats to provide a diversity of sward heights, a selection of grassland mixes with high proportions of forb species, and disturbance/scarifying of selected grassland open space areas to create areas of bare ground. Bird boxes (swift bricks/boxes) will also be integrated within new buildings in a 1:1 ratio (though installed in groups) and an additional 15No. boxes are to be installed on retained trees. These enhancements, along with all other enhancements specified in the other ecology reports, will need to be secured through condition of a Biodiversity Mitigation and Enhancement Strategy.
142. Summary: The Landscape section are satisfied with the additional survey work and assessments made within the update EclA and consider it sufficient to address previous issues raised around survey methodologies and impacts upon badger and breeding birds.
143. Other Protected Species Issues – Bats: There appears to be a misconception from some individuals that the site is of high importance for bats which is simply not true. No roosts were identified within trees at the site and trees of high bat roost potential are not proposed to be removed. The level of activity recorded during walked transects and with deployed static detectors are consistent with what would be expected around arable field boundaries on the urban fringe of a settlement (i.e. frequent foraging activity by low numbers/individuals of common and widespread bat species), with most activity being attributed to common pipistrelle, a generalist species which frequently roosts in buildings and forages in urban environments. This assessment is based on the Landscape Officer's knowledge and previous experience working on development sites in a similar context (e.g. arable fields and urban fringes) across East Anglia.
144. The site is not of particular importance to barbastelle bat with only small numbers of passes recorded in close succession suggestive of one or two individuals commuting with some minor foraging. This bat species has an extensive Core Sustenance Zone of 6km from its roost site and therefore the site would not contribute significantly to supporting any known maternity roosts.
145. The majority of bat activity recorded at the existing site would be likely to continue following the proposed development, which would incorporate a large number of roost opportunities for crevice-dwelling species (such as common pipistrelle) and a wider range of habitat types (including surface water in SuDS features) which will provide foraging resources for a variety of species.
146. In summary, the Landscape section does not have any concerns regarding the potential impacts upon roosting, foraging and commuting bats. The site conditions post-development would lead to an increase in roosting opportunities and greater variation in the foraging resources available. Commuting would be maintained around existing

boundary vegetation and external lighting can be controlled to ensure boundary features remain unlit.

147. Biodiversity Net Gain (BNG): The submitted BNG Design Stage Report (SES, September 2023) concludes a net gain of 12.36% habitat units and 32% hedgerow units would be achieved at the site based on the currently proposed scheme and the overall low ecological value of large parts of the site (e.g. arable).
148. Certain assumptions have been made within the calculations, such as greenspace being categorised as modified grassland of low distinctiveness (i.e. ecological value), which provide a conservative approach to the calculations which may therefore be subsequently improved following further iterations of the calculations as landscape plans and species compositions are finalised.
149. The BNG Metric (V3.0) has been used to calculate the net gains of the proposals and, as completed, satisfies the trading rules for achieving BNG. However, the Landscape section has undertaken the exercise of transferring the information into Metric V4.0 to determine if any significant differences occur.
150. The headline figures of 12.36% habitat units and 32% hedgerow units remains the same when input into V4.0. However, the trading rules are no longer satisfied for hedgerow units due to 'Medium' distinctiveness 'Native Hedgerow with trees' being lost and only 'Non-native and ornamental hedgerow' and 'Native Hedgerow' of 'Very Low' and 'Low' distinctiveness being created. Should the 'Native Hedgerow' proposed be replaced with 'Native hedgerow with trees', this would satisfy the trading rules and increase the net gain to 65.07% hedgerow units. The Landscape section are satisfied the BNG Design Stage Report demonstrates the proposal could deliver in excess of 10% BNG for both habitat and hedgerow units. However, an amendment to the proposed hedgerow creation to replace lost hedgerow of 'Medium' distinctiveness is required in order to satisfy trading rules. Additionally, it is recommended the BNG calculations are updated to use Metric V4.0 to ensure the calculations are based on the most recent and reliable metric available.
151. **NNDC Landscape Officer – Arboricultural Response:** (Round 3) These arboricultural comments are being provided following amended plans received 22/9/23. The application is supported by Arboricultural Impact Assessment & Tree Protection Plan from Hayden's Arboricultural Consultants (rev. F) and canopy cover assessment (rev. F) to reflect the site layout changes. It illustrates the site currently has a total tree canopy coverage of 9.16%. The site's tree canopy coverage has been assessed to be 6.23% after the removal of the trees and with the inclusion of the proposed landscaping design.
152. The planting scheme has been amended to reflect the revised scheme (6.23%), resulting in a 0.93% uplift in canopy cover across the scheme from the December 2022 (5.30%) iteration of the Layout.
153. The layout illustrates there will be a loss of trees, the impact of the proposals is an initial reduction of canopy cover on site from a current measure of 9.16% with a future canopy cover prediction of 6.23%.
154. The proposed canopy cover on site remains inadequate and represents not only a loss of trees but a loss of biodiversity and habitat on site.
155. The site already benefits a variety of tree species, linear and historic boundary features, oak, sycamore, ash, poplar, cypress, a variety of fruit trees and establishing pioneer and

scrub woodland. There are important mature oak trees on the southern boundary and along Nursery Drive providing established ecological corridors.

156. Retaining more of the arboricultural features on site will enable better canopy cover figure.
157. TPO: The trees are highly valued by residents, they are afforded protection by tree preservation Order TPO/21/0985, the TPO is an area category Order. The Order was served 10 November 2021 and confirmed at Development Committee on 19 April 2022. Therefore, the site layout should retain as much of the existing woody vegetation as practicable.
158. The Officer serving the Order notes “the TPO was not served to prevent development, but it ensures we have a tool to improve biodiversity on site and protect amenity trees.”
159. An area category is one way of protecting individual trees dispersed over an area. The area category is intended for short-term protection in an emergency or as a temporary measure until we can fully assess and reclassify the trees in the area. It is not capable of providing appropriate long-term protection because the Order only protects trees standing at the time it was made.
160. When the final scheme is approved, recommends the authority either vary the Order or make a further Order.
161. Woodland: The woodland in the central area has been assessed using the Woodland TEMPO method and has been scored accordingly. The condition can be described as derelict, wind-blown trees present, with no management for some time. There is a degree of naturalness, with pioneer species present and a mix of recently planted exotic/non-native species. The area is relatively small for a woodland when using the Forestry Commission’s size bands set out in the publication ‘National Inventory of Woodland and Trees, Great Britain’ (FC 2003). As a stand-alone group of trees, the central area does not qualify for a defendable Woodland TPO, though it is demonstrably under threat, the woodland does not meet the criteria for amenity value or quality under this assessment.
162. The National Inventory of Woodland and Trees defines a woodland;
NATIONAL FOREST INVENTORY WOODLAND ENGLAND 2015 The NFI definition of woodland is a minimum area of 0.5 hectares, stands of trees with, or with the potential to achieve, tree crown cover of more than 20% of the ground. Areas of young trees, which have the potential to achieve a canopy cover of more than 20%, will also be interpreted as woodland and mapped.
163. The area isn’t mapped on the NF inventory maps but trees have grown up in the last 8yrs and it is the officers view that the area can achieve canopy cover of more than 20% with positive management.
164. More of this area could be retained to improve canopy cover and biodiversity value of the site. An amended layout would enable more space for the woodland to remain however, there would need to be a long-term management plan to bring it into positive use.
165. Cannot justifiably argue the woodland’s quality at present; however, the area has potential to provide much needed recreational green space. It currently contributes positively to biodiversity value of the land and could be retained with layout changes.

166. Landscape and Planting: Landscape details submitted by IDP Landscape 12/22 illustrate tree lined streets and planting through the open spaces. The proposed species selection for formal/structural trees is over reliant on just 3 species, suitable street trees could include *Corylus colurna* (Turkish hazel) *Celtis australis* (Nettle tree) *Sorbus aria* (Whitebeam), *Acer campestre* Elegant or Elsrijk or Streetwise (Field maple cultivars). *Morus* species can be associated with limb breakage and subsequent high maintenance requirements, they should be used more sparingly on the scheme. Feature trees are large canopy trees which is welcomed on the scheme. *Quercus paulustris* in my experience can be sensitive to transplant shock. *Quercus rubra* is more reliable as are *Platanus* species. There is opportunity to include native oak species in the open space planting.
167. Conditions are recommended.
168. **NDC Planning Policy:** (Round 1) The application has been written within the context of the policies included in the Submission Local Plan, with reference to Site-Specific policy, NW01/B (one of the two proposed allocations for North Walsham). The Council's draft Plan completed the Regulation 19 consultation period in February 2022, and the Council intends to submit the final version of the Plan to the Planning Inspectorate late 2022-2023, however the timing of submission is heavily dependent on Council resolutions regarding Nutrient Neutrality. Due the Plan's current progress, and any unresolved objections that may still exist, only a limited weight can be attributed to the policies within the Plan, per Para. 48 of the NPPF. The applicant should review their application against policies within the adopted Core Strategy.
169. Considering the above, this proposal is not in line with the adopted Strategic Site policy for North Walsham, as set out in the Core Strategy – NW01. The southern extent of the applicant's proposal protrudes in the open countryside, beyond the southern-most site boundary of NW01 and does not give attention to the site-specific policy requirements for this policy. However, the applicant's proposal does adhere to the proposed allocation, NW01/B as set out in the Submission Local Plan.
170. Additionally, the applicant's proposal is contrary to the Council's adopted affordable housing policy – Policy H02 of the Core Strategy. This policy identifies a requirement for developments of above 10 dwellings to provide 45% affordable housing, whereas the applicant's proposal is based on the Submission Local Plan's affordable housing policy – HOU2 which sets a requirement of 15% affordable housing to be provided on a site of this scale.
171. **NDC Planning Policy:** (Round 3) In relation to the newly submitted and amended documentation that the Council has received the Policy Team wish to comment on the content within Chapter 4 of the amended Planning Statement which references the Council's 5-year housing land supply. In the absence of such, North Walsham continues to be considered a sustainable settlement and any applicant relying on bringing forward an allocation prior to adoption of a Plan and rely on the emerging plan as justification should ensure compliance with all the policies in the emerging Plan in such a way that the case officer can satisfy themselves that the application is compliant based on appropriate evidence. Planning law however requires that applications for planning permission be determined in accordance with the adopted development plan unless material considerations indicate otherwise.
172. In Chapter 2 of the amended Planning Statement, there is a reference to a viability assessment and providing justification for the 15% policy compliant delivery of affordable

housing. The Design and Access Statement makes reference to affordable housing, its quantum of provision and mix to be provided. It may be prudent to seek a copy of this evidence or further detailed assurances through a proportional viability assessment at this stage in order to provide the justification of the reduced levels of affordable housing and provide assurance to the Council that the deliverability of the proposal is viable and that the level of affordable housing is maximised. Should the position change in the future such evidence can also be used as a benchmark position.

173. The local plan viability assessment as the most up to date evidence shows that as a whole the emerging Local Plan is viable at 15% affordable housing in this zone. It is also worth noting that even though the 2009 Core strategy policy calls for 45% across the District it has rarely been achieved in recent times and in most cases the emerging local plan evidence is now taken as the policy compliant level by developers. However, it is not adopted policy and as such the scheme as proposed is not policy compliant. The approach is contested in the EIP with unresolved objections and as such the proposal along with the approach to viability should be considered in relation to NPPF para 48.
174. **NNDC Strategic Housing:** (Round 1): Objection. The developer intends to provide 53 affordable homes – 40 for affordable rent and 13 for shared ownership. This represents 15% of the 350 homes proposed for the site. This is the proportion proposed in the new local plan but the current plan requires 45% or 158 affordable homes. Without evidence on viability independently assessed by the Council's viability assessor we should not accept less than 45% affordable housing.
175. Apart from the number of affordable homes there are a lot of positive things to note about the proposed affordable homes:
- All of the affordable homes meet the nationally described space standards. This is important because most homes will be used to full capacity.
 - All the affordable homes are built to M4(2) – accessible and adaptable standards and are suitable for people with limited mobility.
 - Some of the affordable homes are built to M4(3) – wheelchair standard and are suitable for households with a wheelchair user.
 - The development includes a mix of property types and sizes including both one-bed homes for single people/couples and a range of larger homes for families of varying sizes.
176. Housing Need: as at 27th July 2022, the Council has 1,333 households on the housing list who want to live in North Walsham. Of these, 263 households are in the highest priority bands 1*, 1 and 2. There are 50 households aged 60+ and 12 households with a wheelchair user.
177. Care Home: The site has provision for a 66 bed care home. There is a need for new care home provision to replace existing older care homes. However, we would prefer an alternative independent living/extra care housing. This provides self-contained flats with on-site support to enable older residents to live independently in their own homes.
178. **NNDC Strategic Housing:** (Round 2) Maintains objection and provides updated information on current housing need. As at 3rd January 2023, the Council had 1,430 households on the housing list who want to live in North Walsham. Of these, 264 households are in the highest priority bands 1*, 1 and 2.
179. Care Home: no longer require the care home to provide self-contained flats.

180. **NNDC Strategic Housing:** (Round 3) Advises that the base assumption in Hopkins viability (i.e. 15% Affordable Housing and £982,000 of other s106) is sound. In addition notes that there may be some income (perhaps as much as £0.5m) they have not included which could improve the position and make more AH or more s106 contributions still viable.
181. Also, suggests that if the Section 106 contributions were to double then there would be a justification – in terms of viability – for the affordable housing ask to reduce to about 10% - and if the S106 amount was to reduce to less than £200,000 then the ask could be justified to increase to about 20%. An uplift clause (requiring review of the viability of the development post completion to assess whether developer's profit exceeded the forecast level and whether a s106 commuted sum for affordable housing in lieu of on-site provision is required) should be included within the s106. This is justified as below policy complaint (45%) affordable housing has been accepted on the basis of a viability review.

REPRESENTATIONS:

182. Public consultation of the application took place for a period of 21 days in September to October 2022 and following amendments to the application between December 2022 to January 2023 and following further amendments between October and November 2023. To date, **63** representations have been received. One in support of the proposals, two stating they have no objections but had concerns regarding some elements of the proposals and the remaining 60 representations objecting to the proposed development. The **objections** and concerns are summaries as follows:

- Inappropriate location for development of this size. The scale of this development is not in character with the adjoining development which is only 100 houses with more green areas.
- Contrary to Local Plan.
- Layout and density will overcrowd the area.
- Limited affordable housing – none provided on Hornbeam Road and shortfall should be made up on this site.
- Development is not affordable.
- Lack of provision for elderly residents with only 7 bungalows being provided.
- Object to linking the three developments (Hopkins Homes and Persimmon)
- Problems already on existing road network through congestion particularly at peak times. Situation will be exacerbated by proposed development.
- Difficulties with existing junctions in and out of Hornbeam Road and Ewing Way from Norwich Road. Adding 500 more vehicles will make it worse and affect safety.
- Current accessibility issues with Hornbeam Road which has no dropped pavements after the initial crossing near Norwich road. Existing roads in the vicinity are not wide enough to cater for additional traffic including construction traffic.
- Problems with Hornbeam Road currently used by joyriders and linking it with this site will turn it into a race track.
- Nursery Drive should not be used for construction traffic.
- The number of houses should be reduced and off street parking increased.
- Concerns regarding school children safety.
- Concerns regarding pedestrians and cyclists safety, including school children safety. Queries as to how cyclists will be able to navigate the narrow footpath under the rail bridge to access the town and / or the Railway Station when there is no access from the newly opened car park and the Station.

- Concerns regarding location of footpaths and play areas close to the railway lines which are well known to be an attraction for children and thus present a greater danger.
- Concern re safety of children using Hornbeam Road play area.
- Object to the loss of the woodland/scrub area in the centre of the site and the impact this will have on Local Wildlife. The wooded area is important habitat for numerous biodiverse animal, bird and insect life. Do not consider that wildlife will be able to recover. Inadequate ecological corridors being provided.
- Protected species are currently in the woodland/scrub area but inadequate mitigation is being proposed. The landscape proposals, including the proposed replacement trees within the development, will not support wildlife in the same way as the woodland/scrub.
- Various representations have referred to sightings of Bats, Little and Tawny owls, Skylarks, Muntjac Deer, Buzzards, Squirrels, Foxes, Toads and Newts and birds generally. There is a consistent high-level of activity of bats at the site recognised by submitted surveys.
- Concern at proposals for Badgers. The sett is to be closed off but the area will be totally locked within confines of housing with no access for any animals to stray to non developed areas.
- Developer is disregarding the existing TPO on plans by removing the important scrub area, recommended by Natural England to be kept and enhanced to help the existence and recovery of wildlife both here and in UK. Trees are being removed to facilitate the development rather than because of poor condition. Walnut tree to be lost.
- The woodland area is used by local people for recreational purposes and to enjoy the wildlife.
- The loss of the woodland/scrub area is not conducive to trying to address climate change.
- Layout should be redesigned so that the 20 houses located on the woodland area are located elsewhere and the area retained for ecology/green space.
- Concerns as to whether the proposed orchard and proposed landscaping will be looked after properly. The landscaping on the existing Hopkins Home site has not been completed and what is there is not properly maintained.
- Existing green area should be retained and could be managed by local organisations.
- Impact on existing peripheral trees.
- Loss of existing hedgerow which is TPO protected.
- The submitted reports underplay the importance of the woodland and scrub area and the BNG does not include the ecology.
- The landscaped buffer adjacent to existing properties on Nursery Drive and single storey development in this area should be extended to those areas bordering Ewing Road and Bailey Road.
- Amended plans include trees that will grow to more than 60ft and be out of character for the area. Potential for damage to properties from root growth and dehydration of soil around foundations and damage to existing boundary fences along Norwich Road and Nursery Drive.
- Allotments will not replace the wilding that has already been lost.
- Allotments are on contaminated land and should be moved.
- There are limited facilities in North Walsham including supermarkets and petrol filling stations.
- No mention of additional doctors or dentists to be provided. Existing services are at full capacity. Doctors, dentists, school places, hospital beds are in short supply.
- The schools cannot accommodate the extra children.

- Continuing decline in water pressure to existing dwellings. Enclosed correspondence with AW.
- Water levels are low and no provision being made.
- Flood risks heightened with impacts on Captains Pond.
- Land drainage for Hornbeam / Smedley Road has not been addressed.
- Ewing Way is unadopted and with Nelsons Park is maintained by a management company. Assume that this is still a private road and therefore not available for use by construction traffic?
- Increased pollution and intrusion through noise nuisance, general disturbance, odour, etc.
- Potential problems of overlooking/loss of privacy from new development.
- Concerns about increase in crime.
- Conflicting information between public meetings and submitted statements as to whether ground or air heat source heat pumps to be provided.
- No eco additions to houses i.e. solar panels. Design of dwellings and landscaping could be made more sustainable.
- Difficult to see how these proposals will contribute to climate change.
- Care Home: A possible 3 storeys is too high in the environs of a new domestic housing development. It should be a maximum of 2 storey. Care Home should not be sited in this location due to issues of disturbance. Question whether care home will be built or whether it's site will be used for more housing.
- Object to 7 year construction period and consequent disturbance etc.
- Inadequate notice provided of planning application and proposals.

183. An objector has stated that they act on behalf of some 700(+) residents / campaigners. However, no names or addresses of any of those residents have been provided and therefore, the objection letter can only be taken as being from the single objector who wrote the letters.

HUMAN RIGHTS IMPLICATIONS

184. 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

185. 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

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

LOCAL FINANCE CONSIDERATIONS

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

RELEVANT POLICIES

Development Plan

188. North Norfolk Core Strategy (September 2008):

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

189. Site Allocations Development Plan Document (Adopted Feb 2011)

Policy NW01: Land at Norwich Road / Nursery Drive

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

Policy CS 16 Safeguarding mineral and waste sites and mineral resources

Material Considerations:

191. Supplementary Planning Documents and Guidance:

North Norfolk Landscape Character Assessment (2021)

North Norfolk Design Guide (December 2008)

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

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

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

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

194. **National Planning Policy Framework (December 2023)**

Chapter 2	Achieving sustainable development
Chapter 4	Decision-making
Chapter 5	Delivering a sufficient supply of homes
Chapter 8	Promoting healthy and safe communities
Chapter 9	Promoting sustainable transport
Chapter 12	Achieving well-designed and beautiful places
Chapter 14	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	Conserving and enhancing the natural environment
Chapter 17	Facilitating the sustainable use of minerals
Annex 1	Implementation

195. It should be noted that a number of representations refer to specific paragraphs of the NPPF – and more of those generally to earlier versions of the NPPF than that published in December 2023. It is possible therefore that the references are out-of-date – however officers are confident that this has no material bearing on this application or the assessment of it – i.e. the differences between the various NPPF versions aren't significant in relation to this application. The references in the Officer Assessment section are accurate to the December 2023 version.

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

Policy NW01/B: Mixed-Use: Land at Norwich Road & Nursery Drive

OFFICER ASSESSMENT

197. The issues considered within this assessment are:

- a) **Principle of Development**
 - b) **Dwelling Mix and Type**
 - c) **Provision of Affordable Housing**
 - d) **Design**
 - e) **Residential Amenity**
 - f) **Public Open Space**
 - g) **Landscape and Settlement Character**
 - h) **Highways**
 - i) **Impact on Trees**
 - j) **Ecology and Biodiversity**
 - k) **Impact on International Sites**
 - l) **Biodiversity Net Gain**
 - m) **Foul and Surface Water Drainage**
 - n) **Safeguarded Minerals**
 - o) **Impact on Infrastructure – Section 106**
 - p) **Other material planning considerations**
 - q) **Conclusion**
-
- a) **Principle of Development: Policies SS 1, SS 3 and SS 10**

198. The site lies on the south western side of North Walsham which is defined as a Principal Settlement under Policy SS 1 of the Core Strategy where the majority of new residential development is to take place. Policy SS3 identified the number of dwellings anticipated to be built in North Walsham in the plan period.

199. The principle of residential development on part of this site was secured following the adoption of the Site Allocations Development Plan Document in Feb 2011. Policy NW01 – Land at Norwich Road/Nursery Drive states:

“Land amounting to approximately 24.5 hectares is allocated for a mixed use development of approximately 400 dwellings, 5 hectares of serviced employment premises, 4 hectares of Public Open Space and provision of car parking for the railway station. Development will be subject to compliance with adopted Core Strategy policies including on-site provision of the required proportion of affordable housing (currently 45%) and contributions towards infrastructure, services, and other community needs as required and:

- a. The prior approval of a development brief to address access, movement, mix of uses, layout, built form, density of development, landscaping, phasing and conceptual appearance;*
- b. phased provision of buildings for employment uses (Class B1, B2 and B8), the size, nature, amount and location of the units to be specified in the brief;*
- c. provision of two points of vehicle access to Norwich Road;*
- d. provision of improved pedestrian links to the railway station, town centre and local schools;*
- e. investigation and remediation of any land contamination;*
- f. development layout that complies with PADHI methodology;*
- g. measures to prevent the input of hazardous substances to groundwater;*
- h. archaeological investigation if required;*
- i. demonstration that there is adequate capacity in electricity provision, sewage treatment works and the foul sewerage network, and that proposals have regard to water quality standards; and,*
- j. prior approval of a scheme of mitigation to minimise potential impacts on the Broads SAC /Broadland SAC / Ramsar site arising as a result of increased visitor pressure, and on-going monitoring of such measures”.*

200. Retail development, other than that serving the needs of the proposed development, will not be permitted. The land allocated for development includes the 176 dwellings served by Hornbeam Road to the east and the 100 dwellings served by Ewing Road to the west. The remaining central portion which covers the area occupied by the Garden Centre and Ladbrook Engineering and includes the northern portion of the site and the woodland/scrub area to the south of the garden centre would therefore contain the remaining 124 dwellings. The field boundary along the southern edge of the woodland/scrub area forms the boundary of the allocated site. As a consequence, all of the remaining undeveloped Policy NW01 allocated land is included within the current

application site. The current proposal proposes 91 dwellings on this allocated portion of the site instead of the balance of 124 dwellings.

201. However, the land to the south of the field boundary and outside the land allocated by Policy NW01, comprises an open agricultural field and is designated as countryside within the Core Strategy and therefore subject to Policy SS2. The balance of the proposed dwellings (252 dwellings plus 7 self builds) and the care home are all located within this unallocated part of the site. The proposed development does not comply with the criteria set out in Policy SS2 and this part of the application is therefore contrary to Policy SS2 of the Core Strategy.
202. The Applicants have advanced a case that the site the subject of this planning application is proposed to be allocated in the emerging North Norfolk Local Plan 2016 to 2036 and their proposals reflect that proposed allocation. Policy NW01/B of the emerging North Norfolk Local Plan proposes to allocate the 18.6 ha for mixed use development to include approximately 350 dwellings, elderly persons accommodation, the retention of approximately 2 ha of existing employment land and provision of 3.5ha of public open space and supporting infrastructure. As submitted, the Policy included a list of nine requirements that any development will need to make provision for. Following the submission of the Council's minor modifications (shown in italics) the policy to be considered by the examining Inspector now requires the following:
 1. Delivery of an estate road providing a through highway connection with adjoining residential developments to the north-east and south-west prior to occupation of no more than 150 dwellings;
 2. Delivery of not less than 3.5 hectares of public open space;
 3. The retention of the existing businesses on employment land of no less than 2 hectares;
 4. *A transport assessment must be undertaken to identify mitigation measures, if necessary, for the A149/B1150 and wider transport network*
 5. Provision of *an offset landscape* ~~buffer~~ of no less than 6 metres between the development site and the existing properties at Norwich Road and Nursery Drive;
 6. *Retain and enhance landscaping along southern, south-western and north-eastern boundaries of the site, whilst retaining and strengthening existing hedgerows within the site boundary, with particular regard to the northern boundary adjacent to Nursery Drive;*
 7. Provision of pedestrian and cycle links to the railway station, town centre and local schools;
 8. Submission and approval of effective surface water management ensuring that there is no increase of surface water run-off off site;
 9. That enhancement to sewerage infrastructure is undertaken ahead of occupation of dwellings to prevent detriment to the environment and comply with Water Framework Directive obligations;
 10. Appropriate contributions towards mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance & Mitigation Strategy (GIRAMS); and,
 11. Delivery of comprehensive development in accordance with agreed phasing which ensures delivery of all aspects of the allocated uses including not less than 100 units of specialist elderly persons accommodation.
 12. *The site is underlain by a defined Mineral Safeguarding Area for sand and gravel. Any future development on this site will need to address the requirements of Norfolk Minerals and Waste Core Strategy Policy CS16 - 'safeguarding' (or any successor policy) in relation to mineral resources, to the satisfaction of the Mineral Planning Authority.*

203. Matters relating to the above requirements are discussed in more detail under other topics below.
204. The emerging North Norfolk Local Plan was submitted for examination in May 2023 and the Examination Hearing is now scheduled to commence on the 23 January 2024 and to take place over 9 days the last of which is the 7 March 2024. Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent of unresolved objections to relevant policies and the degree of consistency of the emerging policies with the Framework. The Submission Plan is subject to objections, including in relation to the selection of development sites in North Walsham so at this stage it is considered that only limited weight should be given. The Matters, Issues and Questions associated with North Walsham (including this site) are set out in full in **Appendix 2**.
205. North Norfolk District Council has not been in a position to demonstrate a 5YHLS and the presumption in favour of sustainable development through NPPF paragraph 14 has been applied in decision making. The new NPPF, published in December 2023, has brought in changes to the previous absolute requirement to demonstrate a five year supply of housing land.
206. Amongst other matters the recently published NPPF reduces the five year requirement to a four year requirement where an authority has submitted its Plan for examination. However it also states that for the determination of applications submitted before the publication of the Framework the previous five year requirement is retained. Whilst NNDC has a submitted plan - as the current application pre-dates this NPPF, it would appear that for the purposes of considering this application, the five year rule still applies.
207. Development on that part of the application site which is already allocated in the Site Allocations Development Plan is clearly acceptable in principle. The Council should not rely on the proposed allocation of the additional area in the new Local Plan as the sole / main reason for concluding that development is acceptable in principle. The additional part of the site is a departure from adopted policies and that departure needs to be justified.
208. The Authority does not have a five year land supply meaning that its policies for the delivery of housing are out of date and the NPPF's presumption in favour of sustainable development should be applied. In terms of supply, the Council published its Housing Supply 2023 in September 2023 which identified a 4.13 year supply of housing delivery.
209. In such circumstance the NPPF requires that, if the application is determined to be sustainable, planning permission should be granted unless any harmful impacts significantly outweigh the benefits of development. Realistically, the Council can only demonstrate a (more than) four year land supply if the already allocated part of the application site comes forward (i.e. that part is assumed to happen within the 4.13 figure quoted).
210. It should also be noted that the issue of Nutrient Neutrality has had a severe impact on housing delivery in the district. It is noted that agreement has been reached with Natural England as part of the Local Plan process to refine and define the extent of the impacted catchments. As part of this process, North Walsham is located outside the catchment area for Nutrient Neutrality purposes (in relation to foul water discharges) and new housing in the town, including the current planning application site, can be brought forward without delay and without the need for mitigation measures.

211. Whilst the existing 5YLS data for the district includes 120 homes from this site, the applicant is confident that the new larger proposal could deliver that and an additional 80 homes during the next 5 years – i.e. meaning the 4.13 figure could be raised to 4.2967 if this application were to be approved. If this were to be added to the increase that could result from the decision at the December 2023 Committee to authorise the issuing of an approval at Overstrand Road, Cromer (PO/23/0596) – which was envisaged to increase the 5YLS figure by 0.3292 in its own right – could see the 4.13 figure increase to 4.6259.
212. To conclude this section, development of the application site would clearly assist the Council with its housing land supply. The site is considered to be sustainable in the emerging Local Plan and the principle of development of part of the site is already established and can be given full weight.
213. The application is considered to be consistent with adopted Policy NW01 and also with Policy NW01/B of the emerging North Norfolk Local Plan.

b) Dwelling Mix and Type: Policy HO 1

214. Policy H01 of the Core Strategy expects in schemes of more than 5 dwellings, for at least 40% of the total number of dwellings to have an internal floor area of 70 sq m or less and to have no more than 2 bedrooms. In addition, 20% of the dwellings should be suitable or easily adaptable for occupation by the elderly, infirm or disabled.
215. The proposed development comprises a mix of 1, 2 3 and 4 bed dwellings as set out in paragraph 6 above. The submitted mix results in a total of 114 dwellings containing one or two bedrooms which equates to only 33% of the total number of dwellings, a shortfall of 7% on the Policy HO1 requirement.
216. In terms of the floor space requirements, the latest amended plans indicate that all eighteen of the 1 Bedroom Apartments would have floor areas of 48.7sqm. Twenty eight of the 2 bed dwellings have floor areas of 70sqm or less and a further forty-one have 72sqm, representing a total of 87 (25%) dwellings that do largely comply with the Council's policy requirement. However, all of the affordable 2 bed dwellings (19) would have floor areas of 79.8 sqm. The remaining dwellings on the site would have floor areas ranging from 87sqm up to 144sqm.
217. Although the development does not comply with the dwelling size requirements of Policy HO1, the floor areas are consistent with the more recently published statutory guidance in the Government's Technical Housing Standards (2015) which provides nationally described space standards for new dwellings. Furthermore, following the growing change in work/life balance with many people working from home, especially following Covid, it is considered that the floor areas proposed in this scheme are not unreasonable and would allow residents some flexibility in how they use the space in the future.
218. All the proposals will comply with M4(2) - accessible and adaptable standards suitable for people with limited mobility meeting the policy expectations regarding being suitable for occupation by the elderly, infirm or disabled.
219. On balance, whilst the number of smaller units falls below the policy expectation of Policy HO1, officers consider that the floor areas proposed are acceptable and will allow some flexibility for residents who wish to work from home etc. Furthermore, all the dwellings are of a size and design to allow them to be adapted for people with limited mobility rather than the 20% policy requirement. It is considered that this represents a

considerable benefit and one which justifies a reason to depart from Policy HO1 in this instance.

c) Provision of Affordable Housing: Policy HO 2

220. Policy HO 2 highlights that planning permission for the erection of new dwellings will be permitted provided that, where it is viable to do so, not less than 45% of the total number of dwellings proposed are affordable on all schemes of 10 or more dwellings in Primary Settlements. This should result in a provision of 158 affordable homes on the site. The Council's Strategic Housing officer has confirmed in their consultation response at paragraph 178 that there is a significant need for affordable housing in North Walsham. As at the 3rd January 2023, the Council had 1,430 households on the housing list who want to live in North Walsham and of those, 264 households are in the highest priority bands 1*, 1 and 2. A high proportion (45.4%) of those in the highest band require 1 bed properties with 46.9% requiring 2 bed properties, 19.7% require 3 beds and 8% four bed properties. A policy compliant provision on this site would go a considerable way in addressing this need.
221. However, the application provides only 53 affordable homes which represents 15% of the total number of homes being provided on this site. The applicants have advised that this reflects the proposed affordable housing requirement set out in the emerging North Norfolk Local Plan (Policy HOU 2). The emerging Local Plan proposes a significantly lower affordable housing requirement than that contained in the adopted Core Strategy. As stated above, the emerging Local Plan has still to be examined and therefore, the policies and evidence base relating to the proposed affordable housing requirements have not been tested. In accordance with NPPF Paragraph 48, Officers consider that the weight that can be attached to this policy is limited at this stage. Accordingly, the provision of affordable housing should comply with the adopted Core Strategy Policy HO 2 or, if a lower figure is to be proposed as is the case here, then it should be supported by a viability assessment to justify the lower figure.
222. The Applicants have therefore submitted a viability assessment to demonstrate that the 15% is justified. The Viability Report concludes that the scheme as proposed, based on current known costs and values is a viable one which contains 53 affordable homes. The Report bases its analysis on a number of assumptions which include S106 contributions of £982,305.
223. The Viability Report states that the level of the costs associated with the development can be considered to marginally deliver a minimum return to the landowner, in comparison with the established convention of consideration of current benchmark values. The methodology contained in the report is based on the guidance contained in the Planning Practice Guidance and the assumptions on benchmark values and costs are set out in the Report.
224. The Council's viability assessor has been asked to advise on the Report's methodology and assumptions and to advise if the conclusion of viability with only 15% affordable housing is reasonable. The Assessor has confirmed that the report's methodology and conclusions are agreed/acceptable and reasonable if the Section 106 package is on or close to the £982,305 figure mentioned above.
225. On the basis of the viability assessment, it is considered that the provision of 53 affordable dwellings, of which 40 would be for affordable rent and 13 for shared ownership, represents an acceptable provision on this site and would provide a welcome

addition to the current limited supply of affordable dwellings in the district. The homes would all meet the nationally described space standards, would all be built to M4(2) – accessible and adaptable standards and therefore suitable for people with limited mobility and some of some of the affordable homes would be built to M4(3) which are suitable for households with a wheelchair user. In addition, it is considered that the development includes an acceptable mix of property types and sizes including both one-bed homes for single people/couples and a range of larger homes for families of varying sizes.

d) Design: Policy EN 4

226. Core Strategy Policy EN 4 requires that all development should be designed to a high quality, reinforcing local distinctiveness, be expected to be suitably designed for the context within which they are set, and ensure that the scale and massing of buildings relate sympathetically to the surrounding area. Moreover, Paragraph 135 of the NPPF requires that developments should be sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change and optimise the potential of the site to accommodate and sustain an appropriate amount of mix development.
227. The proposal is effectively in two parts. The area north of the garden centre contains 42 dwellings and is contained by the existing residential development on Norwich Road and Nursery Drive as well as the garden centre itself. The surrounding, existing properties are primarily single storey on Nursery Drive and two storeys on Norwich Road but with short rear gardens. The 42 dwellings will be accessed from the new road along the western side of the garden centre and arranged around two cul de sacs. They are to be single storey within the northern corner of the site where they abut the boundaries of the Norwich Road properties to avoid issues of overlooking. The remainder are to be two storeys with a slightly taller two and a half storey terrace positioned at the end of the new access road, thereby creating a visual stop on the approach into the northern portion of the site.
228. The area south of the garden centre containing the remaining 301 dwellings (plus the 7 self builds and the care home) extends to the south of the new link road. A group of 49 dwellings are located along the southern side of this road and are separated from the larger area of development by the central area of open space and the site for the proposed care home. The central major access road extends southwards through the open space and serves the remainder of the development site. Revisions to the road layout following concerns by the Highway Authority have removed the original main loop road and introduced more side roads into this area. The layout has been amended also to introduce a modest central green area which is now the location of one of the LAPs.
229. The layout of the southern portion of the site is relatively uniform with several straight roads and cul de sacs. The main residential roads serving the development are to be tree lined and will create ‘avenues’ as per the advice in the NPPF (paragraph 136). However, the majority of the dwellings tend to be flat fronted and are mostly positioned on common building lines behind small front gardens, footpaths and grass verges creating long views along the roads and with few visual stops. Car parking areas are often located at the end of a street rather than a dwelling which could create more of a visual focal point. The applicants have been asked to vary some of the building lines to introduce more visual variation by stepping some dwellings forward, particularly on these longer runs and have responded primarily with revisions to the design and materials of the dwellings to try to create greater visual interest and depth. These revisions include the introduction of brick detailing and quoins on some of the properties,

a greater use of render and chimneys. Officers identified key areas where amendments would create the greatest impact. These include the main approach into the estate and certain prominent properties as well as more screen walling to replace timber fencing adjacent to public open space and footpaths. The amendments have replaced the timber fencing with walling and introduced more render on some of the properties but have not amended the layout in any significant way.

230. Officers remain concerned that the 301 dwellings in the southern portion of the site are nearly all two storey, providing limited visual interest and variety. Only 18 dwellings are shown as being 2.5 storey and there are no single or three storey buildings proposed within this large area of the site, despite both neighbouring developments including three storey units which create a degree of visual interest and variation. Of further concern is that, although details are reserved for later approval, the design and access statement has indicated that the care home would be a maximum height of three storeys to conform with the verticality of the existing and proposed buildings. In view of the absence of any three storey buildings within the current application site, it is considered that the potential massing of a single three storey building in the location indicated would be out of keeping with the rest of the development being built around it and would not link visually with the scale and massing of the rest of the development. However, determination of the details would be subject to approval of Reserved Matters at a later date.
231. The Applicants have advised that rather than varying the layout of the dwellings, they are relying on the landscaping to provide much of the visual interest. As a consequence, a detailed landscaping scheme has been submitted and has been through various amendments and iterations. The latest scheme has increased the number and variety of the new trees within the site as requested by the Council's landscape officer. Most of the new streets are tree-lined as required by NPPF paragraph 136 although the distribution is somewhat irregular and is sparse in places. The streets are lined by grass verges of varying widths but the Applicants have advised that there can be no variation in the removal of the grass verges to allow some dwellings to be positioned close to the footpath and thereby close off views, as the verges are to be used for the SUDs. Where grass verges are not present the dwellings sit behind small front gardens.
232. The landscaping scheme also relies heavily on extensive hedging as a feature of the development to provide the visual interest through the site. Native hedgerow species are used in some of the more informal areas within or adjacent to the public open spaces but the majority of the hedging is shown to be clipped hedging of beech or hornbeam. These are shown adjacent to the properties, often on side elevations, and are also used to define the main access into the southern portion of the site from the link road and other key visual areas. Whilst Officers have no objection to the species or to the use of clipped hedgerows, they are concerned about its extensive use throughout the development and the issues it gives rise to of future maintenance. It is understood that most of the clipped hedgerows are within the land owned by the residents which would be outside the responsibility of any future management company the Applicants use for maintenance of the public areas of the site. As a consequence, many of the hedgerows may not be maintained in accordance with the current proposals. Furthermore, there are concerns regarding the overall maintenance of the public areas of the site by the Applicants themselves. Hopkins Homes has developed the adjoining site where the landscaping has been poorly maintained. There has been a high percentage of dead trees and shrubs which have been inadequately established and it is understood that some of the landscaping in the public areas was not implemented. Officers are in discussion with Hopkin Homes to try to improve the situation but the actual implementation on the adjoining site, raises concerns that a similar situation on the current site could occur. It is considered therefore that conditions would need to be

carefully worded to ensure that all planting was completed before the occupation of the dwellings.

233. Criteria 5 and 6 of the draft Policy NW01/B requires the provision of an offset landscape buffer of no less than 6 metres between the development site and the existing properties at Norwich Road and Nursery Drive and for the landscaping along the southern, south-western and north-eastern boundaries of the site to be retained and enhanced, whilst retaining and strengthening existing hedgerows within the site boundary.
234. The northern section of development includes a landscaped buffer between the new houses and those on Nursery Drive as required by the emerging policy. However, there is no such buffer against the boundary with properties on Norwich Road. However, the layout proposes bungalows along this boundary which will avoid issues of overlooking and overshadowing with existing properties and it is considered that the layout is acceptable without the buffer.
235. With regard to the retention and enhancement of the boundaries, these are all retained and enhanced in the proposed scheme. The existing hedgerow along the northern boundary of the agricultural field is to be retained and enhanced as part of the open space proposals.
236. Whilst there are some concerns relating to the overall design of the development and its lack of visual interest together with concerns about future maintenance of the proposed landscaping, it is accepted that these do not give rise to significant design concerns which would justify the refusal of planning permission. The development complies with Policy EN 4 of the Core Strategy.

e) Residential Amenity: Policy EN 4

237. Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity. Furthermore, paragraph 3.3.10 of the Design Guide sets out that the position of dwellings, and the arrangement of their rooms and windows, should not create significant overlooking of other dwelling windows or private garden areas, nor should they lead to any overbearing impacts upon existing dwellings. As such, regards should be given to recommended distances in the case of conventional single and two-storey dwellings (assuming a level site situation) to ensure a degree of privacy between adjacent properties.
238. The Design Guide sets out that the recommended distances to ensure a degree of privacy between properties is between 21m and 15m depending upon the positioning of the living rooms. With regard to private garden areas, the Design Guide recommends that the area of a plot given over to private amenity space should normally be no less than the footprint of the dwelling.
239. In this instance, virtually all the proposed dwellings meet the Design Guide distances in terms back-to-back distances and rear garden sizes and provide an adequate measure of privacy for all future occupants. Furthermore, the layout of the dwellings is acceptable in terms of the relationship between new and existing properties and will not create issues of overlooking or lack of amenity to other properties. The northern portion of the site ensures that the new dwellings will not create unacceptable problems of amenity for existing residents in Norwich Road and Nursery Drive and there is a sufficient degree of separation between the new dwellings and the existing industrial unit and garden centre to ensure an acceptable level of amenity for future residents.

240. A large proportion of the eastern boundary of the southern portion of the site extends along the railway line. The applicants have submitted a revised Acoustic Assessment addressing potential issues of noise impact from the railway line and the road (B1150) together with the potential disturbance created by the garden centre following the concerns of Environmental Health in respect of the original assessment. The revised Assessment also considers the impact of construction on existing and future residents.
241. The report finds that the majority of the development will experience noise levels below 50 dB LAeq,16-hour during the daytime and below 45 dB LAeq,8-hour during the night-time and that these areas can benefit from open windows to support normal background ventilation while complying with the requirements of BS 8233.
242. However, areas close to the railway line are considered to be likely to experience levels of noise for which normal background ventilation cannot rely on openable windows alone and those properties would therefore require additional mitigation measures. The report also found a small number of properties closer to the railway line which will experience relatively high maximum noise levels during the night-time. The report states that the possibility of a barrier such as a close boarded fence or earth bund along the east boundary of the site had been discussed with the applicants to minimise noise from the road and train line to low levels. However, these measures are not recommended within the report and instead, it recommends mitigated façade elements to be incorporated into the design of the dwellings or, in the case of the properties adjacent to the railway line, a mechanical system of ventilation.
243. The Assessment recommends a number of acoustic measures to protect amenity elsewhere, including fencing for the northern parcel of land to protect from the commercial activity of the garden centre and the industrial unit.
244. The Acoustic Assessment confirms that air source heat pumps are proposed for this project and the report recommends proposed limits based on guidance contained in guidance contained in BS 4142 and MCS 020.
245. Environmental Health has been consulted on the revised Acoustic Assessment and their comments are awaited - see Consultation section for the latest position.
246. On balance, and subject to the findings of Environmental Health in respect of noise impact and mitigation, it is considered that the revised scheme will provide an acceptable level of amenity for both existing and future residents and therefore complies with the relevant requirements of Policy EN 4 of the Core Strategy and the criteria set out in paragraph 3.3.10 of the Design Guide.

f) Public Open Space – Policy SS6

247. Policy SS6 requires that new development should be supported by and have good access to open space and that the provision of open such space should strive towards meeting the Open Space Standards (set out at Appendix A of the Core Strategy) and create a network of accessible green space. More recently, the Council has produced its North Norfolk Open Space Assessment 2019 which provides part of the evidence base of the emerging Local Plan. The Assessment, together with the more recent Open Space Calculator is intended to inform the decision making process. The Report provides an assessment of existing and future local need and also provides guidance on the level of open space required in new developments. The Open Space Calculator

provides a standardised formula for calculating open space requirements of a site based on the number of houses and the number of bedrooms and therefore provides a more up to date standard to that contained in Appendix 4 of the Core Strategy.

248. The Open Space Assessment identifies a shortfall of all five forms of open space in North Walsham with significant shortfalls in the provision of allotments, amenity greenspace and parks and recreation grounds compared to the population. The Appendix 4 to the Assessment provide examples of Open Space Standards for North Walsham applied to future development sites in the town, including the application site. it confirms that all typologies of open space would be expected to be provided on site, in accordance with the minimum requirements set out in Table 2 of the OSA and set out in the table below. Appendix 4 states that 3.5ha of open space will be required for the 350 dwellings based on a future population of 805 persons. The breakdown of the component requirements is set out in Table 1 below. Policy NW01/B of the emerging Local Plan confirms that not less than 3.5ha of public open space is to be delivered on the site (Policy NW01/B (2)).
249. Applying the Open Space Calculator, the proposed dwellings give a likely population of 837 persons. The requirement based on the Open Space Calculator is therefore set out in the middle column of Table 3 below. The application proposals include a total of 4.545ha of public open space/green space which is broken down by the Applicants into the figures contained in the third column.

Table 3

Open Space Type	Open Space Assessment Appendix 4 (in ha)	Open Space Calculator based on proposed development (in ha)	Application provision (in ha)
Allotments	0.483	0.5	0.36
Amenity Green Space	0.805	0.8	0.40
Parks and Recreation grounds	0.885	0.9	0.98
Play Space (Children)	0.08	0.08	0.7
Play Space (Youth)	0.48	0.05	
Natural Green Space	1.207	1.28	2.07
Additional Green Buffer			0.035

250. The main area of public open space within the development is the central park and recreation ground that straddles the existing hedge and occupies part of the current woodland and scrub area and part of the agricultural field. This area comprises 0.98ha and the amount is therefore consistent with the policy requirement for this form of open space. The area extends across the width of the site and contains the LEAP (aimed at children between 4 and 8 years old) within the eastern portion together with one of the

three LAPs (aimed at younger children) provided within the development. Part of the existing vegetation within the woodland/scrub area is being retained. No formal provision is proposed for older children (Youths).

251. Allotments are to be provided on an area of 0.36ha adjacent to the Garden Centre on land currently also forming part of the woodland/scrub. These are located on the northern side of the new link road. The 0.36ha also includes a community orchard, also positioned on the northern side of the link road. The two areas are located either side of the new access into the garden centre.
252. The 0.4ha of amenity green space is divided into several areas, all but one of which is located adjacent to the periphery of the southern portion of the site. The single central area which includes one of the LAPs was created by the reconfiguration of the road layout to reduce the original series of long straight roads and sits at the bend in the main access road serving the southern portion of the development. It forms a small area of green space within the centre of the development.
253. All the remaining amenity green space is located adjacent to the boundaries of the southern portion of the application site. The total of 0.4ha area is significantly below the requirement for amenity green space as shown in Table 1 and there are concerns that there is no provision to serve the residents in the northern portion of the site. However, all of the proposed peripheral areas of amenity green space adjoin the larger area of Natural Green Space that extends around the western, southern and eastern boundary of the southern portion of the application site.
254. Approximately 2.0ha of Natural Green Space is to be provided with some extending into the northern section of the site. The largest area of the Natural Green Space is along the western side of the development where it is designed as the SUDs and is shown to include landscaped attenuation ponds. A similar area is shown in the northern section. The other areas of Natural Green Space are considerably smaller and essentially form a narrow strip of open space along the southern boundary of the site and also along the eastern boundary where it forms part of the visual buffer to the railway line. A footpath extends through the areas of Natural Green Space around these three sides of the development, linking to the emergency/pedestrian/cycle access into the Persimmon Development to the west and into the area of park and recreation ground, including the LEAP and LAP, on its eastern side. From there, footpaths extend along the eastern side towards the Allotments. There are no direct links with the northern section which is separated from the larger areas of open space and play spaces by the garden centre, the link road and new housing and there are concerns that the northern section is particularly isolated both from open space in the development and also in the wider area nor is it provided with any formal amenity green space to compensate.
255. The Council's Open Space Assessment states that for the purposes open space element of the study accessible natural and semi natural space covers a variety of spaces including meadows, woodland, copses, river valleys and lakes all of which share a trait of having natural characteristics and biodiversity value and are also partly or wholly accessible for informal recreation. A substantial proportion of the natural open space in this case is to be used for SUDs for the development and therefore may, at times, be subject to raised water levels which cover significant parts of the POS. However, as the definition accepts that such spaces may include areas of water, it is difficult to argue that the SUDs areas in this case should be discounted as Natural Amenity Space which contributes to the overall provision for the development. As there is an overprovision of such space within the development (2ha against a requirement of 1.2ha) and the provision links directly to those areas of Amenity Green Space of which

there is a shortfall, it is considered that the overall quantity of public open space provision within development is, on balance, acceptable.

256. However, there remains some concern by Officers in respect of the location of the open space being provided, particularly the peripheral nature of the open space and also in relation to the paucity in the northern parcel of land, the remoteness of which is highlighted in the Open Space Assessment which confirms that the land is divorced from most categories of existing open space within North Walsham.
257. North Walsham currently has a shortfall in most of the categories of open space and there is no justification for a shortfall of provision in any of the categories on the application site. Whilst numerically, the overall quantum of open space meets, and indeed exceeds, the requirement for this site, there remain shortfalls in some of the specific categories, notably for Allotments and areas of amenity green space. Sufficient play spaces are provided for younger children but no formal provision has been made for older children. However, as a result of representations to retain as much of the existing vegetation of the woodland/scrub area as possible, the Applicants have amended the landscape plan of the Park/recreation area and removed the public orchard and relocated it to its current position adjacent to the garden centre. A larger area of existing vegetation is now to be retained adjacent to the LEAP and the removal of the orchard frees up an open area POS north of the LEAP and vegetation. That is the only significant open area within the development where children could potentially have a kickabout etc.
258. It is considered that, whilst there are shortfalls in several types of open space, overall the quantum required by emerging Policy NW01/B is exceeded and will provide, on balance, an acceptable level of open space. Whilst there may be some shortfalls in some of the typologies of open space, it is considered that the shortfalls are not of sufficient size as to justify a refusal of planning permission for the development.
259. As mentioned above, there are concerns regarding the future maintenance of the Public Open Space, based on the council's experience of the adjoining Hornbeam Road housing which was also developed by the same Applicants. The areas of Public Open Space on Hornbeam Road have not been fully landscaped and maintained as required and the landscaped areas around the housing are patchy and show varying degrees of maintenance. The scheme for the current proposals would be far more onerous with more trees and hedgerows, all of which will need proper and long term maintenance. Standard landscaping conditions were attached to the planning permission for Hornbeam Road and it is considered that the conditions recommended below will ensure that the landscaping will come forward in a more timely manner. The provision and maintenance of the Public Open Space will be subject to a Section 106 Agreement.
260. Subject to the imposition of suitable conditions and the Section 106 Agreement securing the long term provision and retention of the areas of Public Open Space, it is considered that the proposals are acceptable and comply with Policy SS6 of the Core Strategy, Policy NW01 and also Policy NW01/B of the emerging Local Plan.

g) Landscape and Settlement Character – Policy EN2

261. Policy EN2 requires development to be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment (NNLCA) and features identified in relevant settlement character studies. Development proposals should demonstrate that their location, scale, design and

materials will protect, conserve and, where possible enhance the features set out in the policy. These include the pattern of distinctive landscape features, amongst which woodland, trees and field boundaries and their function as ecological corridors for the dispersal of wildlife.

262. The southern section of the site extends southwards into open countryside, beyond the existing garden centre and beyond the existing developments off Ewing Road and Hornbeam Road to the west and east respectively. Development of this part of the site will be contained by the existing field boundaries but will extend residential development some 320metres beyond existing limits.
263. The NNLCA identifies this part of the application site to be within the Local Character Type (LCT) 'Low Plains Farmland' which includes the character area LPF1 - North Norfolk Low Plains Farmland. This is defined as a flat or gently undulating open landscape with long, uninterrupted views, predominantly arable use and dispersed rural settlements including North Walsham. The NNLCA provides guidelines for development to i) conserve sense of rurality, ii) prepare for climate change and potential loss of features through disease and to iii) retain the character of the skyline. The site contains no public footpaths.
264. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application and assesses the likely visual impact of the proposed development. The LVIA concludes that the site is of medium-low value, due to the influence of the existing settlement which includes similar new residential developments. It considers that the greatest scale of effects on landscape character are likely to occur within the site itself as the proposed development will replace the open field and parts of the existing nursery. The development proposes to retain some degree of the vegetation in the centre of the site and all the boundary hedgerows and trees of importance. A landscaping scheme is proposed that provides landscaped buffers to the south and west boundaries.
265. The application site is proposed to be allocated for development in the new North Norfolk Local Plan. North Walsham does not have the significant environmental and landscape constraints that are found elsewhere in the District. It is not in the AONB, close to the Broads or in proximity to any international designated sites. As a consequence, it is accepted that new greenfield allocations are necessary in order to deliver the required housing growth. The application site was identified as one where new growth could take place and, as shown by the submitted LVIA, the visual impacts of the proposed development are limited, are considered to be acceptable and would accord with the aims of Core Strategy Policy EN 2.

h) Highways: Policies CT 5, and CT 6

266. Policy CT 5 sets out that proposals should provide for safe and convenient access on foot, cycle, public, and private transport addressing the needs of all without detriment to the amenity or character of the surrounding area or highway safety. Policy CT 6 requires that adequate vehicle/cycle parking should be made in accordance with the Council's parking standards. 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 centres. This is not a site where either of these exceptions apply. Paragraph 109 of the Framework requires 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 to reduce congestion and emissions and improve air quality and public health.

267. As already stated, part of the application site is already allocated for development in the adopted Development Plan (Policy NW01) and the remainder of that allocation has been built. Policy NW01 c) required the provision of two points of vehicle access to Norwich Road and these have been provided with the neighbouring developments via Hornbeam Road to the east and Ewing Road to the west. The current application takes access from both these roads and effectively links the two separate developments as required by Policy NW01.
268. Two roads are taken from this link road to serve as the main accesses into the northern and southern portions of residential development. A separate access is taken from the link road to provide a new access to the North Walsham Garden Centre and will allow the existing access into the garden centre from Nursery Drive to be closed off.
269. The southern parcel is mainly served from a central access point which then extends southwards through the open space and then splits into smaller residential roads/streets which in turn serve a number of cul de sacs, most of which are shared surface. Although amended, the road layout still contains a number of relatively straight sections of road with footpaths and green verges on both sides. Traffic calming measures are shown along the long straight stretch of the western road which divides the housing from the open space /SUDs / LAP.
270. An emergency access is to be provided via the proposed access for the care home and self build houses to link into Bailey Road to the west. This is required by the Highway Authority and will be designed for pedestrian and cycle use during normal use and only allow motor access in an emergency.
271. Footpath provision within the development is mainly parallel to the roads and streets but separate footpath links are provided through the housing areas to improve permeability and to provide access to areas of open space. A footpath is shown extending through the open space around three sides of the southern portion of the development linking up with the central area of open space but there is no direct linkage to the northern area due to the location of the care home.
272. The Town Council has objected to the increased volume of use of Hornbeam Road and Ewing Road, particularly those wishing to turn right across Norwich Road during peak hours and many of the third party objections raise concerns about the access and traffic generated by the proposed development, particularly along these roads.
273. Hornbeam Road and Ewing Road were required to provide access for the whole of the NW01 allocation site of some 400 dwellings and were designed accordingly. The applicants have submitted a Transport Assessment which assesses the impact of the current development which would introduce traffic from an additional 226 dwellings onto the network together with that generated by the Care Home. The Assessment concludes that both the site access junctions are forecast to operate well within capacity under all scenarios, including the future year with development scenario. The Transport Assessment also maintains that the scenarios were carried out for the robust trip rates, growth rates and distribution assumptions and that, considering the two site access junctions are connected, there is likely to be some degree of redistribution of traffic if for some reason occasional queuing occurs at one particular junction.

274. Emerging Policy NW01/B requires the delivery of an estate road providing a through highway connection with adjoining residential developments to the north-east and south-west prior to occupation of no more than 150 dwellings together with the provision of pedestrian and cycle links to the railway station, town centre and local schools.
275. The link road provision can be conditioned. In terms of the pedestrian and cycle links, footway and cycle facilities will be provided from within the site to connect to existing shared foot/cycleway facilities which run along the western side of Hornbeam Road and Ewing Road, and connect with the foot/cycleway provided on the eastern side of Norwich Road.
276. The Highway Authority has been consulted on the application, including the Transport Assessment. The applicants have been in discussion with the Highway Authority and the scheme has been the subject of various amendments as a result of those discussions. The Highway Authority's formal consultation response raises no objections to the development, and considers that the layout, traffic generation and impact on the local highway network is acceptable – subject to appropriate conditions.
277. It is understood that the Highway Authority will be seeking a contribution towards improvements to the B1150 / A149 traffic signal junction – in line with that agreed when the previous two phases of development came forward. This has been calculated to be £123,823.
278. With regard to parking, the application proposes on plot parking for the majority of the dwellings. In all other cases, parking is provided in front of the plots or in in collective parking bays which allow direct surveillance. The parking provision for the dwellings is in accordance with the Council's parking requirements and is provided by parking spaces and garaging. The design and dimensions of the individual spaces are in accordance with the County Council's space standards and the plans have been revised where these standards fell short. Each dwelling is also provided either with an on-plot vehicle charging point or access to them in the adjacent parking spaces.
279. Seventy-three visitor car parking spaces are proposed throughout the site. Many are peripheral to the main area of housing and are arranged alongside the areas of open space. The Council's parking standards set out in Appendix C of the Core Strategy makes no requirement for visitor parking spaces. In contrast the Norfolk County Council parking standards contained in the 2022 Parking Guidelines for new developments in Norfolk requires 1 space per 5 units which would require 70 spaces and the scheme complies with these standards.
280. Cycle parking provision is proposed within each plot. The Council's parking standards at Appendix C do not require specific provision where garages or rear gardens are provided. For the 18 apartments, the policy would require 20 cycle spaces. The scheme provides cycle stores in all of the gardens including those for the apartments or within the garages where provided and it is considered that the proposals make adequate provision for cycle parking/storage.
281. For the reasons given above, Officers consider the proposal acceptable under Policies CT 5 and CT 6 and paragraphs 114 and 116 of the Framework.

i) Impact on Trees - Policy EN2 & Policy EN9

282. Policy EN9 Biodiversity and Geology requires that all developments should protect the biodiversity value of land and buildings and minimise fragmentation of habitats, that they should also maximise opportunities for enhancement and connection of natural habitats and also incorporate beneficial conservation features where appropriate. Policy EN2 also requires that development should enhance the pattern of distinctive landscape features, such as trees and field boundaries and their function as ecological corridors.
283. The site is not a designated site for nature conservation but does contain trees that are subject to a Tree Preservation Order (TPO). The TPO/16/0927 dated 24 November 2016 covers two groups of trees along Nursery Drive. The majority of these trees are unaffected by the development. Those that lie within the area for development are shown as being retained on the Arboricultural Impact Plan.
284. A second TPO (TPO/21/0985 dated 10 November 2021) covers all the trees within the application site boundary. The TPO covers a mixture of trees located within an area of land to the south of the Garden Centre and also covers trees that extend along the eastern and southern boundaries of the site together with those within the northern part of the site.
285. The submitted Preliminary Arboricultural Impact Assessment shows the retention of most of the trees around the periphery of the application site, including those within the northern section. However, the trees and scrub within the central section of the site, between the garden centre and the arable field, are to be removed. The Assessment shows the trees to be in poor condition with many having a limited life expectancy. Part of this central area of trees and scrub is to be removed to facilitate the required link road between Hornbeam Road and Ewing Road but the remainder will be developed for housing and part retained as the central area of open space which also extends beyond the existing hedgeline. A small group of Silver Birch and Alder will be retained.
286. The application includes a landscape scheme which proposes to provide new trees throughout the development. These would include a mix of tree varieties and would incorporate avenue trees along the main access roads serving the development. However, overall, the scheme as submitted resulted in an overall loss of tree canopy throughout the site from 9.16% to 6.23%.
287. The Council's Tree Officer has been consulted and their comments and concerns are set out in full in the consultation section above. The loss of the woodland/scrub area has also been one of the main areas of objection by the Town Council and third parties to the application.
288. Although the application site is the subject of a widespread TPO, the Tree Officer points out that it was intended to ensure that the Council had a tool to improve biodiversity on site and protect amenity trees rather than to prevent development but that the site layout should retain as much of the existing woody vegetation as practicable. The Officer considers that the area can achieve canopy cover of more than 20% with positive management and that more of this area could be retained to improve canopy cover and biodiversity value.
289. Those concerns have been relayed to the applicant who has amended the landscaping details to now include a greater canopy cover of 9.16% throughout the site. However, the layout has changed little and the proposals for the link road and the housing layout have been retained largely as originally submitted. The Applicants have responded to the concerns about the loss of the woodland/scrub area, citing the poor condition of the

vegetation and that it has no real amenity value. The applicant has been clear that they are not prepared to amend the application further (than the changes made in December 2022) to an outcome that would have result in this area being retained – or enhanced – in its natural form.

290. Whilst this central area has the potential to provide much needed recreational green space and currently contributes positively to the biodiversity value of the land, the fact remains that the trees in the woodland/scrub area are of poor quality and do not justify preservation in their own right. Their contribution to biodiversity is considered below.
291. Turning to the rest of the application site, the applicant has submitted a revised landscape scheme which seeks to address the Tree Officer's comments in respect of over reliance in the formal tree planting on just 3 species.
292. As referred to above, Policy NW01 of the North Norfolk Site Allocations Plan allocates the northern part of the current application site for mixed use development which is to include some 400 dwellings. That allocation includes the area of land occupied by the tree and scrub central area which is proposed to be removed in the current application.
293. Although Policy NW01 requires the prior approval of a development brief to address design matters including landscaping and it sets out a list of specific requirements, it does not contain any policy requirement for the retention/protection of this central area within the development. The supporting text merely mentions at paragraph 8.1.9 that a wildlife survey to assess the presence of wildlife will be required and appropriate mitigation measures included in any proposal. A wildlife survey has been provided and is addressed in the next section.
294. The Policy makes it clear that the allocation is to be served by two points of vehicle access to Norwich Road and therefore that some linkage between the areas of the site would be required. Development has already taken place to the east and west of the current application site and has fixed the position of the link roads either side of this central area. As a consequence, it is inevitable that some loss of the vegetation and habitat will take place to achieve the link road and develop out the allocation for 400 dwellings.
295. Furthermore, although an area TPO has been served and confirmed, the Tree Survey, Arboricultural Impact Assessment and the Council's own Tree Officer all confirm that the trees within this area are of poor quality and are not worthy of protection in their own right. In addition, whilst the fact remains that there is a TPO on the site and that the current proposals result in an overall loss of tree canopy which is unacceptable, there is no policy requirement for this loss to be made up within the central area although it may be desirable for it to be located there. In the event that the loss is addressed within the application site as a whole, Officers consider that it would compensate for the loss of the poor condition of trees within this central area and would not justify refusal of planning permission because of the loss of TPO trees. The development would be in accordance with this part of Policy EN2 and also with Policy NW01.
296. The existing Orders (TPO/16/0927 and TPO/21/0985) will need to be replaced with a detailed new Order when and if planning permission is granted – i.e. to accurately reflect what trees are being retained (and planted). It is likely the Order will contain a mix of individual trees, groups and woodland.

j) Ecology and Biodiversity

297. Policy EN9 Biodiversity and Geology requires that all developments should protect the biodiversity value of land and buildings and minimise fragmentation of habitats, that they should also maximise opportunities for enhancement and connection of natural habitats and also incorporate beneficial conservation features where appropriate. Policy EN9 also relates to nationally designated sites and confirms that development proposals that cause direct or indirect adverse effects to such sites will not be permitted unless they meet the exceptions contained in that policy.
298. The impact on wildlife has been another of the major objections of the Town Council and third parties to the development. Objections relate primarily to the loss of the central tree/scrub area as a habitat with objectors commenting on sightings of bats, owls, muntjac deer, squirrels, foxes, toads and newts together with buzzards, skylarks and birds generally.
299. The application was originally accompanied by an extended preliminary Ecological Appraisal together with Badger, Reptile and Bat surveys. The surveys found bats present throughout the application site, primarily foraging and commuting along the field boundaries of the site to the south and within the northern section of the site and to a lesser extent in the central woodland/scrub. The submitted reptile survey found a low population of a single grass snake and a single slow worm within the field boundary of the southern field. None were found in the other areas of the site.
300. The Badger survey found a main sett within the central tree/scrub area which suggested that badgers had moved relatively recently into the area. The Report also considered that foraging was likely within the arable field to the south, adjacent arable fields and within the central area of the site itself.
301. Comments were received by third parties questioning the accuracy of the reports and Officers also requested that further surveys for badgers and breeding birds should take place to update the reports and to clarify matters. Those surveys were undertaken in the spring/summer of 2023 and the findings contained in the updated Ecological Appraisal submitted in August 2023.
302. Three badger setts were found of which one was considered to be disused, and the other two were believed to not be in current use by badgers due to evidence of foxes occupying the setts. Badgers appeared to have used them in previous seasons and could reoccupy them in the future.
303. The report also put forward mitigation and enhancement measures for all the species identified, including precautionary working methods, retention and protection of existing habitats and new habitat creation.
304. The Council's Ecology officer has commented on the latest survey findings advising that the site is assessed as being of low value to badgers. The proposed development would result in the destruction and loss of these occasionally used setts but appropriate mitigation can be put in place by requiring pre-construction checks for badgers and, where evidence of recent badger activity is recorded, a monitoring period of 21 days would be required to determine whether the setts are active and require closure under a development licence.
305. The Ecology Officer is of the view that the loss of these setts is likely to only have a minor impact upon badger behaviour and/or foraging success when viewed in the context of the wider landscape. Additionally, there would not be any suitable locations

for replacement setts to be incorporated into the proposed development site, and retention of the setts in situ does not represent a viable option due to the degradation of surrounding habitats and increased disturbance (e.g. from new residents, dog walkers, etc.) which would occur as a result of the new housing. It would not be appropriate to request compensatory sett provision. Furthermore, whilst badger welfare and their setts are afforded protection under UK legislation, their populations are not considered threatened and they are not considered a Priority Species under Section 41 of the Natural Environment and Rural Communities Act 2006, nor afforded an elevated level of protection under The Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, the negative impacts upon badger are considered acceptable based on the relevant legislation but will need to be taken into consideration alongside all impacts upon ecological receptors within the wider planning balance.

306. With regard to breeding birds, the submitted surveys found that the site supports a breeding bird assemblage of local value with notable farmland species with a total of 30 species including seven red-list (Greenfinch, Herring Gull, House Sparrow, Linnet, Skylark, Starling and Yellowhammer) and seven amber-list BoCC species being recorded on the site. Only two species were confirmed to be breeding on the site (House Sparrow and Starling), but it was considered that 15 species had probable or possible breeding territories within the site and a total of 8 skylark territories were identified. No Schedule 1 species were recorded and the site was considered to have local importance for breeding birds.
307. The yellowhammer and skylark territories will be displaced by the development and would not remain in an urban environment. The Ecology Officer therefore recommends that specific foraging enhancements for farmland species (which also includes linnet) are made in the wider area. Provision for other breeding or potentially breeding red- and amber-listed species can be incorporated into the development within public open space whilst green-listed species are likely to remain present following development subject to the retention and creation of habitat and green open space. Conditions can be added to ensure the creation of appropriate habitats within the site.
308. However, off-site mitigation for displaced skylark territories would normally be secured by a S106 agreement and involves the provision of alternative land where such territories could be created and left undisturbed. It is recognised that off-site bird mitigation is required (including for skylarks). The applicant is working proactively to achieve this - and discussions are underway with the Council and Norfolk Farming & Wildlife Advisory Group to set out how it will be done. It is anticipated that this will be secured via inclusion within a Section 106 obligation (although it is possible that a planning condition might be the more appropriate mechanism). It is recommended that the Assistant Director – Planning is authorised to resolve the matter prior to any permission being granted.
309. With regard to bats, no roosts were identified but trees with roost potential are to be retained. The site is not considered to be of high importance for bats and it is expected that the majority of the bat activity recorded would continue following the proposed development which will include roost opportunities and a wider range of habitat types that will provide foraging resources for a variety of species.
310. In summary, Officers are satisfied that whilst providing some degree of wildlife habitat, the woodland/scrub area of the site is not one which is of particular importance to wildlife and that its retention in the form that it is currently in, even with some management, would not ensure the continued occupation of existing wildlife such as the badgers. The site would be located within the middle of a large housing estate and even if retained as public open space, it would experience considerable disruption and disturbance with the

increased population. It is evident from the surveys that many of the species that are currently found on the site rely on the surrounding hedgerows and those will be retained and enhanced where appropriate. Mitigation and measures are proposed which would provide suitable habitats and foraging resources for wildlife within the development as a whole and these matters can be conditioned. The issue of skylarks is one which would need to be dealt with by Section 106 obligation to ensure that alternative territories are made available. It is considered therefore that the impact on wildlife within the site is acceptable and would not conflict with Policy EN9 subject to suitable conditions being imposed.

k) Impact on International sites - Policy SS4

311. The site is located within the Zones of Influence (Zol) of several nationally and locally designated sites and Policy SS4 requires the protection of, and enhancement of the natural environment including the conservation and enhancement of Sites of Special Scientific Interest (SSSI's) in accordance with the Wildlife and Countryside Act.
312. The site is located within the Zol of the Broads sites, East Coast sites, North Coast sites and Norfolk Valley Fens (and the associated designated sites), which are all vulnerable to recreational activities. Many of these sites are also vulnerable to hydrological impacts via nutrient inputs and water quantity. The site falls within the Broads SAC catchment, which has been identified by Natural England as being vulnerable to increased nutrient levels generated by new development and it also falls within the impact zones of two Sites of Special Scientific Interest (SSSI): Bryant's Heath Felmingham SSSI (1.8km west) and Westwick Lakes SSSI (1.3km south west).
313. The Applicants have submitted a Habitats Regulations & SSSI Assessment which identifies the designated sites, their vulnerabilities and provides an assessment of the likely significant effects that the proposed development would give rise to. The report identifies likely indirect impacts arising from visitor pressure and cumulative visitor pressure on a number of designated sites including the Norfolk Valley Fens SAC, the Broadland SPA/Ramsar; & The Broads SAC, Winterton-Horsey Dunes SPA & Great Yarmouth North Dunes SPA, North Norfolk Coast SAC / SPA / Ramsar & The Wash and North Norfolk Coast SAC, Breydon Water SPA/Ramsar and the Wash SPA/RAMSAR together with the Westwick Lakes SSSI & Bryant's Heath, Felmingham SSSI.
314. The submitted report also considers impacts, including cumulative impacts, on hydrology as it is recognised that features for which European and National sites are designated are often sensitive to changes in water balances and water quality and increased urbanisation can adversely affect those features.
315. The report concludes that although the scale of built development being planned for the proposed development including that within the strategic allocations could potentially cause an increase in surface water run-off, it is not considered that this effect will cause any harm to any European designated sites or the SSSI Westwick Lakes, due to the distance of the development from those locations and also because there is no water connectivity such as streams, brooks and/or ditches from the site to the watercourse. The incorporation of the sustainable urban drainage (SUDs) on the site will also manage surface water flows.
316. The Report concludes that the increase in recreational activities for Habitats sites would be adequately mitigated through the financial contribution (GIRAMs) and the provision of semi-natural open space/walking opportunities within the application site itself. The hydrological impacts via abstraction for Westwick Lakes and Byrants Heath SSSI would

be addressed by the Environment Agency which is committed to sustainable abstraction licencing and has already taken steps to protect the SSSI. Furthermore, Anglian Water's WRMP further considers the measures which will be applied in the short and longer term to ensure water supply meets demand for the region.

317. Likely significant effects were ruled out at the screening stage in respect of water quality (nutrients) as there is no input into any SAC/ Ramsar (designated site). Foul water from North Walsham discharges to the North Sea rather than the Broads SPA, thereby eliminating foul water as a nutrient neutrality concern.
318. Natural England's latest consultation response has raised issues relating to the quantum and layout of the open space within the site and considers it is insufficient to retain recreation within the development site and local area, away from European sites.
319. However, the Norfolk GIRAMS is designed to provides the means to address cumulative effects from recreation and ensures adequate mitigation is secured to address recreation concerns. The Section 106 obligation will include a requirement for a contribution towards GIRAMS and therefore the likely adverse effects of the development on international sites can be suitably mitigated.
320. As part of the need to avoid residents visiting protected sites, Natural England also requires the provision of on site open spaces which provide the following:
 - High-quality, informal, semi-natural areas
 - Circular dog walking routes of 2.7 km within the site and/or with links to surrounding public rights of way (PRoW)
 - Suitable areas for dogs to be exercised 'off-lead'
 - Signage/information leaflets to householders to promote these areas for recreation
 - Dog waste bins
 - A commitment to the long-term maintenance and management of these provisions
321. The proposed development will contain over 3.5ha of open space provision, exceeding the quantum proposed in the draft site allocation for the site (ref: Policy NW01/B). The control and the long-term management of the semi-natural habitat functioning as SANG would be via a Landscape and Ecology Management Plan (LEMP) as a condition of any future planning approval.
322. In regard to walking opportunities, no formal Public Rights of Way (PRoW) currently exist through the development site and the applicants have now amended the plans to include a new perimeter footpath through the proposed open space which will provide a walk of 1.1km in length within the site itself, suitable for daily dog walking. Safe connections to local PROW are available which will enable residents to utilise longer routes via connections to off-site footpaths. The provision of suitable signage / dog-waste bins etc are to be conditioned.

I) Biodiversity Net Gain

323. The application is accompanied by a calculation of Biodiversity Net Gain (BNG) which indicates a net gain of some 103.29% in respect of hedgerow units but a loss of -7.09% in respect of Habitat Units. The loss of habitat units encompasses the loss of trees and the canopy cover referred to above as well as the areas of open space, including the SUDs areas, allotments and amenity areas. The increase in Hedgerow units is

largely due to the gapping up of the existing peripheral hedgerows and the planting of extensive hedgerow planting within the scheme.

324. The Council's Landscape officer has commented that the submitted BNG Design Stage Report (SES, September 2023) concludes a net gain of 12.36% habitat units and 32% hedgerow units would be achieved at the site based on the currently proposed scheme and the overall low ecological value of large parts of the site (e.g. arable).
325. Certain assumptions have been made within the calculations, such as greenspace being categorised as modified grassland of low distinctiveness (i.e. ecological value), which provide a conservative approach to the calculations which may therefore be subsequently improved following further iterations of the calculations as landscape plans and species compositions are finalised.
326. The BNG Metric (V3.0) has been used to calculate the net gains of the proposals and, as completed, satisfies the trading rules for achieving BNG. However, the Landscape section has undertaken the exercise of transferring the information into Metric V4.0 to determine if any significant differences occur.
327. The headline figures of 12.36% habitat units and 32% hedgerow units remains the same when input into V4.0. However, the trading rules are no longer satisfied for hedgerow units due to 'Medium' distinctiveness 'Native Hedgerow with trees' being lost and only 'Non-native and ornamental hedgerow' and 'Native Hedgerow' of 'Very Low' and 'Low' distinctiveness being created. Should the 'Native Hedgerow' proposed be replaced with 'Native hedgerow with trees', this would satisfy the trading rules and increase the net gain to 65.07% hedgerow units.
328. The Landscape section are satisfied the BNG Design Stage Report demonstrates the proposal could deliver in excess of 10% BNG for both habitat and hedgerow units.
329. Following the Landscape section's comments, the Applicant has now submitted a revised and updated BNG report using Metric V4 and based on the amended landscape plans which now identifies a Total net gain of 14.34% for habitat units and 81.09% for Hedgerow units, thereby confirming a greater gain with the amended plans.
330. It is, though, important to note that that national requirement for Biodiversity Net Gain (BNG) is not yet enacted. It is currently scheduled to be introduced formally for major planning applications received after an – as yet unspecified – date in January 2024 (and for all other relevant applications from some point in April 2024).

m) Foul and Surface Water Drainage

331. Anglian Water have confirmed that foul drainage from this development will be served by the North Walsham Water Recycling Centre which has sufficient available capacity for the flows anticipated.
332. The LLFA objected to the original proposals and has maintained its objection to the revised proposals as set out in the revised Flood Risk Assessment (FRA). The LLFA has been satisfied with some of the updated and amended elements of design and information but considers more work is still required on several matters. These relate to information on finished floor levels, the sequential test in respect of the southern land which is currently not allocated, as well as being satisfied that there is no risk to pollution proposed to the Source Protection Zone 1 area.

333. The applicants have been in discussion with the LLFA and have also submitted additional information which they consider satisfies the LLFA on the outstanding matters. However, to date, the LLFA's objection remains outstanding. The Committee will be verbally updated on matter at the meeting.

n) Safeguarded Minerals

334. The proposal site is underlain by an identified mineral resource (sand and gravel) which is safeguarded as part of the adopted Norfolk Minerals and Waste Core Strategy, and Core Strategy policy CS16 'Safeguarding' is applicable. Safeguarded mineral resources are derived primarily from the BGS Mineral resources map (2004) as amended by the DiGMapGB-50 dataset.

335. The submitted Planning Statement (paragraph 6.58) states that regarding a previous development to the east of the proposed site "a pre-commencement condition was attached to the planning permission requiring submission of a Materials Management Plan, to determine.

336. The Mineral Planning Authority has confirmed that it considers the current application has appropriately assessed mineral resource safeguarding and that further work will be required during the construction phases to ensure that best use is made of the material on site. It accepts that this could be achieved by condition and the Mineral Planning Authority (MPA) objects to the planning application (PF/22/1784) on this site unless an appropriate condition to require the proposed development to follow the Materials Management Plan-Minerals (MMP-M) is included in any grant of planning permission.

337. It is considered therefore, that a condition would satisfy the concerns of the Mineral Planning Authority and would ensure that any development was in accordance with the adopted Norfolk Minerals and Waste Core Strategy, and Core Strategy policy CS16.

o) Impact on Infrastructure – S106 Agreement - Policy SS6

338. Core Strategy Policy SS6 requires that new development should be supported by, and have good access to, infrastructure, open space, public services and utilities. The provision of open space is dealt with above. Consultation responses have indicated that there is limited capacity within local schools and health services.

339. So far within this report, section 106 references have been made for the following financial amounts:

- Highways - contribution towards the B1150 / A149 junction - £123,823
- GIRAMS - £210.84 per dwelling – a maximum of £87,709.44 (350 dwellings + 66 elderly person beds)
- Police - £55 per dwelling - £19,250
- Libraries - £100 per dwelling - £35,000
- Total above = **£265,782.44.**

340. The NHS Integrated Care Board has advised that the development will have an impact on local GP (General Practitioner) practices, Acute healthcare, Mental healthcare, Community healthcare and the Ambulance service operating within the vicinity. The ICB

made an initial request for a contribution of £878,292 to cover a range of health care service provision. This figure was not broken down in such a way as to demonstrate where the funding is needed or how it would be directed to provide the necessary infrastructure for future residents of this development.

341. The applicants raised concern at the general nature of the ICB's request and cited recent case law stating that contributions of this nature do not satisfy the CIL tests. Officers agree and therefore went back to the ICB to ask for clarification on these matters. The amended response reduces the amount of contribution requirement by a considerable amount to £353,490. The ICB now identifies the two nearest surgeries to the application site, the Paston Surgery and the Birchwood Medical Practice as being the most likely to be directly affected by the development and that they have a deficit in capacity. It is understood that the contribution would be partly directed towards improvements in capacity either of these two surgeries or towards a new build surgery in conjunction with other planned development in North Walsham. The remainder would go towards providing additional Ambulance Service Provision to meet the likely extra demand from residents.
342. The latest consultation from the ICB now indicates that there is a direct need for a financial contribution towards improving identified health practices and it is considered that this provides a more acceptable justification in CIL terms. Officers consider that the reduced contribution towards health services can be justified as it is directly related to the development and is reasonable. The contribution would need to be secured by way of a Section 106 obligation. This brings to the Section 106 obligation total to **£619,272.44** (i.e. £265,782.44 + £353,490).
343. At this time, it is not known exactly how much the off-site bird (e.g. skylark) mitigation costs might be – however it is thought reasonable to allow £30,000 for this – making the total **£649,272.44**.
344. Turning to education, the Education Authority initially advised that there was sufficient capacity within the Early Education, Primary and High School sectors in North Walsham to accommodate children from the development and therefore did not require a contribution. However, following reconsultation on amended plans, the Education Authority responded in October 2023 that the situation had changed and that whilst early education and High Schools continued to have capacity, SEND and Primary Schools now had insufficient capacity and the County Council therefore required a contribution of £1,515,632.80 towards these services. The capacity issue appears to be a direct result in changes in the way that the County now calculates capacity.
345. Officers and the Applicants have sought an explanation from the Education Authority on why they have changed their methodology of assessing capacity in between their consultation responses.
346. That explanation – and the applicant's position on the matter – are set out in full at Appendix 1. Officers are of the view that the sought SEND contribution of £250,232.80 is clearly justified and appropriate. This would bring the Section 106 total to **£899,505.24**. In addition to this would be 'monitoring fees' for the Obligations(s) – these would be a small amount (i.e. less than £10,000).
347. In the event that the rest of the education contribution sought by the County Council were to be added to this figure then that would increase the total Section 106 amount to over £2.1m – i.e. far in excess of the amount allowed for within the Affordable Housing viability assessment.

348. It is recognised that this would then have a major impact on the level of affordable housing that could be justified – i.e. reducing it substantially from the 15% proposed. Irrespective of the Section 106 affordable housing percentage, an uplift clause (requiring review of the viability of the development post completion to assess whether developer's profit exceeded the forecast level and whether a s106 commuted sum for affordable housing in lieu of on-site provision is be required) should be included within the s106. This is considered to be justified as the 15% figure – accepted following viability review - is below the policy compliant level of 45%.
349. Officers are considering this point further and will be liaising with both the applicant and the County Council in advance of the meeting. The change in education position - particularly on Primary capacity – does sit awkwardly – particularly since the built form of the school hasn't changed - but change is due to the capacity calculation process having been amended during the course of the consideration of this application - to the effect that the County are now seeking a substantial contribution to Primary education whereas initially they weren't seeking any.
350. An update on this matter will be provided at Committee.

p) Other material planning considerations

351. Third party comments have raised concerns in respect of a number of different issues which have been addressed in the previous sections. The construction of the new development and its duration have raised concerns for nearby residents would need to be controlled by condition through a Construction Environmental Management Plan (CEMP).
352. Policy NW01/B of the emerging North Norfolk Local Plan identifies several additional requirements which are not specifically addressed in the current application. Although the policy is not adopted and still to be considered by the Inspector, it does identify what the Council expects to see on this site and is a material consideration in the determination of this application. Many of the criteria are delivered as explained above. In addition to those, the proposal will retain the existing businesses on employment land of no less than 2 hectares as required by Criterion 3.
353. In addition, conditions are proposed that ensure the delivery of a comprehensive development which ensures delivery of all aspects of the allocated uses. Criterion 11 also refers to the inclusion of not less than 100 units of specialist elderly persons accommodation. The current proposal is for 66 beds of elderly person accommodation and whilst less than envisaged it isn't considered appropriate to refuse the application on this basis – and 66 beds is in keeping with the scale of other such developments in the district.

CONCLUSIONS

354. Much of the proposal is within the adopted Local Plan and the rest is within the Draft Local Plan that is due to be examined independently from 23rd January 2024. The Council's existing 5 Year Housing Land Supply calculation already assumes the delivery of 120 homes from this site.

355. In comparison with many other sites in North Norfolk the site also has a number of key advantages – being within and on the edge of a major settlement (North Walsham) – being outside of the area affected by nutrient neutrality – and being outside of any major national designations (e.g. the Norfolk Coast Area of Outstanding Natural Beauty). At a strategic / in principle level it is not thought that a case can be made to reject the application. This means its acceptability is considered to relate to whether the proposal as put forward is acceptable in detail.
356. It is also the case that approving this proposal would see an improvement in the Council's 5 Year Land Supply position whereas refusing it would draw into question the current predicted level of 4.13 years (due the uncertainty that a refusal would cause the 120 homes included from this development). It is considered that the proposal is a sustainable development and would be beneficial to the Council from a land supply perspective.
357. Whilst a small number of key consultees still have outstanding issues to be addressed (e.g. Natural England, the Lead Local Flood Authority and Environmental Health (related to noise)) – it is not envisaged that any of the major bodies / interests will be objecting to the grant of permission – and any resolution should be caveated to that effect.
358. It is recognised that a number of people – and the Town Council – are concerned about – and object to – the loss of an area of green space (approximating to 5% of the development) and have advocated that it should all be retained (and potentially enhanced). This suggestion has been put to the applicant and they haven't shown a willingness to change their layout to that effect – arguing, basically, that it doesn't merit protection. Having considered the responses from expert in the field it isn't thought that a refusal could be justified due to the loss of this area.
359. Thereafter, the main remaining issue is the make up of any Section 106 package and the consequential implications for the affordable housing element of the proposal. The applicant's proposal to deliver 15% affordable housing has been backed by a viability assessment which the Council's independent assessor considers to be sound (subject to a range of assumptions). This presumes that the full 'education' ask isn't fulfilled – and whilst Officers are considering this further – and will update the Committee at its meeting – the initial view is that in the particular circumstances of this development the ask around Primary provision hasn't been adequately justified and shouldn't be included in the Section 106 provisions.
360. So whilst caveated – the recommendation is to grant planning permission subject to the prior completion of a Section 106 Agreement and the imposition of appropriate conditions.

RECOMMENDATION:

361. **It is recommended that the Director for Place and Climate Change be authorised to APPROVE the application in the event that the following consultees confirm they have no objection to the proposal:**
- Natural England
 - Norfolk County Council (Lead Local Flood Authority)
 - North Norfolk District Council (Environmental protection)

362. And, for any APPROVAL to be subject to a Section 106 Obligation which includes the following requirements:

- 1) Affordable Housing
- 2) Health (contribution to the Norfolk and Waveney Integrated Care Board)
- 3) Libraries (contribution to Norfolk County Council)
- 4) GIRAMS (contribution to North Norfolk District Council)
- 5) Police (contribution to Norfolk Constabulary)
- 6) Monitoring Obligations (contributions to Norfolk County Council and North Norfolk District Council)
- 7) Off-site Bird Mitigation (e.g. Skylarks) (contribution to North Norfolk District Council)
- 8) Education Contribution (contribution to Norfolk County Council)
- 9) Highways contribution (B1150 / A149 junction and travel planning) (contribution to Norfolk County Council)

Note: Further work is still being undertaken on point (8) and Committee will be updated at the meeting. It is recognised that that may have a bearing on the amount of affordable housing associated with point (1).

363. And also be subject to the conditions listed below and any others considered necessary by the Director for Place and Climate Change:

Outline Application

1. Reserved Matters – all matters
2. Timescale for implementation
3. Approved Plans
4. Submission of Drainage Details
5. Submission of Ecological Appraisal
6. Contamination
7. Scheme for Archaeological Works to be submitted
8. Construction Environmental Management Plan (CEMP)
9. Travel Planning
10. No occupation prior to completion of Link Road
11. External Lighting
12. Minerals
13. Biodiversity Net Gain
14. Use Class for elderly persons building within C2

Full Application

15. Timescale for implementation
16. Approved Plans

Pre Commencement

17. Phasing Plan
18. Landscape and Ecological Management Plan (LEMP)
19. Invertebrate mitigation and management Plan
20. Construction Environmental Management Plan (CEMP)

21. Scheme for Archaeological Works to be submitted
22. Any Travel Planning and highway works required by LHA
23. Scheme for the provision and timing of POS to be submitted
24. Landscaping Details
25. Tree and hedge Protection
26. Drainage any conditions required by LLFA
27. Minerals management plan

During Development

28. Samples of materials to be submitted prior to construction of dwellings
29. Details of acoustic attenuation for dwellings identified in Noise Report to be submitted prior to their construction.
30. Signage for Proposed Pedestrian Routes
31. External Lighting scheme

Pre-Occupation

32. Prior to occupation of 120 dwellings the link Road to be completed and connected to Hornbeam Road and Ewing Road and available for use by all traffic.
33. SUDs to be completed prior to occupation of any dwelling
34. POS/LAPs/LEAP to be completed and available for use prior to the occupation of dwellings (phased approach)
35. Planting to be completed for each road prior to occupation of any dwelling
36. Biodiversity Net Gain
37. Fire Hydrants

General

38. Maintenance and replacement of trees, hedgerows and planting.

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

364. **And Committee to note the intent to serve a new Tree Preservation Order – under delegated powers - upon the granting of any permission for this application and for that Order to protect those trees that are being retained and those trees being planted. Upon that Order being confirmed the Committee authorises the revocation of the existing Orders (TPO/16/0927 and TPO/21/0985).**
365. In the event that Committee resolve in line with the above, if the Section 106 Obligation isn't completed and the permission isn't issued within 4 months of the date of this Committee meeting then the Director for Planning and Climate Change will consider whether the application resolution remains appropriate and in doing so will take account of the likelihood of the Section 106 being completed and permission issued in the near future (i.e. within another month) and will consider whether there are any potential / defensible reasons for refusal at that time. If he reaches that view – i.e. that the application should potentially be refused - then the application would be reported back

to Committee. It is also possible that he may resolve to report the matter back in the event of changes of circumstances (e.g. changes in the national or local policy position).

Appendix 1

The email below was – effectively – in response to a submission from the applicant on the County Council’s education ‘ask’. That submission is publicly available on the Council’s website – dated 21st December 2023 (from a firm called EFM).

From: [Redacted]@norfolk.gov.uk>
Sent: Friday, January 12, 2024 12:15 PM
To: [Redacted]@north-norfolk.gov.uk>
Subject: RE: NNDC Planning Consultation Ref. PF/22/1596 and 1784

Hi [Redacted]

As you will be aware between the periods of the planning obligations responses NCC updated its planning standards to account for changes across the education landscape. This included a change and uplift to the amount per place for all phases of education and we began to charge for SEND related contributions which the authority had not previously requested. The method of calculating capacity for schools has remained the same over this period, but changes made by the Academy trust that operate the North Walsham Infant and junior schools have been reflected in our response over this period.

I will try and explain the rationale for this change and the method of calculating capacity outlined in the report by both EFM and give some context to our approach at this time.

Our response to any planning obligation will only ever include schools either in the catchment for the development, as defined by schools catchments or those schools that are the closest in relation to statutory travel distances ensuring safe walking or cycling routes where possible. The response has then focused on the towns central schools of North Walsham Infant and junior and Millfield Primary,

The capacity figure used within the responses is based on Net Capacity calculations. The Net Cap is a historical methodology of calculating room sizes and usage to determine actual building capacity based on a very historic equation, this has not been updated alongside more recent guidance relating to BB103 guidance. Using Net Cap includes the room sizes of classrooms and support spaces and defines a proportionate number of pupils that could be safely accommodated or managed within those spaces. For instances a class base measured at 47sqm may only accommodate 29 pupils where a 50sqm class base may accommodate 31 pupils. Usual class organisations operate in class numbers of 30 in order to support both educational delivery and financial stability across a school. Using the data through the formula of Net Cap then calculates a range it may expect the school to operate within for its pupil population. It suggests a range of minimum and maximum workplaces which the formula might expect the school to set its planned admission by, indicating the building has capacity for such numbers. If the schools use any such planned admission number that falls outside of the range the Net Cap calculation expects it will simply push the Net Cap to minimum number of the range and if a number is selected that is in range this becomes the Net Cap figure for the school building.

The funding agreement referred to by EFM is the agreement drawn up between the DFE (Department for Education) and Academy Trusts on conversion of the schools from their original maintained status and becoming academies. The agreements are very none descriptive and often do not take account of the overall capacity of buildings, they simply refer to the overall number of pupils or planned admission number at times that figure by the number

of cohorts expected. The above approach of Net Cap does not apply currently to academies, but this is under review and so we have a mis match of information that could be used and interpreted to determine a school capacity.

The following information was provided as part of an FOI received by NCC which outlines some of the discrepancies we might expect to be seen when reviewing information included in funding agreements.

North Walsham infant: 322 in the age range 3-7, we assume this is 270 places and a 52 place nursery provision, which allows for 3 forms of entry, this FA is dated 2018. PAN at conversion times year group.

North Walsham junior: 360 – 360 places which allows 3 forms of entry, this FA is dated 2018. PAN at conversion times year group.

Millfield Primary: 315 – 315 places which allows 1.5 forms of entry, this FA is dated 2023. PAN at conversion times year group.

The funding agreements aligned for North Walsham infant and junior at a time when demand was greater in area and there is no recognition of the confined class bases in some of the schools. This is where Net Cap differs slightly and considers this impact, but in neither case accounts for the expected size of class base under the BB103 school buildings, which gives information relating to school area in order to deliver educational needs. Alongside this, schools operate on perceived needs of children and can adjust their planned admission number to meet demand, but also manage cohorts across confined class base or pupil specific needs. This change is what has occurred over time in this area where the trusts that operate the schools have determined a change to their PAN (Planned admission number) and this will then impact the operating model of the school, which in turn impacts capacity.

Norfolk County Council has to manage the sufficiency of school places, but with academisation this role has become more difficult, as academies can determine their own operating models based on their own financial and educational structures, the authorities role has to try and manage this in the best way possible. Seeking confirmation from the trust operating North Walsham schools of their new operating model we had to respond to planning obligations in a way that accounts for how best the trust may manage this additional demand. If reducing the capacity based on the operating model of the school we can only respond in the best way possible, and account for the fact some class bases are undersized which matches alterations to any building needs, and the fact there could be work required to bring those spaces up to current specifications based on the BB103 guidance. The BB103 guidance suggests operating class bases are approximately 52 sqm in size and this won't be the case in some of the spaces across these schools.

As part of our planning we are asked to make responses on an annual basis to the DFE on school capacity, this is via the referenced SCAP (School Capacity Return) return. This stipulates we must account for up to date information in relation to school capacity in order to manage places, our authority is fortunate to continue to keep the information pertaining to Net Cap in order to manage capacity, which gives a justifiable evidence base to support our planning. The information returned to the DFE on this occasion accounted for the change in position of the North Washam schools reducing the PAN of those schools against the perceived building capacity. This measure cannot be applied in the same way for planning obligations as SCAP measures across a wider geographical area which doesn't account for statutory distances to travel, as we do in our planning obligations responses.

We mainly use the SCAP detail to assist our annual forecasting cycle that sets out anticipated pupil population numbers using birth data and importantly housing development. This is vastly different from detail held by ONS which does not include the impact of housing and makes some local assumptions based on the national picture. Our local forecast data responds to historic trends and more local changes effecting pupil yield across the age groups, we use this information to inform our planning obligations, accounting for the educational knowledge and expertise we have.

Using solely the funding agreement to determine the capacity of academies completely disregards building capacities and usable space, which essentially must be considered when responding to any development that is likely to impact the volume of pupils of a school. The consideration of undersized spaces needs to be accounted for, and equally the cost to bring those spaces up to standard and meet current guidance. The change over time of our responses is perfectly justifiable based on changes in guidance and approaches adopted by other neighbouring authorities. Our approach must safeguard the education of children across our county and more specifically in proximity to the local community, ensuring the schools educational facilities are first class. I would strongly urge the district to accept the change in the planning obligation submitted by the local authority safeguarding contributions for future generations for the local communities.

At the time of writing and not included in our planning obligation response, but known is the additional impact of the large SUE that is likely to further impact the schools in this area, its inclusion could further impact the level of our response against this development.

Having little or no funding from this development to support the consequences sets to destabilise the schools and impact the education quality of these schools.

I hope this information can be considered in response to the report issued by EFM. I would be more than happy to meet with you to discuss further where possible and desirable.

Many Thanks

[Redacted]

Place Planning Manager

Children's Services – Education Infrastructure & Partnerships

Tel: [Redacted]

County Hall, Martineau Lane, Norwich, NR1 2DL

[Redacted]@bidwells.co.uk>

Sent: Monday, January 15, 2024 5:29 PM

To: [Redacted]@north-norfolk.gov.uk; [and others]

Subject: RE: PF/22/1596 & PF/22/1784 - Hybrid planning application 1. Full Planning Application for the construction of 343 dwellings... Land South Of Norwich Road North Walsham Norfolk

[Redacted]

Please find below the further response received from our Education specialists EFM, following receipt of the LEA response on Friday, which we hope will be useful to you in finalising this aspect of the report.

Any queries regarding the below, then please come back to us.

EFM Response

1. *NCC states that the three primary-aged schools concerned all have physical capacities below the figures either published by the DfE on its website, or published in the schools' Funding Agreements.*
2. *Every year the Education Authority is required to complete a statutory return stating the number of physical places each school in its area has. The 2023 guidance for this return (School Capacity (SCAP) Survey 2023) states that "For an academy, we would usually expect the capacity to be based on the capacity recorded in the school's funding agreement (this is usually based on the last net capacity assessment prior to conversion)... **you must confirm capacity details with your academies to check they are up to date.**" [DfE emphasis]*
3. *Current capacity returns published by the DfE indicate a total provision of 945 places. Unless any of the three schools, which are all academies, have received agreement from the Regional Director of Schools, then the capacities are expected to remain as listed within their Funding Agreements and as published by the DfE.*
4. *While other approaches to establishing the physical capacity of a school can be found, the Net Capacity Assessment return remains the DfE statutory approach and any deviation from this is unlikely to be recognised by the DfE unless and until a new standard approach is established.*
5. *Regarding forecasting, NCC indicates that the ONS does not include the impact of housing. This is correct - the data was included to show the projected underlying decline of primary children across North Norfolk. This is a decline which is also indicated by NCC's own forecast for the school planning area which covers North Walsham. Primary age child numbers are declining.*
6. *In the third and second from last paragraph of its response NCC suggests that the "large SUE" will have an impact on the schools. This is potentially a red herring as the SUE is proposed for 1,800 dwellings, together with a new primary school. Consequently, in the first instance, it must be considered as being self-contained.*

For the reasons identified above, the most recent response received from the LEA does not change the applicant's position, which we consider, following advice from our education specialists, remains robust.

Many thanks,
[Redacted]

Partner, Planning
Bidwells
[Agents for the applicant]

Local Plan Examination: Matters, Issues and Questions

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

1. The site is likely to be discussed on 13th February 2024;
2. Standard questions have been set for each draft Local Plan allocation as follows:
 - a) *Has the site been allocated previously or is it a new allocation?*
 - b) *Does the site have planning permission and/or are there current applications under consideration? If so please list.*
 - c) *Are any modifications suggested to the policy or text, or the site boundaries? If so, why, and are they justified or required for effectiveness?*
 - d) *Have the impacts and effects of development been properly taken into account?*
 - e) *Are the components of the proposal (number of dwellings, units of elderly care accommodation, amount of public open space etc) in the first sentence of the policy for the site justified?*
 - f) *What form would the public open space take?*
 - g) *Having regard to these components, is the estimate of site capacity justified?*
 - h) *What is the land ownership position and is the site currently being promoted by a developer?*
 - i) *Are the site-specific requirements for development of the site justified, consistent with national policy and would they be effective?*
 - j) *Given the components of the proposal and the site requirements, would development of the site be viable?*
 - k) *Overall, is the site deliverable within the plan period and is the expected timescale for the development of the site set out in the Council's updated housing trajectory realistic? Has the landowner/developer confirmed this?*
3. And then specifically for North Walsham the following questions are posed:
 - 5.6 *North Walsham*
 - 5.6.1 *Are the detailed Settlement Boundaries for North Walsham, and the boundaries of the various Policy Area Designations (listed in paragraph 9.1.6 of the plan) suitable and justified given their policy function?*
 - 5.6.2 *Are the housing allocations for North Walsham the most appropriate when considered against reasonable alternatives in the light of site constraints, infrastructure requirements and potential impacts?*
 - 5.6.3 *Land at Norwich Road & Nursery Drive (NW01/B) Standard Questions a) to k)*
 - 5.6.4 *Land West of North Walsham (NW62/A) Standard Questions a) to k)
Given the importance of this site to the strategy of the plan, the Council should address the standard questions and any criticisms made by representors in extra detail.*
 - 5.6.5 *What is the rationale for the western boundary of the allocation?*

- 5.6.6 *What is the vision for the western link road? Would it function as a town bypass taking heavy goods vehicles away from the town centre? Given expected traffic flows, would suitable environment and connectivity between the housing on each side and the town centre be achieved? Would it include a northern extension over the railway to connect to Cornish Way, or a southern extension to the A149 south. Are these essential to the effectiveness of the road, and if so, would they be a requirement of developing the allocation? If not, how might they be funded?*
- 5.6.7 *What would be the impact of traffic generation on the wider area, for example through the village of Coltishall, what improvements or traffic management might be required if needed to mitigate the effects of the scheme, are these costed and deliverable and has any effect on viability been taken into account?*
- 5.6.8 *About 7 ha of the site in the Cromer Road/Bradfield Road area is intended for employment use. Is this the allocated area North of Cromer Road? For effectiveness, should this be allocated as such? Would its development be phased in relation to the housing, and/or a requirement of it?*
- 5.6.9 *How would the development of the site be phased, and would the traffic effects within the town be acceptable during each phase? How does the cost of the western link road affect the viability and deliverability of development?*