

NORTH WALSHAM PO/20/1251 – Erection of up to 54 dwellings (100% affordable homes) with public open space, new vehicular access, landscaping and associated infrastructure (Outline application with full details of the proposed means of access only. Details of layout, scale, appearance and landscaping are reserved for future determination)

Major Development

Target Date: 14 December 2020

Extension of Time: 01 November 2024

Case Officer: Mr Phillip Rowson

Outline Planning Permission

BACKGROUND

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

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

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

SITE CONSTRAINTS

Designated Education Allocation within the Site Allocations Development Plan Document

Designated Open Land Area within the Core Strategy

Within the defined Settlement Boundary of North Walsham

Contaminated Land

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

Gas Pipe Buffer Zone

EA Risk of Flooding from Surface Water 1 in 30

EA Risk of Flooding from Surface Water 1 in 100

EA Risk of Flooding from Surface Water 1 in 1000

SFRA - Areas Susceptible to Groundwater Flooding

SFRA - Risk of Flooding from Surface Water + CC

RELEVANT PLANNING HISTORY

PLA/2008/1351

Playing Field, Station Road, North Walsham

Erection of Sixth Form College
Approved 10/01/2013

THE SITE

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

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

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

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

THE APPLICATION

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

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

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

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

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

REASONS FOR REFERRAL TO COMMITTEE

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

CONSULTATION RESPONSES

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

North Walsham Town Council (NWTC) – Object

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

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

Network Rail – No objection, subject to an informative note

See prior report, no further responses.

British Pipeline Agency Ltd – No objection

See prior report, no further responses.

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

See prior report, no further responses.

Health and Safety Executive (HSE) – No objection

See prior report, no further responses.

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

See prior report, no further responses.

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

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

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

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

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

See prior report, no further response.

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

See prior report, no further responses.

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

See prior report.

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

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

See prior report.

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

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

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

See prior report.

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

Anglian Water – Comments made

See prior report.

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

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

Sports & Countryside (NNDC) – Comment

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

Conservation and Design Officer (NNDC) – No Objection made

See prior report.

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

Landscape Officer (NNDC) Ecology – Advice given

See Prior Report / no further comments raised.

Landscape Officer (NNDC) Arboriculture – Objection

See prior report.

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

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

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

Strategic Housing (NNDC) – Support

See prior report.

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

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

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

Economic Development (NNDC) – No objection

See prior report, No further comments.

Property Services (NNDC) – No objection

See Prior Report / No further comments.

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

See Prior Report / no further comments raised.

REPRESENTATIONS

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

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

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

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

LOCAL MEMBER CONTACT

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

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

HUMAN RIGHTS IMPLICATIONS

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

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

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

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case. However, Committee should be aware that North Walsham Town Football Club Clubhouse / land is owned by NNDC.

RELEVANT POLICIES

North Norfolk Local Development Framework Core Strategy (2008)

Policy SS 1: Spatial Strategy for North Norfolk

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

North Norfolk Site Specific Allocations DPD (2011)

Policy ED 1: Paston College Relocation

Material Considerations

National Planning Policy Framework (December 2023)

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

Supplementary Planning Documents and Guidance:

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

OFFICER ASSESSMENT

Main Issues for consideration:

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

11. Planning Balance and Recommendation

1. Principle of Development – updated

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

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

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

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

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

Education Allocation (Policy ED1)

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

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

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

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

Open Land Designation Policy CT1

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

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

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

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

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

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

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

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

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

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

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

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

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

Sport England objection (see Appendix 3) :

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary of the Principle of Development

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

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

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

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

2. Housing Mix and Affordable Housing Provision

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

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

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

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

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

3. Highways (updated)

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

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

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

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

Point of access

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

Highway Safety

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

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

Sustainability

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

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

Car Parking

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

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

4. Open Space Provision – updated

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

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

Further that the calculator requires off-site commuted sums:

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

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

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

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

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

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

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

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

5. Landscape and Trees - Updated

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

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

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

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

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

6. Ecology

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

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

GIRAMS

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

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

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

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

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

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

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

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

BNG

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

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

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

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

Nutrient Neutrality

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

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

Summary

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

7. Drainage & Flood Risk

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

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

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

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

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

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

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

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

8. Climate Change

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

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

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

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

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

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

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

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

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

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

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

9. Other material considerations

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

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

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

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

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

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

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

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

10. Planning Obligations

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

Affordable Housing

- 100% affordable housing on site

On-Site Open Space

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

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

Off-site Open Space

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

Norfolk County Council Obligations

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

GIRAMS Tariff (formerly SPA/SAC contribution)

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

Fire Hydrant

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

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

11. Planning Balance and Conclusion

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

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

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

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

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

The application will deliver significant material planning benefits including:

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

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

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

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

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

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

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

RECOMMENDATION:

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

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

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

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

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

3) The imposition of the appropriate conditions to include:

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

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

Part 2:

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

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