

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

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

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

EXECUTIVE SUMMARY

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

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

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

BACKGROUND

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

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

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

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

- 61 Extra Care affordable houses;
- GI/RAMS contribution of £11,341.73; and,

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

2) The imposition of the appropriate conditions as set out in the list below (plus any other conditions considered to be necessary by the Assistant Director of Planning):

Part 2:

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

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

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

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

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

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

2) The imposition of the appropriate conditions as set out in the list below (plus any other conditions considered to be necessary by the Assistant Director of Planning):

Part 2:

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

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

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

HABITATS REGULATIONS

Natural England Nutrient Neutrality Advice

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

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

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

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

Table 1 - Nutrient Loading for Application 1 and Application 2

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

Proposed Mitigation

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

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

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

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

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

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

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

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

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

OTHER MATTERS

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

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

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

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

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

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

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

PLANNING BALANCE / CONCLUSION

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

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

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

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

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

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

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

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

RECOMMENDATION(S):

APPLICATION 1 – PF/21/1532

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

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

- 61 Extra Care affordable houses;

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

Part 2:

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

APPLICATION 2 – PF/21/2021

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

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

Part 2:

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