

Development Committee



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TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 9 March 2022

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 17 March 2022 at 9.30 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

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

PUBLIC SPEAKING :

Members of the public who wish to speak on applications must register **by 9 am on the Tuesday before the meeting** by telephoning **Customer Services on 01263 516150** or by emailing customer.service@north-norfolk.gov.uk. Please read the information on the procedure for public speaking at Development Committee on our website or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mrs P Grove-Jones, Mr P Heinrich, Mr A Brown, Mr P Fisher, Mrs A Fitch-Tillett, Dr V Holliday, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Mr M Taylor, Mr A Varley, Ms L Withington and Mr A Yiasimi

Substitutes: Mr T Adams, Dr P Bütikofer, Mrs S Bütikofer, Mr C Cushing, Mr T FitzPatrick, Mr V FitzPatrick, Mr N Housden, Mr J Punchard, Mr J Rest, Mrs E Spagnola, Dr C Stockton, Mr J Toye and Mr E Vardy

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

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AGENDA

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

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. MINUTES

(Pages 1 - 8)

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

5. ITEMS OF URGENT BUSINESS

(a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

(b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

6. ORDER OF BUSINESS

(a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.

(b) To determine the order of business for the meeting.

7. DECLARATIONS OF INTEREST

(Pages 9 - 14)

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest. Members are requested to refer to the attached guidance and flowchart.

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

(Pages 15 - 58)

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

(Pages 59 - 96)

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

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

OFFICERS' REPORTS

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

17. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of

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business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

18. ANY URGENT EXEMPT BUSINESS

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

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

Land North East of Yarmouth Road, Stalham

Major Development

Target Date: 01 September 2021

Extension of Time: None at the time of reporting.

Case Officer: Richard Riggs

Full Planning Permission

SITE CONSTRAINTS

Mixed Use Allocation – Policy ST01

Local Development Framework – Settlement Boundary

Local Development Framework – Countryside

Landscape Character Area – Settled Farmland

Agricultural Land Classification (Grade 1/Non Agricultural)

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

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

EA Risk Surface Water Flooding 1 in 1000

RELEVANT PLANNING HISTORY

Application: PF/21/2021

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

Decision: Determination Pending

Application: PF/16/0240

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

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

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

Application: PF/12/1427

Address: Land Off Yarmouth Road, Stalham

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

Decision: Approved (20/03/2013)

SITE AND SURROUNDINGS

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

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

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

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

THIS APPLICATION

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

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

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

The application is supported by the following documents:

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

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

REASON FOR REFERRAL TO COMMITTEE

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

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

CONSULTATION RESPONSES

NNDL Local Members:

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

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

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

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

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

Norfolk County Council

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

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

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

Town / Parish Council:

Stalham Town Council – Objects to the proposal.

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

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

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

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

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

North Norfolk District Council:

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

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Landscape Officer (Landscape) – Objects to the proposal.

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

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

Building Control – Advice received.

Economic Development – Supports the proposal.

Planning Policy – Advice received.

Strategic Housing – Supports the proposal.

Norfolk County Council:

Lead Local Flood Authority – No objections subject to conditions.

Minerals and Waste Authority – Have no comments to make.

Planning Obligations Co-Ordinator – Advice received.

Public Rights Of Way & Green Infrastructure – No objections.

Historic Environment Service – No comments received.

External Consultees:

Anglian Water – No objections.

British Pipeline Agency Ltd – Comments received.

Historic England – Do not wish to offer any comments.

Health and Safety Executive – No comments received.

NHS England (East) – No comments received.

Broads Internal Drainage Board – Advice received.

Natural England – No objection subject to appropriate mitigation.

REPRESENTATIONS

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

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

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

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

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to:

- Article 8: The Right to respect for private and family life.
- Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

STANDING DUTIES

Due regard has been given to the following duties:

Environment Act 2021

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2010 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998

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

RELEVANT POLICIES

North Norfolk Core Strategy (September 2008):

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

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

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

MATERIAL CONSIDERATIONS

Supplementary Planning Documents (SPDs):

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

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 5 – Delivering a sufficient supply of homes
Section 6 – Building a strong, competitive economy
Section 7 – Ensuring the vitality of town centres
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

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

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

Other Material Considerations:

North Norfolk Open Space Assessment (February 2020)

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

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

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

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

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

Living Well Homes for Norfolk Position Statement (June 2019)

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

OFFICER ASSESSMENT

Main issues to consider:

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

1. Principle of Development

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

The Development Plan comprises of the Core Strategy (2008) (CS) and the Site Allocations Development Plan Document (DPD) (2011). Although the Development Plan preceded the National Planning Policy Framework (NPPF), published in 2012 and most recently updated in 2021, the policies relevant in the determination of this application are consistent with the NPPF and are considered to be up to date. The Council can also currently demonstrate that it has a five-year housing land supply and therefore the policies most relevant for determining the application are to be given full weight in decision-making.

Spatial Strategy and Site Allocation

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

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

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

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

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

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

Emerging Site Allocation

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

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

Extant Planning Permission

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

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

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

Loss of Potential Commercial / Industrial Units

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

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

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

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

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

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

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

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

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

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

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

Extra Care Needs Based Assessment

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

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

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

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

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

Affordable Housing

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

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

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

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

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

Employment Generation

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

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

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

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

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

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

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

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

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

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

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

Summary of Principle of Development

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

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

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

2. Design

Housing Mix, Type and Density

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

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

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

Layout

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

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

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

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

Form, Scale and Massing

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

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

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

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

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

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

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

Materials

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

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

On-Site Landscaping

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

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

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

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

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

Summary of Design

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

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

3. Landscape

Landscape Character Assessment

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

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

4. Amenity

Residential Amenity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Air Quality

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

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

Noise

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

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

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

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

Odour

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

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

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

External Lighting

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

Refuse Storage and Collection

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

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

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

Summary of Amenity

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

5. Highways Safety

Location Sustainability

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

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

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

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

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

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

Impacts on Highways Safety

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

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

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

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

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

Car and Cycle Parking

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

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

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

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

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

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

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

6. Sustainable Construction

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

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

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

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

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

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

7. Heritage and Archaeology

Listed Buildings and Conservation Area

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

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

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

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

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

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

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

Archaeology

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

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

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

8. Flooding Risk & Drainage

Flood Risk

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

Surface Water Drainage

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

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

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

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

Foul Water Drainage

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

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

9. Biodiversity

Habitats Regulations Assessment

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

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

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

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

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

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

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

GI/RAMS

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

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

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

On-Site Biodiversity

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

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

10. Other Material Considerations

Contaminated Land

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

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

Pre-Commencement Conditions

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

11. Planning Obligations

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

Required Obligations

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

- Allotments – £10,589

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

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

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

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

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

Viability Assessment

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

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

12. Planning Balance and Conclusion

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION

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

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

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

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

Part 2:

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

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

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

Reason:

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

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

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Location and Site Layout Plans

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

Extra Care Building Plans and Elevations

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

Ancillary Buildings/Structures Plans and Elevations

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

Landscaping and External Lighting Plans

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

Drainage Plans

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

Highways Plans

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

Reports

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

Reason:

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

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

Reason:

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

Pre-Commencement

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

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

The scheme shall include;

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

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

Reason:

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

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

The CEMP (Biodiversity) shall include the following:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

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

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

Reason:

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

No Works above Slab Level

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

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

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

Reason:

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

Prior to Completion of Final Dwellings / First Use / Occupation

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

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Authority.

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

Prior to Installation

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

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

Reason:

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

Other

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

Note(s) to Applicant:

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

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

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

In this instance:

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

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

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

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

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