

**Stalham PF/21/2021 – 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 [Description amended on 29/11/2021].**

**Land North East of Yarmouth Road, Stalham**

### **Major Development**

**Target Date:** 11 November 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/21/1532

Address: 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

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Decision: Withdrawn by Applicant (09/04/2021)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. However, the quantum of local services in the area is considered to be limited in Paragraph 2.9.33 of the support text to Policy SS 13 which would make large scale housing growth in the town inappropriate.

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

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Development Framework Site Allocations Development Plan Document (2011). The application site is currently undeveloped. The site is bounded by existing residential development, with the most recent of these developments being to the north west where 150no. new homes 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 located close to a range of local services and facilities including infant and secondary schools, a doctor's surgery, Stalham High St, 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 seeks full planning permission for the erection of 40no. new 100% affordable dwellings off Yarmouth Rd, with associated landscaping, infrastructure and access. The description of the proposal was amended from 43no. to 40no. dwellings on 29/11/2021. Any consultee comments referring to 43no. dwellings should be taken as read for the revised proposal. The proposed dwelling types comprise of:

- One block of 18no. affordable flats
- 22no. affordable/shared ownership houses

The proposed dwelling mix consists of:

- 9no. 1-bed flats
- 9no. 2-bed flats
- 6no. 2-bed dwellinghouses
- 12no. 3-bed dwellinghouses
- 4no. 4-bed dwellinghouses

The application is supported by the following documents:

- Application Form
- Location and Site Plans
- Full Set of Proposed Plans and Elevations
- Materials Schedule
- Affordable Housing Statement
- Arboricultural Impact Assessment
- Design and Access Statement
- Preliminary Ecological Assessment
- Flood Risk Assessment
- Heritage Statement
- Landscape Character and Visual Impact Assessment
- Planning Statement
- Drainage Calculations
- Statement of Community Involvement
- Information for Viability Assessment
- Landscape Schedule and Maintenance Plan
- Refuse and Waste Strategy

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- 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 has planning permission under PF/12/1427, in line with Policy ST01 of the North Norfolk Local Development Framework Site Allocations DPD.

This application has also been submitted in conjunction with application PF/21/1532, 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

#### Local Members:

#### NNDC Members

#### Cllr Pauline Grove-Jones (Stalham)

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)

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 Members

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

- The subject planning applications seek to change the use of land allocated for 3150 sqm of industrial units under both the current Local Plan and the subsequent approved mixed development under PF/12/1427.
- PF/21/2021 simply delivers 43 affordable homes and no jobs.
- 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

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elects to join the A149 at Catfield, via Sutton, to avoid the hazardous Tesco's junction at Stalham.

- While 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 the application 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.

### **Parish/Town Council:**

#### **Stalham Town Council – Objects to the proposal.**

Initial comments were received stating that no public or Council consultation had taken place over the altered application on this site (from that of PF/12/1427) and requesting that the application is halted to allow for proper public exhibition and consultation. STC acknowledged the general need for affordable homes across North Norfolk, but question the absence of pre-application public consultation or exhibition.

Comments were also submitted on numerous occasions outlining the extant position on the site for commercial/employment uses and that the loss of this through a residential development would be detrimental to the town, based on the need for this type of development to attract new and expand existing businesses. STC further detail the need for commercial development to alleviate the relative deprivation of the town and query the sustainability of local residents travelling to larger towns/cities for work.

STC also query the quantum of development in Stalham in recent years and the lack of significant investment to improve the local road network capacity or other utility/community infrastructure improvements; noting that these 2 applications (PF/21/1532 and PF/21/2021) also fail to address that infrastructure deficit.

There are other planning issues over the layout of the site and scale, mass and design of the 21 [sic] flats 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.

*Additional comment (17/01/2022)* – The in-combination of the proposal and PF/21/1532 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.

*Additional 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.

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Note: A 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 and Design – Objects to the proposal.** Additional comment (18/02/2022) – Proposed materials acceptable.

**Landscape – Objects to the proposal.**

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

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

**Planning Policy – Advice received.**

**Strategic Housing – Supports the proposal.**

### **Norfolk County Council:**

**Lead Local Flood Authority – No objection subject to conditions.**

**Minerals and Waste Authority – No comments received.**

**Highways Authority – No objection subject to conditions.**

**Planning Obligations Co-ordinator – Advice received.**

**Public Rights of Way & Green Infrastructure – No objections.**

**Historic Environment Service – No objection subject to conditions.**

### **External Consultees:**

**Historic England – Does not wish to comment on the proposal.**

**Health and Safety Executive – No comments received.**

**Anglian Water – No objections subject to conditions.**

**British Pipeline Agency – Does not wish to comment on the proposal.**

**NHS England (East) – No comments received.**

**Broads Internal Drainage Board – Advice received.**

**Natural England – No objection subject to appropriate mitigation.**

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### REPRESENTATIONS

The public consultation period of 21 days took place between 13/08/2021 to 03/09/2021. 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.

During the public consultation period a total of 13 representations were made.

12 of these were objections. The key points raised in **OBJECTION** are as follows:

- Concerns raised over local doctors' capacity for new residents and the capacity other local infrastructure.
- There are not enough jobs in the area to support more homes being built.
- Yarmouth Rd already floods in bad weather, as does the proposed site.
- The proposed flats will dominate the skyline of the town.
- Development will lead to an increase in traffic, particularly around the junction with the A149.
- The site already has approval for 24 commercial units under application PF/12/1427.
- 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.
- There is already a surfeit amount of housing and assisted living projects.
- The LPA should insist on the extant permission being built out.
- Public transport doesn't run consistently enough to be used as a viable service.
- 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 Council should build the permitted employment units.

1 representation was made in support of the application. The key points raised in **SUPPORT** are as follows:

- The road network around the site is not suitable for heavy plant and machinery.
- The site is not ideal or a logical choice for an industrial estate.
- Affordable housing is welcomed as many people cannot afford to buy a house locally and many have been on the Council's waiting list for a very long time.

### 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.

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## 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  
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 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

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Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

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

### **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)

Department for Communities and Local Government Technical Housing Standards –

Nationally Described Space Standard (2015)

### **OFFICER ASSESSMENT**

**Main Issues to consider:**

- 1. Principle of development**
- 2. Design**
- 3. Landscape**
- 4. Amenity**
- 5. Flooding Risk and Drainage**
- 6. Highways Safety**
- 7. Sustainable Construction**
- 8. Biodiversity**
- 9. Heritage and Archaeology**
- 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.



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### Spatial Strategy and Site Allocation

The proposal is located within the Countryside under Policy SS 1. As such, under Policy SS 2 it is required to demonstrate that it requires a rural location and meets at least one of the closed list of other requirements, this includes affordable housing. As the proposal is for a C3 residential affordable housing on the edge of a settlement boundary, and within an existing site allocation (Policy ST01), Officers consider that the requirements under Policy SS 2 in respect of affordable housing under Policy HO 3 have been demonstrated.

Similarly, under Policy HO 3, proposals for 10 or more affordable dwellings in the Countryside are required to be within 100m of a settlement boundary of a policy-defined settlement under Policy SS 1, and show how they meet a proven local housing need for affordable dwellings. Given the comments submitted by NNDC Strategic Housing, Officers are content that the proposal clearly meets the requirements of Policy HO 3 in this regard.

The site is also located on site allocation Policy ST01 of the North Norfolk Local Development Framework Site Allocations DPD. This policy provides for c. 160no. dwellings on the wider site. Officers note, however, that the residential quotient under Policy ST01 has already been largely delivered under planning permission PF/12/1427. As such, the proposal would be seen as surplus and therefore contrary to policy requirements. However, Officers also note the comments made by Planning Policy consultees in which the provision of 100% affordable housing at this site should be viewed more holistically with the adjacent proposal (PF/21/1532) and within the wider purview of the Development Plan.

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 Policy ST01, with an additional area of proposed developable land to the east. The proposal would account for 40no. new homes on the site and is considered to be in broad accordance with emerging site allocation policy. It is also important to note that as the Emerging Local Plan is currently at Regulation 19 stage, Officers are only able to attribute limited weight to emerging policies in the planning balance.

In their consultee response, Planning Policy note that this application has taken heed of their comments provided under application PF/21/1532 insofar that additional residential development on this site should be 100% affordable. The proposal also leaves an option to expand the road network into the eastern area of the emerging site allocation, so to enable future development in that area on the emerging site allocation. However, Officers note the 2m ransom strip to the north-east boundary of the site left over from the sale of land, which is out of the applicant's control.

### 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. The residential, public open space, landscaping and 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

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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 this 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 is 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 is a reasonable prospect of the permitted units being built out the site; 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*.

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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 been brought forward within the lifetime of the adopted North Norfolk Core Strategy for development.

### Affordable Housing

NNDC Strategic Housing has commented on this application highlighting the clear need for general needs affordable housing within this part of the District. They note that as the site is allocated, housing will be let to those applicants with the highest need; whereas under a rural exception scheme, priority would be given to those with the strongest local connection. In light of this, of those on the Council's waiting list, as of the 01.03.22, 903 households have expressed an interest in living in the Stalham area, with 153 of these applicants being in Bands 1 or 2.

This application is proposing 100% affordable housing for the 40 general needs dwellings. These will be a mix of 28 affordable rent (70%) and 12 shared ownership properties (30%). The split of property types throughout the proposal, ranging from 1-bed flats to 4-bed houses, closely matches current need. In providing this range of residential accommodation, Officers consider that the proposal will provide appropriate levels of on-site housing for a range of needs. The 100% affordable housing provision will be secured via a Section 106 Agreement.

Officers note the close relationship between this application and PF/21/1532 (61 extra care dwellings) 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 homes in the Stalham area.

Given the provision of 100% affordable housing inherent in this application, Officers consider that the proposal meets the requirements of Policies HO 2 and HO 3 of the adopted North Norfolk Core Strategy.

### Summary of Principle of Development

Officers note that this is a full application on an allocated site, therefore the requirements of the Council's spatial strategy under Policies SS 1, SS 2, SS 3, SS 13 are applicable. As such, the proposal is considered to be in accordance with these policies and the Council's spatial strategy given the exception-type nature of the proposal within the Countryside.

However, the proposal is considered to be contrary to the requirements of site allocation Policy ST01 as the residential quotient under this policy has already been largely achieved. Conversely, the proposal is considered to be in broad accordance with emerging Policy ST23/2 in respect of new residential development, although as previously this policy cannot yet be attributed any more than limited weight in the planning balance.

Given the provision of 100% affordable housing inherent in this application, Officers consider that the proposal meets 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 and material considerations in the planning balance in Section 12 of this report.

## **2. Design**

### Housing Mix, Type and Density

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Under Policy HO 7 new residential developments in Secondary Settlements, as defined by Policy SS 1, are required to achieve a minimum housing density of not less than 40 dwellings per hectare. As the proposal is for a housing density of 40no. dwellings on 0.84ha (48 dwellings per hectare, marginally more than the policy requirement), the proposal is considered to be in accordance with the requirements of Policy HO 7 and NPPF (Section 11).

Under Policy HO 1, schemes of more than five residential dwellings are required to provide at least 40% of the dwellings at not more than 70 sqm internal floor space (but still in line with other technical housing standards). For a scheme of 40 dwellings, this would equate to c. 16 of the proposed dwellings being under 70 sqm. This application provides 18no. dwellings at this size. Officers therefore consider the proposal to be in accordance with Policy HO 1 in this regard.

Policy HO 1 also requires at least 20% of the dwellings to be suitable or easily adaptable for occupation by the elderly, infirm or disabled. Strategic Housing have identified that they would normally seek a number of single storey bungalows in this regards. However, as the proposal is adjacent to, and somewhat co-existent with, application PF/21/1532 for a 61-bed extra care centre, it is considered that the need for homes suitable for older people has been mitigated in conjunction with the adjacent application. In noting that, Officers also consider that the proposed ground floor flats would meet the policy in of themselves due to their internal layouts and access. It is noted that whilst the flat on the first and second floors would also meet the requirements in all probability, there is no lift within the building to facilitate wheelchair access to these. This would account for c. 16% of in policy terms. Similarly, Officers consider the proposed dwellings to be of appropriate sizes for their intended use in this instance. Nonetheless, this is considered to be a partial policy departure and, as such, shall be considered in the planning balance in Section 12 of this report.

### Layout

The overall site is split into three distinct sections; two of which are being considered under this application, as the central portion of the site falls under application PF/21/1532. The northern section of the site hosts 16no. residential dwellings which take a linear form and abut the existing residential development the north and west. This is made up of 3no. rows of 3no. terraced houses, with 2no. pairs of semi-detached dwellings. Car parking is to the front of the properties which, whilst not considered ideal from an urban design perspective, is commonplace in this area and serves a functional purpose which would unlikely be accommodated elsewhere on the site given the proposed density and layout.

The southern section of the site hosts 3no. pairs of semi-detached dwellings and a 3-storey block of 18no. flats. The dwellinghouses are located just off Yarmouth Rd to the south, and face rear garden on so as to try and lessen the impact of additional housing built form on the existing streetscene. The flats are located to the north of the southern section of the site and face the new access road gable-end on. This has been done to attempt to lessen the visual impact of the proposal when viewed from Ingham Rd to the west, across the area of existing public open space. Between the dwellinghouses and the flats lies a central area heavily dominated by car parking and hardstanding. This is necessary to achieve the requisite car parking standards on-site. However, Conservation & Design and Landscape Officers comment that this effectively dilutes the impact of the open space to the west, particularly as this area was intended to be a green corridor area under the extant planning permission, which would be lost under the proposal.

### Scale, Massing and Form

The design of the proposed dwellings and flats have gone through a number of iterations, with

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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.

The proposed flats form a 3-storey building c. 30m in length, c. 12m at its tallest, and c. 16m deep. Its form resembles that of the proposed extra care building under application PF/21/1532; although is subservient to its height by c. 1.2m. To try and add some articulation and definition into the scheme, the application proposes some varying roofline heights and a mix of different materials throughout to break up to elevations. There is some detailing around the windows to try and add some slight shaping to the blocky exterior and the inclusion of dormer windows breaks up the eaves line. Although, this in itself adds an additional layer of unintended linearity to the overall façade of the building. Some articulation to the front elevation has also been introduced in an attempt to alleviate the regimented appearance of the building.

Conversation and Design Officers note that due to its similarity to the proposed extra care development, the proposed flats share many of the same concerns. As a result, they object to the proposal and note that the proposed flats by themselves would form a *daunting prospect* in this area, but the effects would be cumulative with the proposed extra care building and would likely have a *significantly injurious impact on this part of the town*.

The proposed dwellings are of a relatively generic design. Some differentiation has been made between the different house types in terms of size and materials used – with some dwellings being spit half render and half brickwork, whilst others are reliant on full render – but there is little to anchor the proposal within the local vernacular. Conversation and Design Officers note that due to their linear terraced form, there are *no real opportunities for creating a layered or evolving street scene*.

Conversation and Design Officers recognise the public benefits of the proposal, although maintain their objection in design terms.

Officers have taken these comments into consideration and broadly concur with the assessment made by Conservation and Design in terms of the proposal's design limitations and impacts on the character of the area and its local vernacular. 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 not to be in-keeping 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 limited degree, the proposal is still considered to be lacking in outstanding or innovative design.

### 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 a 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.

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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 proposal has been submitted for the on-site landscaping as a result of comments received by Landscape Officers. The northern section of the site is bounded to the east by an existing mature hedgerow, which is to be left in situ. The frontages of the proposed dwellings will be separated by a mix of Laurel hedging, Field Maple and Bird Cherry trees. There is a small area of open space between the two pairs of 4-bed semi-detached dwellings; although Landscape Officers note that this is of little particular use and could be better used as a planted seating area. Lime and Silver Birch trees are to be planted in the rear garden of Plot 22 to help screen it from the proposal extra care building under PF/21/1532. In all, the on-site landscaping at the north of the site is considered to correspond relatively well to the existing residential development. Conditions shall be secured to provide small mammal access through areas of close board fencing to allow for their movement across the site.

At the south of the site, the proposed dwellinghouses will face Yarmouth Rd rear garden on. The applicant is proposing to reinforce the existing hedgerow with a mix of Hawthorne, Lime, Silver Birch and Rowan. Similarly, the car parking areas will be interspersed with areas of grass, Bird Cherry, Cherry, Rowan, Swedish White Beam, and Lime. The proposed drying area to the west of the proposed flats will contain a mix of turf and wild meadow grass. The site will be bounded on the east by a new 1.2m post and rail fence to try and better anchor the proposal into the landscape by avoiding the overuse of close board fencing.

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 Officers' objection in this regard.

Officers note that the proposal includes a numbers of trees lining the proposed access road at the south of the development, with further trees (mostly within the curtilages of the proposed dwellings, but not exclusively) in line with NPPF (Section 12) Paragraph 131.

### Summary of Design

Given the assessment above, and the objections from Conservation & Design and Landscape consultees, it is considered that the proposal is not in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy, North Norfolk Design Guide SPD, and NPPF (Section 12) in this instance. 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), as defined

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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.

The proposal has been reviewed by Landscape Officers in respect of its potential impacts upon the surrounding landscape. They note that whilst the northern part of the proposal could be broadly assimilated into the surrounding built environment of the site, the southern section fails to respond well to its context in terms of the proposal's scale and massing and dominant use of car parking areas.

Landscape Officers also note that the residential development would be better suited to the land to the east of the site on Yarmouth Rd to leave a natural green space continuity break between the proposal and the town centre. However, Officers note that this land is outside of the applicant's ownership and, as such, has not been included within the proposal.

Officers broadly agree with the consultee comments with regard to landscape character impacts. It is considered that due to the nature of the development as residential dwellinghouses and flats, and its reliance on large areas of hardstanding to accommodate car parking facilities, the proposal is not informed by or is sympathetic to its surroundings. Nor does it serve to protect, conserve or enhance the special qualities and local distinctiveness of the area. As such, the proposal is considered to be contrary to the requirements of Policy EN 2 of the adopted North Norfolk Core Strategy in this instance.

#### 4. Amenity

##### Residential Amenity

*Distances to existing dwellings* – At the northern section of the site, the proposed dwellings are sited c. 7m away from the closest dwellings to the west and c. 12m away from the closest dwellings to the north. There are no existing dwellings to the east of the site.

At the south of the site, the closest dwelling to the east is c. 48m away, to the north-west c. 23m away, and to the south c. 25m away over Yarmouth Rd. The Listed Building complex to the west is over c. 80m away from the nearest proposed dwelling.

*Distances to proposed extra care dwellings under application PF/21/1532* – To the north of the site, the closest proposed dwelling to the proposed extra care building (PF/21/1532) would be c. 34m away and to the north-east c. 11m to the closest dwelling.

To the south of the site, the proposed flats are c. 10m away from the proposed extra care building, with the closest dwellinghouse being c. 57m away to the south.

*Overbearing* – The northern section of the proposal is considered to not pose a significant detrimental effect in terms of overlooking. As the proposed dwellinghouses are 2-storey, it is considered that they form a similarly sized extension to the residential development to the north and west.

At the south of the site, the proposed dwellinghouses are also considered not to pose a significant detrimental effect in this regard as they are sited rear garden on to Yarmouth Rd and have good separation distances to existing and proposed dwellings.

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The proposed flats, being a smaller version of the proposed extra care building, is considered to be located far enough away from existing and proposed dwellinghouses to not cause a significant detrimental effect. However, Officers note its dominance in the landscape, particularly when combined with the proposed extra care flats. Its effects on the proposed extra care building itself is not expected to be significant as they are offset from each other in such a way that the proposed flats will face the car parking area.

*Overshadowing* – The proposed dwellinghouses to the north and south of the site are not expected to overshadow any existing or proposed dwellings due to their 2-storey nature and separation distances.

The proposed flats are expected to have some effect on the proposed extra care facility, particularly in the early afternoon, due to its location to the south-west of the proposed extra care flats. However, given the internal layout of the proposed extra care flats, and the separation between the two buildings, this effect is not expected to be significant as they will still receive direct sunlight at other times 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 overlooking.

With regard to the northern section of the site, the proposed dwellinghouses are not expected to cause a significant detrimental effect in terms of overlooking, as the separation distances between them and the existing dwellings are considered acceptable, particularly with the inclusion of a 1.8m close board fence at the end of the rear gardens. With regard to Plot 22, Officers note that there are no windows shown on the proposal that directly overlook the proposed extra care building. As the dwelling will be surrounded by a 1.8m close board fence, Officers do not expect an issue in terms of overlooking in this instance.

At the southern section of the site, the proposed dwellinghouses are considered not to pose amenity impacts in terms of overlooking. The proposed flats have been sited in such a way that no windows directly overlook any windows on the proposed extra care building. As such, the proposal is not considered to cause a significant detrimental effect in terms of overlooking.

*Loss of outlook* – Given the locations of the proposed development, both at the north and south of the site and the distances to the nearest existing dwellings, it is considered that the proposal would not have a significant detrimental effect on the outlook from the existing dwellings.

*Future occupiers* – Each of the proposed dwellings exceeds the nationally described minimum space standards. To the north of the site, the proposed dwellings have relatively well-sized rear gardens, being no less than the footprint of the dwelling (as recommended in the North Norfolk Design Guide SPD). However, there are no front garden spaces as these areas have been taken up with car parking facilities, as is also seen throughout the neighbouring residential development.

To the south of the site, the proposed dwellinghouses again have relatively well-sized rear gardens. Officers note that the rear garden of Plot 5 is smaller than the rest of the provision in this area, although this is not considered to be of significant concern as it is still relatively well proportioned. The proposed flats have access to some small areas of green amenity space immediately around the building, as well as access to a separate clothes drying area. Future occupiers will also have good access to the adjacent public open space to the west.

### Noise and Odour



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The main concerns arising in regard to noise and odour pollution from the proposal are expected to be during the construction phase. As such, a pre-commencement condition for a Construction and Environmental Management Plan, including details of a noise, dust and smoke management plan, shall be secured to ensure any adverse effects of construction are minimised as far as is possible.

Environmental Health also recommend a condition to secure the details of all heating, ventilation, air conditioning, refrigeration, mechanical extractor systems or any other plant and equipment to be used within the development. This is to ensure that the equipment used within the proposed dwellings is satisfactory and will not have an adverse effect on the residential amenity of future occupiers.

### External Lighting

A revised external lighting plan has been submitted which details the locations and details the types of external lights proposed to be used on-site as required by consultees. 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 area. The external lighting is only to be used when required and will not be dawn 'til dusk. Conditions shall be secured to implement and maintain an acceptable external lighting strategy.

### Refuse and Waste

The applicant has submitted a Refuse and Waste Strategy in support of the proposal. This details that each of the proposed dwellinghouses will have its own bin storage area off the street frontage to the side/rear of the property. The proposed flats are to use a communal bin store to the south-west of the building at the entrance to the southern section of the scheme. This will house 2no. 1100 litre general waste bins and 2no. 1100 litre recycling bins. Household waste is set to be collected on a weekly basis. It is unclear whether refuse will be collected by NNDC or a private contractor. As such, the full details of refuse collection can be secured by conditions alongside the details of the refuse storage areas as recommended by Environmental Health.

### 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 amenity. It is also considered that subject to the necessary pre-commencement and other conditions to be sought in liaison with the relevant consultees, the proposal is also in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

## **5. Flooding Risk and 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

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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

For dwellings at the southern edge of the northern parcel of the proposal, surface water drainage is proposed to be dealt with via infiltration through a shared cellular soakaway located in the rear gardens of the properties, at a minimum of 5m away from the dwellinghouses. These have been modelled to provide suitable drainage for 1 in 100 year + 40% climate change storm event, inclusive of an additional 10% for urban creep. Driveway areas to the front of the dwellings are also to be constructed from permeable paving to allow for infiltration in these areas. Dwellings on the northern boundary will dispose of surface water via infiltration by means of soakaways located under the driveways.

To the south of the site, surface water drainage is proposed to be disposed of from private driveway and parking courts by being piped into the subbase beneath these areas. Surface water will then be subsequently piped into the access road network and into the infiltration basin to the west of the site, which was constructed as part of the extant planning permission PF/12/1427, via a gravity piped network.

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.

### Foul Water Drainage

The applicant has detailed that foul water will be disposed of via mains drainage within the Anglian Water (AW) network. AW have confirmed that there is available capacity for the projected flows at the Stalham Water Recycling Centre (WRC) and within the used water network. AW have requested that informative notes are added to the decision notice should the applicant wish AW to adopt the proposed on-site 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).

## **6. Highways Safety**

### Location Sustainability

The proposal is located to the north of Yarmouth Rd and is sited relatively centrally within the town. The site provides easy access by foot to Stalham High St, c. 180m west, and hosts a range of local services and facilities including shops, cafes, pubs, a post office and the local

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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.

The Policy 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. In this instance, it is prudent to consider this application in the context of the wider of site and in relation to application PF/21/1532. Officers also note the emerging site allocations, Policy ST23/2 for the proposal site for c. 80no. additional residential dwellings, and Policy ST19/A which proposes a further c. 70no. dwellings to the north of the site. As such, Officers consider this proposal to fall within the acceptable parameters of residential development in this area of Stalham in considering its impact on local services and facilities and strategic inclusion in the Emerging Local Plan.

The proposal will maintain footway and cycle links through the residential development to the north, and will provide a new access onto Yarmouth Rd to maintain suitable permeability and connectivity to the wider area. This can be secured by conditions. The site is also located c. 380m from the local superstore to the west, and c. 140m away from the local doctor's surgery to the south west. There is good local school provision for all levels of education nearby within Stalham which has been shown to have sufficient capacity by Norfolk County Council to take prospective students from the proposal.

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 proposal is therefore considered to be sustainably located and provides good access to Stalham and wider areas without a 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 quantum of traffic generated by the proposal has the potential to add upwards of c. 83 private vehicles onto the site. As the site is in the process of being reallocated in the Emerging Local Plan, Officers note that the sustainability of the required road access is likely to be in accordance with policy requirements, as it is proposed to accommodate c. 80 new dwellings with associated car parking.

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 sought by the Highways Authority which would require the facilitation of off-site highways improvements works as part of the proposal, other than the inclusion 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 concerns raised by them in terms of technical details have been satisfactorily resolved for 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 Parking Provision

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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 residential housing is:

- Car parking
  - 1-bed units – 13.5 spaces
  - 2-bed units – 30 spaces
  - 3-bed units – 24 spaces
  - 4-bed units – 12 spaces
  - *Total expected car parking provision = 79.5 spaces*
- Cycle parking for communal flats
  - 1 space per unit = 18 spaces
  - 1 visitor space per 4 units = 4.5 spaces
  - *Total expected cycle parking provision = 22.5 spaces*

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

- Car parking – 75 spaces (2 of which are disabled parking)
- Cycle parking – 24 spaces

Officers note that the applicant has provided the requisite amount of on-site cycle parking required for this quantum of development. However, there is a deficit of 4no. car parking spaces against the policy requirements. Officers note that 2 car parking spaces have been removed from the north of the site to facilitate use of a small area of open space. It is also noted that site is located in a sustainable location, and that adjacent application PF/21/1532 overprovides in terms of on-site car parking; although this is being considered in its own right.

As such, the proposal is considered to only partially be in accordance with Policy CT 6 of the adopted North Norfolk Core Strategy in this instance in terms of adequate car parking provision.

### **7. 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 for at least 10% of predicted total 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 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.

As part of the submitted Design and Access Statement, the applicant has outlined their position in relation to sustainable construction. They highlight that the proposal will use a Fabric First approach to development and achieve a Standard Assessment Procedure (SAP) (the methodology used to assess and compare the energy and environmental performance of dwellings) rating of at least 86. They also provide information about how the proposed

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dwellingings make use of building techniques to reduce heat loss by designing out thermal bridging. The applicant has noted the lack of a mains gas supply in Stalham, and stated that the proposal will make use of solar photovoltaic (PV) panels on some of the dwellingings to provide a renewable energy generation source on-site.

The specific details of the solar PV panels and proposed locations within the site have not been submitted as part of this application. However, Officers note the use of solar PV panels within the residential development to the north west of the site and high school to the west. It is therefore considered that an appropriate scheme of solar PV panel provision can be satisfactorily accommodated on this site, particularly towards its northern section, without detrimentally impacting on the design and/or residential amenities of the proposal or the surrounding landscape.

As such, Officers shall secure a pre-commencement condition to ensure that the proposal provides appropriate levels of on-site renewable energy use and generation. In light of this, it is considered that the proposal is in broad accordance with Policy EN 6 of the adopted North Norfolk Core Strategy in this instance.

### 8. 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 outside of and to the east of the Stalham Conservation Area and 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.

Conservation and Design consultees identify that the proposal may *potentially harm the setting of the Stalham Conservation Area and the Grade II Listed Church Farm complex* insofar as removes an area of open space at the south of the site where new dwellingings are being proposed. The space was originally left open in the extant planning permission and was intended to form a transitional visual link through the allocated site from the main envelope of Stalham to the west of the site, and the relatively newer area of Stalham to the south and east of the site.

In noting the comments received from Conservation and Design, Officers are aware that the level of potential harm has not been quantified. Officers consider that this would likely be 'less than substantial' harm yet remain unconvinced that the proposal would harm the significance or the setting of the Stalham Conservation Area or the Listed Buildings to the west due to its scale and residential vernacular. Whilst Officers consider that the proposal does not enhance

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the character or appearance of these heritage assets, it is considered that its effects on them would be broadly neutral given their proximity to the site, existing landscaping buffers and the prevailing developed form within this area of Stalham. In any event, if the proposals were considered to be harmful to the setting of heritage assets, there are public benefits associated with the provision of much needed affordable dwellings that would likely outweigh any identified 'less than substantial' harm to heritage assets.

As such, the proposal is considered to be in accordance with Policy EN 8 of the adopted North Norfolk Core Strategy in this instance, as well as NPPF (Section 16) and has regard for the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 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 relating to a First World War military encampment (which is to be recorded by NCC Historic Environment Service). NCC Historic Environment Service also require that specific areas of the site not excavated in the scope of the works highlighted above are undertaken prior to the commencement of development. A relatively small area at the south east of the site was surveyed under the previous archaeological phase which shows the potential for a continuation of the medieval finds found under the previous works. These works can be secured by conditions.

## **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 Effect (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,

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- 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.

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

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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 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 (under application PF/21/1532). 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 Contributions

*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 residential development, in line with the North Norfolk Open Space Assessment (February 2020):



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- Allotments – £11,407
- Parks & Recreation Grounds – £87,001
- Play Space (Youth) –£5,838
- Natural Green Space – £25,836
- *Total contributions required – £161,668*

*On-Site Open Space* – The proposal is also required to provide 851 sqm of on-site amenity green space based on the quantum of proposed development. The proposal provides c. 887 sqm across the site. It is noted, however, that the majority of this open space is relatively ad hoc and unusable for recreational use and should not be considered as satisfactory provision in this instance. Of that, only c. 620 sqm could reasonably be considered as ‘public open / amenity space’, although its usability for recreational purposes remains doubtful.

Officers also note the adjacent provision of a large area of public open space to the west of the site, associated with PF/12/1427. Whilst this area forms the policy requirement for the quantum of open space required under Policy ST01, this proposal is being considered in its own right as it provides 30no. additional dwellings over the housing numbers requirements of this policy. Similarly, Emerging Policy ST23/2 also requires the provision of not less than 0.21ha of public open space, which this proposal does not provide in of itself.

The provision of 85.1 sqm on-site children’s play space is required from the proposal. This has not been provided within the proposal. A financial contribution of £14,361 would therefore be required to enhance local provision of children’s play equipment in light of the impacts on said local provision the proposal is likely to have. However, 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 £7,437.20 (40 x £185.93) as mitigation for the future impacts of the proposed development on these designated sites are required.

*Local Infrastructure* – Norfolk County Council are seeking contributions towards the follow local infrastructure provision:

- Education – No contribution required as there is spare capacity at Early Education, Infant, Junior and High school levels;
- Libraries – £3,225;
- Green Infrastructure – £8,600 (in addition to that required by Natural England and the Habitats Regulations Assessment Appropriate Assessment detailed in Section 9); and,
- Fire hydrant – 1 hydrant per 50 dwellings (or part thereof) to 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 and NCC Libraries contributions. As such, Officers note that the application

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would be unable to comply with the full requirements of Policy CT 2 of the adopted North Norfolk Core Strategy in this unique 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 6, HO 2, HO 3, HO 7, EN 4 (in relation to residential amenity), EN 6, EN 8, EN 9, EN 10, EN 13, and CT 5 of the adopted North Norfolk Core Strategy. These principally relate to location sustainability, provision of affordable housing, development density, renewable energy provision, heritage, biodiversity, surface and foul water drainage, minimising/preventing the risks from pollution, and impacts on highways safety.

The proposal is considered to only be partially in accordance with Policies SS 1, SS 2, SS 3, SS 4, SS 13, HO 1, and CT 6 of the adopted North Norfolk Core Strategy. These principally relate to the Council's spatial strategy for development, impacts on the environment, housing mix and car parking provision. The proposal is also considered to be in partial accordance with Emerging Policy ST23/2 of the Emerging North Norfolk Local Plan 2016 – 2036 (Regulation 19). 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 representation received by Planning Policy with regards to the location of 100% affordable housing 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, and CT 2 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, on-site open space, provision of contributions to off-set the impacts of development, and accordance with the current site allocation policy. Officers also note that only some of the planning obligations have been able to be secured under this application due to viability constraints, meaning that the proposal cannot fulfil all of its infrastructure obligations.

Whilst the departure from Policy ST01 is considered to be somewhat tempered by the clear and demonstrable need for affordable housing development within Stalham and the District more widely, and the comments received from Planning Policy, and the very slight under-provision of car parking is considered to be towards the more minor end of policy departures, 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 strongly objected to by the relevant consultees.

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 a boost the local economy through an increased residential population who will require the use of local goods and services. Under NPPF (Section 11) Paragraph 122, the proposal is considered to satisfactorily reflect changes in the demand for land; in this instance from the extant commercial (for which no current business or feasibility case can be

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demonstrated) to providing 40no. 100% affordable dwellings under an emerging site allocation.

The provision of this quantum of affordable housing is also considered to be of significant public benefit in its own right, given the clear and demonstrable need for affordable housing with the mix of housing options proposed within Stalham.

Whilst the Council is able to demonstrate a five-year housing land supply, the provision of 40 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.

Whilst finely balance, overall, given the assessment of the proposal against the policies in the adopted North Norfolk Core Strategy, and other material considerations relevant to the proposal, the proposal is found to result in significant benefit in the public interest, which is deemed to marginally outweigh, the specific conflicts within the relevant Development Plan policies as detailed above. 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:**

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

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

**Part 2:**

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

The 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.

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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):

### *Location and Site Plans*

- Plan ref: 79P/01 Revision D (Location Plan), dated 22/02/2022 and received by the Local Planning Authority on 02/03/2022.
- Plan ref: 70P/02 Revision G (Site Layout), dated 04/01/2022 and received by the Local Planning Authority on 10/01/2022.

### *Dwellings and Ancillary Buildings/Structures Plans and Elevations*

- Plan ref: 79P-18 Revision B (Flats – Plans), dated 19/11/2021 and received by the Local Planning Authority on 26/11/2021.
- Plan ref: 79P-19 Revision D (Flats – Elevations), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P-11 Revision C (Plots 1 & 2 2 Bed 4 Person House), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P-12 Revision B (Plots 3 & 4 (and 5 & 6) 3 Bed 6 Person House), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P-13 Revision C (Plots 7-9 & 16-18 2 & 3 Bed Terrace Type A), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P-14 Revision B (Plots 10-12 & 13-15 2 & 3 Bed Terrace Type B), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P-15 Revision C (Plots 19 & 20 3 Bed 7 Person), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P-16 Revision C (Plots 21 & 22 4 Bed 6 Person), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P-17 Revision D (Street Scenes), dated 22/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P.20 Revision B (Bin & Cycle Store), dated 25/11/2021 and received by the Local Planning Authority on 26/11/2021.
- Ref: 78P.29 (Materials Schedule), received by the Local Planning Authority on 23/02/2022.

### *Landscaping and External Lighting Plans*

- Plan ref: 79P/03 Revision H (Southern Site Area Landscape Scheme), dated 04/01/2022 and received by the Local Planning Authority on 10/01/2022.
- Plan ref: 79P/06 Revision F (Northern Site Area Landscape Scheme), dated 04/01/2022 and received by the Local Planning Authority on 10/01/2022.
- Plan ref: 79P.05 Revision G (Southern Site Proposed External Lighting), dated 07/02/2022 and received by the Local Planning Authority on 22/02/2022.
- Plan ref: 79P/08 Revision E (Northern Site Proposed External Lighting), dated 07/02/2022 and received by the Local Planning Authority on 22/02/2022.

### *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.

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- 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*

- Plan ref: 8580-110-001 (S38 Construction Details), dated September 2021 and received by the Local Planning Authority on 06/01/2022.

### *Reports*

- Ref: JBA11/382 AR01 Issue A (Arboricultural Impact Assessment), dated 27/05/2021 and received by the Local Planning Authority on 26/07/2021.
- Ref: JBA 21/235 (Ecological Impact Assessment and Preliminary Ecological Appraisal), dated July 2021 and received by the Local Planning Authority on 26/07/2021.
- Ref: 79P-10 (Landscape Maintenance Plan), received by the Local Planning Authority on 26/07/2021.
- Landscape Briefing Note, received by the Local Planning Authority on 13/10/2021.
- Ref: 79P-09A (Landscape and Planting Schedule), received by the Local Planning Authority on 13/10/2021.
- Planning Statement, received by the Local Planning Authority on 26/11/2021.
- Design and Access Statement, received by the Local Planning Authority on 26/11/2021.
- 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/21/2021 (Solar Panels), received by the Local Planning Authority on 03/03/2022.

### *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.

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.

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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. A) There shall be no commencement of the development hereby permitted until an archaeological written scheme of investigation has first been submitted to and approved in writing by the Local Planning Authority.

The areas to be covered by this condition shall first be agreed in writing with Norfolk County Council Historic Environment Service.

The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording;
2. The programme for post investigation assessment;
3. Provision to be made for analysis of the site investigation and recording;
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
5. Provision to be made for archive deposition of the analysis and records of the site investigation;
6. Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation; and,
7. any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.

B) No development shall take place other than in accordance with the written scheme of investigation approved under Part A of this condition and any addenda to that Written Scheme of Investigation covering subsequent phases of mitigation.

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under Part A of this condition, and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

In the interests of recording and preserving items of archaeological interest, in accordance with Policy EN 8 of the adopted North Norfolk Core Strategy and is pre-commencement as works involving the breaking of ground could potentially impact on archaeological deposits.

5. 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 dwellings 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.

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- 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.

6. 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.

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

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undertaking of the council's statutory function under the Natural Environment and Rural Communities Act (2006).

7. 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.

8. 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.

9. 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.



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10. 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: Design and Access Statement and correspondence from the Applicant, received by the Local Planning Authority on 03/03/2022 re: PF/21/2021 (Solar Panel).

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).

### *Prior to Occupation*

11. Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.

Reason:

In the interests of providing acceptable on-site highways infrastructure in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

12. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 59 metres shall be provided to each side of the access where it meets the highway.

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.

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

14. 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 will be implemented prior to the first occupation of the development hereby permitted.

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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.

15. There shall be no 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.

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.

16. Prior to the first occupation of the development hereby permitted, details of the proposed means of residential, commercial, and medical waste disposal shall first be 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.

17. There shall be no 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, as highlighted in Section 8.1.3. of the Supporting Evidence for Appropriate Assessment, dated January 2022.

The Interpretation Boards shall thereafter be implemented 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).

18. 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.

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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.

19. The landscaping works shall be carried out in accordance with the approved details and implementation programme (Plan ref: 79P/03 Revision H (Southern Site Area Landscape Scheme), dated 04/01/2022; Plan ref: 79P/06 Revision F (Northern Site Area Landscape Scheme), dated 04/01/2022; Ref: 79P-10 (Landscape Maintenance Plan); Landscape Briefing Note; Ref: 79P-09A (Landscape and Planting Schedule) before any part of the development is first occupied 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*

20. 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*

21. 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.

22. No external lighting shall be installed other than in accordance with the submitted lighting plans (ref: 79P.05 Revision G and ref: 79P/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

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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.

23. 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.

24. 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.

25. 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).

26. The development hereby permitted shall be carried out in strict accordance with the mitigation and enhancement measures outlined in Section 6 of Ref: JBA 21/235 (Ecological Impact Assessment and Preliminary Ecological Appraisal), dated July 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).

### 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

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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 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. 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.
6. 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.
7. 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.

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8. 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
9. 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.
10. 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).
11. 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.
12. If required, street furniture will need to be repositioned at the Applicant's own expense.
13. 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.
14. 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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