

**CORPUSTY - PF/21/1990 – Construction of 38 residential dwellings with associated infrastructure and landscaping at Land Off Norwich Road, Corpusty for Broadland Development Services**

**Major Development**

**Target Date: 2<sup>nd</sup> November 2021**

**Extension of time: 31<sup>st</sup> July 2025**

Case Officer: Miss Jamie Smith

Full Planning Permission

**SITE CONSTRAINTS**

Parcel A

With Defined Settlement Boundary

Agricultural Land: Grade 3

Open Land Area LDF

Residential Area LDF

Settlement Boundary LDF

Areas Susceptible to Groundwater SFRA - Classification:  $\geq 25\%$   $<50\%$

Flood Type: Clearwater

Areas Susceptible to Groundwater SFRA - Classification:  $\geq 25\%$   $<50\%$

Flood Type: Clearwater

Landscape Character Area - Description: River Valleys

Contaminated Land

Flood Zone 1

Parcel B

Countryside LDF

Agricultural Land: Grade 3

Areas Susceptible to Groundwater SFRA - Classification:  $\geq 25\%$   $<50\%$

Flood Type: Clearwater

Areas Susceptible to Groundwater SFRA - Classification:  $\geq 25\%$   $<50\%$

Flood Type: Clearwater

Landscape Character Area - Description: River Valleys

Contaminated Land

Flood Zone 2 - Flood Zone 1:1000 chance: Flood Zone 2

Flood Zone 3 - Flood Zone 1:200 & 1:1000 chance: Flood Zone 3

**RELEVANT PLANNING HISTORY**

None

**BACKGROUND**

On 31 March 2022, the application was referred for determination by the Development Committee. However, in light of new Habitat Regulations matters raised by Natural England concerning Nutrient Neutrality (published on 16<sup>th</sup> March), the application (plus a number of

other cases on that agenda) were deferred so that the implications of Natural England's advice could be properly considered.

Since deferral, the applicant has been considering various options to address nutrient neutrality matters and a to deliver required mitigation solutions. An option to purchase credits was considered but proved financially unviable at current credit prices due to the amount of credits needed (based on the performance of the current Corpusty sewage treatment works). Instead, the applicant proposes to secure sufficient nutrient mitigation via replacement of 22 septic tanks serving existing dwellings across the Bure catchment. The applicant proposes to deliver the development in phases. Subject to mechanisms to secure the nutrient mitigation, the proposal now addresses Natural England concerns. Further detail on nutrient neutrality and mitigation is set out within the report below.

## **THE SITE**

The application site comprises two parcels of land that are located either side of Norwich Road in Corpusty, identified within this report as Parcel A and Parcel B.

Parcel A is circa 2.1ha in size and is located on land south of Norwich Road. Parcel A abuts the line of the now disused Midland and Great Northern Joint Railway, which survives as an earthwork. A restricted by-way, Adams Lane, bisects Parcel A which leads to the village centre. There are a number of mature trees located along the south-western site boundary and a series of fields, enclosed by hedging. The site contains a former orchard to the northern edge. There is a Public Right of Way in the northern portion of Parcel A. Parcel A is bordered by residential dwellings to the north, which front onto Norwich Road. To the east of Parcel A is the 16<sup>th</sup> Century Manor House and to the west is the village of Corpusty. A shallow ditch lies to the Norwich Road frontage.

Parcel B is circa 0.78ha in size and is located on land north of Norwich Road and extends up to the River Bure with the B1149 running along the eastern boundary.

Parcel A is located in Flood Zone 1. The eastern half of Parcel B is located within Flood Zone 2 and 3, forming the floodplain of the River Bure to the east of the site. There are no Tree Preservation Orders within or adjoining the application site.

Corpusty and Saxthorpe is identified as a 'Service Village' in the Adopted Core Strategy having a limited range of facilities.

The site is located within walking distance of the village centre, which contains a limited range of facilities and amenities for local residents, including a primary school, village hall, convenience shop and public house. The village is served by a number of bus services to Norwich City Centre (no. 45 and no. 610). Aylsham is located approximately 6.6 miles to the southeast of the village, Reepham approximately 5.3 miles to the south and Holt approximately 7.4 miles to the north.

## **THE APPLICATION**

The application seeks full planning permission for the construction of 38 dwellings (Class C3) with associated infrastructure and landscaping.

The submitted site layout plan shows that residential development is to be located on parcel A with parcel B accommodating a surface water drainage scheme with biodiversity and landscape enhancements in the form of a wetland pond feature. Vehicular access to parcel A would be taken from the Norwich Road and a gated field access from Norwich Road currently provides access to parcel B would be retained. The proposed site layout indicates the main internal access road within Parcel A as being to adoptable standard, with secondary unadopted driveways / cul-de-sacs serving the residential development and a link with the restricted by-way at Adams Lane connecting the village.

Parcel A would contain approximately 0.81ha of amenity land comprising: informal buffer landscaping to established field margins, circular walks, connecting with Adams Lane; retention and enhancement of the orchard as public open space; and formation of a wildlife area within the northern portion of the site. Parcel A is also proposed to include a small wildlife pond as a biodiversity and landscape enhancement.

Parcel B would accommodate a surface water drainage scheme with biodiversity and landscape enhancements in the form of a wetland pond feature. This landscaped area is being prepared by the applicant in conjunction with the Norfolk Rivers Trust, and would not be accessible to the public.

The proposed accommodation schedule comprises 38 residential units, 8 of which would be affordable (21%) based on the following mix: 30 market dwellings and 8 affordable, 6 of which would be for affordable rent and 2 shared ownership:

<b>Market Dwellings</b>	<b>30</b>
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4 x 2 bed bungalow (4 person)	
6 x 2 bed dwelling (4 person)	
16 x 3 bed dwelling (5 person)	
1 x 3 bed dwelling (6 person)	
3 x 4 bed dwelling (7 person)	

<b>Affordable Dwellings</b>	<b>8</b>
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*Affordable Rent*

3 x 1 bed dwelling (2 person)	
2 x 2 bed dwelling (4 person)	
1 x 3 bed dwelling (5 person)	

*Shared Ownership*

2 x 2 bed dwelling (4 person)	
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<b><u>TOTAL</u></b>	<b>38</b>
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The application is supported by the following documents:

- Planning Statement,
- Design and Access Statement,
- Aborigicultural Impact Assessment,
- Ecology Report,
- Preliminary Ecological Appraisal,
- Flood Risk Assessment and Drainage Strategy,
- Landscape Schedule,
- Geotechnical Survey and
- Energy Statement
- Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS)

A Statement of Community Involvement is also provided which sets out that a virtual presentation of the development proposal was made to residents on 18<sup>th</sup> December 2020 and indicates that a consultation event took place to 5<sup>th</sup> February 2021.

## **REASONS FOR REFERRAL TO COMMITTEE**

At the request of Cllr Andrew Brown (in March 2022) in light of the following planning issues at that time:

- The proposal does not comply with planning policy delivering just 21 % affordable homes which is less than the 45% mentioned in the Local Plan and Neighbourhood Plan or indeed the 35% projected level in the emerging Local Plan;
- Significant concern amongst residents that the design of the attenuation SuDS drainage system will be inadequate to cope with excess flooding of established properties adjacent to the development site;
- Lack of consideration to the improvement of the unadopted access namely Adams Lane;
- Inadequate consideration to the ecology of the River Bure and to consider whether the benefits of the development outweigh the negative impacts on local biodiversity;
- Omission of Parcel B land from the landscape management planning;
- Absence of biodiversity design strategy to protect priority species in the Adams Lane area;
- Significant concern over the risk to public safety of the on-site pond within the public open space provision on Parcel A land;
- Absence of detail on how the applicant proposes to manage maintenance responsibility in perpetuity of the common areas within and adjacent to the site i.e. Parcel B land;
- To consider the adequacy and detail of developer contributions via s106 obligations in view of the requirement to contribute to GIRAMS.

## **PARISH COUNCIL**

**Corpusty Parish Council – Comment.**

- Affordable housing is below the standard set by the Neighbourhood Plan – the application allows for 20%; where the North Norfolk policy and Neighbourhood Plan states 50%;
- Water meadow is unlikely to be able to cope with amount of surface water run-off. Water will be running into the Bure with insufficient filtration;
- Additional water will increase flood risk (houses on Norwich Road have flooded previously);
- Who will be responsible for the upkeep/maintenance of the water meadow and will costs fall to the developer or residents;
- Disappointing the EA, National Trust and Internal Drainage Board have not been consulted ;
- Increase in cars and pedestrian traffic. Junction has not been considered. No provision of footpath to village;
- Can existing electricity cables running past the site be buried when new ones are installed;
- Current foul drainage system (from Norwich Road properties and from Irmingland Road, into village pumping station) does not work, and waste water backs up into houses and gardens;
- Parish Council requests that the applicant erect a new, well-hidden pumping station in the water meadow;
- Can a covenant be imposed to prevent houses being sold as second homes;
- Design and houses sizes considered ‘boxy’ and ‘unimaginative’. Rooms are small;
- Design could more closely follow development at Edgefield nearby;
- Development should follow the ‘gold standard’ of London Housing Design Guide.
- Properties are largely 3 – 4 bedrooms, despite NP identifying a need for 1-2 bed properties and elderly people’s bungalows. Insufficient properties identified for M4 (2) higher standard for access by elderly, infirm or disabled occupiers .
- A critical review of the Drainage Report is required by North Norfolk District Council, which the Parish Council believes is flawed, to prevent flooding issues in the medium to long-term, to safeguard existing properties on the north side of Norwich Road.

## CONSULTATION RESPONSES

There have been two rounds of consultation for this application. The first round of consultation took place for a period of 21 days between 06/08/2021 and 27/08/2021. The second round of consultations were for a period of 21 days between 17/01/2022 and 07/02/2022.

Amended plans have been received during the course of the application to address the comments raised by statutory and internal consultees.

The main amendments are as follows:

- A revised site layout to incorporate the addition of 2 extra visitor parking bays to address the consultation response received from the Highways Authority;
- Rearrangement of some of the rear garden spaces, to ensure that gardens are at least equal to the footprint of each dwellings, in accordance with the North Norfolk Residential Design Guidance;
- Compliant internal visibility splays to address the comments of the Highways Authority;

- Compliant visibility splays onto Norwich Road, as requested by the Highways Authority and as evidenced by the updated Arboricultural Impact Assessment, minimal vegetation removal is required to facilitate the new access onto the Norwich Road;
- Revised Landscaping Plan and Schedule to correspond with the revised Site Layout and to address the comments of NNDC Landscape and Ecology. The accompanying report provides further detail regarding the proposed function of open spaces within the site;
- Revised Arboricultural Impact Assessment to correspond with the revised Site Layout and to address the comments of NNDC Landscape and Ecology;
- Additional ecological evidence, principally in relation to the function and operation of the proposed wetland feature, and further baseline evidence in regard to the proposed wetland site. It is to be noted that Norfolk Rivers Trust are proposed to work in partnership with the applicant to deliver and manage the wetland feature to provide drainage attenuation to the proposed development, alongside ecological benefits;
- Updated Preliminary Ecological Assessment;
- Construction and Environmental Management Plan;
- Wetland Design Information and accompanying Plans;
- Water Vole Survey;
- Amendments to achieve Part M4(2) compliance in 11 proposed dwellings (29%) to comply with Corpusty and Saxthorpe Neighbourhood Plan CA1;
- Variation in elevation treatment to address the comments of the Conservation and Design officer.
- Submission of a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) to address Natural England nutrient neutrality concerns.

**Anglian Water – Original comments 13.09.2021 Comments made.**

Assets – None affected

Wastewater – Corpusty Recycling Centre does not have capacity for these flows

Used Water – Sewerage system does not have capacity for these flows – informative required if connecting to an Anglian Water network

Surface Water- Preferred connection is via a sustainable drainage system.

**Environment Agency – Original comments 05.11.2021 No objection**

*Further comments 02.02.2022 - No objection*

A full summary of the comments is provided at **Appendix A**.

**Historic England – Original comments 11.08.2021 No objection**

It is advised that the specialist advice of the Local Authority conservation and archaeological advisors is sought.

*Further comments 16.02.2022 – No objection*

### **Natural England – *Original comments 13.08.2021 Advice***

The application is not likely to result in significant impacts on statutory designated sites or landscapes. Advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

*Further comments 26.01.2022 – No comments*

**NOTE – A Further consultation with Natural England will be undertaken once an updated Habitats Regulations Assessment has been completed.**

### **Sport England – *Comments 19.08.2021 No objection***

If the proposal involves the loss of any sports facility, full consideration to be given to paragraph 97 of the NPPF to protect the Local Authority's Playing Pitch or Built Sports Facility. If the proposal involves provision of a new sports facility, consideration should be given to any approved Playing Pitch or Built Sports Pitch Facility.

### **Norfolk Rivers Drainage Board – *Comments 20.08.2021 No objection***

The site is partly within the Internal Drainage District of the Norfolk Rivers Internal Drainage Board and the Board's Byelaws apply. The adoption of a watercourse is an acknowledgement by the Boards that the watercourse is of arterial importance to the IDD and as such, will normally receive maintenance from the IDB.

The applicant intends to discharge surface water to the River Bure - a Main River. The Environment Agency is the regulatory authority. If the proposal changes to include a discharge to an ordinary watercourse, the proposal will require land drainage consent, in line with IDB byelaw 3.

Other than the River Bure, IDB is not aware of any watercourses within or adjacent to the site boundary. This should be confirmed by the applicant. If the proposal involves alteration of a watercourse, consent would be required under the Land Drainage Act 1991.

A full summary of the comments is provided at **Appendix A**.

### **Local Highways Authority (Norfolk County Council) – *Original comments 27.10.2021***

#### **Comment.**

Amendments and additional information is requested regarding access, visibility splays, visitor parking, an assessment of walking routes, vehicle tracking for refuse vehicles, 20mph zone indicated on the site layout, details of the route and width of the restricted by-way, public footpath and improvements.

*Further comments 21.02.2022*

#### **Comment**

Visibility splays have been provided and do not impact to frontage trees and hedges. An assessment of walking routes has not been provided.

Improvements to Adams Lane should not be restricted to the site boundary and should be agreed now.

Opportunity to provide a footway across the site frontage to the southeast to the northern boundary of Chapel End.

Continuous rear boundary fences to Adams Lane should be avoided.

Additional 2 visitor spaces is welcome. Neither space will mitigate the likelihood of on-street parking.

A full summary of the comments is provided at **Appendix A**.

**Lead Local Flood Authority (Norfolk County Council) – Original comments 03.09.2021**

**No objection**, subject to conditions being attached to any consent if this application is approved and the applicant is in agreement with pre-commencement conditions and the approved surface water drainage scheme implemented prior to first occupation.

*Further comments 09.02.2022 – No objection, subject to conditions.*

The documents submitted illustrate the creation of a wetland area is feasible at this location. The LLFA does not disagree with the findings.

A full summary of the comments is provided at **Appendix A**.

**Historic Environment Officer (Norfolk County Council) – Comments 23.08.2021 Advice.**

If planning permission is granted, request a programme of archaeological mitigatory work in accordance with paragraph 218 of the NPPF, and conditions are imposed requiring the submission and approval of a written scheme of archaeological investigation.

**NCC Public Rights of Way & Green Infrastructure – Comments 29.09.2021**

**No objection**, subject to conditions and informatives requiring a detailed scheme for surface improvements or other enhancements to other public rights of way to Corpusty Restricted Byway 4 (Adam's Lane) and Corpusty Footpath 28.

The applicant will need to obtain a highways boundary plan from NCC to determine the correct location and route of the 2 public rights of way that cross the site.

**NCC Planning Obligations Co-ordinator – Original comments 25.08.2021 Advice.**

Obligations are sought:

*Education* – No early education sector provision within 3.5 miles of the proposed development. There is sufficient space at all local schools, the County Council's Children's Services Department will not be claiming developer contributions on this occasion.

*Libraries* – A development of 38 dwellings would place increased pressure on existing library service in relation to stock (books and ICT) and is required to increase capacity. A development of this scale would require a total contribution of £2850 (£75 per dwelling) to be spent on increasing capacity.



*Fire Hydrants* – Norfolk Fire Services have indicated that the proposed development will require 1 fire hydrant per 50 dwellings (or part thereof) on a minimum 90mm main at a current cost of £921. The onus is on the developer to install hydrants during construction. Given that the works are on site, it is felt that the hydrants should be delivered by planning condition.

*Further comments 18.02.2022* – **No objection.**

**NNDC Conservation and Design Officer** – *Original comments 27.10.2021*

**No objection**, subject to amendments and clarification of materials in relation to bricks and tiles. Impact on heritage assets required under paragraph 202 tips in favour of the development. Design raises few substantive conservation and design concerns.

*Further comments 18.02.2021* – **No objection.**

A full summary of comments is provided at **Appendix A**.

**NNDC Landscape Officer** – *Original comments 01.12.2021 Advice*

- No detail on function of northeastern parcel of land – how this will be planted or managed;
- Disappointing that trees T3 and T33 are being removed because of proximity to plots 36 and 38 – these are natural barrier to the site and do not need to be removed because of visibility splays/highway reasons. Removal of these trees will open up site (site is intended to be enclosed and intimate);
- Replacement planting of 3no. specimen trees is proposed but question whether sufficient space to flourish and grow to mature specimens to replace those removed;
- Confirmation required that only 2 trees (T34, T35) and part of hedging (G31) to the front of the site are to be removed for visibility splays to Norwich Road following comments from Highways Authority;
- Landscape Section would like space behind gardens 17, 18 and 19 (within red line) to be incorporated into the landscape management proposals with a clear function vision of its function.

A full summary of comments is provided at **Appendix A**

**NNDC Ecology** – *Original comments 01.12.2021 Advice*

Lack of clarity regarding ecological impacts, mitigation and compensation required to make the scheme acceptable and compliant with local and national policy, and legislation. Lack of detailed survey information for Parcel B is a significant constraint.

*Further comments 10.03.2022 Advice*

Questions remain over certain elements of the development and the resultant impact/effect on biodiversity.

Should the application be approved, the Landscape Section reiterates the importance of ensuring that the specific details as to the eventual ownership and management responsibilities, together with the maintenance schedule of the open space areas, old railway

line and Adams Lane will need to be secured by condition and as part of the legal obligation (S106).

A full summary of comments is provided at **Appendix A**

**NNDC Environmental Health – *Original comments 13.10.2021* No objection, subject to conditions and informatives.**

Contaminated Land reports (phase1 and 2) are sufficiently robust to support the conclusions made by the specialist. In view of this there is no requirement for further investigation. No development of areas subject to possible contaminants until remediation work has been undertaken as agreed by the Local Planning Authority.

***Further comments 16.11.2021* – No objection**

In relation to the information requested to the lighting and the air source heat pump, no further questions but ask that should the proposal change, permission is sought in writing from the Local Planning Authority.

A full summary of comments is provided at **Appendix A**

**Strategic Housing – *Original comments 26.08.2021* Objection.**

Unable to support the proposed development as it fails to deliver policy compliant numbers of affordable homes – the Core Strategy would expect a site in a service village to have 50% affordable housing with a lesser percentage requiring an independent viability assessment. The results of the viability assessment are awaited to determine how many affordable homes are viable on site.

A high need for affordable housing in Corpusty and Saxthorpe – there are currently 625 households on the Council's Housing List. 72 are within bands 1 and 2 – the highest housing need.

There are also no homes proposed to M4(2) accessible and adaptable mobility standards.

40% of new homes are to be 2 beds or fewer - 17 (44%) of homes are 2 beds or fewer.  
20% are to be suitable for elderly, infirm or disabled. The development will meet the basic M4(1) but not the higher and more accessible M4(2).

Corpusty and Saxthorpe Neighbourhood Plan identifies i) Parcel A for housing development ii) seeks housing suitable for families and older households, including 30% to part M4 (2) iii) seeks affordable housing consistent with Local Plan policies.

On a site of 38 homes with 50% affordable (19) the following mix would be sought:

**Rent**

- 1 bed (2 person) – 6 (including 2 to part M4(2))
- 2 bed (4 person) – 5 (including 2 to part M4(2))
- 3 bed (6 person) – 3
- 4 bed (7/8 person) - 1

**Shared Ownership**

2 bed (4 person) – 2  
3 bed (5/6 person) – 2

*Further comments 16.02.2022 – No objection.*

Council's Independent viability assessor's initial findings support the applicant's view that the site can only support 8 (21%) affordable homes.

Potentially, the site could support 9 (24%) affordable homes if other section 106 costs and community aspirations are foregone.

Welcome the inclusion of 11 homes to M4(2) accessible and mobility standards.

Hope that Broadland Housing Association will be able to secure Home England grant to convert some of the market homes to affordable.

A full summary of comments is provided at **Appendix A**

### **Planning Policy Manager – Comments 8.02.2022 Objection**

The proposed development would be contrary to the policies of the Corpusty and Saxthorpe Neighbourhood Plan.

A full summary of comments is provided at **Appendix A**

### **NNDC Viability Consultant – Comments 07.03.2022 No objection.**

Consider that the viability case made by the applicants is not unreasonable and supports a reduction in the level of affordable housing and s106 contributions as proposed.

Recommend a post development viability review so that excess profit is captured and additional commuted sums paid in respect of shortfall of current s106 obligations: affordable housing, off site open space and Neighbourhood Plan community benefit sum.

## **PUBLIC REPRESENTATIONS**

Three representations have been received during the initial formal consultation period, two were in **objection** and 1 **general comment** was made. Two representations from the same address.

Summary of Representations:

- Would like assurance that Simon Waller's updated report as relevant to the Neighbourhood Plan (based on 20 new builds) will take into account the foul sewer running alongside Bure House and The Bungalow will have to be avoided or re-routed under Section 185 of the Water Industry Act 1991.
- Risk of flooding from surface water run-off
- Drainage
- Evacuation
- Number of dwellings
- Proportion of dwellings for sale against social housing
- Management of common ground, soakaways, drains and wetland field
- Electricity

- Street lighting
- Infrastructure
- Section 106 Agreement

## **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.

## **CRIME AND DISORDER ACT 1998 - SECTION 17**

The application raises no significant crime and disorder issues.

## **PUBLIC SECTOR EQUALITY DUTY**

In making its recommendation, the Local Planning Authority have given due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **STANDING DUTIES:**

Due regard has been given to the following additional duties:

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2017 (R9)

Planning Act 2008 (S183)

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

Local Finance Considerations:

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

## **RELEVANT POLICIES**

**North Norfolk Core Strategy (Adopted September 2008):**

- SS1: Spatial Strategy for North Norfolk (specifies the settlement hierarchy and distribution of development in the District).
- SS2: Development in the Countryside (prevents general development in the Countryside with specific exceptions).
- SS3: Housing (strategic approach to housing issues).
- SS4: Environment (strategic approach to environmental issues).
- SS6: Access and Infrastructure (strategic approach to access and infrastructure issues).
- HO1: Dwelling Mix and Type (specifies type and mix of dwellings for new housing developments).
- HO2: Provision of Affordable Housing (specifies the requirements for provision of affordable housing and/or contributions towards provision).
- EN2: Protection and Enhancement of Landscape Character (specifies criteria that proposals should have regard to, including the Landscape Character Assessment).
- EN4: Design (specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction).
- EN6: Sustainable Construction and Energy Efficiency (specifies sustainability and energy efficiency requirements for new developments).
- EN9: Biodiversity and Geology (requires no adverse impact on designated nature conservation sites).
- EN10: Development and Flood Risk (prevents inappropriate development in flood risk areas).
- EN 13: Pollution and Hazard Prevention and Minimisation (minimises pollution and provides guidance on contaminated land and Major Hazard Zones).
- CT2: Developer Contributions (specifies criteria for requiring developer contributions).
- CT5: Transport Impact of New Development (specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport).
- CT6: Parking Provision (requires adequate parking to be provided by developers, and establishes parking standards).

## **Site Allocations Development Plan Document (2011)**

Policy COR01 – Land Between Norwich Road and Adams Lane

## **Corpusty and Saxthorpe Neighbourhood Plan (Adopted 2019):**

The Corpusty and Saxthorpe Neighbourhood Plan 2036 was 'made' (i.e. formerly Adopted) by North Norfolk District Council on 1st April 2019 and now forms part of the Statutory Development Plan for the Neighbourhood Area of Corpusty and Saxthorpe. This means that policies of the Neighbourhood Plan form part of the Statutory Development Plan and therefore have the same weight as those of the Adopted North Norfolk Core Strategy.

Overarching Policy 1 – Settlement Boundary  
 Overarching Policy 2 – Residential Development  
 Overarching Policy 3 – Density and Design

Priority Development Area – 1  
 Priority Development Area – 2

Policy E1 – The River Bure and Valley  
 Policy E2 – Protection and Enhancement of Local Biodiversity  
 Policy E3 – Renewable Energy  
 Policy E4 – Encourage Schemes for Low Carbon Development

Policy E5 – Local Green Space  
Policy HE2 – Views of the Churches  
Policy DC1 - Overall Character  
Policy W&F2 – Footpaths and Public Rights of Way  
Policy T1 – Traffic Calming

**Community Aspirations:**

Please note that the following are aspirations and do not form planning policies of the Statutory Development Plan; only the relevant policies of the Neighbourhood Plan, as summarised above, have weight in the determination of planning applications:

CA1 – Housing  
CA2 – Renewable Energy and Insulation  
CA3 - Archaeology  
CA4 – Safety  
CA6 – Ultra Fast Broadband  
CA9 – St Peter’s Church  
CA10 – Play Areas  
CA11 – Contributions to Traffic Calming  
CA12 – Public Transport

**Norfolk Minerals and Waste Core Strategy and Development Management Policies 2010-2026 DPD (adopted September 2011).**

**Supplementary Planning Guidance:**

North Norfolk Residential Design Guidance (2021)  
North Norfolk Landscape Character Assessment (2021)

**Material Considerations:**

**National Planning Policy Framework (NPPF) Dec 2024:**

Chapter 2 – Achieving sustainable development  
Chapter 4 – Decision making  
Chapter 8 - Promoting healthy and safe communities  
Chapter 9 - Promoting sustainable transport  
Chapter 11 – Making effective use of land  
Chapter 12 – Achieving well designed places  
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 – Conserving and enhancing the natural environment  
Chapter 16 - Conserving and enhancing the historic environment

**North Norfolk Emerging Local Plan**

The Council’s Emerging Local Plan was subject to a further round of examination in April 2025 and, following receipt of the Inspector’s letter dated 08 May 2025, subject to completion of required Main Modifications, six-week public consultation and completion of any additional modifications, the plan is expected to be found sound and adopted in Autumn 2025. At this stage, whilst the Emerging Local Plan is capable of attracting some weight for decision making purposes, this would be considered “limited” at this stage.

## **MAIN ISSUES FOR CONSIDERATION**

The main issues for consideration:

- 1. Principle of development**
- 2. Housing Mix and Type**
- 3. Density, Layout and Design**
- 4. Residential Amenity**
- 5. Highways and Parking**
- 6. Historic Environment**
- 7. Trees and Landscape**
- 8. Ecology and Habitats Regulation Assessment**
- 9. Open Space**
- 10. Flood Risk and Drainage**
- 11. Sustainable Construction and Energy Efficiency**
- 12. Planning Obligations**
- 13. Other material planning considerations**
- 14. The Planning Balance**

## **APPRAISAL**

- 1. Principle of Development** (Site Allocation policy COR01; Neighbourhood Plan Priority Areas 1 and 2)

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.

Corpusty and Saxthorpe is identified as Service Village in the Adopted North Norfolk Core Strategy (2008) where a small amount of new development will be permitted to support rural sustainability.

Site Allocations Development Plan Policy COR01 (Land Between Norwich Road & Adams Lane) allocates part of the application site for development and identifies land as having capacity to deliver 18 dwellings together with public open space. Policy COR01 relates to circa 0.85ha of land which comprises the northern section of Parcel A within this application.

Policy COR01 requires the provision of 50% affordable housing and contributions towards infrastructure, services and other community needs as required, in addition to the following:

- a) Safe access solely to Norwich Road;
- b) Provision of 0.15ha public open space available in perpetuity;
- c) Wildlife mitigation and improvement measures;
- d) Approval of a scheme of mitigation to minimise impacts on the relevant SPA/SAC arising as a result of increase visitor pressure and ongoing monitoring of such measures;
- e) Demonstration that there is adequate capacity in sewage treatment works; and
- f) Incorporation of SUDs – Sustainable Urban Drainage.

The Corpusty and Saxthorpe Neighbourhood Plan was ‘made’ i.e. formerly adopted, in April 2019 following a Referendum and forms part of the Statutory Development Plan. The Neighbourhood Plan provides policies and community aspirations to guide new development in the Parish up to 2036. Two priority areas are identified for new residential development, including priority areas 1 and 2 comprising Parcel A and a Priority Area of Open Space, shown as an area of open space on the proposed site layout comprising an existing orchard, contiguous with the settlement boundary. A copy of Figure 14 from the Corpusty Neighbourhood Plan is attached at **Appendix B**.

Overarching policy 1 of the Neighbourhood Plan supports proposals for infill development within and including the priority sites where they accord with the Development Management policies of the Development Plan, comprising policies of the Core Strategy and Corpusty and Saxthorpe Neighbourhood Plan.

The principle of residential development with Parcel A of this application is therefore acceptable through policy COR01 of the Site Allocations DPD and Priority Areas 1 and 2 of the Neighbourhood Plan, subject to compliance with the requirements of other policies of the Development Plan (comprising both the Core Strategy and Neighbourhood Plan).

The development of Parcel B, located on the opposite side of Norwich Road, does not form part of the Site Allocation or a Priority Area for new residential development. It is located in an area of designated countryside, in which proposals for development outside the settlement boundary will only be supported where they are appropriate to a countryside location and are consistent with development plan policies (Overarching policy 1 of the Neighbourhood Plan and policy SS 2 of the Core Strategy). Development within Parcel B would amount to a departure from the Development Plan and it would therefore be necessary to consider any material considerations in favour to justify the departure from the Development Plan.

As the council is currently unable to demonstrate deliverable sites sufficient to provide a minimum of five years’ worth of housing. Planning applications will therefore be considered in line with paragraph 11(d) “Tilted Balance” of the NPPF which states that:

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

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

CS Policies SS 1 and SS 2 are therefore considered “out of date” in accordance with NPPF paragraph 11 d). Recent appeal decisions have however, continued to confirm that these



policies remain broadly consistent with the NPPF in respect of setting an overall strategy for the distribution of sufficient housing and focusing significant amounts in locations which are sustainable, thus limiting the need to travel, offering a choice of transport modes and helping to reduce congestion and emissions, so as to improve air quality and public health.

Further assessment of the titled balance will be undertaken within the Planning Balance section of the report.

## 2. **Housing Mix and Type** (Core Strategy policies H0 1, H0 2; Neighbourhood Plan Community Aspiration CA1 – Housing)

### Dwelling Mix and Type

The Core Strategy identified a deficit of smaller starter homes across the District, including one and two bedroom dwellings. Policy H01 of the Core Strategy expects schemes of more than 5 dwellings to have at least 40% of the total number of dwellings with an internal floor area of 70 sq m or less and no more than 2 bedrooms. In addition, 20% of dwellings should be suitable or easily adaptable for occupation by the elderly, infirm or disabled (with calculations rounded up as per policy requirements).

The Corpusty & Saxthorpe Neighbourhood Plan Community Aspiration CA1 seeks housing suitable for families and older residents and to be designed and constructed to meet the changing needs of their occupants over time, with at least 30% of all new homes to meet the Building Regulation requirement M4(2) for accessible and adaptable dwellings suitable for many age groups. This is unless viability considerations dictate otherwise, or it is not practical given the physical characteristics of the site, or it would severely compromise the design and character of the area.

The proposed development comprised 38 dwellings, including 30 market (79%) and 8 affordable dwellings (21%). The mix by unit size and tenure split is summarised in the table below:

Tenure	Bedrooms (Occupancy)	Property Type	Number Proposed	Overall %
Market	2 (4)	Bungalow	4	11
Market	2 (4)	Dwelling	6	16
Market	3 (5)	Dwelling	16	42
Market	3 (6)	Dwelling	1	3
Market	4 (7)	Dwelling	3	8
Affordable Rent	1 (2)	Dwelling	3	8
Affordable Rent	2 (4)	Dwelling	2	5
Affordable Rent	3 (5)	Dwelling	1	3
Affordable Shared Ownership	2 (4)	Dwelling	2	5
<b>TOTAL</b>			<b>38</b>	

The application proposes 17 of the 38 dwellings as having 2 bedrooms or fewer (44%) in compliance with the first part of Core Strategy Policy HO1.

As originally submitted, the proposed development met the basic Part M4(1) of Building Regulations, but not the more accessible Part M4(2). In response to the comments of Housing Strategy, the applicant has addressed the policy requirement of HO 1 (ii) and community aspiration CA 1 of the Neighbourhood Plan, by increasing the proportion of dwellings achieving part M4(2) to 11 overall (29%). Whilst this is slightly lower than the Neighbourhood Plan aspiration of 30%, the proposal is on balance, considered to achieve compliance with policy HO1 of the Core Strategy and Community Aspiration CA1 of the Neighbourhood Plan.

#### Affordable Housing

Core Strategy Policy HO 2 sets out that where it is viable to do so, on schemes of 2 or more units or on sites larger than 0.1ha in Service Villages, not less than 50% of the total number of dwellings proposed should be affordable.

Site Allocation Policy COR01 also restates the requirement for the provision of at least 50% affordable housing to reflect the requirements of Policy HO 2 of the Core Strategy. This is also reflected in Community Aspiration CA1 of the Corpusty & Saxthorpe Neighbourhood Plan, which seeks affordable housing to North Norfolk District Council standards for schemes involving 10 or more dwellings.

The Council's Housing Strategy and Delivery Manager has confirmed that, within Corpusty, there is an identified need for affordable homes with 625 households on the Council's waiting list, and of these, 72 households are within Bands 1 and 2 – those households with the highest need. Of the 72 households, three include a household member who use a wheelchair and six are aged 60+, with the highest need for 1 bed dwellings (42) followed by 2 beds (17).

The application proposes 8no. affordable dwellings (21% in total) based on the following tenure split:

Affordable Rent
3no. 1 bed dwelling (2 person)
2no. 2 bed dwelling (4 person)
1no. 3 bed dwelling (5 person)
Shared Ownership
2no. 2 bed dwelling (4 person)

The dwellings for affordable rent and shared ownership (plots 3, 12, 14, 15, 30, 31, 32 and 36) will be pepper potted across the site.

Given that the housing mix and proportion of affordable housing with this application represents a departure from Development Plan policies in respect of affordable housing provision, the applicant has undertaken a viability assessment. Members should note that the Council's Viability Consultant has independently assessed the proposals and considers that

21% affordable dwellings, 8 dwellings in total, is the viable amount of development that can be delivered on the site. Subject to this amount of affordable housing being secured, the proposal would accord with the aims of Development Plan policy.

The applicant has indicated that, should planning permission be granted, they will seek to further maximise the provision of affordable housing by applying for grant funding from the Homes and Communities Agency. Although a welcome statement, this potential additionality cannot be secured by this permission and so would carry limited weight in the planning balance.

In respect of the Emerging Local Plan (expected to be adopted in Autumn 2025) on the basis of the supporting viability evidence, proposed Policy HOU 2 would place the site in “Zone 1” requiring 15% affordable housing. The provision of 21% affordable housing would therefore accord with the expectations of the new Local Plan.

On balance, Officers consider that the amount of affordable housing to be secured via this permission reflects the realistically achievable viable amount and would accord with Core Strategy Policy HO 2.

**3. Density, Layout and Design** (Core Strategy policies EN 4, HO 7; Overarching policies 2 and 3 of the Neighbourhood Plan)

**Density**

Core Strategy Policy HO7 requires that housing developments in designated service villages should have an indicative density of no less than 30 dwellings per hectare. The application site is located on the periphery of the village of Corpusty in a semi-rural location. Policy HO 7 advises that ‘In assessing what density is appropriate, priority will be given to ensuring that making efficient use of land does not result in development that detracts from the character of the area. The precise density will therefore be determined having regard to the sites immediate context, on-site constraints, the type of development proposed and the need to provide an appropriate mix of house types and sizes to meet the community’s needs’.

Overarching policy 3 of the Corpusty & Saxthorpe Neighbourhood Plan sets an indicative density threshold reflective of the Core Strategy policy HO 7 of a minimum of 30 dwellings per hectare, but states that within Priority Areas identified for new development, proposed development of a higher density will be supported where this results in a high quality development that respects the site concerned.

The application site area within Parcel A, in which the proposed new residential development would be located is 2.1 ha. With 38 dwellings proposed on this site, the density would be 29 dwelling per ha based on the net developable area, which is slightly less than the indicative densities set out at policy HO 7 and the Neighbourhood Plan policy.

However, given the pattern of development in the locality, which is characterised by low density residential development in a semi-rural location on the south-eastern fringes of the village, Officers consider that a slightly lower density of development is considered to be

acceptable. This recognises the proposed retention of the orchard as public open space, landscape buffers comprising hedgerows and trees on site boundaries, notably to the southern boundary, and the restricted byway, Adams Lane, that bisects Parcel A and provides an important pedestrian link to the village.

The proposal is therefore considered to provide an appropriate development density in accordance with the aims of Development Plan policy.

### Design and Layout

The North Norfolk Design Guide requires development schemes to comply with the requirements of Core Strategy Policy EN 4 and sets out a number of principles to help developers achieve this including:

- The established form and character to provide a strong steer towards new development;
- Well-designed spaces with a clear purpose and function;
- Clear visual links between buildings;
- The siting and grouping of buildings should reinforce local identity;
- Private garden areas should be of an adequate size and shape; and
- Buildings should be orientated to make maximum use of solar gain.

Overarching policies 2 and 3 of the Corpusty & Saxthorpe Neighbourhood Plan set criteria by which new residential development is to be assessed. This includes the need for new residential development to complement, reinforce and enhance the local distinctiveness of the Neighbourhood Area; demonstrate how the scale, mass, layout and design of the site fits with the character of the area and wider village setting; and to adhere to the principles contained within the north Norfolk Design Guidance (Overarching policy 3). Paragraph 3.3.7 of the North Norfolk Design Guide points out that 'In a rural area like North Norfolk, informal groups of houses tend to be more compatible than any geometrical configuration'. Such a layout also adds interest and depth to the design of the site by creating areas of visual enclosures.

In regard to layout, the proposed scheme is considered to create an evolving layered street scene, and the lack of regimentation in the siting of buildings creates a relatively informal layout, compatible with an edge of village, rural location. There is a variety in parking provision, with small parking courts, covered carports and garages, which prevents the proposed scheme being unduly dominated by parking, and the development is considered to assimilate reasonably well into landscape setting of the site, taking account of important hedgerows and trees across the site. Further consideration of the landscape setting is considered below in this report. There is a mixture in the size and type of dwellings included in the layout, with 2 storey terraced cottages, semi-detached dwellings, larger detached family dwellings and bungalows, to enable a varied form, and to ensure that the scale and massing relates sympathetically to the context.

There are some deficiencies with the submitted layout, notably the lack of active surveillance from some of the plots backing onto Adams Lane Restricting Byway, which bisects Parcel A and across which the new internal road would pass. However, some surveillance would be provided from first floor rear facing windows and gardens, and plots 12, 29 and 28 would all

have active frontages facing onto Adams Lane. A second pedestrian route would also be provided by Corpusty Footpath 28, which would run parallel with the retained orchard area of public open space, located adjacent to the northern site boundary of Parcel A.

The layout is therefore considered acceptable in broad compliance with Policy EN 4 within the North Norfolk Core Strategy, the supporting guidance set out within the North Norfolk Design Guide and relevant policies of the Corpusty and Saxthorpe Neighbourhood Plan.

In terms of detailed design and materials, the Conservation and Design Officer is generally satisfied with the proposed scheme. Elevationally, individual dwelling types follow the applicant's emerging house style, with the dwellings generally considered to be appropriately proportioned and detailed. Following the initial round of consultations, the applicant has sought to amend the group of terraces (plots 36-38) at the site entrance adjacent to the new access onto Norwich Road. Given their prominent location, concerns were expressed regarding the lack of relief and modelling to the elevations, other than rectangular porches, plain roofscape and largely blank brick gables facing the main entrance. The applicant has therefore amended the design of this group of 3 terraces to improve their modelling and appearance, with the introduction of flint panelling to the front elevation of plot 36, an increase in the ridge height and footprint, and alterations to the porch design.

In regard to materials, the applicant has submitted a materials palette, which is generally considered to be appropriate by the Conservation and Design Officer to the rural context.

The proposed external materials are a combination of the following:

- Facing brickwork comprising Audley Antique, Ivanhoe Old Cottage and a White brick (details of which are to be confirmed)
- Timber cladding (black and light green)
- Flint panelling with recessed joints – proper flint cobbles, rather than pre-formed blocks
- Timber Flush casement windows (uPVC) and Liniaar Flush Casement (uPVC) double glazed uPVC in cream, sage green, light grey, dark grey and natural timber
- Sandtoft Neo Pantiles in Natural Red and Slate Grey.

However, some initial concerns were expressed regarding the choice of Facing Brick A (Audley Antique) which was not considered to be characteristic of North Norfolk, with a warmer orangery-red multi stock brick preferred, and Facing Brick B (Ivanhoe Old Cottage Blend). Additionally, the principle of the chosen roof tile is considered appropriate to the context, subject to the use of Tuscan or Flanders Sandtoft Neotile used, rather than a one-dimensional natural red roof tile.

The applicant has therefore updated the materials palette, by replacing the bricks with Weinberger Old Heritage Antique Brick and Ivanhoe Westminster. The second choice of brick is still considered to be unacceptable for the location however, owing to patchy chequerboard of brick, uncharacteristic of the District. The Conservation and Design Officer has therefore recommended a number of alternative brick choices to the applicant that are considered to be more appropriate to the local context.

In terms of hard surfacing materials, and boundary treatments, the proposed scheme is considered to be acceptable. A short section of the main adopted access road would be asphalt with impermeable setts elsewhere, with unadopted private driveways a mixture of permeable setts and bound gravel, and estate paths in Breedon gravel. Boundary treatments would comprise either 1.2, 1.5, 1.8 metre high brick walls with capping detail or close panel timber fencing, with 1.2 metre high estate rail fencing to the small attenuation pond in the northern half of Parcel A.

In summary, officers consider that the proposal meets the design aspirations of the Core Strategy Site Allocation and the Corpusty and Saxthorpe Neighbourhood Plan, as the design of the scheme takes into account local context and character, and the scale and massing of buildings would also be sympathetic to existing rural context. Subject to planning conditions to secure a final materials schedule and hard landscaping scheme, the proposal is therefore considered to be in accordance with Policy EN 4, the supporting guidance as set out within the North Norfolk Design Guide and Overarching policies 2 and 3 of the Neighbourhood Plan.

#### **4. Residential Amenity** (Core Strategy policy EN 4; Overarching policies 2 and 3 of the Neighbourhood Plan)

In regard to the impact on neighbouring amenity, development proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and all new dwellings should provide acceptable residential amenity to satisfy Core Strategy Policy EN4 and Residential Design Guidance.

Proposals are required to sit comfortably with existing adjacent dwellings in terms of scale, mass, height and orientation (overarching policy 2 of the Corpusty & Saxthorpe Neighbourhood Plan) and to take into account the principles of North Norfolk Design Guidance (overarching policy 3).

In regard to the proposed dwellings, the submitted layout demonstrates that each new dwelling would have private amenity space in the form of a rear garden. Officers initially raised concerns with the applicant regarding the size of private gardens of some of the units, which should be no less than the footprint of the dwelling on the site, to reflect the number of occupants, and to have an aspect that is free from shading during the year.

Plots 3, 4, 5, 31, 14, 10, 13 are identified as having small gardens, and plots 27, 26, 21, 20, 19, 30, 31, as being in shadow from retained, mature trees along site boundaries. The Shading Diagram submitted with the Arboricultural Survey demonstrates that the shading impact would be minor–negligible on the affected dwellings largely located on the southern site boundary, apart from plot 19, which is stated as having a ‘moderate’ harm, with most of the garden in shade from mid-afternoon onwards. Officers consider that, whilst the shade impact to a single dwelling is most unfortunate, this impact has to be considered within the context of the wider site. Whilst Officers consider the impact to not be so severe as to sustain a refusal of permission, the issue of non-compliance would nonetheless need to be appropriately weighted when making the overall planning balance.

With regard to garden and plot size, the applicant has provided a ratio of garden to plot size. This demonstrates that whilst some of the plots are small they are of equivalent footprint to

dwelling. Furthermore, small gardens would be compensated for by the overprovision of on-site amenity space. The applicant has however submitted a revised layout which increases the garden sizes to some of the smaller dwellings, notably to plots 3, 5, 14, 22 and 37. A couple of units are identified as falling below national minimum floorspace standards (Technical Housing Standards 2016) (plots 1-3, 10, 20, 24 and 25) but this is by a marginal amount in the majority of cases. The applicant confirms that all dwellings would retain Homes and Communities Agency's Housing Quality Indicators.

In regard to neighbouring amenity, existing dwellings adjacent to the application site, would not be subject to any reduced level of privacy or overlooking when measured against the recommendations of the Design Guidance. It is noted that plots 33-34 would only achieve a separation distance of just under 17 metres, but these would be bungalows, and there is a high close boarded fence forming the boundary to the neighbouring property. In the context of the wider scheme, this relationship is considered to be acceptable. Similarly, plots 5 and 1-3 and 16 would encroach towards neighbouring residential properties adjacent to the southeastern site boundary, but given the change in levels, orientation of dwellings and high close boarded timber fencing that forms the boundary, there is not considered to be any significant loss of amenity.

On balance, the relationship to neighbouring residential properties is not considered to be significantly detrimental to residential amenity, and the proposal is considered to be in broad compliance with policy EN 4.

5. **Highways, Access and Parking** (Core Strategy policies CT 5, CT 6; Site Allocation DPD policy COR01; Neighbourhood Plan policy T1, Community Aspiration CA11 – Contributions to Traffic Calming and CA12 – Public Transport)

Core Strategy Policy CT 5 considers the transport impact of new development and sets out that proposals should be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its location. Policy CT 5 lists specific criteria against which development proposals are to be assessed including:

- *Safe and convenient access on foot, cycle, public and private transport addressing the needs of all;*
- *Capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;*
- *Expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and*
- *Development proposals with significant transport implications to be accompanied by a transport assessment.*

Paragraph 116 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios..

Site Allocations Development Plan Policy COR01 requires the provision of safe access solely to Norwich Road for a development of approximately 18 dwellings, in addition to the contributions towards infrastructure, services and other community needs.

The Corpusty and Saxthorpe Neighbourhood Plan (Policy T1) states that new development that promotes and protects highway safety will be supported. In addition, Community Aspirations CA11 – Contributions to Traffic Calming, requires new residential development comprising 5 or more dwellings, to generally contribute towards traffic calming measures where the evidence supports such a need, and to ensure that the nearest bus stops will be brought up to a good standard (Community Aspiration CA12 – Public Transport).

### Access

The application proposes a single point of vehicular access to the site (Parcel A) on to Norwich Road forming a new priority T-junction. This will require the removal of a section of hedgerow and vegetation at this point. Norwich Road is subject to a 30mph speed restriction. A new internal access road is proposed as a pedestrian and vehicular shared surface with new pedestrian footways along both sides of the adopted access road into the site. The internal road layout transitions into a shared surface with private driveways and a raised table demarcating the crossing with Adams Lane bridleway.

The applicant has undertaken an assessment of the road traffic accidents within the vicinity of the site and within Corpusty village centre over a five-year period (2015-2019) which identifies no slight, serious or fatal accidents. The level of traffic generation from this proposed development during the morning and afternoon peak periods, is anticipated to be 15 departures and 8 arrivals during the morning peak and 8 departures and 15 arrivals in the afternoon peak, based on a TRICs assessment undertaken by the applicant. This demonstrates that the quantum of vehicular trips proposed by this development can be accommodated on the surrounding highway network, without any capacity issues. Officers consider that the proposal would accord with the aims of Core Strategy Policy CT 5.

In regard to sustainable modes of transport, the site is located approximately 250 metres from the village centre and is considered to be within reasonable walking distance of local amenities and community facilities including the village shop, public house and primary school via Adams Lane (Restricted Byway 4) and public right of way Corpusty Footpath 28.

Secure, covered cycle storage is proposed for each dwelling (sheds to each garden) and the nearest bus stop is located at a distance of approximately 100 metres to the north of the site in the village centre, providing access to Norwich and Reepham.

The Highway Authority has been consulted on the application and raised a number of issues which the applicant has sought to address with an amended site layout. The site layout as revised incorporates a junction with 6 metre kerb radii and 2.4 x 59 metre visibility splays at the new vehicular access onto Norwich Road with minimal vegetation removal. Internally, the junction adjacent to plot 35 accommodates 6 metre kerb radii and visibility splays in both directions measuring 2.4 x 25 metres. Adequate visibility splays are provided to the existing



gated field access to Parcel B, although access would be restricted to maintenance vehicles only, as it is not proposed that Parcel B would be publicly accessible. Internally, vehicle tracking for refuse vehicles is provided, and the layout annotated to show that the internal road would be a low traffic, low speed layout, subject to a 20mph speed restriction.

The new internal access road would bisect Corpusty Restricted Byway 4 (Adam's Lane) and would narrow at this point. The applicant is seeking to upgrade the existing PROW Corpusty Footpath 28, which connects onto Norwich Road, and to upgrade Adams Lane restricted byway to an adoptable standard, with indicative details of a 1.2 metre wide access and resin bound gravel surface to Adams Lane. In the case of the restricted byway, the upgrades and improvements to Adams Lane would extend beyond the application boundary and would be secured through a Section 278 Agreement. It is considered that further details of a crossing scheme to Adams Lane, to show the carriageway width, surfacing treatment and lighting at this point, and a detailed specification and ongoing maintenance scheme of upgrades to restricted byway Adams Lane and Corpusty Footpath 28, could be secured by planning condition. Whilst the applicant has considered the provision of a continuous footway from the B1149 to Chapel End, Norwich Road, to address the comments of the County Highways Authority, this has not been taken forward on viability grounds. It is considered that subject to these upgrades to the existing byway and public right of way, adequate pedestrian connectivity could be provided to the site.

### Parking

Core Strategy Policy CT 6 considers parking provision designed to ensure that adequate vehicle and cycle parking facilities are provided.

In respect of parking provision within the site, the development comprises the following:

- 3no. 1 bed units
- 14no. 2 bed units
- 18 no. 3 bed units
- 3no. 4 bed units

According to the Core Strategy policy CT6, the development should deliver a 1.5 spaces per 1 bed unit, 2 spaces per 2/3 bed unit and 3 spaces per 4 bed unit, amounting to a total on site requirement of 78 parking spaces. The parking provision with the application is for 84 spaces. Parking will be provided either within the curtilage of properties, some within garages and carports, or in small parking courts to Adoptable Parking Standards. The Highway Authority notes some deficiencies in the internal layout, with some of the parking spaces to plots 14, 23 and 27 having no natural surveillance of their allocated spaces. In addition, some concerns were highlighted regarding the lack of visitor parking space in the form of roadside laybys resulting in on-street parking. The applicant has increased visitor parking with 2 additional spaces, including an inset bay adjacent to plot 29 and to the parking court adjacent to plot 21, This is in addition to 2 visitor parking spaces adjacent to plots 30-32.

Notwithstanding the limited visitor parking, the proposed development is considered to be compliant with Policy CT6 of the North Norfolk Core Strategy.

**6. Historic Environment** (Core Strategy policies EN 4, EN 8; Neighbourhood Plan Community Aspiration CA 3 – Archaeology, policy HE 2 – Views of the Churches, CA 9 – St Peter's Church)

Under the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention is to be paid to the desirability of preserving a listed building or its setting or any features of special architectural and historic interest. The NPPF at paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from alteration or destruction, or development from within its setting) should require clear and convincing justification. Great weight is to be given to the asset's conservation, irrespective of whether any harm amounts to substantial harm, total loss of, or less than substantial harm to its significance (paragraph 212).

Policy EN 8 of the Core Strategy states that development proposals should preserve or enhance the character and appearance of designated assets, other important listed buildings, structures and their settings through high quality sensitive design. It should be noted that the strict 'no harm permissible' clause in Policy EN 8 is not in strict conformity with the guidance contained in the National Planning Policy Framework (NPPF). As a result, in considering any proposal for the site the Local Planning Authority will need to take into consideration Section 16, paragraph 215 of the NPPF. This requires that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, including any contribution made by its setting, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

**Listed Buildings**

The closest listed building to the application site is the Grade II listed 16th Century Farmhouse, located approximately 35 metres to the southeast of the application site and accessed from Norwich Road. The Grade I listed St Andrew's Church, Saxthorpe and the Grade II\* listed St Peter's Church, Corpusty are located approximately 480 metres to the northeast and 400 metres to the southeast respectively from the application site.

In consultation with the Council's Conservation Officer, the proposed development would clearly envelope and encroach into the existing field (Parcel A) that surrounds the listed farmhouse to the southeast of the site. This would result in some harm being caused to this important heritage asset, as historically the listed building has derived part of its significance from its outlying position away from the main body of the village. Clearly, however, the development would see it being merged into the built envelope. The setting of the listed farmhouse has been compromised to some extent however by late 20th century highway improvements (B1149) which now sees the heritage asset positioned on an engineered crossroads and a wide bypass. Recent barn conversions to the northwest have also introduced a domestication and residential character to the setting of the listed farmhouse, and the erection of close boarded timber fencing on the south-western boundary that frames the adjacent footpath, has also compromised the immediate setting. The level of harm is considered to be 'less than substantial', owing to a combination of curtilage having a self-contained quality that is framed by existing mature planting on its South Western boundary. This creates meaningful separation distance between the existing and proposed buildings. A combination of the changing levels and the respective siting and orientation would prevent any direct competition between the existing and proposed buildings.

Whilst matters of planning judgment and the weight to be afforded are matters for the Committee, as decision maker, Officers consider that the proposed development would not impinge upon or block any important views of the heritage asset. As such it is considered that only modest public benefits would be needed to outweigh any harm to heritage significance.

Officers consider that it would be perfectly reasonable for the Committee to conclude that the public benefits of the proposal, in particular the provision of housing and affordable housing meeting an identified local need, could outweigh the less than substantial harm to the setting of the heritage asset.

In regard to the impact on views to the Grade I listed St Andrew's Church and the Grade II\* listed St Peter's Church, the Neighbourhood Plan identifies the importance of maintaining the views and setting of both churches at policy HE2. Development that would affect the immediate or wider viewpoints of these churches should be informed by a Landscape and Visual Impact Assessment. Given the intervening distance to St Peter's Church and the mature tree belt on the southern site boundary that would be retained with the proposed development, and the intervening distance and topography to St Andrew's Church, Officers consider that the proposed development would not impact upon sightlines or their landscape setting.

### Archaeology

Policy EN 8 requires development proposals affecting sites of known archaeological interest to include assessment of their implications and to ensure that important archaeological remains are preserved. Community Aspiration CA3 of the Corpusty and Saxthorpe Neighbourhood Plan requires all potential development within 250 metres of an existing Historic Environment Record to consult with Norfolk Environment Service to establish whether a detailed archaeological survey is required.

The applicant has undertaken pre-application discussions with Norfolk County Council's Historic Environment Service, who identified the site as having potential to contain heritage assets of archaeological interest, including Late Saxon, post medieval remains and a small cottage at the eastern end of the site (based on 1839 Corpusty Tithe Map). Given the presence of such heritage assets, a programme of trial trenching would be required to be undertaken before the commencement of development in accordance with a written scheme of investigation, and for site investigation and post site investigation assessment to be completed before the development is occupied. This would be secured by planning condition.

On balance, subject to the imposition of conditions, the proposed development would accord with the aims of the Development Plan Policy, guidance within the National Planning Policy Framework and Statutory requirements.

## **7. Trees and Landscape (Core Strategy policies EN 2, EN 4; Neighbourhood Plan Overarching Policy 2)**

Local Plan Policy EN 2 seeks to protect and enhance the existing landscape and settlement character of the area in respect of location, scale, design and materials to protect, conserve and/or enhance:

- the special qualities and local distinctiveness of the area;
- gaps between settlements, and their landscape setting;
- distinctive settlement character;
- the pattern of distinctive landscape features, such as trees and field boundaries, and their function as ecological corridors for dispersal of wildlife; and
- visually sensitive skylines.

Core Strategy Policy EN 4 sets out that development is expected to 'retain important landscaping and natural features and include landscape enhancement schemes that are compatible with the Landscape Character Assessment and ecological network mapping'. Overarching policy 2 of the Neighbourhood Plan requires development to safeguard existing hedges or to replace them to an appropriate standard by alternative planting to Sites 1 and 2. The sub-text to the policy notes that hedgerows in the Parish are protected by the Hedgerow Regulations; hedgerows in danger of being removed as a result of new development should be replaced and accompanied by an after-care and management scheme. Supplementary planning which strengthens the existing network of hedgerows and ecological corridors will be encourage.

The site is located within the River Valleys Landscape Character Area, as designated by the North Norfolk District Council Landscape Character Assessment 2021, with the application site being located in the River Bure river valley and its tributaries. The main characteristics that derive from the River Bure River Valley are a nucleated settlement pattern. Corpusty and Saxthorpe is identified as having gradual residential infill over decades, resulting in a more dispersed settlement pattern, with the main settlement concentrated in the valley floor and development running along valley sides. The intimate, contained rural character, variety of landscape elements (woodland, pasture, historic villages) and wealth of biodiversity, combined with the distinctive character and cultural heritage of individual settlements, therefore give a strong sense of historic place with varied vernacular styles.

The applicant has undertaken an Arboricultural Method Statement, Tree Protection Plan, Landscape Scheme and Management Plan in support of the application, which have scheme has been assessed by the Council's Landscape and Ecology Officer. The majority of vegetation and proposed planting is to be retained within public areas of the site and ownership/management responsibilities would be retained by Broadland Housing Associated / Management Company, the details of which could be secured by planning condition and Legal Agreement.

Overall, the proposed development has sought to retain most of the valued trees and hedgerows across the site and the impact on retained trees is considered to be negligible: 10 trees are proposed to be removed overall and 6 groups of hedging or scrub would be partly removed or removed entirely out of 89 individual trees and groups. Following initial comments from the Landscape Officer, the applicant confirms that T33 (Ash Tree) at the location of the new access onto Norwich Road, is to be retained; however, two other trees (T34, T35 both Ash Trees) along with a section of hedgerow (G31 mixed hedgerow) would need to be removed, in order to accommodate the new vehicular access onto Norwich Road. Three hornbeam and additional field maple and bird cherry trees are to be planted to bolster and reinforce the entrance to the development site, which is considered acceptable.

Hedges bordering Adams lane (G39, G40, G48 and G49) and some other boundaries are reduced in height and spread/depth, in order to accommodate new housing. Trees are proposed to be removed and pollarded along the western former railway embankment and new planting is proposed to reinforce the tree belt, with species proposed in the form of small trees and understorey planting, Hazel, Field Maple, as well as 3 Hornbeam Trees. The Landscape Schedule and Landscape Management Plan has been updated to reflect discussions held between officers and the applicant, and additional and more appropriate planting has been specified on the old railway line to the satisfaction of the Landscape Section.

Parcel B would primarily function as a wetland SuDS feature with the remaining land seeded as a wildflower meadow. An access route would be retained around the wetland feature to enable maintenance, but no public access would be allowed on Parcel B. The applicant has provided a Landscape Management Plan for the Wetland SUDs Feature and it is recommended that this is secured by condition.

The retention of Adams Lane, which bisects Parcel A, as an informal path and wildlife and landscape corridor is welcome. External lighting is to be limited in this allocation and secured by planning condition. The comments of County Highways and the Public Rights of Way Officer in regard to the re-surfacing of Adams Lane are noted, but any new surfacing treatment along this section is to be informal and to maintain the rural character.

The proposal would accord with Development Plan policy subject to the imposition of a number of planning conditions to secure the AIA, Tree Protection Plan and to ensure that works are undertaken in accordance with the relevant British Standard in regard to trees (BS3998), and the securing of Landscape Specification and Management Plans for Parcel A and the Wetland SUDs feature in Parcel B.

#### **8. Ecology and Habitats Regulation Assessment (Core Strategy policies EN 2, EN 9; Site Allocation Policy COR01; Neighbourhood Plan policy E1 and E2)**

Core Strategy Policy EN2 requires that development should 'protect conserve and where possible enhance the distinctive settlement character, the pattern of distinctive ecological features such as ...field boundaries and their function as ecological corridors for dispersal of wildlife, along with nocturnal character'.

Core Strategy Policy EN 9 sets out that 'All development proposals should: protect the biodiversity value of land and buildings and minimise fragmentation of habitats; maximise opportunities for restoration, enhancement and connection of natural habitats; and incorporate beneficial biodiversity conservation features where appropriate.

Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated areas, or protected species, will not be permitted unless; they cannot be located on alternative sites that would cause less or no harm; the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and prevention, mitigation and compensation measures are provided. Development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.

Where there is reason to suspect the presence of protected species applications should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs.

The Site Allocation policy COR01 requires wildlife mitigation and improvement measures. Policy E1 of the Neighbourhood Plan states that development proposals within or adjacent to the River Bure and its surrounding valley, will only be supported if the primary objective is to conserve and enhance the wider river valley and its habitats, or any protected species; or the benefits of and need for development in that particular location outweigh the adverse impact on the integrity of the River Bure and its river valley. Policy E2 states that development that leads to the enhancement of ecological network will be supported, particularly where it would improve habitat connectivity or support the management of County Wildlife Sites, Roadside Nature Reserves and/or the Bure River Valley.

The applicant has submitted the following ecological reports in support of the application:

- Preliminary Ecological Assessment and
- Reptile Presence and Absence Survey.

The applicant has provided additional ecological evidence at the request of officers, principally to address the function and operation of the proposed wetland feature, located in Parcel B, and to provide further baseline ecological evidence regarding the proposed wetland site. The applicant intends to work with Norfolk Rivers Trust in partnership in the delivery and management of the wetland feature in Parcel B that would principally provide drainage attenuation for the proposed development, alongside wider ecological benefits. The applicant has therefore provided an updated Ecological Appraisal, Construction and Environmental Management Plan, prepared by Norfolk Rivers Trust, Wetland Design information and accompanying plans, and a Water Vole Survey Report, also prepared by Norfolk Rivers Trust.

In broad terms, the key wildlife features across the site comprising Parcels A and B are identified as:

- The old railway line
- The green lane (Adams Lane) with its twin hedgerows and unsealed track; and
- Existing hedgerow boundaries and mature trees.

The Ecology Survey identifies that these features would be retained within open spaces, highway boundaries and against inclusion within domestic gardens. A key part of the mitigation component of the ecological surveys is for the site to be cleared under a method statement with advice from an Ecologist, in the form of a Construction Environment Management Plan to be secured by planning condition. In addition, a number of enhancements (bat and bird boxes, wildlife friendly planting and hibernacula) are recommended, which are incorporated into the Landscape Schedule and scheme design.

#### Parcel B - Water Vole Survey

The submitted reports documents (January 2022 Water Vole Survey and Wetland Feasibility Assessment and Design) state that the wetland SuDS feature located in Parcel B is proposed to be a mosaic of shallow open ponds, dense emergent vegetation and seasonally inundated wet grassland areas. The submitted drawings showing the wetland shows as an irregular shaped, single waterbody measuring approximately 65 metres in length and 35 metres at its widest point, and 19 metres at the narrowest point, with a permanent water depth of 20 cm and maximum water depth of 70 cm. The schematic cross section shows a normal operating water depth of 15cm and an extreme flood event level of 1.1 metres. The Feasibility report provides the necessary detail to confirm that the quality of the water discharging from the wetland feature would be of sufficient quality so that adverse impacts do not arise.

The applicant has undertaken a water vole survey and the presence of water voles has been established and the possible avoidance, mitigation and enhancement options are clearly presented in the report. The provision of wetland habitat adjacent to the river as part of the development would provide significant conservation gains for the local water vole population in the long-term, and it is considered Natural England would be likely to grant a mitigation Licence should one be required. As such, officers are satisfied the proposed development can be successfully implemented without significant detrimental impacts upon water voles.

A Construction and Environmental Management Plan for the construction of the wetland has been prepared by Norfolk River Ecology Limited and is submitted along with the additional information. The Landscape Officer recommends that if the application is approved, planning conditions (incorporating the CEMP prepared by NREL) should be secured to avoid adverse impacts on biodiversity. The proposal is therefore considered to comply with policy E1 of the Neighbourhood Plan and EN9 of the Core Strategy.

### Bats

The applicant has undertaken a further bat survey (February 2022) for bat roost potential in a disused building (dilapidated shed) within Parcel A at the request of officers, which has been found to have 'negligible potential' for bat roosts. In regard to trees identified for removal across the site, these are identified as having 'low' potential for bat roosts (T28, 32, 34 and 35), based on a lack of large holes and cavities. Six trees are identified as requiring works and most are identified as having 'low' potential for bat roosts; however, T57, a large Oak Tree is identified as having 'significant' potential for bats. It is recommended that this tree is inspected and should bats be found, additional surveys and licencing from Natural England would be required. The Council's Ecologist has reviewed the survey findings and notes the potential for a bat roosts within the section of canopy to be removed in T57 (oak Tree) and if so a European Protected Species licence would be required.

### Breeding Birds

The February 2022 Small Ecology report suggests that the site "does not appear to support any bird species of particular significance". The Landscape Officer notes that while this statement may be correct, the survey provides no quantification as to the impact of the development on breeding birds as a species group, as result of the loss of suitable habitat;

therefore it is difficult to establish if the suggested enhancement measures are adequate to compensate for this loss of bird nesting habitat.

### Great Crested Newts and Reptiles

The applicant has undertaken reptile presence surveys that have identified low populations of common lizards on the site, with the main population not originating on the site. Clearance of the site has already taken place through mowing, but it is recommended that mitigation involves sensitive site clearance to remove further scrub and grassland, and that areas at the edge of the site are maintained for long-term management of hedgerows and railway embankment (as suitable mosaics for reptiles of scrub, with tall grassland and sunny short areas for basking). The Landscape Section concur with the findings of the report and consider that suitable mitigation measures for reptiles could be secured as part of a CEMP through a planning condition.

In regard to Great Crested Newts (GCN), the applicant has provided further evidence in regard to the impact on GCN in the updated Ecological Survey (February 2022). The updated and original Ecology Survey (February 2021; January 2022) found that the site is located within a GCN Amber Zone, identified as containing main population centres, habitats and dispersal routes and where development with a significant land take would be expected to have a high impact on GCN. Four ponds are located within 250 metres of the site, with one pond identified as having GCN. However, the proposed development is not considered to result in significant adverse impacts to GCN, owing to the presence of this pond on the other side of the bypass and north of the River Bure; therefore, connectivity to the site is limited and the risk to GCN is not significant. The applicant has the option to apply for a district licence on a precautionary basis to secure conservation benefits to local GCN populations, but this is not considered necessary in order to mitigate for impacts on the species.

In summary, the Landscape Officer notes some shortfalls in the submitted ecological surveys. For example, the submitted surveys do not demonstrate whether Adams Lane and other features such as trees and hedgerows, are important commuting/foraging habitat for bats, or adequately quantify the significance of the impact of the proposed development on breeding birds. Although the Arboricultural Survey quantifies which trees/hedges would be removed for the development, the AIA does not interpret these losses with respect to the ecological impact as a habitat (including Priority Habitat), or the effect on ecological receptors that may utilise that habitat.

The Landscape Officer therefore considers that based on the information that has been submitted, it is apparent that habitats (including priority habitats i.e. hedgerows) within the site would be fragmented as a result of the development; however, the consequence of this is unknown, and it is difficult to fully assess whether the mitigation measures and biodiversity measures incorporated into the development are adequate.

On this basis, it is difficult to conclude that the development would comply fully with the requirements of policy EN 9 of the Core Strategy and policies E1 and E2 of the Neighbourhood Plan, and this departure would have to be weighed in the overall planning balance. Notwithstanding this, a number of planning conditions are necessary to secure a



comprehensive site wide Construction and Environmental Management Plan, a lighting specification and a Biodiversity Design Strategy specifically for Adams Lane, in order to ensure that adequate measures are taken to safeguard and protect priority species that may use the Lane. In addition, planning conditions are necessary to secure the implementation of Landscape and Ecological Management Plans for both Parcels A and B and to ensure that the recommended ecological enhancements and mitigation measures are adhered to, as set out in the Ecology Reports.

### Habitats Regulations Assessment

Policy EN 9 of the North Norfolk Core Strategy identified that any proposed development that would cause a direct or indirect adverse effect to nationally designated sites (which includes SSSI sites) should provide further mitigation.

### Recreational Impacts

The development site is within the Zones of Influence of the Norfolk Valley Fens (15km), the Broads site (25km) the North Coast sites (42km) and the Wash sites (61km). The development could have a likely significant impact on the conservations objectives of the SAC/SPA/Ramsar sites above through increasing recreational pressure associated with rising visitor numbers.

Norfolk local planning authorities (LPAs) have worked collaboratively to adopt and deliver a Green Infrastructure and Recreational Impact Avoidance and Mitigation (GIRAM) Strategy to ensure that the cumulative impacts of additional visitors, arising from new developments of housing and tourism to European sites, will not result in any likely significant effects which cannot be mitigated. The application site is within the Zone of Influence of a number of such sites with regards to potential recreational impacts.

In line with the RAM strategy a mechanism has been secured to ensure the appropriate financial contribution per dwelling (currently £310.17 per dwelling). Based on 38 dwellings, a GIRAMS contribution of £11,558.46 is required which is sufficient to conclude that the project will not have an adverse effect on the integrity of the above identified European sites from recreational disturbance, when considered alone or 'in combination' with other development.

As such the proposal complies with CS policy EN 9.

### Nutrient Neutrality

On 31 March 2022, the application was referred for determination by the Development Committee. However, in light of new Habitat Regulations matters raised by Natural England concerning Nutrient Neutrality (published on 16<sup>th</sup> March), the application (plus a number of other cases on that agenda) were deferred so that the implications of Natural England's advice could be properly considered.

Since deferral, the applicant has been considering various options to address nutrient neutrality matters and a to deliver required mitigation solutions. An option to purchase credits

was considered but proved financially unviable at current credit prices due to the amount of credits needed (based on the performance of the current Corpusty sewage treatment works). Instead, the applicant proposes to secure sufficient nutrient mitigation via replacement of 22 septic tanks serving existing dwellings across the Bure catchment. The applicant proposes to deliver the development across three phases as follows:

Phase	Units Delivered
Phases 1a and 1b	17 units (Plots 1-8 and 30-38)
Phase 2	10 units (Plots 9-12 and 24-28)
Phase 3	11 units (Plots 13-23)



Plan 1 - Indicative Phasing

The applicant has submitted a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) setting out their nutrient calculations using the Norfolk calculator.

The NNAMS report shows that 22 existing septic tanks could be replaced with package treatment plants (likely to be Haba BioEasyFlow package treatment plants) which would

discharge significantly less nutrient than the existing septic tanks, and that this reduction in nutrient discharge is greater than the increase caused by the 38 new dwellings.

The proposed replacement of septic tanks is not a new or novel concept and has been used by Norfolk Environmental Credits to deliver credits for sale.

The applicant has set out that, to be included in the scheme, each property subject to the replacement septic tank with a PTP must pass an assessment which includes the following:

- Existing tank compliance with the appropriate parts of the General Binding Rules (GBR).
- Existing tank location with respect to low risk small scale discharge zone.
- Proposed PTP compliance with the appropriate parts of the General Binding Rules (GBR), based on retention of the exiting discharge (to ground within 10m of the original infiltration device).
- Confirmation that a Building Regulations compliant treatment system can be installed including infiltration testing, discharge volume calculation and sizing of a compliant drainage field.

The NNAMS report indicates that Tanks will be replaced in batches of 5-6 (Phase 1a = 5 tanks, Phase 1b = 5 tanks, Phase 2 = 6 tanks and Phase 3 = 6 tanks) with Addendum NNAMS reports to be submitted prior to the commencement of each Phase to confirm the design of each replacement.

Prior to the grant of any planning permission, the Local Planning Authority will complete a Habitats Regulations Assessment and consult Natural England.

Subject to mechanisms to secure the nutrient mitigation, which is expected to be via conditions and a S106 Obligation, the proposal is expected to address Natural England nutrient neutrality concerns and the proposal would comply with Core Strategy Policy EN 9.

**9. Open Space (Core Strategy policy CT 2; Site Allocation DPD policy COR01; Overarching policy 2 of the Neighbourhood Plan and CA10 – Community Aspiration Play Areas)**

Community Aspiration CA10 Play Areas of the Neighbourhood Plan seeks to ensure that community resources are allocated to preserve and upkeep play areas. Core Strategy Policy CT 2 requires developer contributions for schemes of 10 dwellings or more where there is insufficient capacity in infrastructure, services, community facilities or open space. The Core Strategy's Open Space Standards therefore requires a development of 38 dwellings to provide the following levels of open space on-site:

- Amenity Green Space: 855 sqm
- Play Space (Children): 85.5 sqm

And the following off site contributions:

- Allotments = £14,190
- Parks and Recreation Grounds = £108,205
- Play Space (Youth) = £7,261

The submitted layout demonstrates that amenity space would be provided on site in the area of retained orchard on the northern edge of the site, as required by policy amounting to approximately 2,284 sq metres (0.2284 ha). This in excess of the Open Space Standards.

In addition, the proposal would provide approximately 5,305 sq metres natural green space in the form of an informal walkway on the southern and western site boundary and along Adams Lane. Therefore, given on-site provision, financial contributions in respect of amenity green space and natural green space would not be sought with this development.

The 2019 Open Space Study identifies a deficit of Youth Play Space and Parks and Recreation Grounds in the Parish of Corpusty, which is where off-site contributions would be allocated towards. The applicant is agreeable to a financial contribution towards Play Space (Youth) of £7,261, but is unable to agree to the other contributions and has submitted viability evidence to show that the proposed scheme would not be viable should all the off-site contributions be requested. This has been verified by the Council's Viability Consultant, who has verified the contents of the applicant's viability report. The site would therefore be unable to provide any other open space requirement without the loss of affordable dwellings, and the application as submitted would be unable to comply with the full requirements of Policy CT 2 of the Core Strategy.

The proposal would not therefore accord with relevant development plan policy in relation to open space and this departure would have to be weighed in the overall planning balance.

Any off-site financial contributions towards Youth Play Space, could be secured by way of S106 Obligation.

#### **10. Flood Risk and Drainage (Core Strategy policy EN 10; Site Allocation COR01; Neighbourhood Plan overarching policy 2 and E1: The River Bure and Valley).**

Core Strategy Policy EN 10 considers development and flood risk and seeks to ensure that the sequential test is applied to direct new development to be located only within Flood Risk Zone 1. Development in Flood Zones 2 and 3 will be restricted. Policy EN10 requires new development to have appropriate surface water drainage arrangements for dealing with surface water run-off. The use of Sustainable Urban Drainage systems is preferred.

Site Allocations Development Plan Policy COR01 requires that SUDs is incorporated into new residential development and that there is adequate capacity in sewage treatment works. Overarching policy 2 of the Neighbourhood Plan requires that all new residential development should make appropriate provision for the disposal of foul and surface water.

The sub-text to policy E1 of the Neighbourhood Plan (The River Bure and Valley) shows a 100 metre restriction zone at Figure 15 of the Neighbourhood Plan (See copy at **Appendix C**). Within this location, housing and other development will not be supported.

#### **Flood Risk**

The applicant has undertaken a Flood Risk Assessment and Drainage Strategy produced by Rossi Long in support of the planning application, which identifies that Parcel A is located entirely within Flood Zone 1, and is therefore in an area of Low Flood Risk. The northern and eastern boundaries of the site of Parcel B, are located within the floodplain of the adjacent River Bure, and are therefore in an area of Medium to High Flood Risk (Flood Zones 2 and 3). The proposed site layout locates all new residential development in Parcel A, whilst Parcel B would accommodate the surface water attenuation pond and biodiversity and landscaping enhancements. The Environment Agency has been consulted on the application and raises no objection, as all new housing development is sequentially sited within Flood Zone 1, even when taking into account new climate change allowances for the 1 in 100 year and 1 in 1000 year flood event. The proposed development would also have a safe route of access and egress through Flood Zone 1.

### Surface Water Drainage

The applicant has undertaken infiltration testing at 11 locations across the site, in accordance with BRE365, which confirms moderate to variable infiltration rates across the site that precludes the use of soakaways. The Flood Risk and Drainage Strategy therefore proposes an attenuated system to incorporate areas of permeable paving, a balancing pond connecting to a surface water drain in the main estate road, eventually serving an integrated wetland / attenuation pond located in Parcel B, with a restricted discharge at the greenfield run-off rate to a local watercourse (The River Bure). Surface water run-off from roof areas would be discharged to the receiving drainage system, designed to accommodate the 1:100 year flood event + 40% allowance for climate change (and include a 10% allowance for urban creep). Private driveways, roads and parking spaces would have permeable surfaces: Type A in the southern half of the site for total infiltration into the sub-soil and Type C in the northern half of the site designed for no infiltration into the sub-soil with impermeable membrane and piped outfalls to the receiving surface water drainage system.

A balancing pond is proposed adjacent to plots 28 and 29 that would accommodate surface water roof run-off from plots 24-29 and act as an attenuating pond before discharging into the receiving drainage system at a rate of 1 litre per second (adoptable surface water sewer located in the main estate road to serve the development). The principal surface water attenuation pond and wetland feature, located in Parcel B, is designed to accommodate for all surface water run-off, up to and including the 1:100 year flood event (1% Annual Exceedance Probability) with a 40% allowance for climate change with a restricted outfall discharging to the local watercourse at 1.7 litres per second. All surface water is to be captured, cleaned and discharged in accordance with the CIRIA SuDS manual, local guidance and other relevant design guidance.

The Lead Local Flood Authority (LLFA) has been consulted on the application, on the basis of the Flood Risk Assessment and Drainage Strategy, and raises no objection to the proposed surface water drainage strategy.

The LLFA has provided further comments following the submission of information from the applicant regarding the wetland feature and SuDS attenuation pond located in Parcel B. The primary purpose of the integrated wetland feature is to clean and improve the quality of surface

water run-off and to store water in extreme rainfall events. The wetland feature would also act as a biodiversity feature with areas of native aquatic plants, providing habitat for a range of species, as well as removing nutrients and a wide range of pollutants, and acting as a carbon sink.

The submitted information in respect of the wetland feature, comprising wetland design schematic, pipe layout cross-sectional plan of the wetland and feasibility assessment and design report, demonstrate that the creation of a wetland area is feasible at this location, and would act as a biomechanical process to remove pollutants and nutrient take-up. The Lead Local Flood Authority has advised that in order to improve the performance of the wetland area, a sediment forebay area (a settling basin or sediment trap positioned at the incoming discharge point) could be incorporated into the final design of the wetland area to act as a further stage of removing coarse sediments from water course run-off.

Therefore, the surface water drainage strategy, incorporating a wetland feature in Parcel B would be considered adequate to ensure that any surface water would be dealt with on site without causing flooding elsewhere. Subject to planning conditions, the application is considered to comply with Policy EN 10 of the Core Strategy, the Site Allocation policy COR01 and policy 2 of the Neighbourhood Plan, and Chapter 14 of the NPPF with regards to surface water flood risk.

#### Foul Water Drainage

Site Allocations Development Plan Policy COR01 requires the provision of adequate capacity in sewage treatment works to serve the proposed development (at that stage envisaged to be approximately 18 dwellings). The Corpusty and Saxthorpe Neighbourhood Plan further increased the area for residential development, but did not specify the number of dwellings to be delivered on the site.

The submitted Flood Risk Assessment and Drainage Strategy identifies a public foul sewer system in Norwich Road. There is a second foul drainage sewer identified as crossing the north-western part of the site that outfalls into the Norwich Road system. The applicant intends to connect to the existing mains sewerage system via a gravity connection.

The applicant has undertaken a pre-planning assessment with Anglian Water, which is submitted in support of the planning application. This initially confirmed that Corpusty-Beside River Water Recycling Centre would have available capacity for these flows.

Anglian Water has been consulted on this application and state that the Corpusty Water Recycling Centre is flow compliant and does operate within its permit. The proposed development would result in the Water Recycling Centre operating slightly above permit, and Anglian Water would therefore need to seek a renewed permit from the Environment Agency to account for the additional flows from this development to the Water Recycling Centre. Anglian Water is lawfully obliged to accept these additional flows.

On this basis, whilst the comments of third parties and the Parish Council are noted in respect of existing foul drainage capacity issues, a refusal based on inadequate foul water drainage

capacity in respect of this proposed development could not be sustained, especially now that matters of nutrient neutrality can be resolved. The application therefore appears to comply with Policies EN 10 and EN 13 of the North Norfolk Core Strategy, and the Site Allocation COR01 with regards to Foul Water drainage.

#### **11. Sustainable Construction and Energy Efficiency (Core Strategy policy EN 6; Neighbourhood Plan policies E3, E4)**

Core Strategy Policy EN 6 considers sustainable construction and energy efficiency and sets out a policy requirement for at least 10% of predicted on site energy usage to be met by on-site renewable technology for all residential developments of 10 dwellings or more.

The Corpusty and Saxthorpe Neighbourhood Plan policies E3 and E4 also state that development of renewable energy sources will be supported where there are no adverse effects, and development for carbon neutral or zero carbon buildings will be supported where they comply with design policies of the Development Plan.

The application has included an energy and sustainability statement. The strategy is to use a 'fabric first approach' which will reduce the required energy needed to heat, light and ventilate homes by approximately 10% over current Building Regulations target (part L), rather than relying on renewable technology to achieve this gain. The statement adds that this lowers the energy requirement in the first place, rather than wastefully producing it, and the homes are therefore well insulated.

Air Source Heat Pumps are proposed to be used for heating with natural ventilation (rather than mechanical ventilation) and Shower Heat Recovery Units installed where possible to recover heat from waste water to supplement the heating system. In addition to Air Source Heat Pumps, the applicant is seeking to incorporate solar photo voltaic panels to some of the dwellings to provide additional renewable energy benefit, details of which would be secured by planning condition to establish the precise number and location of dwellings using solar PV. Each dwelling would therefore use low or zero carbon technologies to secure a proportion of energy demand, (ASHP / solar PV) and energy would be saved through well insulated properties.

The proposed scheme would therefore be able to provide at least 10% of the development's predicted total energy usage and is compliant to Policy EN 6 of the North Norfolk Core Strategy, and policy E3 of the Neighbourhood Plan.

#### **12. Planning Obligations**

Core Strategy Policy CT 2 requires developer contributions for schemes of 10 dwellings or more, where there is insufficient capacity in infrastructure, services, community facilities or open space.

NPPF Paragraph 56 sets out that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

NPPF Paragraph 58 also sets out that Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Having regard to the above matters raised within this report, a range of financial and non-financial contributions and infrastructure would be sought with this proposed development in order to make the development acceptable in planning terms:

- On site provision of amenity green space amounting to 855 sq metres;
- Off-site open space financial contribution of £129,656;
- 15% affordable housing provision
- A financial contribution of £2,850 (£75 per dwelling) to be spent on increasing library capacity; and
- A financial contribution of £11,558.46 (£304.17 per dwelling) for GIRAMS mitigation

Viability evidence provided by the applicant was reviewed by the Council's appointed viability consultant in 2022 and this demonstrated and justified a lower level of affordable housing provision (21%, 8 dwellings).

In order to deliver a viable development the applicant has also demonstrated that not all of the requested financial and non-financial contributions can be provided. Whilst there are some contributions that cannot be waived, beyond these there is, in theory, a choice to be made as to which financial and non-financial contributions are requested. Nonetheless, where contributions are required to make a development acceptable in planning terms but these are not provided, then it is a matter for the decision maker to apportion weight to the non-payment of these contributions. The non-payment of contributions would therefore weigh against the grant of planning permission and would need to be considered when making the overall planning balance and weighed against any material considerations in favour.

Based on most recent figures, Officers are expecting contributions to cover the following:

- GIRAMS visitor impact mitigation - **£11,558.46** (£304.17 per dwelling),
- a financial contribution to libraries - **£2,850** (£75 per dwelling),
- 21% affordable housing provision (8 dwellings) based on a tenure split of 6 dwellings affordable rent and 2 shared ownership;
- On site provision of amenity green space and natural green space amounting to 7,589 sq metres;
- provision of one fire hydrant within the development,
- off-site Youth Play Space - **£7,261**; and
- upgrades and improvements to the PROW Corpusty 28.

The applicant was also proposing an additional payment of £500 per dwelling, amounting to **£19,000** which they have indicated would be directed towards enhancements to infrastructure for St Peter's Church, which the Parish Council is in the process of refurbishing. This contribution has been put forward by the applicant having regard to Community Aspiration CA9 of the Corpusty & Saxthorpe Neighbourhood Plan.



Officers have considered the viability evidence and the amount available for financial contributions. Whilst the applicant's preference to direct monies towards Community Aspiration 9 is noted, Officers consider that this sum of money could be used to address the significant shortfall in off-site contributions towards public open space and, in particular, the shortfall towards Parks and Recreation Grounds, as required by Policy CT 2 of the Core Strategy. The Community Aspiration CA9 is an aspiration of the Corpusty and Saxthorpe Neighbourhood Plan and not a Development Plan Policy and therefore carries less weight. Policy CT 2 of the Core Strategy is therefore afforded greater weight, and this weighs in favour of an increased financial contribution towards off-site public open space.

In summary, the Viability Assessment has been independently assessed and it is considered that the viability case made by the applicants is not unreasonable and supports a reduction in the level of affordable housing and s106 contributions as proposed. This position is further reinforced in view of the additional costs associated with nutrient neutrality mitigation.

A post development viability review is recommended so that any excess profit is captured and additional commuted sums paid in respect of a shortfall of current s106 obligations secured towards affordable housing, off-site open space and the Neighbourhood Plan community benefit sum, which could go towards for example enhancements towards St Peter's Church, in accordance with Community Aspiration CA9 of the Neighbourhood Plan.

### **13. Other Material Planning Considerations**

#### **Contaminated Land**

Core Strategy Policy EN 13 considers pollution and hazard prevention and minimisation and sets out that development proposals on contaminated land (or where there is reason to suspect contamination) must include an assessment of the extent of contamination and any possible risks.

Although the site is a greenfield site comprising former pasture land, the applicant has undertaken a contaminated land strategy as a Phase 2 Site Investigation Report by Harrison Geotechnical (November 2020). The intrusive site investigation identifies low concentrations of contaminants not requiring remediation to the southern side of site, with shallow made ground to the northern side of site containing anthropogenic materials – materials to be collected, screened and disposed of before commencement of development. The report concludes that the site is suitable for residential use, but site remediation will be required should any contamination not previously identified be present on site.

The submitted report has been reviewed by Environmental Health Officers, who raise no objection, subject to a suitable planning condition to secure necessary remediation strategy. The proposal is considered acceptable in this regard and would accord with the aims of Development Plan policy EN 13.

#### **Refuse and Recycling**

Dedicated refuse and recycling storage would be provided on curtilage for each new dwelling, with the internal access road designed to accommodate a standard NCC refuse vehicle.

Details will be secured by planning condition and, as such, the proposal would accord with the aims of Development Plan policy.

### External Lighting

External lighting has the potential to have a wide reaching adverse impact across the open agricultural landscape, potentially impacting wildlife. The applicant has provided an a lighting specification to dwellings, which shows Specification sheets show the light to be used is the ADU50 Dugas 50W Graphite which can be installed pointing either up. It is recommended that the light should be installed pointing down in order for the dark night skies, which are a feature of the nocturnal character of this open Landscape Type, and to avoid disrupting wildlife habitats. Also, some form of low level lighting would be required where the new internal access road would bisect Adams Lane restricted byway. It is recommended that further details of a lighting strategy for the proposed development, to include the intersection of the new internal access road with Adams Lane restricted byway, is secured by planning condition.

## **14. The Planning Balance**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise.

The proposal is considered to comply with the following policies of the Development Plan, comprising the Site Allocation DPD, the Adopted Core Strategy and Corpusty and Saxthorpe Neighbourhood Plan: SS 1, H0 1, EN 2, EN 4, EN 6, EN 8, EN 10, EN 13, H0 7, CT 5, CT 6 of the Adopted North Norfolk Core Strategy; Priority Areas 1 and 2, Overarching Policies 1, 2, 3, policies E1, E2, E3, HE2, T1, DC1, W&F2, Community Aspiration CA2, CA3, CA4, CA9, CA10, CA11, CA12, of the Corpusty and Saxthorpe Neighbourhood Plan,

The proposal represents a departure from the Development Plan policies : SS 2, H0 2, EN 9, CT 2 of the Adopted North Norfolk Core Strategy, the Site Allocation policy COR 01, and policies Overarching Policy 1, Community Aspiration CA1 of the Corpusty and Saxthorpe Neighbourhood Plan on the following grounds:

- Parcel B is located in an area of designated countryside and does not form part of the Site Allocation COR 01 or a Priority Area for new residential development as identified in the Corpusty and Saxthorpe Neighbourhood Plan;
- Off-site contributions for open space cannot be met in full through this proposal and has been demonstrated through a robust Viability Assessment.

The application has been subject to a viability assessment in order to demonstrate that the delivery of a mixed tenure development of 8 affordable dwellings (6 affordable rent and 2 shared ownership) and 30 market dwellings would deliver a commercially viable scheme, whilst complying with other policies of the Development Plan.

The proposal would address an identified need for affordable housing in Corpusty and Saxthorpe, and provide necessary infrastructure to serve the development. It is the intention of the applicant to increase the delivery of affordable housing with grant funding from Homes England, should permission be granted.

Whilst the Council is able to demonstrate a five-year housing land supply, the provision of 38 dwellings would nonetheless contribute positively to the ongoing supply and the Government's aim in NPPF (Dec 2024) paragraph 61 of boosting significantly the supply of housing through ensuring that a sufficient amount and variety of land can come forward where it is needed, and is therefore a benefit, carrying moderate weight.

In addition, other material considerations in favour of this case are:

- The high environmental standards proposed with air source heat pumps, Photovoltaic panels and a 'fabric first approach' to the construction;
- Carbon sequestration in the wetland attenuation pond;
- High quality design;
- Job creation during construction;
- Upgrading to an Adopted Public Right of Way (Corpusty 28) and Adams Lane Restricted Byway (Restricted Byway 4);
- Support to the local rural economy, services and facilities within the area due to the future occupation of dwellings.

Officers recognise the policy conflicts identified within this report but note also that the delivery of affordable housing is in the wider public interest and is a corporate priority attracting substantial weight in favour. Officers consider that the material planning considerations in favour of the proposed development collectively attract significant weight which is considered sufficient weight to justify a departure from the Development Plan.

## **RECOMMENDATION:**

Delegate authority to the Assistant Director of Planning to **APPROVE** subject to:

- 1) Satisfactory resolution of nutrient neutrality matters including consultation with Natural England on updated Habitats Regulations Assessment;**
- 2) Satisfactory completion of a S.106 Planning Obligation to cover the following:**
  - Nutrient Neutrality Mitigation (Phased delivery and sufficient septic tank upgrades)
  - On site provision of amenity green space and natural green space, amounting to 7,589 sq metres;
  - Off-site open space financial contribution of £7,261 towards Youth Play Space;
  - 21% affordable housing provision (8 dwellings) based on a tenure split of 6 dwellings affordable rent and 2 shared ownership;
  - A financial contribution of £2,850 (£75 per dwelling) to be spent on increasing library capacity; and

- A financial contribution of £11,558.46 (£304.17 per dwelling) for GIRAMS visitor impact mitigation;
- Additional Off-site open space financial contribution of £19,000 towards Parks and Recreation Grounds.

**3) The imposition of the appropriate conditions to include:**

1. Time Limit – three years beginning with the date on which this permission is granted
2. The development shall be undertaken in strict accordance with the plans
3. Materials to be approved
4. Highways - Visibility splays
5. Highway Works – detailed scheme
6. Highways - Road and footways have first been constructed in accordance with the details provided
7. Highways – construction traffic parking
8. Construction Hours
9. Highways - Off-site highway works
10. Highways - On-site car parking and turning areas to be provided.
11. PROW and Restricted Byway – detailed scheme
12. Restricted Byway Safeguarding Scheme
13. Contaminated land remediation strategy
14. Archaeology written scheme of investigation
15. Surface water drainage
16. AIA, Method Statement and Tree Protection Plan
17. Landscape Tree Protection (Fencing)
18. LEMP
19. Biodiversity Design Strategy – Restricted Byway
20. CEMP
21. Small Mammal Access
22. Ecological Mitigation Measures
23. Fire Hydrant
24. Details of solar panels to be submitted for approval
25. Air Source Heat Pumps in accordance with submitted specification leaflet.
26. Dwellings constructed in accordance with policy EN 6 to ensure Energy Efficiency.
27. External lighting to include measures to minimise the impact on the landscape.
28. Removal of PD rights
29. Bathroom windows to be obscure glazed
30. Refuse and recycling storage

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

**Part 2:**

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

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