

REPORT TO DEVELOPMENT COMMITTEE – 10 OCTOBER 2019

HOLT - PO/18/1857 - Outline planning application for the erection of up to 110 dwellings with 2 hectares of land for a new primary school, public open space, landscaping and sustainable drainage system (SuDS) with main vehicular access point from Beresford Road and secondary pedestrian, cycle and emergency access from Lodge Close. All matters reserved except for means of access; Land off Beresford Road, Holt for Gladman Developments Ltd

Major Development

- Target Date: 22 January 2019

Case Officer: Miss S Hinchcliffe

Outline Planning Permission

CONSTRAINTS

LDF - Countryside

LDF - Residential Area – adjacent to the north

LDF - Settlement Boundary – adjacent to the north

County Wildlife Site – Holt Country Park, adjacent to the south and east

Glaven Valley Conservation Area - adjacent to the south and east

SFRA - Areas Susceptible to Groundwater Flooding

EA Risk of Flooding from Surface Water 1 in 1000

EA Risk of Flooding from Surface Water 1 in 100

SFRA - Risk of Flooding from Surface Water + CC

Mineral Safeguard Area

Unclassified Road

RELEVANT PLANNING HISTORY

(for Land off Beresford Road, Holt)

PO/14/0846 PO

Land south of Lodge Close, Holt

Erection of up to 170 dwellings and associated infrastructure

Refused 02/10/2014 Appeal Dismissed 18/09/2015

PO/14/1603 PO

Land South of 63, Lodge Close, Holt

Erection of up to 170 dwellings and associated infrastructure

Refused 26/02/2015

THE APPLICATION

The application is in outline form with all matters of detail reserved for later approval, except for means of access. The principle of accommodating up to 110 dwellings on the site, together with 2 hectares of land for a new primary school, public open space, landscaping and sustainable drainage system (SuDS) is also for consideration.

The application is supported by the following plans / documents:

'Development Framework' plan – setting defined parameters

Location Plan

Access Drawing

Emergency Access Drawing

Planning Statement

Design and Access Statement (including 'Illustrative Masterplan')

Indicative Layout/Sections – through Public Open Space
Transport Assessment
Travel Plan
Landscape and Visual Appraisal
Arboricultural Assessment
Ecological Appraisal
Bat Survey Report
Habitats Regulations Assessment Addendum
Archaeological Desk Based Assessment
Land Contamination Report
Mineral Resource Assessment
Air Quality Screening Report
Flood Risk Assessment
Foul Drainage Analysis
Utilities Assessment
Socio-economic Sustainability Statement
Statement of Community Involvement
Affordable Housing Viability Assessment and Supplemental Report

Also submitted is a draft list of Heads of Terms (S.106 Obligation) covering the following:

Affordable Housing – 36%

Education – transfer of 2 hectares of serviced land to the Local Education Authority to be used for the construction of a primary school (or an index linked contribution of £337,676 if the option to acquire the land is not taken up by the County Council).

Open Space – on site informal open space and equipped children's play area.

NHS Healthcare Contribution - £38,167

Holt Country Park Contribution (Norfolk Valley Fens European Site Mitigation) - £127,300, towards access management at Holt Country Park

Library Contribution - £75 per dwelling (£8,250)

Norfolk Coast European Sites Mitigation - £50 per dwelling (£5,500)

Hopper Bus Service Contribution - £353 per dwelling (£38,830)

REASONS FOR REFERRAL TO COMMITTEE

At the request of the local Member, Councillor Baker for reasons of planning policy, access and local school capacity and at the request of the Head of Planning given the public interest in the application.

HOLT TOWN COUNCIL

Object to this application. Have raised concerns about the access coming off a small road [Beresford Road] that is unsuitable for traffic and consider that 110 dwellings on that plot of land is too many and not needed.

Holt Town Council agree a school is needed, but are of the opinion that they do not want to be held 'hostage' to agree to 110 dwellings in exchange for it.

REPRESENTATIONS

67 individual letters of objection were received over three separate rounds of public consultation raising the matters as outlined below:

- Increased traffic on Charles Road / Edinburgh Road is of concern.
- Access via Beresford Road is inadequate to serve the scale of development proposed.
- Increased congestion associated with the school at drop off and pick up times.
- There are lots of parked cars on Hempstead Road, Charles Road & Beresford Road.

- Road safety issues in relation to the nearby Holt Community Hub (day centre) and the Children's Centre on Charles Road
- Parents will park on inadequate Lodge Close to then walk their children to school avoiding the congestion on Beresford Road.
- Loss of open views.
- Loss of agricultural land.
- Will reduce appeal of Holt Country Park, impacting on its peacefulness.
- Fire risk from surrounding heathland / Holt Country Park - land should be retained as a fire break.
- Impact on wildlife, both on the site and Holt Country Park adjacent.
- The development is close to an area of European importance for habitats and wildlife.
- Would be in excess of the planned number of dwellings allocated for Holt.
- Density and scale of development more suitable to a town rather than the edge of the countryside.
- The town needs more shops and employment opportunities.
- There is already more housing being built in Holt than can be sold.
- Affordable housing should be provided for the benefit of the local community.
- Any new school needs to be located on the existing site or an easily accessible site more centrally located.
- There is no need for a new school as pupil numbers drop and there is no funding to build it. Norfolk County Council Children's Services have already spent their budget.
- There are significant financial, educational and community risk to the application.
- Without details of the school it could become a big, sterile, institutional block in the middle of a number of houses.
- The land allocated for the new school may eventually be used for housing.
- The developer has assigned a residential value to the school land, which is incorrect and is at the expense of affordable homes.
- Strain on local medical centre capacity.
- Impacts of air and noise pollution.
- The plans have been rejected before.

Norfolk County Councillor (Cllr Sarah Butikofer) – a single point of access to the site is completely inadequate for the location. Traffic flow issues, on street parking congestion and dangerous driving are issues in the vicinity.

I am yet to see the report confirming that this is the only suitable site in the town for a school. I am concerned that this is a back door approach to closing other small local schools in the medium term.

The site is contrary to NNDC planning policy and the weight given to a new school to mitigate a housing development on the site should be proportionate.

CONSULTATIONS

Anglian Water - Confirms that there will be available capacity for foul drainage flows at Holt Water Recycling Centre. There is a sewage pumping station within 15 metres of the site and a cordon sanitaire prevents development within 15 metres of the boundary of the sewage pumping station.

Norfolk County Council (Lead Local Flood Authority) – No objection, subject to agreement by the applicant to accept a pre-commencement condition to provide a detailed surface water drainage scheme.

Norfolk County Council (Highways) - Beresford Road is technically suitable to cater for the development proposed, although there may be more appropriate locations in Holt for a new school. The proposals are likely to lead to amenity concerns locally, however it is unlikely that a technical highway objection could be substantiated.

NCC Highways are satisfied that the framework and layout secures the principles required of a suitable layout, encompassing a type 2 loop road with the school fronting onto it, an emergency access and the provision of layby parking to provide some school drop off /pick up facilities, with exact detail to be agreed as part of a reserved matters application.

NCC Highways are pleased that a 3.7 metre wide emergency access via Lodge Close has been secured (which should function as a shared use pedestrian/cycle/emergency access, with a single removable bollard).

In addition it is considered that a development of this scale, in this location, should make a contribution towards the local hopper bus scheme and this should be secured through a Section 106 Agreement.

Suggest a number of planning conditions to secure full details of highways/access proposals, on-site construction worker parking and interim travel plan if minded to approve the application.

Norfolk County Council (Planning Obligations Co-ordinator) - Response relates to education provision/contributions, library, fire service and green infrastructure contributions.

Education

Taking into account the other permitted developments in Holt, a total of 561 dwellings (including the Beresford Road site) would generate an additional

- 54 Early Education age children,
- 146 Primary age children,
- 97 High school age children.

Although there would be spare capacity at High School levels there would be insufficient capacity at Early Education and Primary School levels for children from this proposed development should it be approved.

The planning proposal includes a site for the provision of a new Two Form Entry (2FE) replacement primary school located within the proposed housing development site and the county council is prepared to accept the primary school site in lieu of any education contributions. A development of 110 dwellings would generate 29 primary age children requiring £337,676 in developer contributions.

The provision of a new school site associated with this proposal has already been endorsed by the County Council's Children's Services Committee and within a site appraisal for the town, this land has been identified as having strong potential for a school development. An allocation of £500,000 has been made to support the development through the design development stage but not a full budget allocation required for the construction of a new school building. S106 contributions from other developments in and around Holt will also contribute to the new school project.

Library and Fire Service

In addition payments are required for library provision (£75 per dwelling) to be spent on IT infrastructure and equipment at Holt Library and 2 fire hydrants (£818.50 per hydrant per 50 dwellings).

Green Infrastructure

The inclusion of a footpath and cycleway within the site is welcomed as it provides a route for residents through the green open space as well as providing a link with the adjacent country park and Public Rights of Way (PRoW) network creating local recreation opportunities. However, there will undoubtedly be increased pressure on the Public Footpaths and other pathways within the Holt Country Park which is owned and managed by North Norfolk District Council (NNDC), requiring contributions from the developer to mitigate against this increased footfall for the management of the PRoW and other pathways within the County Park.

It is anticipated, that the adjacent Special Area of Conservation and SSSI (The Lowes) will also see the impact of these increased recreational opportunities and so at the new access points from the site into the County Park the developer should install adequate and robust access point infrastructure that restricts access to pedestrians only. As further mitigation, NCC have asked for basic improvements to the surface (filling potholes with road planings) of Holt Restricted Byway 22 (Candlestick Lane) to provide an improved link west and north to a series of PRoW and quiet lanes. Restricted Byway 22 is linked to Edinburgh Road/Lodge Close via a footway along Norwich Road. In order to encourage use of this alternative opportunity, NCC ask that interpretation/information boards are placed at the Lodge Close pedestrian entrance and at the access points into the Country Park showing the local PRoW and road links.

Norfolk County Council (Mineral Planning Authority) - The application site is underlain by an identified mineral resource (sand and gravel) which is safeguarded as part of the adopted Development Plan for Norfolk, through the Norfolk Minerals and Waste Core Strategy Policy CS16 'Safeguarding' is applicable.

A Mineral site allocation (MIN 71) is located approximately 75 metres from the site. A Mineral Consultation Area extends into the application site 250 metres from the boundary of the mineral allocation.

There may be opportunities for the sand and gravel from on-site resources to be used in the construction phases of the developments, improving the sustainability of the project. A condition should be imposed to require a Minerals Management Plan – Minerals, to estimate the quantities of materials which could be extracted from the groundworks and re-used.

Norfolk County Council's (Historic Environment) - Recommends that if outline planning permission is granted, conditions are imposed for a programme of archaeological mitigatory work and the results of the initial geophysical survey/trial trenching phase of the programme of archaeological work could be used to inform the layout of the development as well as the requirements for any subsequent phases of archaeological work, in accordance with National Planning Policy Framework para. 199.

Norfolk Fire Service – There is no guidance for applying a fire break in this situation. We would only recommend that premises are a reasonable distance from the wooded area in case of fire in that location. Water supplies and emergency access to the site is covered by Building Regulations.

NHS England (Midlands and East) - The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 242 residents and subsequently increase demand upon existing constrained services.

The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

The development would give rise to a need for improvements to capacity by way of refurbishment, reconfiguration, extension, or potential relocation, for the benefit of the patients at Holt Medical Practice (including its branches at Blakeney and Melton Constable); a proportion of the cost of which would need to be met by the developer. The Capital Cost Calculation of additional primary healthcare services amounts to £38,167.

NNDC Environmental Health - No objection, subject to conditions in relation to land contamination, noise control scheme, control of noise from plant, external lighting.

NNDC Strategic Housing – The applicant does not commit to delivering 45% of the homes as affordable homes (H02). Instead a lower percentage of affordable homes is proposed due to the costs associated with proving free land for the school and the 'green space' and on this basis a viability assessment has been submitted.

The applicant proposes all of the affordable homes will be two and three bedroom (no one or four bedroom homes). The applicant proposes house sizes which are not large enough for optimal use for affordable housing. The indicative scheme does not appear to be compliant with the requirements of Policy HO 1 which requires 40% of the homes to have two bedrooms or less. Also it is not clear whether the proposal meets the HO 1 requirement to provide 20% of homes which are suitable for or easily adaptable to meet the needs of the elderly, infirm or disabled.

It is advised that there is a need for affordable housing in Holt with 98 households on the Housing Register and in addition there are a further 136 households on the Transfer Register and 907 households on the Housing Options Register who have stated that they require housing in Holt. The proposed development would therefore assist in meeting some of the proven housing need.

To conclude, the proposed indicative housing mix will not provide enough of every property size/type to meet the proven housing need. The viability appraisal must justify any non-compliance with the required amount of affordable housing.

NNDC Landscape Officer - The development site is visually well contained within the wider landscape as it is bordered by the woodland of Holt Country Park to the south, south-east and east and by existing housing to the north and west, and therefore the visual impact will be localised. The LVIA findings that there will be minor to moderate adverse landscape effects in the long term are concurred with. Furthermore, while the impact of the development on individual landscape receptors is considered to be minor adverse, the impact on the overall local landscape character is negligible.

Ecological and Bat Survey reports have been carried out in accordance with good practice guidelines the general conclusions of the reports are concurred with.

Because details are not being secured at the outline stage and left to the reserved matters stage, only the theoretical application of measures to minimise impacts on biodiversity and

compensation measures to be achieved within the development site can be considered and an assessment of the impact on biodiversity is based on these assumptions.

The Landscape Section raise a concern that there is not sufficient land to deliver all of the features of the planning application as set out, including public open space, new woodland, hedgerow and grassland planting, attenuation ponds, other biodiversity enhancements and highways requirements, without compromising on the quality or scale of what is to be delivered.

The impact of the development on European sites is considered in detail in the Council's Habitats Regulations Assessment, including Appropriate Assessment which concludes that the development is not expected to negatively impact on the identified European sites.

Natural England - No objection, subject to appropriate mitigation being secured.

Without appropriate mitigation the application would have an adverse effect on the integrity of:

- North Norfolk Coast Special Area of Conservation
- North Norfolk Coast Special Protection Area
- North Norfolk Coast Ramsar
- Norfolk Valley Fen Special Area of Conservation
- Holt Lowes Site of Special Scientific Interest

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- A financial contribution of £50 per dwelling to North Norfolk District Council's Monitoring and Mitigation Strategy
- A developer contribution towards access management at Holt Country Park
- Information boards and/or leaflets to explain the sensitive nature of Holt Lowes SSSI and associated SAC

It is advised that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Norfolk Wildlife Trust – support the visitor pressure mitigation recommendations made by Natural England. Also recommend that the areas closest to the SSSI and SAC are green space and an infiltration basin as a precautionary measure to minimise risk of site run-off to groundwater.

NNDC Countryside and Parks Manager - Provided a list of potential impacts on Holt Country Park and how these impacts might be mitigated including approximate costs of any additional infrastructure required within the park.

Secured by Design Consultant on behalf of Norfolk Police - No objections, it is apparent that safety and security aspects have been considered and as such there is no reason to suggest the development will be to the detriment of existing properties. A variety of uses across the site will undoubtedly increase both vehicular and foot traffic, thereby providing an increased level of passive surveillance - a proven deterrent.

The intention to incorporate a school on the proposed development site should be seen as a crime preventer as opposed to a crime promoter. Whilst traffic calming measures form part of the LA Highways Department specialism, there are occasions where inconsiderate driving or parking can lead to criminal acts being committed. It is with this in mind that the notion of a dedicated drop-off area (for the school) be considered.

The layout of the dwellings is well-designed from the security aspect. The proposed grid formation of the dwellings is another proven positive in respect of design in a residential setting. Restricting access to the rear of dwellings is a key factor of a successful development when considering both safety and security aspects.

The documentation also refers to 'corner turning' properties across the development. These 'wrap around' dwellings are another key consideration for the security consultant. The removal of blank gable ends is advantageous from both the security and aesthetic aspects - installation of non-opaque glazing units within the majority of side elevations is another factor that will be examined at any reserved matters stage (subject of course to achieving your minimum privacy distances).

Holt Lowes Trustees

Holt Lowes is a SSSI and SAC notified for its groundwater fed valley mires. The proposed development lies within the surface water catchment of the valley mires and thus any development on the land has the potential to affect the quantity of water discharging into the fens. As the uninterrupted supply of water to the springs in the mires is the main reason for their great species diversity and national and international importance, it is clear that the precautionary principle should be applied and the application refused.

The presence of roads and hard standing could affect the quality of the ground water with polluted surface run-off, salting etc., and again affect the SSSI / SAC.

Holt Lowes has Schedule 1 breeding birds, notably Nightjar. We are already very concerned about the amount of disturbance by dog walkers to the breeding Nightjars, and the ever-increasing number of houses in the immediate area (e.g. Heath Farm) can only bring in more dog walkers. Should this development go ahead, the Trustees will have to seriously consider closing all access points from Holt Country Park into Holt Lowes apart from the public rights of way.

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.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS 1: Spatial Strategy for North Norfolk (*specifies the settlement hierarchy and distribution of development in the District*).

Policy SS2: Development in the Countryside (prevents general development in the countryside with specific exceptions).

Policy SS 3: Housing (strategic approach to housing issues).

Policy SS 4: Environment (*strategic approach to environmental issues*).

Policy SS 6: Access and Infrastructure (*strategic approach to access and infrastructure issues*).

Policy SS 9: Holt (*identifies strategic development requirements*).

Policy HO 1: Dwelling mix and type (*specifies type and mix of dwellings for new housing developments*).

Policy HO 2: Provision of affordable housing (*specifies the requirements for provision of affordable housing and/or contributions towards provision*).

Policy HO 3: Affordable housing in the Countryside (*specifies the exceptional circumstances under which affordable housing developments will be allowed in the Countryside policy area*).

Policy HO 7: Making the most efficient use of land (*Housing density*) (*Proposals should optimise housing density in a manner which protects or enhances the character of the area*).

Policy EN 2: Protection and enhancement of landscape and settlement character (*specifies criteria that proposals should have regard to, including the Landscape Character Assessment*).

Policy EN 4: Design (*specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction*).

Policy EN 6: Sustainable construction and energy efficiency (*specifies sustainability and energy efficiency requirements for new developments*).

Policy EN 8: Protecting and enhancing the historic environment (*prevents insensitive development and specifies requirements relating to designated assets and other valuable buildings*).

Policy EN 9: Biodiversity and geology (*requires no adverse impact on designated nature conservation sites*).

Policy EN 10: Flood risk (*prevents inappropriate development in flood risk areas*).

Policy EN 13: Pollution and hazard prevention and minimisation (*minimises pollution and provides guidance on contaminated land and Major Hazard Zones*).

Policy CT 2: Development contributions (*specifies criteria for requiring developer contributions*).

Policy CT 3: Provision and Retention of Local Facilities and Services (*specifies criteria for new facilities and prevents loss of existing other than in exceptional circumstances*).

Policy CT 5: The transport impact on new development (*specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport*).

Policy CT 6: Parking provision (*requires compliance with the Council's car parking standards other than in exceptional circumstances*).

Norfolk Minerals and Waste Core Strategy and Development Management Policies DPD (adopted September 2011):

Policy CS16: Safeguarding mineral and waste sites and mineral resources.

Material Considerations

National Planning Policy Framework (2019)

This document sets out that the purpose of the planning system is to contribute towards achieving sustainable development. It also reinforces the position that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. As national policy the NPPF is an important material planning consideration which should be read as a whole, but the following sections are particularly relevant to the determination of this application.

Section 2 - Achieving sustainable development - *Para 2 and 12*

Section 4 - Decision-making - *Para 47*

Section 5 - Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities – *Para 56, 59, 64, 77, 91, 94*

Section 9 - Promoting sustainable transport - *Para 103 and 109.*

Section 11 – Making effective use of land – Para 122

Section 12 - Achieving well-designed places - *Para 124, 127, 130,*

Section 14 - Meeting the challenge of climate change, flooding and coastal change *163, 165,*

Section 15 - Conserving and enhancing the natural environment – *Para 170*
Section 17 – Facilitating the sustainable use of minerals – *Para 206*

Other material considerations

- Strategic Housing Market Assessment 2017
- North Norfolk District Council Interim Plan Wide Viability Assessment, October 2018
- Department of Communities and Local Government, 'Nationally Described Space Standards', March 2015
- Securing developer contributions for education – Department for Education, April 2019

MAIN ISSUES FOR CONSIDERATION

1. Principle of Development
2. Land for School Provision
3. Access and Highways Considerations
4. Site Layout
5. Development Viability
6. Housing Mix and Type
7. Residential Amenity
8. Landscape, Green Infrastructure and Impacts on Designated Sites
9. Site Ground Conditions
10. Emerging Policy as a Material Consideration
11. Planning Balance and Conclusion

APPRAISAL

Site Context

The application site comprises a rectangular area of flat, open agricultural land arranged over two fields (total 7.09 ha.) located on the southern edge of Holt. It adjoins existing residential development to the north, west and south west, and woodland at Holt Country Park to the south and east. Residential properties along the sites northern boundary consist of a mix of single storey and two storey properties, while to the west is a farm house and converted complex of barns providing residential accommodation. The application seeks outline approval for a mixed use development, the only matter of detail for which approval is sought relates to means of access to the site. On this matter vehicular access to the site is proposed from Beresford Road, while access for cycles, pedestrians and emergency purposes is proposed from Lodge Close, via an entrance with a lockable bollard to prevent general vehicular access. Pedestrian access is also proposed to and from the site to Holt Country Park, directly adjacent to the south.

The proposals consist of two constituent parts, residential development of up to 110 dwellings and land to accommodate a new primary school.

Strategic Policy Context

Holt is one of the Growth Towns identified in the adopted Core Strategy and it is proposed to retain this status in the emerging Draft Local Plan. The existing Development Plan identifies a number of residential development sites for the period up to around 2024 and some, but not all, of these are under construction. The new Plan proposes to allocate further development sites to address needs for the period up to 2036 and to contribute towards this the recent consultation version of the Plan includes the application site as a potential mixed use allocation for housing, primary school and public open space.

Members will see from the report that a proposal for 170 dwellings on the site has previously been refused and the Council was successful in defending this refusal at Public Inquiry. The argument made at the time was that there was already sufficient allocated land in Holt, much

of which had not commenced development, and the correct mechanism to consider the further release of land for the longer term would be via the preparation of a new Local Plan. In essence there were no reasons to depart from adopted policies which were effectively addressing growth requirements in the town at that time. The County Council in its role as Lead Education Authority also supported refusal of the application on the grounds of inadequate primary school provision, a position which they continue to adopt via the preparation of the new Local Plan which ideally should identify a suitable site for a new school.

The Plan led system, where decisions on planning applications are made in accordance with up to date Local Plan policies, is a cornerstone of land use planning. This means that only in those circumstances where 'material considerations' provide justification, or the relevant policies of a Plan are shown to be out of date, should decisions which are contrary to an adopted Plan be contemplated. Whilst Holt is likely to continue to grow in future years, the scale of this growth and the specific locations of sites are matters to be addressed via Local Plan preparation. As the new Local Plan has only recently been subject to an initial round of options consultation (Reg 18) it is too early in its preparation to be afforded all but very limited weight in any decision.

The application site is outside of the adopted development boundary of Holt in an area designated as Countryside. As such the housing proposals are contrary to Core Strategy policy.

1. Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a statutory requirement that, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) at paragraphs 2 and 12 restates this requirement.

The development plan for North Norfolk comprises:

- The North Norfolk Core Strategy (adopted 2008),
- The North Norfolk Site Allocations Development Plan Document (adopted 2011),
- Norfolk Minerals and Waste Core Strategy and Development Management Policies DPD (adopted September 2011).

The Council's latest available information relating to the supply of housing land in the district demonstrates a 5.02 years supply of housing land. It is understood that the applicant does not take issue with the Council's housing land supply position. Therefore the Council's policies relevant to the supply of housing are considered up to date and the development plan remains the starting point for decision making.

Paragraph 12 of the NPPF states that 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

North Norfolk Core Strategy Policy SS 1 sets out a broad indication of the overall scale of development in the District including a settlement hierarchy designed to ensure that the type and quantity of development planned reflects the role and character of each settlement. Holt is identified to be a 'Principal Settlement' within the hierarchy. However, the application site

lies outside of the defined development boundary for Holt (the boundary runs along the northern boundary of the site) and it is therefore located within the 'Countryside' policy area. The site is not allocated for development in the Site Allocations DPD 2011 which is part of the current development plan.

Core Strategy Policy SS 2 (Development in the Countryside) sets out the range of uses that are generally considered to be acceptable in the 'Countryside' policy area, housing development is not permitted in the 'Countryside' (apart from 'exception' affordable housing developments and the re-use of existing buildings). The residential element of the application therefore represents a departure from the development plan as it is contrary to Core Strategy policies SS 1 and SS 2.

As the residential element of the proposals is contrary to the provisions of the development plan then it could only be considered acceptable in this location if there are other material considerations in favour which outweigh the identified policy conflicts.

However, the element of the application which proposes land to be made available to accommodate a new primary school, could be considered acceptable under Policy SS 2 as a community service or facility to meet a proven local need, so long as the need for the facility exists and the requirement to provide it in a countryside location can be demonstrated.

The current policy situation is as set out above, consideration should also be given to any material planning considerations which may be relevant to this application and whether they are sufficient to outweigh the identified policy conflict.

The weight to be afforded to any relevant material planning considerations is a matter of planning judgment for the decision maker, in this case the Development Committee. It will nonetheless be important for any decision relying upon material considerations in favour to justify a departure from the development plan to be clearly articulated.

2. Land for School Provision

The application proposes the provision of 2 hectares of land within the development site, towards the east of the site, to allow the delivery of a two form entry primary school (2FE). The application does not include proposals to build the school or provide monies towards its construction. It does however propose the gift of serviced land (with access and utilities provided to the edge of the site) to Norfolk County Council as Local Education Authority (LEA) to allow a school to be built. The gift of land is in lieu of the financial contribution which would otherwise be payable towards any shortfall in school capacity arising from the development proposed, which has been calculated by Norfolk County Council to be £337,676 and is made on the assumption that there is soon to be a need for a new primary school in Holt. The arrangements would provide the LEA with land which it would otherwise be required to source from a willing landowner and then purchase at a price which would encourage the landowner to sell, in order to allow the delivery of a new primary school in Holt.

Existing school capacity

The existing Holt Community Primary School is a Victorian era school located close to the A148 and which has its playing field located diagonally opposite on a split site on the opposite side of the A148 roundabout, accessed by a pedestrian underpass beneath the road. The school is a single form entry with 210 pupil capacity, taking 30 pupils in each year group.

Local opinion suggests that the existing Holt Primary school is not at capacity. Figures provided by the LEA of pupil numbers over the 5 years since the planning appeal on the application site (application ref: PO/14/0846) are found in the following table.

Year	Number of pupils on school role	Capacity
Jan 2015	192	210
Jan 2016	191	210
Jan 2017	184	210
Jan 2018	177	210
Jan 2019	182	210

The figures show some variation in the total number of pupils on the school role, but this does not explain the situation fully. If admission numbers for children first starting school exceed 30 then the need will be in excess of the admission number and the school will have exceeded its capacity on intake. The number of primary school aged children living in the Holt Primary School catchment would suggest that the school should be at capacity now. The element of parental choice has however resulted in some children (for a variety of reasons) not attending their catchment school and releasing some capacity as a result.

Existing and future need

School capacity is a matter that the Planning Inspector who dealt with the previous planning appeal on this site in 2015 (PO/14/0846) considered in great length (See **Appendix A** for a copy of the appeal decision). At that time although there was debate surrounding the LEA's methods of pupil forecasting, the Inspector considered that there was *'a compelling case for increasing school capacity'* to meet existing and planned new residential development need in Holt and *'to minimise the unsustainable patterns of commuting to other schools'*. The Inspector suggested that *'a minimum 2FE primary school would be required'*.

It has been previously acknowledged by Norfolk County Council that the existing Holt Community Primary School due to its age and constrained site is unlikely to be able to accommodate the required standard and size of school that Holt requires moving forward. The Inspector suggested that *'a new school would likely be the most sensible and cost effective means of meeting future increases in pupil numbers'*.

It is a fact that planning permission has been granted and construction is under way on a number of residential sites in Holt as set out in the table below. The number of dwellings with planning consent and the type of housing proposed on each of these development sites would suggest that some children of primary school age are likely to be living in these properties and will therefore require a place within the local school.

Planning Reference	Site	Number of Dwellings	Percentage of Family Housing (3 – 5 bed properties)
PM/16/1204	Heath Farm, Holt (by Lovell Homes)	213 – under construction	56%
PM/15/1578	Kings Meadow, Holt (by Hopkins Homes)	125 – under construction	53%
PM/16/1511	Grove Lane, Holt (by Hopkins Homes)	17 – under construction	100%
PM/16/1512	Grove Lane, Holt (by Hopkins Homes)	8 – not yet commenced	100%
PM/15/0804	Cley Road, Peacock Lane, Woodfield Road (by Norfolk Homes)	83 – development on site commenced	60%

		but no recent progress made	
PF/17/1803	Hempstead Road, Holt (by Hopkins Homes)	51 net (yet to be determined)	55%

Locally there is concern that LEA forecasting does not reflect what is happening in reality. This is because, despite planning permissions being in place, the rate of new building construction and occupation in Holt is not happening as quickly as might be expected. A significant proportion of the dwellings on these sites consists of 3 to 5 bedroom properties and as such would be suitable as family housing.

There are many likely factors affecting the rate of construction and occupation of development in Holt. Price, level of demand and current market uncertainties are all likely contributory factors. Locally there is concern that new market housing in Holt is too expensive and cannot be afforded by families on local wages. This reduces demand and means that only those with higher incomes or those selling property in more expensive parts of the country can afford to buy with many people doing so choosing to retire to North Norfolk. This accounts for a number of properties being occupied by people without children, with some properties occupied as second homes. Although there is some evidence of a small number of the properties being used as second homes it is believed that the number of properties involved is actually very small.

The LEA are provided with district trajectories on an annual basis detailing the number of dwellings that have been constructed within the District, allowing adjustments to be made to pupil forecasting as actual up-to-date information becomes available on new development constructed in Holt. Current forecasting (July 2019) shows that even taking into account parental preference and not taking into account housing yet to be built in Holt, the numbers of children actually living in Holt and wanting a place at Holt Primary School will exceed the admission number of the school (30) in September 2020. Therefore, the initial need for a new primary school in Holt would not solely be a consequence of any grant of consent for housing on the development site in question.

Site for a new school – options, availability and deliverability

Paragraph 94 of the NPPF stresses the importance of there being sufficient availability of choice of school places to meet the needs of existing and new communities and requires local planning authorities to take a positive, proactive and collaborative approach to meeting this requirement and to development that will widen the choice of education.

Once the existing primary school reaches capacity there is a significant likelihood that children living in Holt will not be able to access a place at their local school and would then need to be accommodated in a school within another settlement which has capacity, which removes the education choice that the NPPF promotes. Whilst the education choice that the NPPF promotes does already increase the potential for unsustainable travel patterns, once the primary school in Holt reaches capacity, the need to access other schools will further exacerbate unsustainable travel patterns, adding to transport costs and giving rise to greater air pollution implications associated with the combustion engine and dust from tyres and brakes.

Once accepting of the need for a new school in Holt to meet future needs, the question becomes one of what available options are there to deliver a new school? In terms of site suitability, availability and deliverability.

The reality when searching for a site to accommodate a school within a town such as Holt, which has limited available brownfield sites and high demand within the urban centre for

residential development, is that greater availability of sites are likely to be found around the periphery of the built up area of the town. It is accepted by Officers as being highly likely that a site to accommodate a new primary school in Holt will be located on land currently designated as 'Countryside'. However, so long as there is a need for a school locally then provision of land to accommodate a school could be an accepted use of a site which is subject to a 'Countryside' designation, in accordance with Core Strategy Policies SS 2 and CT 3.

The LEA have carried out an appraisal of sites in and around the town for their potential to accommodate a school, the assessment considered sites identified in the Housing and Economic Land Availability Assessment (HELAA) of June 2017. The HELAA is produced by NNDC and reports availability of sites, but inclusion within the document is not necessarily an indication of the suitability of a site for development. The appraisal of sites by the LEA identified this site at Beresford Road as being the preferred site to accommodate a new 2FE Primary School, based on development of the site having a relatively limited impact on the open countryside and residential amenity and being accessible to the existing and future pupil catchment area. It is understood that the use of land or premises north of Holt at Holt Hall Residential Field Studies Centre (in Norfolk County Council ownership) is not an available option to accommodate a new primary school to meet the needs of Holt.

The 2 hectares of land within the development site proposed for school use is clearly available as it is being offered by the applicant to Norfolk County Council for that use. It is understood that at this point in time no other land in Holt has been suggested to the LEA as being available for this use. The terms of any legal agreement to secure the transfer of the land for this purpose are important and should ensure that sufficient flexibility exists to enable a school to be delivered, even if there is no fixed timetable to do so in the short term.

Whether a 2FE primary school is deliverable on the site is ultimately dependent on the LEA securing the funds to cover the capital costs to build the school and providing a commitment to then build a school on the site. It is understood that a site assessment has recently been carried out in relation to this site on behalf of the LEA to ensure that the site is suitable for development of a school and this is understood to have not highlighted any issues which would prevent a school from being constructed on the site. The provision of a new school site associated with this proposal has already been endorsed by Norfolk County Council's Children's Services Committee. An allocation of £500,000 has been made to support the development through the design development stage, but not a full budget allocation required for the construction of a new school building. S106 contributions from other developments in and around Holt will also contribute to the new school project.

Therefore, although finances are not in place at this time to cover the capital costs associated with constructing a new school, there is understood to be a commitment from Norfolk County Council that once the existing primary school is full (forecast to be within the next year) they will then be in a position to provide a commitment to put forward a strong business case to finance the construction of a new school and the site assessment shows a commitment by Norfolk County Council to delivering a primary school on this site in particular.

Risks surrounding non-delivery of school land:

If either the need for a new school does not arise or the finances to deliver a new school cannot be secured, then the benefits of 'gifting of land' to deliver a new school for the benefit of the children of Holt is not realised and the process of attributing weight to such a gift of land would alter and fall away.

In such an event that the LEA are not able to deliver a school on the site within a ten-year period from commencement of development on site, for whatever reason, then the school land would be released from all obligations. It is entirely reasonable for land to be returned to a developer if the need for that land for the intended use is not realised within this time period.

However, if this was to become the case then a financial contribution should be payable which is equivalent to the financial contribution required due to the shortfall in school capacity identified at the time that the application was made (index linked from the grant of permission). This will ensure that if a new school is not delivered that monies are released to mitigate the impact of the development on primary education provision. Furthermore, if the unused school site is subsequently put forward for residential development then this should also attract appropriate education contributions over and above the contributions already made for the 110 dwellings forming this application.

Considering all of the variables above, the weight to be attributed to the offer of land to deliver a school must be determined according to the level of certainty that the school will be delivered. Officers are of the opinion that the terms agreed to date with the applicant and to be secured by legal agreement give the greatest level of certainty regarding the school lands ability to deliver a school, while remaining reasonable, with a financial contribution payable if the land and therefore new school is not delivered after ten years. Committee are reminded that, without the school, the proposal amounts to a purely residential development for which there would be limited public benefit to justify a departure from development plan policies.

3. Access and Highways Considerations

Sustainability of location

The application site is located on the southern edge of Holt. Paragraph 103 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Access to public transport with regular bus services (with the exception of Sundays) to Sheringham, Cromer, Fakenham, North Walsham and Norwich is available within a short distance of the application site from existing bus stops on Edinburgh Road and Coronation Road. Also there is continuous, lit, footpath connectivity to the town centre through the existing housing development to the north or via Norwich Road, to access the range of local services that Holt has to offer including a supermarket, banks, community centre, public houses, cafes and a range of independent shops and professional services. Directly adjacent to the south is the green flag award winning Holt Country Park which offers an extensive area for woodland walks and recreation.

Local highway network

A Transport Assessment and Travel Plan was submitted as part of the planning application. Although the school does not form part of this application itself, for completeness it rightly forms part of the scope of the transport assessment.

Much of the local concern received to the application relates to increased traffic using the local road network and the suitability of the site to be served solely by Beresford Road. There is no doubt that additional traffic will be generated on the road network as a result of these proposals. However, base survey traffic data, growth forecasting (until 2023) for the development proposed and the new school and factoring in committed development already permitted on large development sites within the town, identified that there were no capacity issues associated with this part of the highway network. Overall the Transport Assessment concluded that there will be no materially detrimental traffic impact as a result of these proposals.

Access arrangements

In terms of access to the site itself, which is the sole detailed issue for consideration, initial plans showed the site to be accessed by vehicles, pedestrians and cycles via Beresford Road, with pedestrian and cycle access only from Lodge Close. Beresford Road is currently a no

through road which links into Charles Road / Edinburgh Road, which forms part of the residential estate in this southern part of Holt. Charles Road and Edinburgh Road connect with Norwich Road and Hempstead Road which link to the town centre and beyond. Beresford Road at 5.5 metres wide is accepted by the Highway Authority of being of sufficient width to provide an access road with a pedestrian footway on either side to the required standard to serve the proposed development.

Further to initial comments received from the Highway Authority the applicant has negotiated with the adjacent landowner to secure the provision of access for emergency vehicles from Lodge Close. Therefore, a revision has been accommodated to provide a 3.7 metre wide shared surface route into the site from Lodge Close allowing pedestrian/cycle access and a single lockable bollard which will allow access to the development by emergency vehicles in the event of an emergency. It is understood that the adjacent landowner is not agreeable to allowing general vehicular access to the site across land that they own between the site and Lodge Close.

The Committee will note that the Highway Authority has not raised an objection to the application with the access arrangements proposed, including with a single point of vehicular access from Beresford Road only. Although the Highway Authority have expressed a view previously that in terms of network resilience and good design that two points of vehicular access would be preferred to the access the site, they do not raise an objection to the site being accessed from a single point of access as is now proposed given current guidelines and the fact that the applicant has been able to secure emergency access from Lodge Close, together with some requirements that the detailed site layout would need to provide at reserved matters stage. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and this is not considered to be the case for the development proposed.

There are also proposed to be new pedestrian access points from the development site into Holt Country Park, to connect the development into the public footpath network and wider paths within the Country Park. This improved accessibility for green infrastructure is an important means of supporting healthy lifestyles which paragraph 91 of the NPPF promotes. The framework plan shows three points of connection through the new proposed areas of open space and landscaping along the south and east site boundaries. The exact points of connection and means of making this connection are to be determined at the reserved matters stage through discussion and agreement with the Council as land owner with management responsibilities for Holt Country Park. Provision for such pedestrian access points can be adequately secured by planning condition, through agreement of the 'Development Framework' plan or through agreement of the specification of the areas of open space to be secured as a planning obligation through a legal agreement.

Considerations directly associated with accessing a primary school site

It is recognised that a school is a significant focus for vehicle movements associated with dropping children off in the morning and collecting them at the end of the school day and the implications of this needs careful consideration. The LEA have evidence that a large proportion of the pupils attending Holt Community Primary School at present reside in the area to the south of the A148 (Holt bypass) and in relative close proximity to the application site, making it a realistic option for many pupils to attend school on foot. In addition a large proportion of the new housing currently under construction in Holt is located to the south of the A148.

However, it is acknowledged that some parents may choose to take their children to school by car. There are no parking standards applicable for parking associated with school drop off/pick-ups and accommodating parking within the school grounds for such use is not feasible

in terms of school management responsibilities and security. There is also an argument that providing large amounts of parking may only serve to encourage parents to drive their children to school rather than use more sustainable methods such as walking or cycling, which would be a more attractive option for a school in this location.

Further advice on the matter of school drop off and pick-up provision was provided by Norfolk Police Architectural Liaison & Crime Reduction Officer using the police initiative Secured by Design. It was concluded that experience shows that for such parking facilities to be used by parents they need to be very close to the school and its entrance and therefore layby parking would help. However, the use of laybys along the southern boundary in an area facing on to the woodland and with no active surveillance should be avoided, as this could give rise to misuse of these areas outside of school times and in particular in the evenings.

Discussions have taken place with the Highway Authority about arrangements and measures which would be required to be accommodated within the site layout to manage any vehicle movements associated with the school in an acceptable way and as a result it was recommended that:

- the school site should not be located at the termination of the cul-de-sac,
- the school be served by a loop road arrangement,
- layby parking be provided along the boundary of the school site within the public highway,
- a range of traffic management measures could be secured at reserved matters stage once the precise details of the layout are known.

In order to secure some of these measures at outline stage it has been necessary for the applicant to confirm a set of parameters to be agreed on a plan, including the location of the school land and demonstration that the fundamental elements of the highways infrastructure requirements can be accommodated within the site with sufficient space remaining to accommodate the necessary amounts and arrangements of landscaping, drainage infrastructure and total number of dwellings proposed. Officers consider that discussions and modifications relating to school drop off/pick-ups have been explored as far as is reasonably possible for outline proposals. At reserved matters stage it would be expected that this issue is progressed in more detail and if insufficient measures are proposed in terms of physical infrastructure and traffic management measures to the extent that there was to be a highways objection then amendments would be required or reserved matters approval would not be forthcoming.

Therefore, considering the advice of the Highway Authority the conclusion of officers is that there are no sustainable grounds for refusal of the development proposed on highway safety grounds, either in terms of the proposed type and amount of development, its indicative layout or the adequacy of the access to serve the development proposed. The proposal would therefore be considered to accord with relevant development plan policy.

4. Site Layout

Although the application is in outline form the applicant has provided a 'Development Framework' plan which demonstrates in basic terms:

- residential areas - along the northern site boundary and to the east and west of the site,
- 2 hectares of land to deliver a primary school – east of the centre of the site, in a location which allows a loop estate road to pass to the north and south of the land and connect the two areas of residential development,

- green infrastructure - landscaped areas and open space with drainage infrastructure to the south and east of the site where it adjoins Holt Country Park; open space/drainage infrastructure to the west; a play area west of and directly adjacent to the school site,
- vehicular access routes and pedestrian linkages consisting of a main access road which forms a loop around the site, with pedestrian linkages to Holt Country Park along the southern and eastern boundary. Provision of short term drop off laybys for the school can be achieved along the eastern boundary of the school site.

An 'Indicative Site Layout' and 'Indicative Sections' across the landscaped area, have been provided for illustrative purposes only and show in greater detail an arrangement of housing and associated landscaped areas, play space etc. which could deliver the amount and type of development for which permission is being sought. The indicative layout does demonstrate a denser form of development than is evident within some of the developments found south of Edinburgh Road and Charles Road. However, paragraph 122 of the NPPF supports the efficient use of land without focusing on density standards, so long as it is possible to secure a well-designed, attractive and healthy place, which delivers the different types of housing which have been identified to be required. Therefore, the 35 dwellings per hectare as shown on the indicative layout appears to adequately demonstrate that a maximum of 110 dwellings can be successfully accommodated on the site. Exact details of the site layout and an assessment of whether the amount of development proposed achieves a well-designed development would be determined at reserved matters stage when more detail is available.

The central part of the site which would be set aside to accommodate a primary school will provide a sense of openness across the central part of the site as the school buildings will be located within 2 hectare grounds, with buildings surrounded by areas for play. Added to this, almost a quarter of the total development site area will accommodate green infrastructure, landscaping, open space and areas for play.

A local resident was concerned that the site in its existing use acts as a fire break between existing housing and Holt Country Park and development of the site would see this safety break cease. Norfolk Fire Service have confirmed that there is no guidance for applying a fire break in a situation such as this. Water supplies and access to dwellings by the Fire Service is dealt with by Building Regulations. It was observed during a site visit however that there appears to be fire hydrant provision within the main footpath towards the north within Holt Country Park itself. The Fire Service did advise that premises should be a reasonable distance away from the wooded area in case there was a fire in that location. The layout as proposed on the Development Framework plan provides for a landscape buffer (to likely include drainage infrastructure) along the south and east boundary of the site with Holt Country Park. Beyond this it is likely that road infrastructure will be required and then development beyond this. It is therefore considered that a reasonable and sensible separation can be provided between any new dwellings and Holt Country Park itself.

There is therefore nothing within the submission to suggest that development would not comply with Core Strategy Policy EN 4 or paragraphs 124, 127 and 130 of the NPPF.

5. Development Viability

The application was supported by an Affordable Housing Viability Assessment. The application initially proposed 31% affordable housing. As the application progressed a supplemental viability report was provided and revised to include updated figures for all of the identified planning obligations required of the development and more details surrounding the abnormal costs associated with delivering 2 hectares of serviced land for provision of a primary school. The revised reports also went on to apply many of the assumptions and methodology

applied within the 'Interim Plan Wide Viability Assessment' which forms part of the evidence base for the new Local Plan. The housing mix proposed was also amended to more closely align with the need identified within the Strategic Housing Market Assessment (SHMA) 2017. As the application is in outline form only the housing mix is indicative but is considered to represent a reasonable scenario regarding housing mix and type for the purpose of determining the viability of the development.

The abnormal costs associated with delivering a serviced school site have been robustly challenged and at £703,010 are understood to represent reasonable costs specifically attributable to delivering a form of development which accommodates land for provision of a school within it. Such costs include access to the school site itself, provision of drainage for the site, secure perimeter fencing and a specific type of road layout within the site required due to the presence of a school in the specific position within the site. The supplemental viability report as revised proposes 36% affordable housing, which would be secured by Section 106 Agreement.

The viability reports have been reviewed by the Councils viability advisor who considers that the methodology adopted in undertaking the viability assessment is sound and the inputs are in accordance with the Councils plan wide viability assessment and therefore are considered appropriate and reasonable.

The appraisal and the conclusion reached is agreed with. The applicant has therefore made a justified case that the proposed development is able to support the delivery of:

- 36% affordable housing,
- the provision of 2 hectares of land within the development for provision of a primary school (with no education contribution),
- other planning obligations totalling over £218,000 (health care, libraries, European Sites mitigation, public open space).

All of these obligations are required to address the additional demands of the development on physical infrastructure and social facilities and where such requirements cannot be addressed by conditions as required by Core Strategy Policy CT2 and paragraph 56 of the NPPF and CIL Regulation 122 can be secured by legal agreement.

6. Housing Mix and Type

The supplemental viability report proposes 36% affordable housing, which would be secured by Section 106 Agreement. As part of the affordable housing provision, at least 10% of the homes (total number of dwellings) will be available for affordable home ownership as paragraph 64 of the NPPF requires, in this case shared ownership dwellings are proposed to meet this element of the affordable housing requirements.

The Housing Strategy Section of the Council have raised concerns that the size of the affordable units are too small for optimal use as affordable homes. However, the applicant has used the floor areas within the range specified within the Department of Communities and Local Government, 'Nationally Described Space Standards' document and which are used and accepted by the Council in its 'Interim Plan Wide Viability Assessment'. The applicant has provided confirmation from a locally based Registered Housing Provider that they would not have issue with taking on affordable units of the sizes proposed. The exact mix and size of dwellings however would be determined at reserved matters stage. Also, the viability assessment includes costs associated with meeting adaptable and accessible dwelling standards proposed by the Council in the emerging Local Plan and in doing so would comply with more stringent accessibility standards than is currently the case and the proposal would

therefore comply with the current requirements of Core Strategy HO 1 in terms of meeting the needs of the elderly, infirm or disabled.

Housing Strategy also raised concerns that the proposed indicative housing mix will not provide the correct quantum of every property size/type to meet the proven housing need that they have identified. Specifically, that there is a lack of one and four bedroom properties within the affordable housing mix proposed. The most up to date housing need is identified in the SHMA and while it is untested it is considered to represent significant new and up to date evidence which officers consider should be given weight in the planning balance and this represents a material consideration which diminishes the weight to be attached to any conflict with Core Strategy policies HO 1 or HO 2 in terms of affordable housing mix.

The site specific viability assessment demonstrates that 36% is the maximum viable amount of affordable housing which can be provided on the site. Due to the 'countryside designation' of the land it is relevant to determine whether the site can be considered as a rural exception site under Core Strategy Policy HO 3. Paragraph 77 of the NPPF would support development which provides affordable housing to meet identified local needs with market housing allowed as part of such a development if it would help to facilitate this provision.

However, the site is clearly not being proposed with the provision of affordable housing (for an identified local need) at the forefront. Emphasis instead is placed by the applicant on the importance to be attributed to the provision of land to accommodate a primary school and therefore what is proposed in terms of the housing is a balance of sufficient market housing to deliver the land for primary school use while meeting as many other obligations considered necessary to address the impacts of the development. The result when taking all other necessary obligations into account is that 36% affordable housing is the maximum viable amount of affordable housing which can be delivered. The market housing serves to enable delivery of the school land and all of the other necessary obligations. Without the market housing, it seems very unlikely that the proposal would be able to proceed. Officers therefore consider that the proposal does not strictly accord with the requirements of Core Strategy Policy HO 3 and should instead be considered as a departure from development plan policies. An assessment of the Planning Balance is provided below.

7. Residential Amenity

The site has a northern and western boundary which is directly adjacent to residential development. Along the northern boundary are a mix of single storey and two storey properties, many of which have windows which face directly towards the site. There are a variety of boundary treatments and vegetation in existence along this boundary. It is likely from the positioning of the school land and the requirement to access the western part of the site via a highway loop that any future proposed layout will seek to accommodate a row of dwellings along the northern site boundary. Some of the existing properties to the north are located within 8 to 10 metres of the boundary of the application site. The North Norfolk Design Guide and Core Strategy Policy EN 4, recommends separation distances between most sensitive windows of between 15 and 21 metres. There are no recommendations within the Design Guide as to appropriate distances to prevent overlooking of private garden areas. The applicant has confirmed that it would be possible in almost all instances to accommodate a 10.5 metre long garden to properties along the northern site boundary and maintain the separation distances required in the North Norfolk Design Guide to maintain adequate levels of privacy and prevent overlooking. In addition at reserved matters stage through design and internal layout considerations together with the introduction of single storey dwellings in some locations along the northern boundary where necessary it should be possible to ensure that unacceptable impacts on residential amenity do not occur. It would be possible at reserved matters stage to refuse permission for development proposals of a detailed layout which does not make adequate provision to ensure that a significant detrimental effect on residential

amenity does not arise. The proposal does not therefore give rise to concerns about possible non-compliance with Core Strategy Policy EN 4 at the outline stage.

8. Landscape, Green Infrastructure and Impacts on Designated Sites

The site is not prominent within the surrounding landscape, as it is visually well contained by woodland and residential development. Neither does the site itself contain any significant landscape features, the most notable feature is a length of hawthorn hedge separating the two parcels of land.

In order to create an attractive setting for the development and assist in assimilating the site in its landscape context any development on the site needs to provide a soft landscaped buffer edge, between any built development and the woodland of the adjoining country park and Glaven Valley Conservation Area, something that the submitted (illustrative) 'Development Framework' plan demonstrates.

At 1.68 hectares, a significant amount of green infrastructure is proposed on site, as identified on the 'Development Framework' plan. The Councils open space standards suggest a total of 0.9 hectares of open space would be required on site. Public open space, landscaped amenity areas, sustainable drainage features such as attenuation basins and swales make up the less formal provision which is of great importance given the location of the site adjacent to Holt Country Park. A small (approx. 0.04 hectare) locally equipped area for play will also be provided along with a contribution towards additional play equipment in Holt Country Park itself to meet extra demand and make up for the shortfall in this element of on-site open space provision. As almost a quarter of the total development site area will accommodate green infrastructure this will help to maintain a sense of openness of the site.

The Landscape Section raised initial concerns that there is not sufficient land to deliver all of the features of the public open space, new woodland, hedgerow and grassland planting, attenuation ponds and other biodiversity enhancements together with highways requirements and other built form elements of the proposals, without compromising on the quality or scale of what is to be delivered. The applicant has taken further steps to investigate the ability to provide sufficient, meaningful landscaping in the southern part of the site and also accommodate the likely highway infrastructure requirements. More detailed information was provided in the form of indicative plans which demonstrate that a 16 to 28 metre wide area of land would be available for landscaping along the southern and eastern boundary in the form of informal open space areas and native shrub planting. This information, although indicative, supplements the information provided at a larger scale on the 'Development Framework' plan, which defines the parameters of areas in which green infrastructure, landscaping, play areas and natural drainage features will be provided; land for primary school provision; residential areas and highway infrastructure. The applicant has adequately demonstrated that it is possible to deliver the green infrastructure as indicated which would comply with the requirements of Core Strategy Policy EN 4 to include landscape enhancements and green links and networks to the surrounding area.

Impacts on Designated Sites

The Council as a competent authority has carried out an Appropriate Assessment under the Habitat Regulations due to the proximity of the development site to both national and international designated habitat sites which are afforded protection under the 'Habitats Regulations'; namely Holt Lowes - SSSI (national), part of the Norfolk Valley Fens, Special Area of Conservation (SAC) (international) some 500m distance south of the site and the North Norfolk Coast Special Protection Area (SPA) (international) some 5km distance.

The Appropriate Assessment concludes that the issue of effects on water quantity and quality at Holt Lowes, which may impact upon the sensitivity of this site can be mitigated through the adoption of an appropriate SuDS treatment train (secured by planning condition) to allow for natural infiltration with no water quality impacts, ensuring that the underlying hydrological conditions will be maintained resulting in no effect on the supporting processes on which the SAC features depend such that any detrimental effect on the integrity of the SAC is unlikely.

Recreational impacts from the new residential development on Holt Lowes could be mitigated through the provision of on-site public open space and provision of information boards near access points explaining the sensitivities of Holt Lowes. In addition a contribution towards access management of Holt Country Park is required to ensure that the Country Park is able to absorb the additional visitors which may arise as a result of the development without reducing its appeal as a destination for recreation, which could otherwise give rise to visitors using the adjacent SAC as an alternative destination. The identified mitigation measures can be secured by planning condition and legal agreement and are considered appropriate mitigation by Natural England to avoid adverse effects on the integrity of Holt Lowes SAC.

Visitor pressure impacts from the new residential development on the North Norfolk Coast SAC/SPA/Ramsar (Natura 2000 sites) can be mitigated for through a financial contribution of £50 per dwelling towards North Norfolk District Council's Monitoring and Mitigation Strategy. With a legal agreement in place to secure this contribution an adverse effect on the integrity of the North Norfolk Coast Natura 2000 sites is not expected. This is a position which the Inspector considering the previous appeal at the site concurred with and is also considered to be appropriate mitigation by Natural England.

9. Site Ground Conditions

Drainage

The site is located in Flood Zone 1 where there is the lowest risk of flooding. There is however a small area at risk of surface water flooding in the south east corner of the site. A Flood Risk Assessment and Drainage Scheme has been submitted which identifies variable ground conditions for infiltration and surface water drainage by infiltration methods only. This is a strategy agreed by the Lead Local Flood Authority and a planning condition can be used to require detailed designs to be submitted for approval at reserved matters stage, to also incorporate measures as identified by the Appropriate Assessment to mitigate impacts on Holt Lowes designated site. The application has therefore had adequate regard to flood risk and surface water drainage and is considered to comply with Core Strategy Policy EN 10 and paragraphs 163, 165 and 170 of the NPPF.

Mineral Resource

The application site lies within a mineral resource safeguarding area identified in the Norfolk Minerals and Waste Core Strategy. An allocated mineral site (sand and gravel) is located nearby, thus indicating the presence of these materials in the local area. The NPPF states in paragraph 206, "*When determining planning applications, local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain future use for mineral working*". The applicant's Mineral Resource Assessment considered that the onsite mineral resources would be unviable to extract, however Norfolk County Council (as Mineral Planning Authority) consider that there may be opportunities for the sand and gravel from on-site resources (such as groundworks) to be used in the construction phases of developments and restoration for areas in which mineral has been extracted could form part of sustainable drainage systems, areas for landscaping, and/or renewable energy schemes, such as ground source heat pumps. Norfolk County Council's policy is to object to development on safeguarded areas if the proposed development would prejudice the viable economic extraction of minerals on a particular site, unless a Materials

Management Plan to address this matter is secured by planning condition to be submitted as part of a subsequent reserved matters application, therefore such a condition is proposed in this instance.

Archaeology

The site has potential to contain heritage assets of medieval or earlier date as identified in a desk based assessment submitted by the applicant. Norfolk Historic Environment Service have confirmed that the significance of any such heritage assets is likely to be such that the harm to the historic environment could be successfully mitigated through a programme of archaeological mitigatory work, including initial geophysical survey / trial trenching, which can be secured by planning condition. With such a planning condition in place it is possible to manage the historic environment implications of the proposed development in accordance with paragraph 199 of the NPPF.

10. Emerging Policy as a Material Consideration

The Council has carried out Regulation 18 consultation on a first draft of a new Local Plan which once adopted will replace the Core Strategy and Site Allocations DPD and form the new development plan for North Norfolk. Within that draft Holt is identified as a 'Small Growth Town', which contains a comprehensive range of services to meet most of the day to day needs of residents within the town and surrounding catchment area and in which additional development will be accommodated, but in a more limited amount than the 'Large Growth Towns' of North Walsham, Fakenham and Cromer. It remains the clear view of the Council through designation of the town as a 'Small Growth Town' that Holt is capable of sustaining further growth. Within that same document the situation with regards limited capacity at the existing primary school in the town is highlighted. The application site is one of the preferred sites (H04) being considered for allocation as a mixed use development within that document, on the same terms as this application, i.e. reserving two hectares of land suitable for a two form entry primary school, resulting in a draft preferred mixed use allocation of Policy DS 9.

It is the case however that many reports have been produced as part of the evidence base for the new Local Plan and such evidence, although not yet subject to examination, represents the most up to date position than some of the technical and data content of the existing Local Plan itself. However, at this very early stage in the Local Plan adoption process, little if any weight can be attached to any policies or preferred site allocations identified in the plan.

11. Planning Balance and Conclusion

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The principle of housing development on this site does not accord with the development plan. Due to the sites 'Countryside' designation the proposed development conflicts with Policy SS 1 Spatial Strategy for North Norfolk and SS2 - Development in the Countryside and this is not a site currently allocated for development. The development plan is operating effectively, delivering the necessary level of homes as part of its overall approach and for this reason substantial weight should be attached to the identified conflict with the development plan.

The identified conflict with development plan should be considered alongside any other material planning considerations relevant to this application.

One such material consideration is the community benefit of providing land for delivery of a 2FE primary school. This land has been assessed at a high level as being fit for its intended purpose and is available to Norfolk County Council as Local Education Authority for this use.

The weight to be applied to this benefit should be moderated as it includes the gift of land only and not the provision of a school. However, even though there is currently no budget or formal commitment from Norfolk County Council members to provide a new school, there is understood to be a likely need in the short term for such provision as the existing constrained primary school in Holt is forecast to be at capacity and new dwellings will become occupied which already have the benefit of planning permission. The provision of land to allow a new school to be constructed is a significant first step in securing a new primary school for Holt to meet current commitments and future growth needs.

It is officer opinion that the application through an appropriately worded legal agreement would secure sufficient certainty through offering the land for a period in which it should be realistically possible for the Local Education Authority to secure real progress in the construction of a new school. Officers consider that the public benefit of land to deliver a new school is a material consideration in favour to which substantial weight may be afforded. Beyond this period in the event that a primary school is not provided a fall back of a financial contribution to mitigate impacts of the development on primary education provision will be provided, ensuring that the impact of the development on primary education is at least properly mitigated.

The environmental and social benefits that the development will secure in terms of the location of the development directly adjacent to Holt Country Park and the opportunity that this brings to secure improved pedestrian access for existing residents through the site to access the green space which is Holt Country Park and the physical health and overall wellbeing benefits that this brings to new and existing Holt residents are not to be underestimated. This improved accessibility to green infrastructure should attract moderate weight.

Increasing the available supply of land for both market and affordable housing, supporting the economic dimension of sustainable development is another material consideration. In the context of the NPPFs objective in paragraph 59 to significantly boost the supply of homes, the delivery of market and affordable housing weighs in favour of the proposal, providing greater certainty that needs would be met and contributing to the delivery of affordable housing in the area. However, given that the Council can already demonstrate a supply of both market and affordable housing sufficient for the next five years of need, this benefit would attract no more than moderate weight.

With regard to the economic role of sustainable development, the proposed development would bring direct and indirect economic benefits to the local area including Council Tax receipts, additional trade for local shops and businesses by virtue of people living in the houses, and the economic benefits during the construction phase including jobs in construction and economic benefits to the construction industry supply chain. These benefits would be realised from any policy compliant residential development but would nonetheless be a benefit to the local area attracting only limited weight in the planning balance.

Finally, the previous appeal decision from 2015 is material to the consideration of this application and should be afforded some weight. The proposed development is however materially different from the proposals which were considered at appeal, as the amount of housing proposed has been reduced from 'up to 170 dwellings' to 'up to 110 dwellings' and the current proposals include land to accommodate a new 2FE Primary School, whereas the previous development proposed for the site made no such provision.

Caution should be taken in the unquestioning application of the Inspector's conclusions. The relevance of the appeal decision is advised to be drawn from its constituent parts. The differences in the development proposals could reasonably give rise to different conclusions. Contextually, housing land availability is not a matter of contention here; the County Council's position regarding existing school capacity concerns and new school requirements has not

fundamentally changed, however this application is set apart by to provide a school site. . The Inspector's conclusions relating to the openness of the site contributing to the protection and enhancement of the natural environment, has been addressed, at least in part, by the introduction of a site to accommodate a school centrally in the development. Further amelioration is provided by significant areas of green space, which act as a buffer between the proposed built residential form and Holt Country Park. The planning balance considerations will therefore differ greatly from that undertaken previously. Officers are persuaded that only limited weight should be given to the appeal conclusions when applied to the revised proposals.

It is the view of officers that taking the entirety of the identified benefits into account along with all other material considerations, subject to the securing of a S106 Obligation and the imposition of appropriate conditions, cumulatively these benefits are considered to outweigh the identified conflict with development plan policy.

RECOMMENDATION:

Part 1:

Delegate authority to the Head of Planning to APPROVE subject to:

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

- Not less than 36% affordable housing,
- Emergency access to the site from Lodge Close,
- On site open space scheme (including equipped children's play area) detailing provision and management details (including 3 access points to Holt Country Park),
- Provision and transfer of 2 hectares of serviced land for provision of a primary school to the Local Education Authority (in a location in accordance with the Development Framework plan and in accordance with the details contained within the schedule of costs within Appendix 13.0 of the Affordable Housing Viability Assessment – Supplemental Report 15 August 2019) – exact terms to be agreed with Norfolk County Council,
- Payment of £337,676 [index linked] to Norfolk County Council in the event that the land for the provision of a school is released from its obligations,
- Financial contribution towards mitigating healthcare impacts - £38,167,
- Financial contribution towards libraries - £75 per dwelling (£8,250),
- Financial contribution towards Norfolk Coast European Sites Mitigation - £50 per dwelling (£5,500),
- Financial contribution towards Holt Country Park access management (Norfolk Valley Fens European Site Mitigation) - £127,300,
- Financial contribution towards a Hopper Bus Service - £353 per dwelling (£38,830)

2) The imposition of appropriate conditions to include:

1. The submission of reserved matters within three years and two year commencement upon approval of reserved matter(s),

2. Reserved matters to relate to appearance, landscaping, layout and scale

Prior to submission of reserved matters

3. Archaeological mitigatory work

As part of submission of reserved matters

4. Provision of detailed surface water drainage scheme, incorporating measures as required by the Appropriate Assessment.
5. Minerals Management Plan to be informed by the Mineral Resource Assessment October 2018.
6. A layout plan which provides at least 3 pedestrian access points into Holt Country Park (in accordance with the locations shown on the Development Framework Plan).
7. A layout plan providing for drop off pick-up parking for the primary school for at least 10 vehicles to be provided in a dedicated area within the public highway, in close proximity to the main point of access to the school site.
8. A layout plan providing a landscaping buffer along southern and eastern boundaries, amount in accordance with parameters plan.
9. Provision of interpretation signage within the application site at access points to Holt Country Park
10. Landscape and Ecological Management Plan to be agreed.
11. Ecological Design Strategy to be agreed.
12. Arboricultural Method Statement and Tree Works Plan to be agreed.
13. Land contamination investigation report to be submitted

Prior to Commencement of Development

14. Highways, details of roads, footways, cycleways, drainage etc. to be submitted for approval.
15. Details of on-site construction worker parking to be submitted for approval.
16. Interim Travel plan to be submitted for approval.
17. Construction Environment Management Plan to be agreed.
18. Details of noise from plant (heating or ventilation) if proposed to be installed in dwellings.
19. External lighting details to be agreed.
20. Details of refuse storage areas and refuse collection vehicle access to be submitted
21. Details of the provision of 2 fire hydrants

Prior to Occupation

22. Prior to first occupation construction of road, footways etc. to binder course surfacing level from each dwelling to the County road
23. Prior to first occupation the Interim Travel plan shall be implemented in accordance with details approved
24. Prior to occupation of the final dwelling completion of roads, footways, cycleways, drainage to agreed specification

and any other conditions considered to be necessary by the Head of Planning

Part 2:

That the application be refused if a suitable section 106 agreement is not completed within 3 months of the date of resolution to approve and, 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.

Appeal Decision

Inquiry held between 28 and 31 July 2015

Site visits made on 27 and 31 July 2015

by **P R Crysell BSc MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 September 2015

Appeal Ref: APP/Y2620/W/14/3000517

Land south of Lodge Close, Holt, Norfolk NR25 6BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of North Norfolk District Council.
 - The application Ref PO/14/0846, dated 4 July 2014 was refused by notice dated 2 October 2014.
 - The proposed is for the residential development of the site to provide up to 170 dwellings and associated infrastructure.
-

Decision

1. I dismiss the appeal.

Procedural Matters

2. The proposal is in outline with all matters reserved for later determination. Prior to the inquiry the main parties submitted a Statement of Common Ground clarifying matters which were not in dispute. These included traffic generation, contamination, drainage, archaeology, minerals safeguarding and landscape impact. Local residents have referred to some of these areas in objecting to the development and I have had regard to these in coming to my decision.
3. The appellant has sought to address concerns in relation to the provision of infrastructure and other facilities by means of a legal agreement under section 106 of the Town and Country Planning Act 1990. A signed and dated copy of this document was submitted on behalf of the appellant and the District and County Councils before the close of the Inquiry.
4. The S106 confirms that provision will be made for affordable housing and open space and financial contributions will be provided. These include mitigation measures for protected areas, improvements to Holt Country Park, education, travel plans and a hopper bus service. A contribution towards library facilities was withdrawn because it was contrary to Regulation 123(3) of the Community Infrastructure Regulations 2010 (CIL). The Agreement would come into effect if planning permission is granted. I have considered the obligations in the Agreement and I am satisfied these would pass the statutory tests in Regulation 122 of the CIL.

5. At the opening of the inquiry I was informed that the Supreme Court had adjudicated on an appeal against North Norfolk District Council for failing to comply with the procedures required by the regulations governing Environmental Impact Assessment (EIA) and "appropriate assessment" under the EIA and Habitats Regulations. I have considered the relevance of this judgement in determining the appeal.

Main Issues

6. I consider the main issues are:
- 1) Whether the Council can demonstrate there is a five year housing land supply having regard to national guidance and the implications of my findings in that matter having regard to the policies contained in the District Council's Core Strategy and Site Allocations Development Plan Document¹; and
 - 2) The effect of the proposed development on the provision of education facilities.

Reasons

7. The appeal site comprises 7.09 hectares of flat, agricultural land which is divided between two fields. Properties on Norwich Road limit views from the west to glimpses between buildings and an extensive area of woodland forming part of Holt Country Park lies to the south and east. An illustrative diagram shows access would be gained from an existing area of housing which lies immediately to the north of the site and which marks the transition from the urban edge of the settlement to the countryside beyond.

Planning policy

8. The development plan for the area comprises the North Norfolk Core Strategy² which was adopted in 2008 (CS) and the Site Allocations Development Plan Document³ (SADPD) adopted in 2011.
9. The objective of spatial policy SS 1 is to focus the majority of new development on four principal settlements of which Holt is one. More limited development is anticipated at four secondary settlements. Smaller amounts of growth, intended to support rural sustainability, are directed to a number of service and coastal villages.
10. The remainder of the District is classified as 'Countryside' which includes the appeal site. The supporting text to policy SS 2 explains this is a principal element contributing to the rural character of North Norfolk and one which should be protected. In these locations policy SS 2 therefore seeks to limit development to uses which require a rural location.
11. Policy SS 3 sets out housing allocations for identified settlements and explains that allocations will be made through the SADPD. The policy anticipates that 700 dwellings will be provided in Holt in the 20 year period to 2021 which is considerably lower than the provision in other principal settlements. Policy SS 9 specifically refers to Holt. This clarifies that 250 – 300 of the town's housing

¹ Also referred to as the Site Specific Development Plan Document

² North Norfolk Local Development Framework – Core Strategy incorporating Development Control Policies

³ North Norfolk Site Allocations Development Plan Document

target will be provided on greenfield sites which should be well integrated with the built-up area and minimise the impact on the countryside.

12. Policy CT 2 clarifies that improvements which are required to infrastructure, services and facilities in order to make development acceptable will be sought by means of planning conditions or obligations.

Development plan issues

13. Legislation requires that applications should be determined in accordance with the development plan⁴, unless material considerations indicate otherwise. The requirement is repeated in paragraph 11 of the National Planning Policy Framework (NPPF).
14. The weight to be attached to relevant policies in the CS was a matter debated at the inquiry. It was not disputed that the appeal site is outside the settlement boundary to Holt. Therefore the proposal would conflict with the objectives of policy SS 2 for land in the countryside and not accord with policies SS 1, SS 3 or SS 9.
15. In setting out the location and amount of growth the Council intends to provide in key settlements and limiting development elsewhere, the objectives of these policies are broadly consistent with the core planning principles of the NPPF. However, the degree to which they are fully compliant is crucial to the weight which can be accorded to them. I have therefore had regard to various legal judgements, particularly in relation to housing land supply, in considering the merits of the proposal⁵.

Housing land requirements

16. The context for identifying future housing requirements is set out in paragraph 47 of the NPPF which says local plans should meet the full, objectively assessed market and affordable housing needs for their housing market areas (HMA), subject to compliance with other policy provisions. Local planning authorities are required to identify and update annually a supply of deliverable sites capable of providing five years worth of housing against their overall requirements. Paragraph 49 goes on to explain that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if a five year supply cannot be demonstrated.
17. The Council accepted the housing target in the CS was not equivalent to an objective assessment of housing need (OAN) required by the NPPF. In the absence of an up-to-date OAN it sought to rely on its adopted CS. The CS identifies housing needs up to 2021 but these were based on assessments made in the Regional Spatial Strategy for the East of England (RSS) which predates the NPPF.
18. The Inspector who examined the SADPD in 2010 invited comments on the implications of the Government's decision to revoke the RSS. Other than those from the Council, none were forthcoming. As no alternative housing position

⁴ The Town and Country Planning Act 1990, s70(2) & the Planning and Compulsory Purchase Act 2004, s38(6)

⁵ For example, *Huston Properties Ltd. v SSCLG* [2013] EWCA Civ 1610; *Solihull MBC v Gallagher Homes Ltd and Lioncourt Homes Ltd* [2014] EWHC 1283 (Admin); *South Northamptonshire Council v SSCLG & Barwood* [2014] EWHC 573 (Admin); *Wynn-Williams v SSCLG* [2014] EWHC 3374 (Admin); *Zurich Assurance Ltd v Winchester City Council & South Downs National Park Authority* [2014] EWHC 758 (Admin)

was put forward he accepted the RSS figure remained appropriate for housing supply purposes.

19. Circumstances have changed in the intervening years and, as other inspectors have pointed out⁶, the current approach to determine housing provision differs substantially from the previous one. Furthermore, RSS targets were founded upon a constrained supply, the evidence on which it relied is dated; it predates more recent population and household projections and it takes no account of the economic recession.
20. I therefore consider it is inappropriate to give weight to the housing target of the CS (400 dwellings per annum [dpa]) in relation to the current appeal. However, it does provide a reference point in gauging how effective the Council has been in ensuring sufficient housing has come forward.

Objectively assessed need

21. The absence of an OAN means there is no agreed basis for assessing the five year housing position. The Council is working on a replacement plan and as part of its preparatory work is cooperating with four other authorities in producing a Strategic Housing Market Assessment (SHMA). A preliminary draft of the findings produced by Opinion Research Services (ORS) was made available to the inquiry⁷. An alternative assessment was undertaken by GVA Grimley (GVA) on behalf of the appellant⁸.
22. Both studies are broadly consistent with the approach set out in Planning Policy Guidance (PPG) and take the latest population and housing projections as their starting point. Adjustments have been made to take account of local factors (market signals) such as house prices and affordability and employment trends have been modelled to understand how these may influence housing needs. Affordable housing requirements have also been considered in arriving at a final figure.
23. Neither assessment has been subject to independent review and examination and it is not for me to examine in detail the underlying factors which influence housing needs. Consequently, it would be unwise to give unqualified weight to either document, especially as the PPG acknowledges that forecasting is not 'an exact science'. Having made this clear, I am nevertheless mindful that the two studies represent the best available and most recent evidence on this matter.
24. The parties agreed that their independent assessments for the Central Norfolk HMA produced similar outcomes. The Council's conclusion was that housing needs amounted to 3,167 dpa for the HMA, whereas the appellant's figure was 3,026. The latter acknowledges that these would represent a significant boost over past completion rates. When estimates of housing needs in the HMA are applied to North Norfolk, however, a substantial difference emerges between the two assessments. The main reason for this is the way in which future employment levels have been calculated.
25. Forecasts used in the ORS report are derived from a model developed by Oxford Economic for authorities in the East of England⁹. The most recent

⁶ See for instance, APP/XO360/2209286 & APP/F1610/A/14/2213318

⁷ Draft Central Norfolk Strategic Housing Market Assessment 2015: Opinion Research Services, 29 May 2015

⁸ Statement pertaining to the objective assessment of housing needs: GVA Grimley Ltd, June 2015

⁹ East of England Forecasting Model (EEFM)

figures published by EEFM in January 2015 suggest an extra 2,000 jobs will be created each year (2011 – 2031) in the HMA. Having regard to various factors including employment levels and commuting flows, ORS calculate that a 20% increase above demographic trends for the HMA will be required in the period between 2012 and 2036.

26. The picture is complicated by a 'City Deal' agreed by the three Councils within the 'Greater Norwich' part of the HMA¹⁰, the intention being to provide a significant boost in the number of jobs created in these areas. The ORS report acknowledges that an increase in the number of workers will be needed in the HMA so that workers and jobs balance. It suggests this requires a higher level of net inward migration to provide a larger workforce but allocates this to the Greater Norwich area in recognition of the City Deal. The implication is that more housing will be required in this part of the HMA than in Breckland or North Norfolk.
27. The GVA analysis uses modelling provided by Experian and Oxford Economics (EEFM) to produce what was referred to as a 'blended' rate¹¹. Experian forecast that growth in the HMA will average 0.99% over the period to 2031 in comparison to the EEFM figure of 0.54%. An average of 0.76% (the mean growth rate of the two forecasts) was proposed as a reliable growth rate because it would be consistent with past rates for the HMA. This equates to employment growth averaging 0.53% in North Norfolk. Using this as the basis for assessing growth results in an annual housing requirement of 497 dpa in North Norfolk.
28. I have reservations with both assessments although I find the analysis in the draft SHMA (ORS report) to be more convincing. In particular, GVA apply the results for the HMA to North Norfolk with relatively little acknowledgement of local factors. The Council, for instance, claims the appellant's figures do not reflect the difficulties it has faced in attracting jobs and says 400 jobs have been lost since 2001. In addition, it is unclear whether the implications of the City Deal have been taken into account and how a substantial boost in jobs in the Greater Norwich area will affect housing needs in more rural parts of the HMA.
29. Nevertheless, as ORS admit, forecasting economic activity rates is complex and depends on many factors including structural changes in the labour market. In this respect, I am concerned that the ORS forecasts for employment growth in North Norfolk may prove to be pessimistic. I am also conscious of the appellant's warning that insufficient housing will impede economic growth. The GVA study showed an additional 206 jobs being created annually in North Norfolk (between 2013 and 2031) in comparison to which, I was told, the Council's figure is 91. Whether an improving economy would require more than the modest level the Council regards as realistic will be for others to determine. Until such time as these matters are tested through a development plan examination, I can only rely on the evidence before me.

¹⁰ Norwich, Broadland and South Norfolk Councils

¹¹ Popgroup and Derived Forecasting

Five year housing land position

30. Two areas separate the parties on housing land requirements, the choice of base date and the relevant 'buffer' to be applied having regard to paragraph 47 of the NPPF.
31. In view of my conclusions in relation to the housing target in the Council's adopted plans (400 dpa) and the work undertaken to determine an OAN, I consider the ORS figure of 420 dpa represents the best available albeit minimum level of annual provision which should be used when assessing the current housing position. ORS takes the 2012 population estimates as its starting point which the Council says represents the most appropriate base date for calculating the housing requirement. In contrast, the appellant has used 2011. The choice of base date is not one which, in my opinion, makes a significant difference to the land supply calculations.
32. Completion rates show there have been considerable variations in the number of dwellings built each year. The Council explained that this was partly due to the absence of land allocations prior to the adoption of the SADPD in 2011. Completions at the CS rate have exceeded or been close to the annual requirement on several occasions over the last decade but numbers have fallen short more often so that the cumulative deficit has grown. Given the importance the Government attaches to boosting the supply of housing, I consider a 20% buffer would increase the likelihood that sufficient land is available to meet future housing targets.
33. As a result I consider the Council's five year requirement as at 1st April 2015 amounts to 2,678 dwellings (536 dpa) based on an annual need for 420 units, a shortfall since 2012 of 132 and applying a 20% buffer. If the appellant's choice of base date was used (2011) a total of 2,778 units would be required (556 dpa).
34. The participants confirmed the number of dwellings from windfall sources was their only area of disagreement on housing supply. For its part, the Council has attempted to identify specific windfall sources rather than apply a discounted rate based on past performance. To my mind this is a better approach because the inclusion of large unallocated sites as windfalls will distort yearly averages.
35. Small-scale projects in settlements are seen as the main source of future windfalls with more modest contributions coming from rural conversions, exception sites and from those which do not require planning permission. In recognition that the contribution from these sources may diminish the Council has discounted the supply in settlements by 50% from recent rates of delivery and reductions have also been made to the numbers anticipated in the other categories.
36. The appellant contends that it is unreasonable to include windfall contributions for a full five year period because it is very unlikely that completions will occur soon after the start. I agree because time is taken up obtaining planning permission and constructing a building. Even so, discounting close to the equivalent of two of the five years of windfall supply is excessive especially as the Council has adopted a conservative stance on windfall numbers. For this reason, I consider that discounting a single year would be a reasonable and precautionary approach.

37. I therefore consider a total of 2,887 (the Council's estimate of 3,022 discounted by one year's supply of windfalls [135]) represents the housing supply position at 1st April 2015. The Council is therefore able to demonstrate it has a 5.4 year land supply based on an annual requirement for 420 dwellings, a shortfall of 132 units (from 2012) and applying a 20% buffer. Taking 2011 as the base date, a supply of 5.2 years is available; using the appellant's supply estimate of 2,782, the 2011 base date and 20% buffer it is still possible for the Council to demonstrate a 5 year supply exists.

Conclusions on housing supply

38. I find that the Council's development plan does not accord with objectives in the NPPF to meet the full objectively assessed needs for housing and, in this respect, it is out-of-date. Work to complete an OAN has yet to be finalised and relies upon a draft SHMA which has not been tested. In the context of a s78 inquiry it is not possible to establish a reliable figure but, on balance, I find the draft SHMA and OAN findings produced on behalf of the Council provides the best available evidence for estimating future housing needs and are preferable to those submitted by the appellant. I therefore consider the Council is able to demonstrate it has a five year housing land supply.

Education

39. Norfolk County Council is the Local Education Authority (LEA) for the area and contends that there is insufficient capacity at Holt Primary School to accommodate new pupils once children from other approved developments are provided for. The school is physically split between two areas of approximately the same size. These are separated by a roundabout but connected by a pedestrian underpass beneath the road junction. The school buildings are located immediately to the north-west of the junction between Norwich Road, the A148 and the B1110. Diagonally opposite the school, to the south-east of the junction, is the school playing field.

40. The LEA says its analysis shows there is a deficiency in places but this is not an issue because some children in the catchment go to other schools. It calculates that planned housing growth and windfall schemes mean a further 118 pupils of primary school age will require places. It is therefore considering changing the school from one form entry (FE) to 1.5FE. Capacity would then increase from 210 to 315 places but require up to four further single storey classrooms.

41. The proposed development is likely to generate 44 primary age schoolchildren, according to the LEA. These could not be accommodated because it claims expansion beyond a 1.5FE is not possible. Instead pupils would be offered places at the next nearest schools, raising safety concerns, adding to transport costs and encouraging unsustainable travel.

42. The appellant questioned the predictions of pupil numbers suggesting that these had been over-estimated because they made no allowance for parental choice. Applying current trends in school choices would reduce potential numbers from anticipated development in the area from 162 to 109. This might reduce demand in Holt but there is no information to show how other schools might be affected. The LEA says it is likely that financial contributions from the developer would be used to increase the capacity of other schools. In

- my view this would be undesirable because it would consolidate unsustainable patterns of school commuting.
43. The accuracy of the LEA's forecasting may be questioned but I consider there is a compelling case for increasing school capacity to minimise the need to travel to other schools. To accomplish this would require a minimum 2FE primary school in Holt but the LEA claims the present school is too constrained for this purpose.
 44. There was some debate on this matter because the site area exceeds the minimum building requirements for a 2FE school¹². The BB103 acknowledges it was generally written to apply to new buildings but that the principles apply to all types of mainstream schools. However, it appears to make few concessions for existing configurations. In this case, many of the buildings are old, space is limited and the layout is not readily conducive to further expansion.
 45. The number of extra classrooms needed for a 2FE entry school was a further source of disagreement. Having visited the site, it appears likely it would be necessary to compromise playgrounds or circulatory routes unless two storey development was considered acceptable.
 46. The LEA's preference is to examine future needs in Holt in tandem with the District Council's local plan review as this would provide a better basis for a long term education strategy. Nevertheless, as it acknowledged it has a statutory duty to provide school places and accepted it would have to work within existing constraints to provide places should the appeal be allowed. Furthermore it confirmed it had commissioned a study into future options for Holt, including the provision of a new school¹³.
 47. Based on areas alone, the study accepts the school site would be capable of accommodating a 2FE school if the playing field were included in the calculation. However, it notes that this would conflict with the County Council's desire to move away from split school provision while expansion would make it difficult to comply with parking standards and address access and drainage issues.
 48. The LEA stressed that it rarely contested development proposals at inquiry and I do not doubt that it has serious concerns in this case. I appreciate the difficulties involved in school expansion but I am not convinced that additional children would create a short term issue which the LEA would be unable to resolve.
 49. I also understand its desire to align future education provision in Holt with proposals in the District Council's LP review but it seems to me that this risks putting off crucial decisions when the evidence points to pupil numbers exceeding 2FE capacity within a few years. How this is dealt with is a matter for the LEA but in my view it increases the likelihood that a new school would be the most sensible and cost effective means of meeting any future increase in pupil numbers.
 50. I queried the appellant as to the likely date of first completions should the development proceed. These, it was suggested, would begin from late 2017 onwards. I regard this as optimistic because of the time needed to secure

¹² Area guidelines for mainstream schools. Building Bulletin 103 (BB103), June 2014

¹³ NPS Property Consultants Ltd – Site Assessment, Holt Primary School, Norwich Road, Holt, June 2015

reserved matter approval and undertake the sale of the site. I am not convinced the development would add significant numbers of pupils until 2018/19. The lead-in time therefore provides an opportunity for the LEA to consider its future education strategy for Holt while also having regard to planned development coming through the LP review.

51. I therefore find a potential shortage of school places is not a reason for refusing the appeal.

Sustainability

52. As a Principal Settlement, Holt was recognised in the CS as a sustainable settlement, albeit one which was associated with the 'cluster' role it shares with Sheringham and Cromer. However, the presumption in favour of sustainable development, which is at the heart of the NPPF, means that the Council's ability to demonstrate that it has a five year housing land supply is not sufficient reason alone for rejecting the proposed development. The appellant's position is supported in this regard because policy SS 3 acknowledges that the housing provision for the District represents a minimum figure, a point confirmed by the Council at the inquiry.
53. Nevertheless, as paragraphs 7 and 8 of the NPPF make clear, sustainability has economic, social and environmental dimensions which collectively contribute to sustainable development irrespective of whether or not a proposal would be in a sustainable location.
54. The proposal would be beneficial in helping to increase the available supply of housing land in the District and assisting in the further provision of both market and affordable dwellings. In doing so, it would accord with economic dimensions to ensure land is available to support growth. However, the proposal would extend development into the countryside to the south of the town. The Council accepted that this would have no discernible impact on the landscape because the site is screened by existing buildings and the wooded area of Holt Country Park.
55. Even so, the openness of the site can be readily appreciated from the residential area to the north where it provides a buffer to the wooded land beyond. This would be lost were development to take place. In my view, this would not contribute to the environmental dimension of protecting and enhancing the natural environment or one of the core planning principles of the NPPF to recognise the intrinsic character of the countryside. The proposal would also be contrary to the objective of policy SS 2 which seeks to maintain the rural character of North Norfolk for the benefit of its residents and visitors.
56. Furthermore, I consider there is some tension between the social benefits of extra housing and the ability of the town to support the health, social and cultural well-being of its inhabitants required in the NPPF. Holt has a busy and vibrant centre with a large number of shops and businesses but the majority focus on tourist interests and only a relatively small number provide basic services. I was told that facilities are likely to improve as planning permission has been granted for a small supermarket. Nevertheless, Holt's limitations as a service centre means residents are obliged to travel elsewhere for services such as secondary schools or significant medical facilities.

57. In my assessment of sustainability I have also taken into account the complementary role of Holt, as set out in the CS, which distinguishes it from the major role envisaged for other Principal Settlements. The Council says that the town's lesser role is recognised in policies SS 3 and SS 9 of the CS and reflects its 'small market town' character, a point made by the inspector who examined the CS and found its designation as a Principal Settlement was not 'overwhelmingly strong'¹⁴. Consequently, only limited housing growth, similar to that of Sheringham, a Secondary Settlement, was proposed.
58. Greenfield sites to the west of Woodfield Road (H01) and at Heath Farm/Hempstead Road (H09) were allocated in the SADPD. These sites are available to meet local housing needs and relate well to the built-up area of the town so that development would be contained within the existing northern (H01) and eastern (H09) limits of the settlement, unlike the proposed development which would intrude into the countryside to the south of the town.
59. I therefore accept that while there would be some benefits of the development, the environmental and social harm I have found is such that the proposal would not represent sustainable development in the terms set out in paragraph 7 of the NPPF. Taking into account the five year housing land supply position, I do not consider these adverse impacts would significantly and demonstrably outweigh the benefits I have identified. Consequently, I find there is insufficient justification for allowing development which would not accord with relevant policies and principles in the CS or with sustainability objectives of the NPPF.

Protected habitats

60. The appeal site is approximately 7 km. from an area of European importance for habitats and wildlife on the North Norfolk coast¹⁵ (NNC). The Norfolk Valley Fens SAC/Holt Lowes SSSI (HL) is a further designated area within 500m of the site. As a result, there is a possibility that the proposed development could have indirect effects upon the qualifying features of the designated sites.
61. The appellant commissioned a Habitats Regulation Assessment (HRA) in accordance with the Conservation of Habitats and Species Regulations 2010. The HRA found the proposed development could give rise to increased visitor numbers to the NNC. The same conclusion had been reached when an assessment was undertaken of site specific proposals in the Council's SADPD.
62. Housing on the appeal site is considered likely to have an additional cumulative effect on the NNC because it has the potential to add to the number of visitors who could disturb its habitats and bird populations. Nevertheless, the previous study for the SADPD concluded that any likely significant effect on the NNC could be mitigated by a monitoring and mitigation strategy supported through financial contributions from relevant developments (£50 per dwelling).
63. The area of HL differs because local residents are the main source of disturbance. The proximity of the appeal site increases the likelihood of adverse effects although the HRA concluded that the residual impact of the development could be negated. This could be achieved by including an area of greenspace as part of the development and introducing measures to divert

¹⁴ Report on Examination into the North Norfolk Core Strategy, July 2008 (paragraph 5.11)

¹⁵ The North Norfolk Coast Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and also listed as a Ramsar site

- pressure on the adjacent HL by encouraging visitors to remain within Holt Country Park.
64. The District Council accepted the HRA and Natural England agreed with the findings. However, a recent judgement of the Supreme Court¹⁶ has raised concerns about the appropriate process to be followed by decision makers in order to comply with the relevant legislation. Even so, the judgement does not alter my role as the competent authority and I am required to decide whether or not the development would be likely to have significant adverse effects which would require appropriate assessment.
65. The evidence suggests the NNC is likely to be frequented by more visitors than the less accessible area of the HL. Previous work found that a mitigation and monitoring strategy would avoid significant adverse effects from allocations in the Council's SADPD. I am satisfied the same strategy remains an appropriate means of mitigating adverse effects which might otherwise result from the development of the appeal site, a conclusion which was reached in the appellant's assessment and endorsed by Natural England.
66. In the case of HL the likelihood of significant adverse effects are less obvious but a precautionary stance is advocated. Providing greenspace on the appeal site and using financial contributions to help maintain paths in Holt Country Park would divert pressure off HL. The proposed mitigation measures are therefore capable of avoiding significant adverse effects to qualifying features within the vicinity of the appeal site.
67. In coming to this conclusion, I have had regard to the implications of the Supreme Court judgement in the application of paragraph 119 of the NPPF. Having concluded that mitigation measures mean that significant effects are not likely, then Appropriate Assessment is not required and paragraph 119 does not apply.

Other matters

68. The Council sought to argue that allowing the development could prejudice delivery of the mixed use allocation at Hempstead Road (policy HO9 of the SADPD). I was told a number of matters need to be resolved before development on this site could commence but there is no evidence to show other sites would hinder its development. I am not persuaded it is a sound reason for rejecting the proposed development.
69. In opposing the development local residents, Holt Town Council and CPRE Norfolk¹⁷ had a number of concerns. These included housing provision, school capacity and Holt's role as a sustainable settlement. I have addressed these matters previously. Other issues such as access, congestion and road safety were cited including the loss of agricultural land and wildlife habitat as well as the impact of the development on the town's infrastructure. The proximity of the proposed development to Holt Country Park was also seen by some as a potential fire risk.
70. A variety of assessments were undertaken by the appellant in support of the proposal. These show than many of the issues raised by objectors had been or were capable of being addressed as part of a reserved matters application.

¹⁶ R (Champion) v North Norfolk District Council [2015] UKSC 52

¹⁷ Council for the Protection of Rural England

Neither the Council nor statutory consultees raised objections providing that, where necessary, appropriate conditions were attached to the grant of outline planning permission. Having reviewed this documentation, I can find no justification for refusing the application for any of these reasons.

Conclusions

71. The NPPF emphasises the importance the Government attaches to boosting significantly the supply of housing and the presumption which exists in favour of sustainable development. In this context, the proposal would increase the amount of housing land available in the District and assist in the further provision of both market and affordable dwellings. Nevertheless, I am not convinced it would accord with the social or environmental role attributed to sustainable development as set out in paragraph 7 of the NPPF and similar objectives in the CS which are consistent with it.
72. The CS is dated and I accept its housing targets do not reflect NPPF requirements to meet needs which have been identified in an OAN. However, I have found that the emerging evidence suggests sufficient housing land is available to satisfy an updated five year housing land requirement based on the initial findings of the draft SHMA (OAN).
73. In these circumstances, I find there is not a compelling case requiring additional land to be identified in the District while two significant allocations are capable of meeting local housing needs in Holt. In addition, the development would be contrary to the aims of policy SS 2 to limit development in the countryside.
74. I do not consider the concerns of the LEA are sufficient reason for dismissing the appeal and I have reached a similar conclusion regarding the matters raised by local residents and organisations. However, for the reasons given above and having regard to all other matters, I conclude that the appeal should not succeed.

P R Crysell

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Estelle Dehon, of counsel She called	Instructed by Noel Doran, Solicitor, Eastlaw
Mr S Faulkner BA (Hons) MSc DipTP MRTPI	Principal Planner, Norfolk County Council
Ms J Blackwell	Place Planning Manager (Children's Services) Norfolk County Council
Mr M Ashwell MRTPI	Planning Policy Manager, North Norfolk District Council
Mr J Williams DipTP MRTPI	Team Leader (Major Projects), North Norfolk District Council

FOR THE APPELLANT:

Mr Richard Kimblin He called	Instructed by John MacKenzie, Gladman Developments Ltd.
Mr J Powell BSc LLB	Operations Director, EPDS Consultants Ltd
Mr T Baker BA (Hons) MA	Associate, GVA
Mr J MacKenzie BSc DipTP MRTPI	Planning & Development Manager, Gladman Developments Ltd.

INTERESTED PERSONS:

Cllr M Prior	Ward Councillor and School Governor speaking on behalf of Holt Primary School and local residents
Ms N Freni	Local resident
Ms A Phillips-Wright	Local resident
Mr J Loughlin	Local resident
Mr C Greenwood	Local resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Appearances on behalf of the Appellant
- 2 Appearances on behalf of North Norfolk District Council
- 3 Opening Statement by the Council
- 4 Opening Statement by the Appellant
- 5 Statement by Nicolle Freni
- 6 Qualifications and Experience of Mr S Faulkner and Ms J Blackwell
- 7 NPS Property Consultants Ltd, Site Assessment, Holt Primary School (CD 8.2.2)
- 8 Extract from Holt Conservation Area, Character appraisal & management proposals
- 9 Norfolk County Council statement on Schools' capital funding (CD 8.23)
- 10 E-mail from Mineral Planning Authority relating to mineral condition
- 11 Copy of Draft S106 Agreement
- 12 Copy of Draft conditions
- 13 Copy of High Court judgement in Wynn-Williams v SoS CLG [2014] EWHC 3374 (Admin) (CD 10.17)
- 14 Copy of High Court judgement in Zurich Assurance Ltd v Winchester City Council & South Downs National Park Authority [2014] EWHC 758 (Admin) (CD 10.19)
- 15 Extract from Planning Practice Guidance, Chapter 2a – Housing and economic development needs assessments
- 16 Appellants transcript extract of evidence given by Mr Ashwell on OAN
- 17 Completed S106 Agreement
- 18 Supreme Court judgement in Champion v North Norfolk District Council [2015] UKSC52 (CD10.18)
- 19 Revised Draft Conditions
- 20 Statement clarifying position in relation to housing completions and commitments
- 21 Closing Statement on behalf of North Norfolk District Council
- 22 Closing Statement on behalf of the Appellant