

FAKENHAM – PO/17/0680 - Outline planning application (all matters except primary means of access reserved for future approval) for residential development of up to 950 dwellings (Use Class C3), employment development (Use Classes B1/B2/B8), a primary school and children's nursery (Use Class D1), a hotel (Use Class C1), local retail (Use Classes A1/A3/A4/A5) and associated public open space and infrastructure; Land north of Rudham Stile Lane & east of Water Moor Lane, Fakenham, Norfolk, NR21 9QU, for The Master Fellows & Scholars of Trinity College Cambridge.

EXECUTIVE SUMMARY

The Development Committee are being asked to determine an outline proposal for what is essentially a mixed commercial and residential scheme on the northern edge of Fakenham.

The site was allocated for development in 2011 on land known as Site Allocation F01 – Fakenham: Land north of Rudham Stile Lane. A Development Brief was adopted in March 2015 and this sets the general expectations for future planning applications.

This Outline application seeks approval for means of access only, however there are a number of factors that need careful consideration at this stage that will likely inform any subsequent reserved matters applications.

Whilst the general principle of development has in many ways already been agreed through the site allocation in 2011, the Development Committee will need to satisfy itself that the application proposal put forward (including the additional quantum of development) is acceptable in planning terms.

In terms of the amount of development proposed, the Development Plan expected circa 900 dwellings within site F01. However, when considered alongside other permissions, circa 1,130 dwellings would be built (950 of which are within this outline application). The main planning implications of this increase which the Development Committee will need to consider include technical issues such as highway capacity, provision of appropriate open space and capacity of infrastructure, especially that of the Fakenham foul water treatment network.

This report sets out:

- the development proposed (including the range of supporting technical documents);
- identifies the responses received from consultees and public representations;
- Runs through the main planning considerations; and
- Provides an officer recommendation

In the most part, the development proposed is broadly considered acceptable by Officers or can be made acceptable through use of planning conditions or planning obligations.

There area however a number of issues which the Development Committee will need to consider carefully including:

- Matters of viability and the amount of affordable housing provision proposed
 - The applicant proposes 15% affordable housing
 - The Council considers the viability evidence suggest a minimum of 17.5% affordable housing which could rise to nearer 20% based on the advice of the Council's viability consultant;
 - The Development Committee could decide to consider different S106 priorities in terms of how S106 monies are used in order to further increase affordable

housing provision

- Matters of design and layout linked to the proposed layout changes to the Hotel and Pub elements which are considered to be significantly detrimental to one of the key gateways in to the site
 - Any resolution to grant permission should be subject to a delegated authority for negotiation of a more acceptable design approach to this area of the site

Nonetheless, subject to any resolution to approve delegating authority to the Head of Planning in order for officers to continue further negotiation to satisfactorily address the above matters and subject to the imposition of conditions and the signing of a S106 Obligation to secure matters needed to make the development acceptable in planning terms, Officers recommend that the Development Committee **APPROVE** this application.

Major Development

- Target Date: 22 August 2017

Case Officer: Mr R Parkinson

Outline Planning Permission

RELEVANT SITE CONSTRAINTS

Mixed Use Allocation (Site Allocation Policy F01)
Adjoins A Road (A148) and defined LDF Principal Route
Adjoins Unclassified Road
Development within 60m of Class A road (A1067)
Controlled Water Risk - Medium (Ground Water Pollution)
Controlled Water Risk - High (Ground Water Pollution)
Controlled Water Risk - Low (Ground Water Pollution)
Surface Water Flooding risk
Contaminated Land
Contaminated Land Buffer
Mineral Safeguard Area
Adjacent to LDF Settlement Boundary
Adjacent to LDF Residential Area
Adjacent to LDF Employment Area

RELEVANT PLANNING HISTORY

Land at application site (north of Rudham Stile Lane & east of Water Moor Lane)

DE21/15/0215

Land North of Thorpland Road, Fakenham

EIA Screening Opinion Request for development of 900-950 dwellings and associated infrastructure

EIA Required 18/01/2016

DE21/16/0866

Land off Rudham Stile Lane, Fakenham

Scoping opinion for proposed residential and mixed use development [up to 900 dwellings,

school, employment area, local retail, infrastructure and open space] at Land north of Rudham Stile Lane, Fakenham
EIA Required 07/12/2016

Land previously occupied by Brick Kiln Farm, Rudham Stile Lane

PO/14/1212

Brick Kiln Farm, Rudham Stile Lane, Fakenham, NR21 8JR
Residential development for a maximum of 78 dwellings, extension to existing allotments, public open space, surface water attenuation pond and foul sewage pumping station
Approved 13/01/2016 Appeal Allowed 12/10/2016

PF/16/1621

Brick Kiln Farm, Rudham Stile Lane, Fakenham, NR21 8JR
Variation of condition 3 of outline planning permission ref: PO/14/1212, as amended by Planning Appeal ref APP/Y2620/W/16/3154446, to revise off-site highways works and footpath construction along Rudham Stile Lane, relating to development of up to 78 dwellings, extension of allotments, public open space, surface water attenuation pond and foul sewage pumping station (outline application)
Approved 01/03/2017

PF/19/1998

Brick Kiln Farm, Rudham Stile Lane, Fakenham, NR21 8JR
Variation of Condition 13 (Requirement to provide off-site highway improvements along Rudham Stile Lane) of planning permission PF/16/1621 (development of up to 78 dwellings, allotments, open space and drainage) to allow up to 12 dwellings to be occupied before an appropriate highway scheme for pedestrian access along Rudham Stile Lane has first been completed (an amendment to the current 'no occupation' requirement)
Approved 20/05/2020

PF/20/0835

Brick Kiln Farm, Rudham Stile Lane, Fakenham, NR21 8JR
Variation of Conditions 3 (Approved plans), 10 (Traffic Regulation Order), 13 (Off-site highways works design details), and 14 (Landscaping and replanting) of Planning Permission PF/19/1998 (development of up to 78 dwellings, allotments, open space and drainage), to amend the design of the new footpath along Rudham Stile Lane to remove the requirement to provide a footpath across the former railway bridge, with associated change to roadside boundary treatment
Approved 22/10/2020

Land adjoining application site – on the west side of Thorpland Road

PU/20/0758

West Barn at Laurel Farm, Thorpland Road, Fakenham, NR21 8NH
Notification for prior approval for a proposed change of use of agricultural buildings to two dwelling houses (Class C3)
Refused Prior Approval 10/07/2020

PU/20/0765

East Barn at Laurel Farm, Thorpland Road, Fakenham, NR21 8NH
Notification for prior approval for a proposed change of use of agricultural building to a dwelling house (Class C3)
Refused Prior Approval 07/07/2020

PU/20/1494

West Barn at Laurel Farm, Thorpland Road, Fakenham, NR21 8NH
Application to determine if prior approval is required for proposed change of use of agricultural building to 2 dwellinghouses (Class C3)
Refused Prior Approval 04/11/2020

PU/20/1495

East Barn at Laurel Farm, Thorpland Road, Fakenham, NR21 8NH
Application to determine if prior approval is required for proposed change of use of agricultural building to 1no. dwellinghouse (Class C3)
Refused Prior Approval 04/11/2020

Land adjoining application site – adjacent to the Fakenham Medical Centre, Trinity Road

PF/15/1167

1 Saxon Way (now Meditrina Park, Trinity Road), Fakenham
Erection of three-storey (+ basement) block of 66 assisted living/housing with care flats, three-storey block of 13 general needs and/or supported living flats, three-storey block of 14 general needs flats, 6 two-storey and 1 three-storey general needs houses and 1 wheelchair accessible bungalow.
Approved 18/10/2016

PF/18/1621

Meditrina Park, Trinity Road, Fakenham
Amendments to planning permission PF/15/1167 (Erection of block of 66 assisted living flats to the west of 35 dwellings) through changes to site layout, landscaping, boundary treatments, enlargement of building to west, south and east, removal of basement level and reconfiguration of floor plans, with associated external alterations. Amendments to approved housing mix of the 66 'housing with care' supported living flats, to change from 38 x 1-bed and 28 x 2-bed dwellings, to a revised mix of 27 x 1-bed and 39 x 2-bed dwellings. Removal of condition 3 (excavation and retaining wall details) & variation of condition 26 (to amend plans) of permission PF/15/1167. Additional retrospective request to regularise changes to siting and layout of wheelchair-accessible bungalow.
Approved 07/02/2019

THE APPLICATION

The Site

The application site of some 46.31 hectares is situated north of Rudham Stile Lane, south of the A148 Fakenham bypass, east of Water Moor Lane and west of Thorpland Road. The site is currently open agricultural fields with few landscaping features other than disjointed low hedging and a few isolated trees. The site is generally flat and, the majority of the site gradually slopes down towards the A148, except towards the south east corner which slopes down to Thorpland Road. The majority of existing landscaping features are located along the northern boundary and eastern boundaries outside the application site.

Within the site there are few physical constraints other than a former public byway which used to be accessible through the centre of the site continuing from Grove Lane, which has since become overgrown, and there is an 11kv electric pylon crossing the eastern side of the site.

The immediate neighbours to the east include vacant poultry farm buildings at Laurel Farm, and the Cherry Tree Corner smallholding and cottage at Thorpland Road, and beyond that the industrial estate alongside the Morrison's supermarket, Running Horse Pub and Fakenham

Medical Centre at Clipbush Lane.

To the west lies the current housing development at Brick Kiln Road (an ex poultry farm since removed) and the Fakenham Town Council allotments on Rudham Stile Lane, and the car repairs and storage yard on Water Moor Lane. Beyond the Water Moor Lane boundary are open fields either side of Trap Lane, and the Fakenham Academy high school and Fakenham Sports and Leisure Centre, and the Town Council / District Council Recreation Ground.

The surrounding countryside to the north is generally rolling open agricultural fields. To the south, Rudham Stile Lane comprises dwellings of 1, 1.5 and 2-storey heights, detached and semi-detached in character. Fakenham Town Centre lies 1.2km south via Claypit Lane, Grove Lane or Thorpland Road.

The Proposal

The application proposes a mixed use urban extension of Fakenham, to provide up to 950 dwellings, 1.2ha employment land (which may provide c. 5,500sqm floorspace), community facilities, a 0.27ha local centre for retail, bar, café and takeaways, a 0.8ha childrens nursery, a 100-bedroom hotel, a pub, land for a '2 Form Entry' primary school, and associated infrastructure and landscaping/public open space.

This is an Outline planning application with all matters reserved except for means of access. Full details of the proposed access points into the site and various areas of access works both within and off-site have been provided (see highways works drawings 043-P, 045-B, 062 and 064-A). These are described in detail within the report

Matters reserved for subsequent determination include layout, scale, appearance and landscaping. If the Committee were minded to approve this outline application, these other matters would be determined through subsequent Reserved Matters applications.

General form of development

The application has included a Masterplan ('Development Framework' plan 002-M), a Parameters Plan (plan 003-M), a Phasing Plan (plan 006), and detailed Foul and Surface Water Drainage schemes. The applicant has stated that these are all expected to inform and guide the future reserved matters and, if the application is approved, these are to form a part of any permission to establish the form of development. This means the plans take on a greater status and 'weight' than is often the case with 'indicative' layouts or masterplans on some outline planning applications.

Access will come into the site from a new roundabout on the A148 in the vicinity of Water Moor Lane, and the development will be served by a spine road connecting through to Clipbush Lane to the east. Current access through Water Moor Lane to Rudham Stile Lane / Claypit Lane will be closed to traffic heading south, but be open for an enforced bus gate only. Traffic heading north will be able to use the bus gate via a contra-flow system. There will be no direct vehicular access onto Rudham Stile Lane from within the application site.

The general layout proposes the site's employment land adjacent to Thorpland Road, off Clipbush Lane, and the school and local centre are proposed towards the west of the centre of the site, on the north side of the Brick Kiln Road development site. The hotel and public house are proposed on the south-west side of the new roundabout on the A148 at the north end of Water Moor Lane currently. Save for perimeter landscaping and open space, and drainage areas, the intervening areas of the site are to comprise residential blocks positioned around linear open space routes and formal park areas in the northwest, centre and east.

Supporting information

The application is supported by the following plans / documents:

Application form, notices to owners and certificates of ownership
Site Location Plan, 'Parameters Plan', Masterplan, Site Access Plan
Design and Access Statement
Planning Statement
Statement of Community Consultation
Environmental Statement Non-Technical Summary
Environmental Statement 2017, containing:

- Flood Risk Assessment including:
 - Drainage Strategy
 - Quantitative Risk Assessment (contamination survey)
- Transport Assessment
- Landscape and Visual Impact Assessment
- Ecology Report
- Heritage Appraisal
- Noise Assessment
- Odour & Dust Assessment
- Air Quality Assessment
- Technical Appendices

Environmental Statement Supplement 2020,

- Including updated plans, DAS, drainage technical details and highways works

Habitats Regulations 'Shadow' report: Supporting Evidence for Appropriate Assessment.

Pre-submission consultations

The applicant undertook extensive pre-application submission consultation, including circulating flyers to 2000 households and businesses around the site, hosting a website and undertaking a survey. There were approximately 47 responses received, most of which mirrored the formal comments received to the actual planning application. The applicant also liaised with NNDC and County Council officers and other key stakeholders and issued press adverts for their survey. These satisfy the LPA's Statement of Community Involvement requirements. As the submission of the application included an Environmental Statement the applicant also posted a press notice in accordance with the EIA Regulations.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Head of Planning, having regard to the strategic scale of the development, complex planning considerations and unresolved objections.

TOWN COUNCILS:

Fakenham Town Council – Objections and comments

Consider that there could be long term impacts on the Town, and the site needs to be properly integrated with the town, rather than being a separate suburb.

Care needs to be taken to ensure the town centre is not affected, either by reduced viability or through excess traffic impacts.

Highways impacts do not appear to have been properly addressed, despite the application's long gestation and Development Brief:

- The volume of traffic would exacerbate existing problems, such as seasonal queues on the A148 and at the Wells Road.
- The roundabout at the north of Water Moor Lane should be designed to allow northbound traffic along Norwich Long Lane towards Wells and Walsingham.
- The roundabout at the A1065 / Wells Road / 'Shell garage' should be improved.
- Norwich Long Lane should be widened to allow two-way traffic for its length and believes there is enough land either side to enable this to be done. Without this, a one-way northbound only road is a half-hearted inadequate solution to a problem that the development will make worse. Without two-way working, this large development will aggravate existing traffic problems so the development should bear this cost and solve the summer traffic chaos caused by Walsingham and Wells cars.
- The A148 and Wells Road / B1105 junction should be given a new roundabout, which will also need to be part-funded by the future growth west of Water Moor Lane.
- Traffic won't be able to travel south down Water Moor Lane, forcing vehicles around local roads, causing traffic problems within the town.
- The increased traffic needing to use Holt Road will exacerbate current problems at the Thorpland Road / Holt Road / Greenway Lane junction.
- Increased traffic will add to the problem of parking in the Market Square, and the application should be required to fund a study into finding a solution for this problem.
- There should be a general funding towards improvements in the Town Centre.
- Traffic calming measures are needed for the planned upgrade to Rudham Stile Lane.

Community integration is important to the Town Council and the application must ensure pedestrian and cycle links to the Town Centre are improved.

- A new more attractive route to town is needed to link the site via Grove Lane-Claypit Lane-St Peters Road-through the Fakenham College / Special Education Needs school site-Church Lanes-Market Place (town centre), the links for which largely already exist; this will be important for the success of the Charter Market.
- Improved links are needed via Market place - Tunn Street - Mill Lane paths.
- New signage and lighting are needed along pedestrian routes.

Access to the countryside and Public Rights of Way

- The scheme needs to provide better facilities for access to the countryside and alternative routes for dog walking in and around the town, rather than relying on trips to nature sites such as the coast.
- The section 106 funding for SPA/SAC monitoring and management should be ring-fenced for use in the town, such as upgrading the riverside path from Hempton Road towards Pensthorpe, which is inaccessible to many and provide a walking route from Sculthorpe Mill along the former railway line to the west, into town and beyond.

Impact on Fakenham Town Centre / Proposed uses

- Parking in the town is vital, and financial assistance is needed to retain spaces.
- A shop within the new 'local centre' will not prove viable due to the proximity of the supermarket on Clipbush Lane, and if it was viable it will also compete with the town centre's shops and services, so its uses should be limited.
- The Town Council would prefer to see provision of smaller offices at low rent to encourage start-ups and/or a restaurant of quality which the town centre lacks. Restaurant and café/coffee shop uses, could have alfresco space on the square which should also be seen as a break-out space for office workers and school parents.
- Alternatively, removing the 'shop' or commercial premises from the application

should allow more space and funding for the application to include a specific 'community facility' and meeting space, for the benefit of all the town and existing and new residents.

- The Town Council is strongly opposed to any idea of pop up markets being proposed in the new Square, as these would compete with the town market.
- The proposed Primary School should be built early in the development.
- A community hall space would be useful and could feature as part of the new primary school, but it should not be created as an extra liability for the Town - there are buildings nearby (Trap Lane Pavilion and Queens Road Chapel) which could be brought up to standard, or the Town Council has its own plans for creating a new facility. Section 106 costs could be used to help either project.
- The new spine road will need bus stops and must ensure bus routes link to town.

Car Parking, Street design and lighting

- There doesn't seem to be enough parking for the primary school, and it shouldn't rely on parking on the new square for the school.
- On-street parking should be avoided and current minimum standards are insufficient. Tandem parking should be avoided, due to its improper use, and FTC would prefer to see herring bone parking rather than parallel parking for any extra visitor spaces.
- The scheme will need to include charging points for electric vehicles.
- The Town Council will be able to maintain street lighting outside of the spine road which should be adopted by the Highway Authority.
- All roads should be publically adopted.
- A new footpath should be provided along the eastern edge of the SEN school site thus joining the development to the town via Church Lanes, and as Church Lanes has inadequate lighting the development should contribute to this for the benefit of its new residents.
- The development / Section 106 monies should provide a footpath on Thorpland Road which then provides access to other routes, e.g. towards the river.
- Other footpath improvements should be made to the riverside pathway to the Gas Museum is in need of relatively inexpensive improvement.
- A circular walk along the river to Goggs Mill Road, Sandy Lane, Bar Lane, and back to Rudham Stile Lane is possible, but traffic calming measures are needed to facilitate this route and they would not be expensive.

Public Open Space Maintenance

- The Town Council may be able to adopt grounds maintenance responsibility. but would not undertake management of the water attenuation system.
- The attenuation ponds should be seen and used as a landscaped feature with an attractive shallow edge.

Hempton Parish Council – Objection.

The Parish Council has serious concerns, listed below:

- Lack of infrastructure to support the proposed development.
- Lack of available schooling to accommodate residents.
- The detrimental impact on the doctors' surgery.
- The detrimental impact on dental surgeries.
- The impact of the extra volume of traffic on the already struggling roads into town and on the A148 by-pass.
- The removal of green space.
- The detrimental impact on local public services, including police and fire services.

- The lack of public transport.

Whilst it seems to be a vision with merits, Hempton Parish Council feel it is unrealistic to assume that people will comply with the requirement to walk and cycle to their destinations.

Sculthorpe Parish Council – Supports the application, but no detailed comments offered.

Barsham Parish Council – No objection.

PUBLIC REPRESENTATIONS:

9 letters of representation have been received, comprising 5 objections and 4 submitted comments.

These include letters of representation submitted from Jerome Mayhew MP, and former District Councillors for Fakenham North, Mr Reynolds and Mrs Claussen-Reynolds.

Amongst the objections are separate representations from both landowners of the land allocated for employment use in the north-east corner of the F01 Site Allocation, at the northern end of Thorpland Road.

Public Representations of objection:

Impacts on Employment Land outside the application site:

(Objection on behalf of Magnus Whyte Ltd, owners of Cherry Tree Corner, Thorpland Road):

As a site of 2.4ha Cherry Tree Corner forms approximately 43% of the area designated for employment use in the adopted Development Brief, pursuant to the Policy F01 site allocation. By comparison, the application includes only 1.6ha of employment land (28% of the allocation intent). The current application must not be allowed to impede the delivery of Cherry Tree Corner in accordance with the policy allocation.

However, the owners of Cherry Tree Corner (CTC) consider that the proposed access arrangements in this application would prevent CTC from enabling significant or meaningful delivery of employment uses, due to a lack of suitable access provision.

Cherry Tree Corner, and its adjoining neighbour to the south, Laurel Farm, should be required to have been included in the application site, as expected by the Development Brief / allocation.

There are no commitments in the application to attempt to provide the purported highway improvement works to Clipbush Lane, or drainage improvements to the employment land area, both of which are described but not committed to. There is no indication of the timescales for their provision, nor any proposed phased delivery, and these should be required if the application is not to be contrary to Site Allocation Policy F01.

The application proposes altering Thorpland Road, which serves as the only access to Cherry Tree Corner (and Laurel Farm). Cherry Tree Corner is currently used by a tenant who farms the land and requires occasional access for heavy good vehicles. The proposed road re-routing and closure of the southern arm of Thorpland Road is convoluted and is not clear if this can accommodate larger vehicles, perhaps even reducing access to the neighbouring

sites.

The application's proposal appears to rely on a wider road and new access route being provided through the employment site in this application and then through the land to the north (Laurel Farm), to eventually reach Cherry Tree Corner. However, this is very unlikely to be delivered, and at best will be delayed significantly, or prove prohibitive if there is a 'ransom strip' situation presented, for gaining access by either site, but Cherry Tree Corner especially. Indeed, C E Davidson Ltd, the owner of Laurel Farm, has stated under their comments to this application that there is no likelihood of access being provided from Laurel Farm to Cherry Tree Corner. A 'ransom strip' situation could then also develop between Laurel Farm and Cherry Tree Corner, which would be disproportionately obstructive to delivering the employment land, given that Laurel Farm is only 0.7ha compared to the 2.4ha of Cherry Tree Corner. However, no proposals are in place to provide suitable direct access to Cherry Tree Corner within this application.

We would therefore conclude that as there are no details of the provision of this access to these adjoining sites in the S106 heads of terms or phased timing for such provision, that the current application is contrary to Core Strategy Policies SS 6 and CT 5.

(Objection on behalf of C E Davidson Ltd, owners of Laurel Farm, Thorpland Road):

Laurel Farm lies immediately adjacent to the application site and forms part of adopted site allocation F01. It is a poultry farm site extending to approximately 0.8ha and accommodating approximately 3,250 sq. m of poultry sheds, a bungalow for farm manager and other associated storage and manoeuvring areas.

The farm is not currently in use, but is said to remain a viable agricultural prospect; the letter considers that the poultry sheds are relatively modern in construction, in fair condition and, following some repairs and renewals, the objection letter believes the site can be brought back into agricultural production with only a limited amount of investment and within a limited timescale.

Nevertheless, the site has apparently been "mothballed". Whilst the landowner apparently intends to use the Laurel Farm site in accordance with the employment land allocation, they consider it essential that the current planning application does not impact on the viability or deliverability of this in any way. The objection letter cautions that: "If it is concluded that the effect of this application is to render the proposed development of Laurel Farm for employment uses unviable or undeliverable, then the use will revert to agricultural, and the poultry units will be reinstated".

Overall, the landowner "welcomes the outline application as it represents progress towards developing the wider allocation. Specifically, the applicant's expressed intention to 'facilitate future delivery of (allocated) employment land' is noted."

However, the landowner objects to the application because they consider it deficient in several key areas, described below:

Phasing:

- It is not clear when highway improvements of drainage improvements will be carried out, which are needed to realise the employment land allocation.
- The Laurel Farm site should be included in the application site.
- The applicant describes highways access works and drainage works but there are no commitments to phased provision, such as in the applicant's proposed Section 106.

- A formal phasing obligation should be included in any application, as per Policy F01.
- Without a phasing plan, the application should be refused, being contrary to Policy F01 and failing to demonstrate that it will avoid prejudicing delivery of the whole allocation.
- A legal agreement (s106) should ensure there is no 'ransom situation' between sites.

Highways access:

- A right of access and capacity to serve Laurel Farm with HGVs should be maintained.
- A legal agreement should ensure there is a requirement to provide an adopted highway up to the site boundary, to ensure delivery of suitable access to Laurel Farm via a new adopted road, and to prevent Laurel Farm needing to be accessed through the application site to return to Thorpland Road.
- As there are no details of the provision of a new access to these adjoining sites in the S106 heads of terms or phased timing for such provision, the current application is contrary to Core Strategy Policies SS 6 and CT 5.

The objection concludes: "It is noted that this is an outline application and that the level of information required at this stage will necessarily be less than that of a full submission. However, the determination of this application will determine in principle the access and other obligations necessary to enable the masterplan delivery to go ahead, and new planning conditions or obligations would not be appropriate following the determination of the outline application. It is considered that the matters outlined above are fundamental to the proposal and the delivery of the allocation and go to the heart of any determination as to whether or not the proposal accords with local adopted policy and national planning guidance."

Other public objections:

Traffic impacts on Rudham Stile Lane & Thorpland Road

- The Transport Assessment has not analysed the capacity or the impact on the Thorpland Road junction with Greenway Lane; and the accident data quoted therein may be concealing accidents at this junction; and the traffic count data did not include the traffic from Baxter Close or Thorpland Road as the TA counter was located in Rudham Stile Lane.
- Recent upgrades to the lights at Claypit Lane / Queens Road must have improved capacity at that junction, but the proposals do not direct traffic that way.
- Thorpland Road is acknowledged to be substandard but offers no works, only footpath.
- There is no obvious justification for imposing one-way working on Water Moor Lane.
- The TA has not accounted for the traffic arising from either Brick Kiln Farm or the former Fakenham College site (Highfield Road), or any further development at Fakenham Academy on Field Lane, all of which use Thorpland Road for access and egress.
- As traffic from the development cannot access the town centre area via Water Moor Lane, more traffic will circulate round to use Holt Road / Greenway Lane, making it harder to exit Thorpland Road.

Pedestrian needs along Thorpland Road & Greenway Lane/Holt Road

- Pedestrian access will increase onto Rudham Stile Lane and Thorpland Road, requiring a footway, and a safer crossing to the south side of Holt Road, but these are not proposed.
- A pedestrian route is promoted in the TA through Lee Warner Avenue, but this may not be a public highway.
- The increased pedestrian use of Thorpland Road by the 101 dwellings at Trinity Road needs to be accounted for and a safe crossing area provided across Holt Road.
- These issues could all be overcome by providing a small roundabout, traffic signals,

pedestrian crossing or combination of these, in order to improve safety and traffic flows.

Community mix / housing requirements

- There are not enough jobs in the town to support so many new families.
- House prices will be out of reach of the majority of local people, so much of the development will be used by retired people, second-home owners or for holiday use.
- The housing process will therefore escalate further, being harder to access for locals.
- Communities will be increasingly imbalanced towards older households, excluding younger families who will be forced to move elsewhere.
- A 'local residency' restriction should be imposed on a majority of the properties.

Local infrastructure and employment

- There will be too much demand on medical services and social services.
- The employment area should be much greater in space and should come with 'start-up' initiatives to improve the take-up by small businesses and encourage investment.

Public Representations with comments:

Traffic links to A148

- The scheme removes vehicle access to the A148 by residents on (and connecting to) Rudham Stile Lane and on (and connecting to) North Park. This forces residents to take the 'long way round' via Thorpland Road (with poor visibility at the Greenway / Holt Road junction) or via Claypit Lane where queues already form at the traffic lights at the Holt Road junction opposite Queens Road. There must be a way to link the existing estates to the new roundabout on the A148 rather than leaving them cut-off.

Sport facilities

- The objection from Sport England is inaccurate because they under-appreciate how many facilities there are in the town. There are: outdoor sports (with potential for more) at Clipbush Lane; Trap Lane indoor and outdoor sports and rugby pitch; Golf, indoor bowls, squash, pool, archery and indoor society space at the Gallow, Hempton; and, Golf at Creake Road. If more sports facilities are built, as Sport England request, it will threaten the viability of existing resources.

(Comments from former District Councillors Mr Reynolds and Mrs Claussen-Reynolds):

Highways works should be required to include the following:

- Ideally Norwich Long Lane (from Water Moor Lane to the B1105 Wells Road) should be widened to allow two-way traffic.
- There should be no south-bound vehicle access onto Rudham Stile Lane;
- Rudham Stile Lane needs to be widened to two-way use for its length before building starts;
- £60,000 should be sought for improvements to Fakenham town centre traffic improvements;
- Cycle links to town should be improved, as Grove Lane might not be sufficient;
- Cycle and pedestrian safety as part of wider improvements needed at the Greenway Lane / Holt Road / Thorpland Road junction;
- Signage and other means needed to ensure the site is integrated within the town;
- A new route to town vis St Peters Road and through the former Grammar School / Fakenham College site would be an excellent new route, linking to Highfield Road, for the benefit of the wider community;
- All construction traffic should access the site only from the A148 and not through the

- town; wheel wash facilities are needed; loading and unloading is needed on site only;
- Construction traffic vehicles must avoid the Fakenham Academy traffic peak times.

Affordable housing - provision should be carefully planned, and should be:

- Distributed across the site;
- Provided with good spacing to each dwelling, not terraced together;
- Designed to avoid looking unsightly amongst market housing of higher quality;

Drainage:

- The sewage system needs to be carefully planned to show there is capacity for Anglian Water to treat the flows without a knock-on effect for existing local residents.
- Surface water flooding needs to be analysed and prevented, given the hard surfacing.

(Comments from Jerome Mathew MP):

The MP's office has recently been contacted by a local resident concerned about the new roundabout being built for access onto the A148; the resident believes this development gives a once in a lifetime opportunity to also provide a roundabout for the B1105 junction with the A148 the resident believes that at the moment, cars from Wells -next-the -Sea and trucks from the ABNA site are often tail-backed for a half mile or more trying to gain access to the A148 in the Kings Lynn and Swaffham direction. With this in mind, the resident believes it would make sense to combine these two issues.

In addition, the local resident wonders whether the Council could do a traffic count next summer on the B1105 as he believes this will show the need for the roundabout.

Comments from the **Norfolk Local Access Forum**, regarding Access to Public Rights of Way:

The Forum describes itself as "...a statutory committee with the role to provide strategic advice and direction on improving recreational public access in the context of the wider factors that influence it. Our role is to be the statutory consultee on any issue, policy or planning development that has access related elements."

Fakenham has long been cut-off from access to the countryside to the north of the town, due to the bypass. The following improvements would benefit the wider community:

- Provide links north via Thorpland Road, most easily crossing the roundabout.
- Provide a link via Trap Lane and the B1105, to Breck Lane, and routes off that.
- There is no safe route to connect the National Cycle Route 1 from its current crossing over the A1065, onto the local cycle network and Breck Lane. An existing track situated between Breck Lane and the B1105 could connect the two but is not 'family-friendly' and rough surfaced, and its highway status is unclear.
- The 'Old Holt Road' on the south side of the A148 between Clipbush Lane heading north-east could be reclaimed and used as a purposeful link from Fakenham to Little Snoring, to open-up the whole of the area to the east.
- Financial contributions could be used to provide a safe walking and cycling route to Pensthorpe Natural Park (to the south-east of Fakenham on the Norwich Road).

Local members:

Cllr Cushing (Fakenham North): No formal comments received – Cllr Cushing was happy to endorse the contributions made by former District Cllrs, Mr Reynolds and Mrs Claussen-Reynolds (see identified comments above).

Cllr Rest (Fakenham South): Has raised no objections.

Cllr Peter Fisher (Wells with Holkham): Regarding the proposed roundabout on the A148 - Accessing the A148 from the north is dangerous. The priority at the Norwich Long Lane and B1105 / A148 junctions should be rearranged so that traffic from the north would then use the proposed new roundabout via Norwich Long Lane.

CONSULTATIONS

Local Highway Authority (Norfolk County Council) – No objection, subject to mitigation

Consider that vehicular access should be taken from a link road between the A148 Fakenham Bypass and Clipbush Lane. With the exception of a relatively small number of dwellings accessed from Rudham Stile Lane, only pedestrian, cycle and public transport access should be available to the south. The transport strategy therefore must include:

- New roundabout at the Water Moor Lane / A148 junction,
- Closure of northbound vehicle access from the A148 onto Norwich Long Lane.
- Minor amendments to the A148/A1065/Wells Road roundabout.

In a change to the transport strategy originally envisaged by the Development Brief / pre-application discussions, the following adjustments are acceptable:

- The bus gate at the southern end of Water Moor Lane can now be allowed to enable north-bound general vehicle traffic to eventually reach the A148 (through this site).
- South-bound access from the site to Claypit Lane must be prevented, in order to avoid a significant increase in traffic on residential roads to the south of the site.
- Improvements are needed to Rudham Stile Lane and Thorpland Road, but there are sufficient footways in the local area to allow sustainable transport routes.

The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are “severe”, i.e. causing significant and demonstrable harm, albeit the definition of “severe” is for Local Authorities to determine. The County Council considers a ‘severe’ impact would occur when:

- The design of any proposed junction or access fails to conform to appropriate standards;
- Increases in delays and/or queues at a junction would be unacceptable;
- If road safety impacts would be unacceptable and/or where the risk to all road users would be frequent or serious, or;
- If an estate scale residential development cannot provide a safe walking route to school or is outside of the nationally recognised acceptable walking distances to catchment schools.

In this case, the Highway Authority is satisfied the proposals would not amount to a “severe” impact and as such could not be reasonably resisted in line with the NPPF.

Nevertheless, the required improvements to Green Infrastructure provision / off-site PRow links are also considered necessary from a Highway Authority perspective, to reduce pressure and likelihood of impacts on existing highway networks. In particular:

- i. Grove Lane should become a cycleway but must be integrated with existing infrastructure by connecting to an existing route, along the alignment of the old Holt Road at the North-east corner of the site.

- ii. To enable cyclists and pedestrians to then reach Thorpland Road and quiet roads to the north, a safe crossing facility is required at the roundabout of the A1067 and A148.
- iii. Any proposal to connect to the A148 at the centre-north of the site to allow a crossing to the opposite side, to the surfaced route to Fakenham RB22, must be provided with a crossing facility or safety measure.
- iv. The proposed new roundabout on the A148 would be expected to include crossing provision for pedestrians, cyclists and horses approaching / using Water Moor Lane.

Other off-site works must include:

- a) New roundabout on the A148 Fakenham Bypass including associated works on Norwich Long Lane.
- b) The Water Moor Lane diversion / Bus Gate.
- c) The link road between the A148 Fakenham Bypass to Clipbush Lane.
- d) Access off Clip Bush Lane.
- e) Conversion of Grove Lane to a shared use footpath and cyclepath.
- f) The A148, A1065, Creak Road/Wells Road roundabout improvements.
- g) Carriageway widening and footpath improvements to Rudham Stile Lane and Thorpland Road.

Planning conditions must be used to secure all these highway and green infrastructure features, along with appropriate conditions for estate road design and management, designs of highway works, phased provision of features, construction traffic management, travel plan (including funding by Section 106 obligations), a cap on development (max. 950 dwellings).

Environmental Protection Officer – Objection

There are unresolved objections concerning air quality, noise and odour.

Air Quality

- Air Quality in the area is likely to experience an erosional affect / be detrimentally affected by traffic generation.
- An Air Quality Assessment should be undertaken for a development of this scale.
- It is likely that mitigation measures should be provided to moderate any decrease in quality.
- Although there are no Air Quality Management Areas, a development of this size will have an air quality impact and meets our criteria to undertake an air quality assessment. Best practice requires the developer to identify the degree of impact and actively attempt to mitigate these rises.

Odour and farming operations

- Residential development adjacent to the operational Laurel Farm should not be permitted due to the likely impact on residential amenity because there are no controls available for the planning authority to control or cease the farm operations.
- There is still the potential for the buildings to be brought into use, even if some minor repairs were required. For the moment, I don't believe we can discount their re-use.
- The designs create an unacceptable relationship of homes and school uses being within 400m of the odour, noise and dust created by the farm use.
- The Odour Report within the Environmental Statement shows that an adverse impact is to be expected frequently, above guideline values, and even outside those times a below-limit reading can still be detrimental to amenity and a cause for concern.
- The odour report 'sniff tests' were done in cooler conditions which means there is potential for higher odour effects to occur in warmer months.

- The 'sniff test' was only 1 day, during a south-westerly wind, and was not reliable.
- The effectiveness of proposed mitigation through 'vegetation' is considered doubtful.
- Future residents could be affected by dust, particulates and odour from the Laurel Farm Poultry Farm, and an air quality assessment should propose protection for residents.

Noise and amenity

- Residential amenity should be protected from the impacts from the adjoining designated employment land, using a BS4142 assessment at the time that employment land is anticipated to be developed.
- Noise mitigation measures may be required on the employment area, including:
 - types of plant and equipment,
 - controls and restrictions of hours of use / hours of operation,
 - provision of noise barriers,
 - use of other buildings as barriers to any outdoor work areas or noise sources, and
 - orientation of noise sources away from residential boundaries.
- The residential dwellings should be carefully considered and specific control measures may be necessary such as through glazing and ventilation.
- The application should undertake a noise assessment from the operational garage and scapyard to the south-west of the site, although this could be provided for at reserved matters.
- Reserved matters applications must consider:
 - B2 general industrial uses should be located further away from the residential areas, as should B8 storage and distribution, given the noise from vehicle, product movements, deliveries and collections.
 - Housing designs and orientations must protect against industrial and road noise.
- A Construction Environmental Management Plan is required, to protect future and existing residents from noise, dust, loading/unloading noises.

Contamination

- There is not likely to be an unacceptable effect from contamination, but the scale of the development would require a condition to be used to search for contamination.
- It is correct that there are currently no former uses within the development area to suggest gross contamination of the site (as far as we know); however, given the scale of the development, best practice dictates that some level of investigation is required and I would expect some sampling to take place. In my view it would be a mistake to assume the absence of contamination given the sheer size of the development and the need for due diligence. I would argue that as part of this, conditions would need a Material Management Strategy to keep track of all soils and spoil leaving and entering being reused on site.

Refuse and storage

- arrangements must be agreed by conditions.

Sport England – Objection

The proposal makes no provision for meeting formal outdoor or indoor sports demands.

Sport England supports the level of provision of informal recreation areas proposed as part of this development, as it will make a significant contribution towards opportunities for informal recreation in the locality and aid the growing problem of tackling inactivity/obesity within the population.

However, Sport England cannot support the proposal because –

- The proposal fails to provide any outdoor sport facilities within the masterplan for the development. NNDC's adopted open space standards require 1.9 hectares of sports pitches per 1,000 population to be provided. Based on a population of 2,280 (950 units x 2.4 persons per household), this would require 4.33 hectares of pitches for outdoor sport.
- At the time of the Development Brief being prepared, and subsequent Masterplan being proposed for this application, there was no Playing Pitch Assessment to justify the lack of sports pitch provision. There is no credible evidence base to demonstrate that there is an existing surplus of playing pitches in the locality that can meet the significant demand generated by this development. It was therefore unacceptable for the Development Brief to not require formal sports pitch provision within its expectations for an application.
- Furthermore, there is no justification to rely on sports pitches being provided elsewhere unless there is a known significant surplus of pitches to meet both existing and future sports pitch demands.
- Without the need being understood, the new development will only exacerbate the demand and detrimental impact on existing facilities.
- When the application was made, no sports proposals were included in the draft S106.
- No proposals are made for on-site or off-site indoor sports provision, despite the significant demand that will be generated for indoor sports facilities. Whilst Sports England can calculate that the development will not require indoor sports provision on-site, a financial contribution and demonstrable means of provision can be calculated.
- Sport England's Sports Facilities Calculator indicates that a population of 2,280 (2.4 people/dwelling) in this local authority area will generate a demand for 0.58 sports court (pro-rata cost £304,441), 22.02m² of water space (swimming pool) (pro-rata cost £364,938) and 0.05 artificial grass pitch (pro-rata cost £43,399 (3G pitch)).
- As such, financial contributions should be sought for a total of **£712,778** for indoor sport.

Conservation and Design Officer – Objection

Even for an outline application, the proposal has urban design conflicts and uncertainties based on a lack of tangible commitment to creating a sense of place and character. The layout and green infrastructure intentions show signs of intended place identity but further consideration needs to be given to various parts of the scheme if the development is to evolve favourably.

Given the site's position, scale and services proposed, Design officers view this application as a significant urban extension to the town and a development which will go a long way in shaping Fakenham's future identity and character both for residents and visitors alike. The historic growth of Fakenham and its role within the hinterland and as an employment hub will make this site difficult to integrate into the existing town envelope, given that Rudham Stile Lane has so clearly marked the edge of the town's built form.

Existing site character

The existing characteristics of the site are very much defined by the open and flat landscape context. There is also a strong sense of containment, this is caused both by the mature vegetation boundaries and also by the existing pattern of development and buildings lines along Rudham Stile Lane. The skyline is regularly punctuated by mature trees and existing modern 20th/21st century development of a relatively low quality and modest nature. The long uninterrupted views both into and out of the site are noteworthy and offer a sense of the rural locality. This rural and countryside character embodies the site's existing function and appearance, whilst its farmland use and agricultural nature make it a 'green lung' for existing

residents to the south. The unmade track known as Grove Lane will need to be a key pedestrian footpath and recreational route.

As such this urban expansion should be seen as a key opportunity site, with the development providing the chance to both raise the standards of existing residential development and also secure good quality public spaces with walkable streets connecting both existing and future residents for the whole town.

The site has little heritage sensitivity and the development will not create a heritage impact.

Retention of the low hedgerow and trees bounding the site will be important for softening the edges of the new development and screening the bypass to the north, and these should be retained and made a key feature of the development.

'Place making'

There does not appear to be any sense of the site having an overall identity, and a lack of placemaking principles, drivers or vision. The principles of using green spaces and corridors has not been translated into a key sense of place, as yet, and the value of the 'green spaces' shown could be eroded over time as residential developments encroach and enclose the space. There is also potential for the new access road to sever the site, if the north-south park space is not carefully designed. Smaller connecting corridors are supported in principle, if developments genuinely address these spaces.

Movement remains very car-dominated, as the site is so separated from the town centre, and connections within the site do not provide the optimal pedestrian and cycle convenience, but this can be addressed in the design development. Connections within the 'masterplan layout' lack clear east-west pedestrian convenience, and there is a risk that north-south pedestrian routes will meet a barrier in the form of the spine road if the road is allowed to become the dominating characteristic of the site. However, the permeability suggested for pedestrians to reach Rudham Stile Lane is welcomed and could be expanded upon.

Public transport and bus links must be designed to come through the site.

Layout

The masterplan layout shown is dominated by large development 'blocks' which need refinement to be more in keeping with a North Norfolk character and density; these should be integrated more with larger linear green corridors. There is a risk that they could become isolated from one another unless there is improved connectivity built-in.

The local centre area will need to include design features to encourage integration, given its location further from the main areas of residential development.

The proposed hotel, on the corner of the roundabout on the A148, is very prominent, and Design Officers consider this to be inappropriate – the scale, position and form of the building is likely to undermine any attempt to afford the site a rural character / fit in with its context. It will also be deliberately prominent in the street scene, contrary to both the existing site character of hedging and screening, and contrary to the ambition of creating a withdrawn / set-back urban edge.

Housing designs

Development on Rudham Stile Lane must be effective in reacting to the current street scene.

The existing character is one of a mix of detached and semi-detached bungalows, terraces and two-storey dwellings with an equally mixed variety of materials and styles. Given the relatively modest nature of the existing development bordering the site and the low

architectural currency currently on offer, Design Officers see this site as an opportunity to be more inventive and innovative by providing a new, modern or at least contemporary approach to house types.

The submitted proposals do not give confidence that the site will include any innovative or interesting character not already seen in many developments around the District. There is little indication of the overall architectural style or prevailing design characteristics which will be utilised, but it would be extremely regrettable if this development once again delivers a multitude of pastiche neo-vernacular house types as is underway at Brick Kiln Farm.

Design Officers therefore request more commitment towards variations in plot groupings, scale, massing, form, style and finishes. Whilst there is a prevailing trend for pitched roof form of development, this does not need to totally exclude contemporary stylisation or more modern expressions.

Furthermore, curtilage treatments and means of enclosure around plots need to allow a sense of openness throughout the site to embed a sense of community rather than allow a development centred on enclosure of private space.

Open Spaces Society – Objection

The Open Spaces Society (formerly the Commons, Open Spaces and Footpaths Preservation Society) is Britain's oldest national conservation body, founded in 1865. The society works to protect and create common land, village greens, open spaces and public paths, in town and country, in England and Wales. Have indicated that:

- The proposal would result in the permanent loss of a considerable area of open countryside, changing the character of the quiet unsurfaced road known as Grove Lane, and affecting Countryside access for considerable numbers of the existing inhabitants of Fakenham.
- On site open space and public rights of way are needed to compensate / mitigate the loss of access to the Countryside and the impact on the existing landscape.
- The open space areas to be provided should be registered under the voluntary protocols of the Commons Act 2006, to be formally registered as town green land, for the purposes of ensuring these spaces have legal protection as recreational open space for the whole town.
- The southern part of the development site is significantly lacking in proposed new open spaces, and if this was provided it would benefit the whole town and improve the landscape transition between existing development and new extension.
- The open spaces need to be linked to Grove Lane and should be connected by publically designated bridleways or restricted byways, to allow a greater use, including use by cyclists, rather than only by footpaths as proposed.
- The applicant should be required to fund creation of new public rights of way linking this site to the areas around it which currently lack public rights of way connections.

Landscape Officer – Objection if more details are not provided

Impact on site setting

The Landscape Character Assessment (LCA) accepts that the surroundings have been degraded somewhat and the landscape has the capacity to accommodate new development with mitigation to help a transition from urban to rural Rolling Open Farmland. One of those measures required is the gradual creation of a new landscape character for the area by re-

introducing woodland south of the A148 bypass and bringing green infrastructure into new developments.

The proposed Masterplan follows these principles, and as a result the landscape impacts on views of the town from the north and west will be acceptable once mitigation planting has been able to mature.

However, the development along Rudham Stile Lane will be significantly adverse, but has no mitigation proposed, and must be softened if the site is to sit comfortably alongside the town.

On-site open spaces

With most planting proposed adjacent to the northern boundary and along Grove Lane, there are concerns that the southern section of the site contains less open space, with limited green routes on the east-west axis and large areas of built form with no greenways, especially in the south-east of the site.

As the application proposes some 12.75ha. of public open space (POS), this meets NNDC policy requirements (Appendix A of the Core Strategy and the Development Brief). However, whilst the total amount of space provided would appear to be sufficient, it is difficult to accurately assess whether the function of the space will accord with expectations of the Development Brief without further detail as to the function of the spaces proposed and the number of dwellings / types which the spaces are intended to serve.

There is significant uncertainty around the role of each space, as is required by policy, and their character and intended function as shown in the submitted plans. For example, there is ambiguity in the suggestion that perimeter areas can be considered 'parks' when their function appears as to be as green corridors / buffer areas only, i.e. being 'natural green space', rather than areas for recreation.

The area alongside the (ancient) Grove Lane is the main identity space and a large proportion of public open space, and being a 'linear park' it's role is both recreational and as a movement corridor. However, elements are narrow, and the value of the space could be eroded if it is likely to be compressed by the encroaching development of houses, parking and roads orientated onto the park. More detail is needed to ensure the value of the space is protected.

The northern area lacks a clear function, as it is mostly dominated by the drainage basin and allotments, and these spaces need to be intentional to the overall amenity of the site, and integrated together, and as part of the overall open space with public access and ecological benefit.

The sustainable drainage strategy appears to have been divorced from the landscaping approach and areas of conflict are created as a result, lacking a holistic approach and detailing.

The spine road might easily be dominated by accesses and other highway requirements for the road at the expense of tree planting or other landscaping, meaning it is unable to soften its position and/or improve connections to residential areas either side.

Maintenance and management of the open spaces and their planting, and SuDS systems, should all be clarified early on in the scheme.

Certain key elements must be fixed at this stage to provide confidence that the key features of the urban design approach will be capable of being delivered.

Ecology Officer – Objection if mitigation is not secured.

Without the mitigation measures proposed, the scheme does not pass the Habitat Regulations' Habitat Regulations Assessment, or Appropriate Assessment.

Impacts on the River Wensum Special Area of Conservation (SAC)

The whole of the River Wensum is currently in unfavourable condition due to the impacts of water pollution and physical factors such as channel morphology and turbidity. As a result, discharge from Anglian Water's Fakenham Sewage Treatment Works at Hempton is closely monitored and restricted by the Environment Agency.

Anglian Water has identified that there is a risk of flooding being caused from the foul sewage network, which would both contaminate the catchment and therefore cause a risk to the habitats and species of the river, and potentially increase turbidity in the river.

Anglian Water has stated that there are ways to mitigate this flood risk by improving the foul sewage network capacity outside the application site, but the application does not describe how or when or even if this will be undertaken, and they are not proposed as part of the application drainage strategy.

As some of the mitigation measures suggested by Anglian Water include a significant piece of infrastructure and rolling programme of improvements in themselves, more clarity is needed to ensure these can be delivered to serve the development and avoid risks to the Wensum.

Initial, additional, concerns over potential effects from water abstraction (since resolved) and surface water drainage into the groundwater system (since removed), have been avoided.

Recreational impacts on internationally designated Ramsar/SPA/SAC sites – The Wash, the Norfolk Coast, and the River Wensum

Policy requires the prior approval of a scheme of mitigation to minimise potential impacts on these designated sites from increased visitor pressure. This needs to be in the form of financial contributions and onsite mitigation.

The proposed on-site circular walking areas are insufficient when compared against the evidence collated by Norfolk authorities and Natural England, and there will remain an attraction to visit designated sites. The layout must be revised to ensure it can provide sufficient off the lead, safe dog walking routes and areas that offer a variety of natural green space, that would appeal to residents and act as mitigation for the additional recreational disturbance to designated sites within the Fakenham and wider Norfolk area.

There is also a need for off-site green infrastructure improvements to be provided to help address the impacts of the development on designated sites. New pedestrian and cycle routes to the north of the site should be explored.

Only if the above range of various mitigation measures are provided can it be determined that there will be no likely significant effect on the conservation objectives of Natura 2000 sites as a result of the increased recreational pressure from the development.

Natural England – Objection if mitigation is not provided

- The open space areas on the site should be sufficient to avoid an adverse impact on both the Norfolk Coast and The Wash Ramsar/SPA/SAC areas and SSSIs, and also the River Wensum SAC if it is realised and designs are able to minimise the need to create visitor impacts at those locations (by containing dog walking especially).

- The need to go elsewhere for dog walking must be minimised by including dog walking routes within the development, of sufficient length and appeal, to include:
 - At least a 3.3km circuit off-roads, to address the average dog walking length.
 - Providing public information boards for walking routes / PRow networks.
 - Providing street furniture and dog bins.
 - Suitable safe and convenient links to off-site networks and PRow.
- The application must be accompanied by a Habitat Regulations Assessment and also a financial contribution for monitoring and managing impacts on Designated Sites.
- The River Wensum SAC and SSSIs are already in 'unfavourable condition' and could be further adversely affected by drainage and recreational pressure and should be provided with mitigation.
- The applicant should demonstrate the water supply will not depend on water abstraction from rivers or groundwater, which would affect levels and quality in the River Wensum.
- The development should demonstrate there is capacity at Fakenham Wastewater Treatment Works to treat sewage without increasing phosphorous loads into the Wensum.
- The site is within a water quality protection zone grade 1-2, and only clean uncontaminated water should be discharged to any soakaway, watercourse or surface water sewer. The proposed swales and attenuation ponds will assist with this, if developed as proposed.

Norfolk County Council – Planning Obligations – No objection, subject to S106 matters

Education –

It remains the County Council's preference for a new Two Form Entry Primary School to be included within the development site, for which this development would make a pro-rata contribution based on the availability of school places to accept future pupils in the local area. This has been described as "Option 1" by the County Council.

However, if the County Council are not able to pursue the preferred option, or do not wish to, then the County Council would need to divert the children from the development to other schools in the area and expand those sites as necessary. This is "Option 2".

An assessment of education demands has taken into account this proposal and the remaining un-built dwellings still to be provided at Brick Kiln Farm. There are insufficient places available at Primary Schools, so financial contributions are needed to provide those places, whether under option 1 or option 2, on a pro-rata basis.

There is some current availability of Early Education Sector spaces in the local area. If Option 1 is realised, the surplus / over-demand would be met by the new school providing Early Education needs. However, if not, Option 2 will also require capacity to be created in the local area, requiring contributions sufficient to cover 67 places.

There is enough available space at Fakenham Academy, so financial contributions are not needed for Secondary Sector / High School places.

The application has proposed a nursery within a 0.09ha site. NCC would need to decide if a nursery was required as we are not allowed to flood the market and negatively impact on existing private provision in the area. Again, these decisions would need to be made nearer

the time to identify the market needs and capacity in Fakenham at that time. If positive, the proposed 0.09ha of land for a nursery would need to be transferred to NCC at the same time as the school land and the nursery would be sited within the school site. If a nursery were not required at that time, NCC would not take the 0.09ha of land shown.

'Option 1' -

Creating a new 2 Form Entry primary school within the development would need a minimum of 2ha land, to provide a new primary school with capacity for 420 pupils. It would cost the County Council around £8m to build.

The scheme will likely generate 267 primary age children for the 420 place school, so a pro-rata contribution to the school's build should be £5,085,714 [(267 pupils/420 places) x £8m].

In addition, the development needs to provide transfer of the land needed for a school, for free, to the County Council. This should be 2ha for the new 2 Form Entry school.

However, the area of land for the new school would ideally be 2.5ha to allow future expansion to serve the next phase of growth in this part of Fakenham; emerging NNDC policy suggests there could be a further 500 dwellings on the land west of Water Moor Lane (also the policy F01 "strategic reserve"), needing a three Form entry school (630 places in total).

NCC would decide whether the additional 0.5ha was required at the time of the trigger point for transferring the 2ha site. This land if required will be purchased by NCC at residential land value.

'Option 2' -

In the event of the County Council not being able to follow Option 1 (a new primary school within the site), pupils would need to be accommodated through expansion of existing schools.

Option 2 would require financial contributions for expanding the Early Education sector; and expansion of Fakenham Infant School and expansion of Fakenham Junior School. These amount to £4,683,348 in total, comprising:

- £939,474 for Early Education (67 places x £14,022).
- £1,724,706 for Fakenham Infant School (123 places x £14,022).
- £2,019,168 for Fakenham Junior School (144 places x £14,022).

NCC recognise the District's ambition to create a school site in the local centre and build sustainable communities, but NCC requires this 'fallback' position to remain available, to ensure NCC achieves value for the public purse as well as excellent education provision. The County Council's preference would be for a new school building and pupil yield from proposed new housing in the next local plan does indicate that it will be required.

A section 106 legal agreement would be needed to secure planning obligations for all financial contributions, the transfer of land, and any optional increase / take-up of any additional 0.5ha land by NCC for on-site school expansion and/or any land needed for nursery provision.

Libraries

Fakenham Library will need to be extended to accommodate the demands from the new development, and the costs of doing so are £244 / dwelling = £231,000 in total.

Fire hydrants

Whilst hydrants will be secured by planning conditions, these need providing on the basis of:

- 1 hydrant (on a minimum 90mm main) per each 50 dwellings.

- 0.75 hydrants per hectare of employment land or commercial development, on a minimum 150mm main.
- 1 hydrant for the school.

Green Infrastructure

Green infrastructure should be included within the proposed site and providing connections into the local Green Infrastructure (GI) network, including Public Rights of Way (PRoW) and ecological features, should be considered alongside addressing the potential impacts of development.

The A148 is a barrier to pedestrians, cyclists and horse-riders, discouraging north-south movement due to lack of crossing provision, and also lack of circuit recreational routes north of the road. A number of opportunities exist to connect existing infrastructure with that proposed, as well as provide new infrastructure to prevent the A148 from becoming a barrier to movement. The development should therefore include within its development:

- The proposal of Grove Lane becoming a cycleway is welcomed, but this route should connect to an existing route, along the alignment of the old Fakenham-Holt road, running alongside the north-east corner of the site, to provide links off-site.
- To enable cyclists and pedestrians to then reach Thorpland Road and quiet roads to the north, a safe crossing facility is required at the roundabout of the A1067 and A148.
- If there is to be a route proposed up to the A148 in the centre-north of the site, some sort of crossing facility or safety measure should be provided over the A148.
- The proposed roundabout on the A148 needs to include crossing provision for pedestrians, cyclists and horses onto Norwich Long Lane.
- Water Moor Lane is proposed to be stopped up, but Water Moor Lane should remain open to pedestrians, bicycles and horses for continuity of the network.

In addition to providing the above physical works on land in their control / public highway, the development should also make a financial contribution to Public Rights of Way and ecological network enhancements to the north of the A148.

A financial contribution of £211/dwelling (total £200,450) would allow improved informal recreation and possibly even commuting, and reduce demands to travel to Designated Sites such as the Norfolk Coast and River Wensum SACs/SPAs. Projects for NCC expenditure would include:

- Creating new / re-instating historic PRoWs, and enhancing planting and ecology networks.
- Enhanced access along the former railway to the west of the town.
- Improved links along the former railway to the north-east, inc. a possible 'Pilgrim's Route' to link the Fakenham-Egmere-Wells corridor (re: new Anglia Strategic Economic Hub).

Section 106 Planning Obligations

- All financial contributions should be index-linked from the date of the planning committee making their decision.
- A Monitoring Fee should be required from the development, totalling £10,000.

Anglian Water – No objection subject to imposition of conditions

- There is capacity for sewage loads at the Fakenham Water Recycling Centre.
- There will be an unacceptable risk of foul water sewerage flooding downstream, but a mitigation solution has been prepared in consultation with Anglian Water, which should be conditioned.
- The surface water flood risk assessment is unacceptable, and needs addressing by conditions.
- Trade effluent (commercial uses) needs to be arranged through consultation with Anglian Water, and should include petrol / oil interceptors and fat traps.

Lead Local Flood Authority (LLFA) – No objection subject to mitigation by conditions.

A holding objection was lodged whilst the drainage strategy was being revised to Anglian Water's satisfaction - this has since been confirmed but the LLFA have not formally commented on Anglian Water's new position. Nevertheless, the AWS response has confirmed the drainage scheme has fulfilled LLFA requirement, such that officers consider the objection to be resolved.

The proposed route of surface water discharge under the A148 is acceptable, although the Highway Authority should confirm that they agree with the applicant's assumption this is a highway drain requiring public maintenance of the culvert. The amended and increased size of this northern drainage basin is welcomed, reflecting the accepted poorer rates of infiltration.

The proposed amended scheme to drain the eastern areas of the site, including alterations to the three attenuation basins, is acceptable as they confirm the site can drain at greenfield rates whilst accommodating the poorer rates of infiltration within the site soils.

The principle of discharging some surface water to the public surface water sewer network is acceptable in principle, given the small area proposed and the restricted infiltration rates at the site which prevent successful and rapid permeability.

However, the discharge rates need to be calculated as a greenfield runoff rate using a lower soil value to reflect the restricted infiltration.

Many of the initial concerns / objections were removed when additional information was provided, but an objection remains in place whilst the necessary discharge rates of the surface water flows into the Anglian Water sewer network remained unresolved.

Norfolk Wildlife Trust – Objection

- There is no unacceptable impact on biodiversity at the application site, subject to mitigation being provided by a Construction Environmental Management Plan (as per Ecology Report).
- Visitor Impacts on the European Designated Sites should not be considered 'minor'. The development needs to detail its mitigation measures and then appraise its impact level.
- Mitigation needs to include appropriate Green Infrastructure on site, and links off-site. The latter is lacking, which is contrary to NNDC policies SS 4 and SS 8.
- The development must be able to demonstrate no adverse harm to the River Wensum SAC through foul water drainage and runoff.

Norfolk Constabulary – Architectural Liaison Officer – No objection

- The reserved matters applications should 'design out' crime, and should ensure there is sufficient regard to Secured By Design recommendations and standards.
- In particular, there are many opportunities to include measures for Crime Prevention Through Environmental Design (CPTED): Defensible Space, Natural Surveillance, Territoriality and the denial of Permeability. In particular, consideration should be given to minimising permeability / through-routes.
- Reserved Matters designs should try to ensure residential parking is to the front of the dwellings they serve, and avoid using rear parking courtyards.

Norfolk Historic Environment Service – No objection but mitigation needed.

The archaeological evaluation comprised a desk-based assessment, geophysical survey and trial trenching, and identified previously unknown heritage assets with archaeological interest, principally a ring ditch relating to a prehistoric funerary monument.

The significance of the heritage assets at the site will be adversely affected by the proposed development, but this impact can be mitigated through a programme of archaeological mitigatory work comprising a programme of targeted excavation and recording.

NNDC Housing Strategy and Community Manager – No objection

The development should provide affordable housing in accordance with the NNDC proposed mix set out to reflect the local needs of size, type and tenure, and include accessible housing.

Environment Agency – No objection subject to conditions

The site is underlain by the superficial Lowestoft Formation diamicton designated as Unproductive Strata, which in turn overlies the solid geology of the Chalk Group designated as a Principal Aquifer. Part of the site is located within a groundwater source protection zone (SPZ), namely SPZ1 (Inner Zone), with more of the site underlain by a SPZ2 (outer zone) associated with a food and drink abstraction. As such, the groundwater is considered important.

The Agency's initial objection was removed once the application revised its surface water drainage strategy and removed the proposed use of infiltration via 'deep-bore soakaways'. Subject to conditions confirming the use of the revised drainage schemes, the objection is removed.

Further investigation is requested to examine the risk of contamination from the garage site, which can be addressed by contamination investigation conditions.

Norfolk County Football Association, and, NNDC Sports Manager – Comments

- If the development is to make a financial contribution to off-site sports provision, there is a demand for this to be used for providing multi-use Artificial Grass Pitches (AGPs).
- Providing a new 3G artificial grass pitch facility in Fakenham is a strategic priority of the Norfolk FA, and is set out in the Norfolk FA's 10 year Local Football Facility Plan.
- There are at least 42 teams in the North Norfolk district, which would need 3.7 full sized

AGPs, which are not catered-for at the moment. Teams within a 20 minute drive radius of Fakenham would justify the provision of at least one full size AGP in the Town (there are 21 teams in Fakenham itself).

- The Norfolk FA, NNDC and partners have identified the Fakenham Town FC site at Clipbush Lane as the priority location for a new facility.
- The Norfolk FA intend to complement any section 106 funding with additional investment funding from the national FA Football Foundation.
- The NNDC Sports Team endorses the Norfolk FA approach and lends support to securing investment at Fakenham Town FC as a suitable prospective location for a pitch. It is expected that a full size artificial 3G pitch would cost between £550-£650,000.

Minerals and Waste Planning Authority (Norfolk County Council) – No objection

- The site is not within a safeguarded area for minerals, nor in a consultation area for other sites, so there is no need for further investigation or conditions on any permission.

Health and Safety Executive – No objection

- The site is not within the consultation area for any major hazard site or major pipeline.

Norfolk Fire Service – No objection

- The development must satisfy the relevant Building Regulations standards.

Economic Growth Team (NNDC) – No objection

- Bringing forward this allocation has the potential to yield significant economic benefits for the town and surrounding area.

Historic England – No comment (no heritage assets affected).

HUMAN RIGHTS IMPLICATIONS

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

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

PUBLIC SECTOR EQUALITY DUTY

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

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

STANDING DUTIES:

Due regard has been given to the following additional duties:

Natural Environment & Rural Communities Act 2006 (S40)
The Conservation of Habitats and Species Regulations 2017 (R9)
Planning Act 2008 (S183)
Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

Local Finance Considerations:

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

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 SS 2: Development in the Countryside

(prevents general development in the Countryside with specific exceptions).

Policy SS 3: Housing

(identifies a strategic approach to housing issues and sets out broad distribution of growth).

Policy SS 4: Environment

(strategic approach to environmental issues).

SS 5: Economy

(specifies expectation for jobs growth through distribution of new employment sites in the District, protection of designated Employment Areas, and specifies criteria for tourism growth)

Policy SS 6: Access and Infrastructure

(strategic approach to access and infrastructure issues).

Policy SS 8: Fakenham

(directs major expansion to the north of the town for a mixed use urban expansion scheme to include approximately 800 dwellings, employment land, community facilities and open space, and a primary school, and requires development to prove there is sewage treatment capacity).

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 in lieu).

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 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 EC 5: Location of retail and commercial leisure development

(sets an appropriate area-based threshold for locating new retail and commercial leisure, and expects proposals to avoid an adverse impact on established weekly markets).

Policy EC 7: The location of new tourism development

(provides a sequential approach to the assessment of proposals for new-build tourist accommodation, and specifies Principal and Secondary Settlements as the preferred location).

Policy CT 2: Development contributions

(specifies criteria for requiring developer contributions).

Policy CT 3: Provision and retention of local facilities and services

(supports the provision of new community facilities or services in Principal Settlements).

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 adequate parking to be provided by developers, and establishes parking standards).

Policy CT 7: Safeguarding land for sustainable transport uses

(identifies that former railway land offers an opportunity for future sustainable transport links).

North Norfolk Site Allocations Development Plan Document Policies (February 2011):

Site Allocation F01 – Fakenham: Land north of Rudham Stile Lane.

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

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

The policy requires that scheme should provide “*appropriate investigations carried out to assess whether any mineral resource there is of economic value, and if so, whether the material could be economically extracted prior to the development taking place.*” In the absence of such investigation, the application is also contrary to policy CS16 of the Minerals and Waste Core Strategy 2011.

Material Considerations:

National Planning Policy Framework (NPPF) (February 2019):

The NPPF sets out that the purpose of the planning system is to contribute towards achieving sustainable development. 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.

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 6: Building a strong, competitive economy

Chapter 7: Ensuring the vitality of town centres

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment
Chapter 17: Facilitating the sustainable use of minerals

Fakenham F01 Development Brief (adopted March 2015).

North Norfolk Design Guide Supplementary Planning Document (December 2008)

North Norfolk Landscape Character and Sensitivity Assessment (2019)

MAIN ISSUES FOR CONSIDERATION:

- (1) Principle of development**
- (2) Delivery of Site Allocation F01**
- (3) Number of dwellings proposed**
- (4) Delivery of Employment land**
- (5) Future growth to the north of Fakenham**
- (6) Local centre, and proposed uses,**
- (7) Hotel and public house**
- (8) Primary School Provision and Expansion**
- (9) Sports Pitches and Facilities**
- (10) Housing mix, site capacity and affordable housing**
- (11) Custom- and Self-Build housing**
- (12) Highway safety and accessibility**
- (13) Sewage treatment capacity**
- (14) Foul water disposal**
- (15) Surface Water Drainage**
- (16) Design, Layout and Character**
- (17) Public Open Space and Landscaping**
- (18) Green infrastructure and off-site public rights of way**
- (19) Impacts on Natura 2000 Designated Sites**
- (20) Environmental considerations and residential amenity: Air quality, noise and odour, contamination,**
- (21) Other matters - ecology / biodiversity, heritage and town centre public realm, archaeology, trees and landscape impacts, renewable energy, minerals.**
- (22) Environmental Impact Assessment**
- (23) Planning obligations**
- (24) Development Viability**

APPRAISAL

1. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 provide a statutory requirement that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The development plan for North Norfolk comprises:

- The North Norfolk Core Strategy (adopted 2008);
- The North Norfolk Site Allocations Development Plan Document (adopted 2011); and,

- Norfolk Minerals and Waste Core Strategy and Development Management Policies 2010-2026 Development Plan Document (adopted 2011).

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications, and reiterates this legal requirement at NPPF paragraphs 2, 12 and 47, even in the event that a 'presumption in favour of sustainable development' applies to an application's determination.

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

Core Strategy Policy SS 1 sets out the spatial strategy for North Norfolk and Policy SS 2 relates specifically to the countryside area, limiting development to that specified in the policy which is recognised to require a rural location. These are strategic policies that set out the overarching approach for distributing development across the district, promoting sustainable patterns of development and protecting the countryside. These policies are fundamental to the effective operation of the Development Plan.

The NPPF actively expects strategic policies to set out an overall strategy for the pattern, scale and quality of development. Broad locations for development should be indicated and land use designations and allocations identified. The site falls within the development boundary of Fakenham on land allocated for development under Policy F01 of the North Norfolk Site Allocations Development Plan Document (2011).

Policies SS 1 (and by extension, Site Allocations Policy F01) together with Policies HO 1, HO 2, EN 2, EN 4, EN 9 and EN 13 are Development Plan policies which are most important for determining the application and they are up-to-date, because they are consistent with the NPPF. Therefore, subject to the development being considered to be in general conformity with Policy F01 and in accordance with other relevant policies in the Core Strategy, the principle of development would be considered acceptable.

Whilst housing numbers referred to in Policy SS 3 were based on East of England Plan data, this policy is no longer relied upon by the Council. As such Policy SS 3 along with Policy SS 8 are not considered to be the most important policies for determining the application. Instead, the Council relies on housing need evidence within the Strategic Housing Market Assessment (2019 update) which informs the Council's five year housing land supply figures.

The Council is delivering the necessary level of homes as part of its overall approach as evidenced by the latest available information relating to the supply of housing land in the district which demonstrates 5.16 years of deliverable housing land for the period 2020-2025. The development plan is therefore considered to be operating effectively.

If the Council were not able to demonstrate a five-year housing land supply, the 'tilted balance' in paragraph 11 of the NPPF known as the 'presumption in favour of sustainable development' would be engaged and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Site Allocation Policy F01 states:

“Land North of Rudham Stile Lane

Land amounting to approximately 85 hectares is identified as a suitable location for an urban expansion of Fakenham. Within this area land will be made available for a mixed use development of approximately 800-900 dwellings, not less than 7 hectares of employment land, primary school site reserve, public open space, and community facilities. Development will be subject to compliance with adopted Core Strategy policies including on-site provision of the required proportion of affordable housing (currently 45%) and contributions towards infrastructure, services, and other community needs as required and:

- a. The prior approval of a Development Brief to address access and sustainable transport, layout, landscaping, phasing, including the provision of serviced employment land, and conceptual appearance;
- b. provision of significant internal open spaces and tree planting within the site and a landscaped buffer to the A148;
- c. reservation of a suitable site for a primary school in accordance with the requirements of the Education Authority;
- d. retention of the existing allotments in their current location;
- e. investigation and remediation of any land contamination;
- f. prior approval of a scheme to prevent the input of hazardous substances to groundwater;
- g. archaeological investigation if required;
- h. demonstration that there is adequate capacity in sewage treatment works and the foul sewerage network and that proposals have regard to Water Framework Directive objectives; and,
- i. prior approval of a scheme of mitigation to minimise potential impacts on the North Norfolk Coast SAC / SPA and Ramsar site arising as a result of increased visitor pressure, and on-going monitoring of such measures.

Retail development, other than that serving the needs of the proposed development, will not be permitted unless it has been demonstrated that there are no sequentially preferable sites.”

The proposed application has closely followed the Development Brief for the F01 allocation, which anticipated development of the land north of Rudham Stile Lane and between the east side of Water Moor Lane and west of Thorpland Road.

That Development Brief was adopted by the Council in March 2015 and, whilst not a statutory policy, nonetheless forms a significant material consideration in the determination of this application.

Policy F01 expects all development in the allocation area to address its own impacts in terms of providing infrastructure, financial contributions, and affordable housing to the relevant policy standards for that development at that point in time. All sites must make a contribution to public open space and community facilities where appropriate, in accordance with the development brief, and satisfy criteria (a) – (i).

These technical matters are raised in relevant sections of this report, but in general terms the development as proposed does fulfil the technical requirements of Policy F01.

The use of this site for a residential-led mixed use urban expansion is therefore acceptable in principle.

2. Delivery of Site Allocation F01

Policy F01 does not require a single application to be provided for the holistic delivery of the allocated land, but it does expect proposals to follow the intent of the agreed Development Brief for their relevant parts of the allocation.

Parts of the allocation have therefore either already come forward in an incremental fashion, or have not been realised due to varying factors such as difference in land ownership.

Of the land that has been developed:

- Housing development is underway at the former Brick Kiln Farm poultry site (now Brick Kiln Road adjacent to the Town Council allotments), delivering 78 dwellings on circa 3 hectares of land which the Development Brief anticipated to be largely residential (permission PO/14/1212 as amended – now PF/20/0835).

In addition to the 78, there is an existing dwelling and a new dwelling proposed within the same Brick Kiln Farm area of the F01 allocation, i.e. providing 80 dwellings in total in this area – application ref: PF/20/1360.

- Approximately 1.3 hectares of the 8.25 hectares of Employment Land identified in the Development Brief has been used instead for providing a complex of 101 'Housing with Care' dwellings at the land behind the Fakenham Medical Centre on Trinity Road (permission ref: PF/15/1167 as amended – now PF/18/1621).

Other areas of allocated land have been identified in the Development Brief for specific uses which have not been developed, and they do not feature in this proposed application site:

- 2.4 ha of Employment Land remains undeveloped at Cherry Tree Cottage at the northwest corner of Thorpland Road.
- 0.8 ha of Employment Land remains undeveloped at Laurel Farm (existing Poultry sheds) on the west side of Thorpland Road, immediately north of this application site's proposed Employment Area, and south of Cherry Tree Cottage. This site was the subject of applications for 'prior approval' for conversion of the poultry sheds into 3 dwellings, which were refused by the Local Planning Authority as recently as November 2020 on account of the works being necessary to create dwellings not being possible to fit within the criteria necessary to comprise permitted development (application refs: PU/20/1494 and PU/20/1495).

These two areas of land north of the application site are owned by separate parties who have lodged their own particular objections to the current application, highlighting concerns regarding access and the likelihood of being able to service and develop their own sites. These issues are discussed in Section 4 of this report.

- Approximately 1.2 ha of allocated Employment Land remains undeveloped at Lime Tree Farm, at the southwest corner of Thorpland Road.
- A small area of land suggested for residential use remains undeveloped at the southeast corner of Water Moor Lane, although this is currently occupied by a garage and vehicle reclaim yard. No proposed applications have been received to date, but other than the quantum of development (discussed in this report) there are no material

suggestions to indicate that this land would have become unsuitable for the principle of residential development since the Development Brief was adopted.

To summarise, if this application is proposed, it is reasonable to expect at least 1,130 dwellings to be provided across the allocation, and only 5.8ha of the designated employment land will be available for use, of which only 1.2ha within the application site will actually have planning permission.

In making its decision, any departures or variances from the delivery expectations set out in the Development Brief will have to be carefully weighed in the planning balance, both for and against, by the Development Committee.

3. Number of dwellings proposed

Fakenham's "major expansion to the north of the town" was intended to be delivered through a single allocation for mixed use development. That was put in place by the site allocation policy F01, with a clear expectation that housing growth within the single allocated area would number "approximately 800 dwellings" (Policy SS 8) and/or "between 800-900 dwellings" in Site Allocation Policy F01.

Policy F01 determined that the allocation could come forward on any part of the land north of Rudham Stile Lane, whether or not that was east or west of Water Moor Lane (or both), but would need to be limited in its volume to "between 800-900 dwellings". The location of this growth was left to be determined by the Development Brief for the F01 allocation, which the Council subsequently produced in partnership with the principle landowner and formally adopted. The Development Brief determined that the 2008-2021 allocation would be realised on land east of Water Moor Lane and west of Thorpland Road. By adopting this Development Brief the Council formally recognised it as the preferred location for the site allocation's growth in this plan period.

It should therefore be interpreted that the Development Plan expected up to 900 dwellings to be provided as the maximum number across the whole of the allocation site through permissions to be granted in this plan period.

However, the planning application site is only 46.3 hectares of the wider circa 54 hectare allocation area of the Development Brief. The number of dwellings proposed in this single planning application alone ("up to 950") is likely to exceed the number of dwellings expected by the Development Plan for the whole of the allocation.

Furthermore, when considered alongside the other planning permissions and subsequent developments built in the same policy allocation area, the increase will be significant. The housing sites currently under construction or built provide 180 dwellings. In combination with the 950 proposed in this application, it would result in 1,130 dwellings being built within the Policy F01 Site Allocation area. This is at least 230 more than the Site Allocation policies proposed, and at least 330 more dwellings than the Core Strategy proposed.

The main implications are for technical issues such as highway capacity, provision of appropriate open space, and capacity of infrastructure, especially that of the Fakenham foul water treatment network.

Ultimately the decision to accept an increase in housing numbers on the site is a matter of planning judgment for the Development Committee. Officers remain of the view that additional housing numbers may be considered acceptable on this site but that acceptance should very much depend on how the proposal accords with other relevant Development Plan policies.

On the matter of housing and specifically the market housing element of the proposal, whilst the Council considers it is able to demonstrate a five-year housing land supply, the Committee, as decision maker, would be entitled to apportion positive weight towards the delivery of additional market housing which will aid in the delivery of affordable housing. This is a view often taken by Inspectors at Appeal in terms of recognising the governments objective of significantly boosting the supply of homes. The Committee could decide to apportion significant weight to this issue.

If the opposite view is taken, it should be recognised that reducing housing numbers in line with the expectations of the Brief could result in other impacts or consequences linked to development viability and further reductions in affordable housing provision, for example.

Officer advice would be to consider the impact of the additional housing numbers on the development as a whole and weigh up the benefits, both positive and negative when making the planning balance.

4. Delivery of Employment Land

Delivery of Employment Land - Land within the application site:

The application will provide an employment area of 1.2ha net, once the drainage attenuation basin is provided in its south-eastern corner. This will be served from the new spine road at Trinity Road / Clipbush Lane.

Planning conditions will require this to be serviced from the new spine road, with the utility connections for the site provided up to the boundary. It will need to be made available for use within the first Phase of development, ready for use before any dwellings are occupied.

At the same time, the first parts of the spine road must be provided to adoptable standard, and the curving eastern boundary link road diversion of Thorpland Road must be provided to adoptable standard and connected onto Thorpland Road (requiring also a 'stopping-up' order for the southern arm of Thorpland Road). Planning obligations will also require the site to be marketed and advertised for some 3 years at least.

With outline permission and access details secured, occupants will need only Reserved Matters planning approval for the layout, appearance, scale and landscaping within the site. This is the earliest reasonable timeframe in which the land can be made to be available for use.

Delivery of Employment Land - Land outside the application site:

The scenario for Laurel Farm and Cherry Tree Corner, the sites at the northern end of Thorpland Road, is less straight-forward. Thorpland Road is single-width along its current length and requires a separate access or land to widen the road before either can be accessed independently for any significantly more intensive uses.

The proposed access strategy intends to close the existing straight southern arm of Thorpland Road and divert Thorpland Road slightly west, around a new drainage basin, to connect onto the new east-west spine road. The diverted road would need to be built to adoptable standards and made available for use as public highway, prior to the closure of the existing Thorpland Road.

The extended / diverted Thorpland Road will be made suitable for 2-way HGV traffic from its

connection with the new spine road, to the point at which it would require land in the ownership of Laurel Farm.

In the short-term, this will ensure that both sites to the north can continue their current activities without prejudice, and will prepare the route for future intensification as much as is within its ability to do so. However, because Thorpland Road is a single-width road, any further intensification of uses without third party intervention would likely not be acceptable from a highway safety perspective.

Over the medium-term, the current application will help to facilitate the development of both sites by varying degrees. Having been adjusted since its first submission, the application's Access Strategy has been improved to be more accommodating of larger vehicles and will ensure that both sites can be accessed and redeveloped in a relatively short period of time.

The application's Masterplan layout shows how the application's employment site could provide a link road through its proposed employment area, connecting to the southern boundary of Laurel Farm; that will allow that site to be served directly, once this application's employment land is developed.

The earliest development of the application's employment site will ensure that the two sites to the north can be redeveloped / intensified independent of each other if necessary by providing a specific access for Laurel Farm adjoining this site, allowing Cherry Tree Corner to have sole use of Thorpland Road.

Planning conditions and obligations will have to ensure that:

- (i) The diverted Thorpland Road is provided in the first phase of development, to create a width suitable for two-way HGV use, onto the existing Thorpland Road, and,
- (ii) Any development of the application employment site (through reserved matters) will need to provide a necessary new road built right up to the legal boundary of Laurel Farm, to adoptable standards (to ensure adoption is possible, if necessary); and,
- (iii) Utility services are provided to the boundary of that site; and,
- (iv) Marketing of the site is undertaken to promote its earliest redevelopment.

Even without the Employment Site's development, the 0.8ha Laurel Farm site will be able to be redeveloped 'under its own steam' once the amended course of Thorpland Road is completed. This is because it will only need to provide a short frontage of connecting development capable to serving an access and two-way HGV traffic onto Thorpland Road. This resolves the concerns of the owner of Laurel Farm that their site's development will be delayed.

The owners of Cherry Tree Corner, north of Laurel Farm, have made the same objection, but it is not in the applicant's control to improve that situation. Nor is it reasonable or necessary to make any such provision because the development will unlock more land than just the 1.2ha employment site in its control, because it will also provide access to the land to the south of the new spine road, making that area immediately available as an extension of the Clipbush Lane industrial estate.

Officers acknowledge that the land ownership situations mean that the 2.4ha Cherry Tree Corner site's redevelopment would be delayed. Cherry Tree Corner's redevelopment would be in large part dependent on the release of land from Laurel Farm, or the redevelopment of Laurel Farm itself – although Planning would expect the Laurel Farm site to include access to

facilitate Cherry Tree Corner as part of a permission there; Laurel Farm would be expected to either provide a link to the southern boundary of Cherry Tree Corner when its redevelopment layout is agreed, or be required to widen Thorpland Road along its boundary to be able to provide a suitable width for two-way HGV use to access Cherry Tree Corner. Any development proposals at Laurel Farm which did not include these would inhibit development of Thorpland Road, and likely be considered incompatible with the development plan.

Officers are encouraged by the recent success of employment land in this part of Fakenham and are confident that the delay in redevelopment of any of these sites will be minimal and will not prove detrimental to economic investment in the town or the homes/employment balance.

Ideally the application would have enabled a comprehensive development of all the allocated employment land areas as was an aspiration of the Development Brief but this hasn't proven possible. Importantly, there is nothing prejudicing the combined delivery of the sites to the north should they combine to offer an application for redeveloping those sites and the application does not make the situation any worse than existing, so current operations are not compromised.

Even if the employment land in this application takes a few years to be provided and occupied, a connection will be provided in the first stage of development to allow Laurel Farm and Cherry Tree Corner to be redeveloped, together if needs be, independently of this application. The recent successful uptake of employment land in this part of Fakenham over recent years suggests that the areas north and south of the application's east-west spine road can enjoy a gradual development for employment uses for many years to come.

The current alignment of Thorpland Road will gradually become a pedestrian and cycle route as areas are closed over time.

Subject to the imposition of appropriate conditions and clauses in a Section 106 Obligation, the proposed delivery of employment land within the application site and the impact of the proposal on adjacent employment sites would, on balance, be considered acceptable.

5. Future growth to the north of Fakenham

There has been some concern expressed about the level of growth expected from this application in combination with the next local plan.

The emerging local plan suggests there could be future allocations proposed (for 633 homes in total) on land west of Water Moor Lane, where two sites might offer 496 dwellings between them, and at two additional sites either side of the A148 / A1065 / B1146 'Shell garage' roundabout land which might offer an additional 137 dwellings between them.

It is not considered appropriate to attribute any notable weight to the emerging proposals of the next local plan in the decision making on this application. This is because of the relatively early stage of the plan's preparation and because it will be for the local plan process to determine whether those sites are suitable in regard to infrastructure capacity and technical matters.

However, the emerging policy proposals are relevant to considering whether this site's eventual development should have one eye to the future. In particular, it is considered necessary and reasonable for this development to ensure that the local centre can be a going concern, and provide for a degree of local need, and more importantly, ensure that the possible 633 future dwellings will be able to be served by the Primary School. The County Council (Education) has said that a 2 Form Entry school is needed for this application of up to

950 dwellings, but suggests a 3rd Form will likely be required in the future. It is not considered an unrealistic estimate that development amounting to approximately two-thirds of the quantum of development in this application might need to provide another form for its own pupils.

Land needed as part any future primary school expansion is accounted for within the proposed S106 obligation (as set out below) and officers consider this is an appropriate mechanism to help future proof this aspect of the proposed development.

6. Local centre and proposed uses

Local Centre

Alongside the residential and employment uses, the applicant includes a 'Local Centre' which will act as the community focal point, containing some 'daily-needs' service uses and the primary school and include a community square area.

Although the application includes a hotel and pub within the description, the revised submitted Masterplan and Design and Access Statement have made clear that these are proposed to be situated at the north-west corner, sited off the roundabout. Officers consider that separating these uses is far from ideal for the successful viability of the local centre, and also raise significant design concerns, which are discussed in the 'Hotel and Public House Site' section of this report (section 7 below).

Local Centre - Location

The Local Centre is proposed towards the western half of the development, at the junction with the Grove Lane cycle link. Officers consider this is the most appropriate location to serve all residents of this development and those of Brick Kiln Road, given the latter is severely constrained in terms of permeability between the two sites (being limited to a single path through the Grove Lane hedge in the north-east corner of that site). Whilst it is recognised that the proposal local centre is not ideally situated to serve the possible future development west of Water Moor Lane, it would still be within acceptable walking / cycling distance and will still offer the means of linked trips connected to visiting the school, for example.

At one stage during the application Norfolk County Council as Local Education Authority requested that the school should be located further west at Water Moor Lane, perhaps to link better with the High School / Fakenham Academy and to serve the possible future growth to the west. However, this is not considered suitable without also relocating the Local Centre as the two are considered important to remain together, and to move both would be a significant alteration from the vision of the Development Brief.

Similarly, the vitality and viability of this Local Centre is considered to be rooted in the presence of the primary school and nursery buildings and associated services. The nursery might also be able to act as a community centre, providing important dual functions.

Local Centre – Principle, Uses and impacts

It is noted that the potential scale of commercial uses and the types that may be included were of a particular concern to Fakenham Town Council. The Town Council is keen to ensure there are no undue impacts caused to the town centre, or its independent and local businesses, and are keen that the new local centre community square should not be allowed to host 'pop-up markets' to preserve the integrity of the Town's Charter Market. Additionally, the Town Council has expressed doubts on the likely viability of any commercial premises

here, noting the proximity to the Morrisons supermarket at Clipbush Park, and the current struggles for retailers anyway, as an example, although no specific evidence has been provided to support the claim.

The Development Brief does not set out any requirements for specific uses nor floorspaces, in the Local Centre other than expecting a Community Centre / Nursery site of 0.07ha, and a 'Mixed use' area of 0.15ha. As such the proposals must adhere to District-wide Core Strategy policies as amended by specific requirements of Site Allocation Policy F01.

Within the proposed Local Centre the applicant has expressly requested 'local retail' uses comprising A1 (retail), A3 (café and restaurant) and A5 (takeaway) uses. These proposals preceded the Government's recent changes to the Use Class Order, which is discussed below. They are all defined "Town Centre Uses" in the NPPF.

Core Strategy Policies SS 5 and EC 5 together set out the district-wide retail hierarchy and restrictions on the level of floorspace that will be allowed outside of defined town centres. The intention is to protect the vitality and viability of the town and village centres by preventing sizeable scales of floorspace being provided outside of defined town centres or specifically-allocated retail opportunity sites identified by the Site Allocations Development Plan Document.

Although the NPPF has adopted a more flexible approach to town centre use and commercial premises distribution since then, the NPPF still retains the same 'sequential approach' intentions as Policy EC 5, and so the requirements of Policy EC 5 are considered to remain up-to-date and relevant.

Policy EC 5 allows small scale retail growth in various locations depending on the size of the settlement and whether the settlement has a Primary Shopping Area, or a development boundary. For the purposes of Policy EC 5, the allocated urban extension's specific Local Centre designation is considered to be "Within the development boundary on the best sequentially available site", and in such locations the policy requires detailed justification for anything more than 500sqm of net sales area of retail uses, and anything more than 500sqm of gross floor area of commercial leisure proposals.

Furthermore, Policy EC 5 also states that; "Proposals that would have an adverse impact on the operation of established weekly or farmers markets will not be permitted [unless appropriate replacement provision is made as part of the proposal]." Although the policy wording may be more expansive than perhaps intended, the intent is to clearly to avoid an impact on markets generally, including, by extension, the use of inappropriately-located temporary retailing.

Furthermore, Site Allocation Policy F01 reiterates the need to avoid significant scales of development, stating more generally that: "Retail development [within the allocation site], other than that serving the needs of the proposed development, will not be permitted unless it has been demonstrated that there are no sequentially preferable sites."

It is considered that the 500sqm thresholds in Policy EC 5 should be considered the limit of which Policy F01 expects to be reasonably necessary for 'serving the needs of the proposed development'. Officer experience has also found that 400-500sq. sales area (net) is the general industry level of provision for a small supermarket's local outlet, so this appears a relevant and suitable scale to consider for an urban extension.

Together, the site of the three retail use types proposed (A1, A3 and A5) amount to approximately 0.27ha, in addition to the separate nursery building within its own site of 0.09ha. As no firm proposals are supplied, without restrictions imposed on the floorspace in due

course, the retail offer could have unintended consequences and a detrimental impact. It is therefore proposed that a planning condition should be used to determine the precise form, scale and floorspaces within the local centre.

The condition would determine the “Quantum of Development” allowed within the local centre, and set out the expectations for different uses. The application has applied for a restricted range of uses, but Officers consider there may be benefits in allowing a wider range than might have been proposed to date, subject of course to being supported by appropriate supporting evidence, such as transport impact and employment land assessments. This would also allow time to fully appreciate the changing economic situation and the implications of the recent Government changes to the Use Class Order.

Such a condition will allow the most commercially-feasible scheme to be proposed at a time when the local centre is ready to be provided (forecasted within Phase 1), whilst setting out the limits allowed for uses in order to comply with current policy (for example CT 5 limits new retail to 500sqm of net sales area of retail – definition to be confirmed). The condition will ensure that retail outlets will provide for the ‘needs of the development’ as required by Policy F01, and avoid causing an adverse impact on the town centre.

It will also be necessary to ensure that the Local Centre facilities are provided and made available for use, to be linked through the phasing requirements of the permission, secured by conditions and obligations.

Under permitted development rights it is possible that a permission that allows multiple uses therein can, within the first 10 years of a unit within the local centre being brought into use, vary those uses being implemented without the need for planning permission. This will be important to the viability and vitality of the local centre and will need to be accommodated within the planning condition. .

The Government has recently changed the Town and Country Planning Use Class Order descriptions of development types which came into force on 1st September 2020. However, the legislation states that if applications have been made before 1st September 2020 which refer to or propose specific uses in the Use Class Order, the application should be considered and determined in accordance with those specific uses / use classes, and not the amended versions. This will be reflected in the ‘quantum of development’ condition.

Local Centre - Design

The revised Masterplan has changed the configuration of the Local Centre which Officers consider to be beneficial as it creates a larger area for community use adjacent to the spine road ‘pedestrian priority area’ and school frontage and nursery building. The area is also more enclosed by residential uses which ensures better integration and access. As a result, the community play area and open space to the east are now overlooked by active residential uses rather than commercial premises with less natural surveillance, and so overall the local centre can now be considered to have a better sense of community ownership.

7. Hotel and Public House

The hotel and public house site is proposed in the northwest corner of the site, adjacent to the new roundabout forming a combined 0.88ha area.

The application and its Transport Assessment and other technical studies have modelled the hotel as having 100 bedrooms. No specific floorspace / quantity proposals have been

submitted for the public house, but the Development Framework Masterplan indicates a fairly substantial building separate to the hotel.

Hotel and Public House - Principle - Uses and impacts

The principle of locating the Hotel at the roundabout is established by the Development Brief, and is in accordance with Core Strategy policy EC 7.

However, the adopted Development Brief proposed a much smaller hotel site at the roundabout, on a site of 0.26ha, and proposed that it would be used for a hotel only. Given the Local Centre identified in the Development Brief, the pub's proposed location needs to be considered carefully in respect of its potential impact on the proposed new local centre and wider town centre, its possible highways implications and the conflict with policy.

The proposed location of the pub so far outside of the Local Centre and detached from any other forms of local centre and the town centre is contrary to policy, both in terms of Core Strategy policy EC 5 and the Site Allocation policy F01 requirement to follow the principles of the adopted Development Brief.

Policy EC 5 defines public houses as 'commercial leisure' proposals, and requires detailed justification for anything more than 500sq.m. of gross floor area of commercial leisure proposals being located outside of the most sequentially suitable location (i.e. the Local Centre).

There is no sequential test justification to suggest that the hotel site is the only suitable and available location for the pub.

Whilst undoubtedly a public house sited within the new proposed Local Centre would likely be very beneficial to the long term vitality and viability of the Local Centre, that is not what is proposed. Instead other uses could be proposed at the Local Centre to fulfil a similar role (e.g. café bar, or community centre with license). It also has to be recognised that a public house within the local centre would be closer to existing facilities near to Morrison's supermarket (Running Horse pub)

It is not clear what the gross floor area of the pub would be, but it is likely to be significant enough that it will attract patrons from afield, being positioned at the roundabout. Whilst there may be some trade to be shared / linked with the hotel use, it will still draw custom from the residential area which could possibly be to the detriment of the Local Centre or other public house outlets or the town centre itself.

For the pub, no such sequential justification is provided, nor is an impact assessment provided. The implication within policy EC 5 is that a proposal without these should be refused, which is certainly expected by the NPPF paragraph 90; the NPPF expects the scheme to have a sequentially acceptable location (paragraph 86) and undertake an impact assessment for schemes that are contrary to a locally-established threshold (i.e. that of policy EC 5) (NPPF paragraph 89).

Locating a pub alongside the hotel, regardless of its scale, also makes the hotel a much more attractive development proposition. The applicant has suggested that the successful introduction of a hotel operator to this site (as intended by the Development Brief), will depend in large part on the co-location of a public house. The format is a common one, albeit in many occasions the combination is found adjoining industrial, airport and motorway locations, rather than a stand-alone site in residential suburbs, especially in North Norfolk.

Whilst the inclusion of a public house in this area is not ideal in principle, it is a matter of planning judgment for the Committee in terms of weighing up the merits of the proposal as a whole.

Hotel and Public House - Design and Layout Impacts

The adopted Development Brief only proposed a relatively small scale hotel with the hotel site and the building being set back from the roundabout behind a substantial landscaped buffer. In doing so, it was identified that the hotel and the residential building lines would be fairly closely aligned and each would serve as 'landmark features' at the main gateway into the urban extension.

The application as originally submitted proposed the hotel within a much larger site of 0.88ha (four times as large), which extends the commercial area by a significant length into the development from that originally planned by the Development Brief.

However, the amended application has changed the approach significantly from the expectations of the Development Brief and now proposes to add a public house into this area (where initially there was no such proposal). Doing so is contrary to the expectations of the Development Brief, and is shown to be likely to push the closest building hard up against the roundabout with no landscaping in-between. This change also acts to separate the two 'landmark buildings' so that they can no longer work together. The amended Design and Access Statement is unfortunately silent on the impacts or mitigation of this proposal.

Sharing the (expanded) hotel site amongst two uses heavily dependent on parking will likely cause each of the two buildings to take on a taller form, positioned up against the edge of the spine road highway and being dominant in the setting, changing the character of the area, and potentially affecting the residential blocks opposite, to the detriment of their outlook and amenity.

Furthermore, it is considered that the landscape setting and appearance of the town itself will be detrimentally affected if a prominent building and its likely associated signage, lighting and peripheral infrastructure is sited directly adjacent to the roundabout. The entry into this urban extension, on a Principal Route through the District and towards the North Norfolk Coast AONB, will be dramatically altered from that envisaged by the Development Brief. The intention of the urban extension will change from creating a relatively recessive residential area behind a natural tree setting, to one of a much more commercially dominated site. Whilst some elements can be resolved by Reserved Matters, this Masterplan / Development Framework layout is intended to be approved in its general form, and doing so would imply some support for the proposal, albeit not formal approval.

Although this is only an outline scheme at this stage, the changes to layout are considered to be significantly detrimental to one of the key gateways in to the site and Officers consider this would weigh heavily against the proposal in the planning balance.

Hotel and Public House Site - recommendation

Whilst on balance a combined hotel and public house element could be considered acceptable in principle, Officers would recommend that the Development Committee considers whether a resolution to grant permission should be subject to a delegated authority for negotiation of a more acceptable design approach to this area of the site.

In doing so, it is considered that an amended Development Framework masterplan must:

- reinstate a significant landscaping area to include tree planting at the roundabout – this should be set behind the necessary additional buffer that might be required to widen the roundabout;
- indicate a clear set-back for future building line;
- confirm the guideline floorspace expectations for the public house;
- provide an indicative impact assessment relating to that floorspace; and,
- provide a supplementary indicative-only suitable layout and massing exercise which can also be seen to create a commercially attractive and viable development.

The floorspace of the public house would then be limited by the ‘quantum of development’ condition, as will the hotel (which will be limited to 100 bedrooms, as the scale used in the transport assessment and other supporting technical information).

Officers consider this to be reasonable, feasible and certainly necessary, and capable of resolution without affecting the viability of the development to an unfeasible degree. It is considered that without doing so the Hotel and Public House scheme, as currently proposed, would be significantly detrimental and this would weigh heavily against the grant of planning permission as part of the overall planning balance.

8. Primary School Provision and Expansion

The Development Brief requires enough land for the Two-Form Entry Primary School, and the application proposes this opposite the Local Centre, a suitable location. Precise details of school design, facilities, parking and other factors would be determined by the section 106 agreement and the relevant reserved matters applications in due course.

It is possible that the County Council, as Education Authority, may exercise its option in the Section 106 Agreement to acquire the 0.5ha land needed for a Third Form Entry primary school extension. Similar models have been used by the County Council elsewhere, and it could reduce the number of houses slightly (on an average of 35 dwellings/ha, this could be a small reduction of c. 15-20 dwellings). If the shortfall isn’t made up elsewhere on site, this small reduction in dwelling numbers is considered acceptable in return for a more sustainable development, and the ability to secure a long-term primary school site, and enabling local pupils to attend school much closer to home.

The applicant has sought to resist this throughout, believing that Policy F01 should have set out the requirement if it were needed, and the Development Brief should have not restricted the site to just 2ha for primary school land, and as such this has not been shown in the submitted plans to date.

The applicant’s position is somewhat frustrating as there is no justifiable design reason why the school could not be expanded by 0.5ha, and it has not been justified to be prohibitive. Furthermore, the Education Authority has agreed that the 0.5ha land extension would be purchased by the County Council at residential land value transfer terms, and would not be gifted for the use in the way that the initial 2ha site would be, so there is very little, if any, likely effect on viability.

The County Council has advised that a period as short as 5 years from development commencing would be enough for the County Council to determine if the additional 0.5ha land would be required, which will easily allow the site to be arranged to accommodate this. As such, it is recommended that a resolution to approve this application should include the requirement for this site’s optional acquisition to be included in the section 106 agreement.

An area on site would have to be identified through Reserved Matters, with the principle set out on the Section 106 Agreement.

It is noted that Norfolk County Council as Local Education Authority present two 'options' to the school's provision / meeting the education needs of the development. The confirmed preference is for a new school to be provided, but the LEA has to also allow for the possibility of new school being substituted with financial contributions to be spend in expanding schools elsewhere, in lieu of the school building being within this development site. Although the reasons for the request are understandable, this would be contrary to the adopted Development Brief and Site Allocation policy, and would be an unfortunate hindrance to the creation of a sustainable, accessible and less car-dependent urban extension, and could cause the local centre to be less viable too.

The LEA's position is due to having a lack of funds currently able to be committed to the school's construction so many years in the future (given that the application will only make a partial contribution to the overall cost), and this will likely need to remain for the County Council to enter into the section 106 agreement. However, LEA officers have given their reassurance that in their opinion creating a new primary school is the preferred option, and the level of growth anticipated for Fakenham in the next local plan indicates a school will create enough pupils to likely be supported.

Primary School use

Various consultees and the Town Council have suggested that the school could be used for community facilities, community indoor sports and as a location for outdoor sports pitches. However, the Education Authority has said they cannot agree to these uses at this time on a new school site. Planning will therefore have to look elsewhere for spending any such commuted sums, or providing actual facilities.

Nursey provision

The applicant has proposed a site of 0.09ha for a nursery, for inclusion next to the school in the local centre area. This is an acceptable proposal in planning terms, although the Local Education Authority has identified that the use may need to be subject to their own local needs assessment.

The principle of an additional nursery site being provided for use, and potentially transferred to the County Council, is nevertheless an acceptable one, for the Section 106 Agreement to contain, whilst the quantum of development would be fixed by planning condition.

9. Sports Pitches and Facilities

The development does not include formal sports pitches within the proposal, nor does it make provision for any form of indoor sports facilities. This has led to an objection from Sport England.

Sport England's concern is that the number of dwellings is large enough to require formal sports pitch provision within the development itself, and the applicant has not undertaken any form of 'sports pitch needs assessment' to provide any evidence of whether there is a need to do so or not. Sport England has identified that the development should provide 4.33 hectares of pitches for outdoor sport within the scheme. This is a significant land area if it is to be provided within the general layout masterplan as proposed.

The applicant contends that there is no need to provide formal sports pitches within the site

because the Development Brief and the site allocation Policy F01 did not require it, notwithstanding that the 2006 Open Space and Recreation Study which informed the site allocation at the time identified that the pitches in the District when assessed in 2006 would only have addressed a need until 2016.

The planning application will not provide any formal sports pitches on site, proposing only an area for informal recreation as part of the overall public open space scheme. Sport England have objected because there is no evidence provided by the applicant to justify not providing sports pitches.

The Local Planning Authority can now refer to a current evidence base. The Open Space Assessment 2020 and Playing Pitches Strategy 2019 reports can be used as an up-to-date assessment when determining applications with strategic implications as this one.

It is therefore necessary to consider the position of the development plan, the need for future residents to access sports pitches, and examine existing provision, and alternative means available to address this concern.

Sports Pitches and Facilities - Demand for Sport Pitches

Using an average of 2.3 people per household, characteristic of the North Norfolk average, the 950 dwellings in this application would host approximately 2,185 persons. It is noted that Sport England has applied a 2.4 person / household multiplier, assuming a population of 2,280. In reality the eventual number will likely be somewhere between the two.

The 2008 Open Space Standard guidance was based on a 2006 Open Space Assessment and determined that playing pitches needed to be provided at 1.9ha of pitch space per 1000 population, of a standard which is of adequate quality to provide the range of facilities required to meet the needs of sports clubs. At the time, it was recommended that all residents in the Principal Towns needed to have access to Public Parks with sports pitches within 400m of their home. Sport England's assessment compared lack of provision in the application against the 2008 standards as they were the only assessment available at the time.

The 2020 Open Space Assessment now states that a Park and Recreation Ground, ideally with formal sports pitch provision, should be available at a rate of 1.10ha per 1000 population.

The 2008 standards would have required 4.185ha of pitches for outdoor sport to be provided on site / through this development, although Sport England considered 4.33ha necessary. The 2020 standards for North Norfolk might now expect 2.4ha of outdoor sport pitches.

The development should therefore provide at least 2.4ha of publically accessible formal sports pitches within the site if it is to fully address the impacts of the development. Failure to do so must be justified either by being unfeasible, or unreasonable, or through demonstrating there being no need to do so.

The 2020 Open Space Assessment undertook a needs assessment and a quality review of existing provision, which is used in assessing the ability to access existing facilities nearby. This qualitative assessment is used in considering the adequacy of local facilities, and their appropriate accessibility, should a 'surplus' be available or if an alternative site is capable of being expanded in lieu of on-site provision.

Sports Pitches and Facilities - Existing Local Sports Pitch provision

The 2020 Open Space Assessment now states that a Park and Recreation Ground, ideally with formal sports pitch provision, should be available for public access within a 12-13 minute

walk (or 1km along paths). Sports pitches themselves should be available within 1,200m walking distance according to national standards.

When assessing open space and sport access, the 2020 Open Space Assessment makes an important distinction by excluding from the consideration of 'public' access any outdoor sports grounds which are privately managed and have varying levels of public access. This includes education sites where any sports pitches are often excluded from public use or are very restricted, perhaps allowing only limited use and only by particular sports clubs. This means the Fakenham Rugby Club on Rudham Stile Lane, and the Clipbush Park complex should not be considered 'public' sports facilities able to serve this site.

The 2020 Open Space Study has found that the Trap Lane Fakenham Sports Centre Recreation Ground pitches are an acceptable location in principle, but the 2019 Playing Pitch Strategy found these to be in poor condition, disused, and it is unclear if access is available. Anecdotally the land is said to be poorly drained, amongst other issues, and lacking suitable changing facilities, for example, meaning it is effectively not used, and access thereto is apparently restricted.

Only half of the application site is within the necessary distance of the Sports pitches available for public use at the Fakenham Sports Centre Recreation Ground on Rudham Stile Lane / Trap Lane. Anecdotally this is said to be of less than ideal quality, and it is unclear if there is public access available without needing to book in advance or be a part of a sports club.

There are other sports pitches available at Fakenham Rugby Club further west on Rudham Stile Lane, and at Fakenham Town Football Club at Clipbush Park, but these are not publicly available.

As such, when compared against both the 2008 Open Space Standards and the 2020 expectations, future residents of the application site will be significantly under-served by formal publically-available outdoor sports pitch provision.

Sports Pitches and Facilities - Future sports pitch access

In considering whether there is a long term future for the existing sports pitch sites, it is notable that both the Rugby Club and the Recreation Ground sites are included in the preferred options for allocating development in Fakenham from 2022 through the emerging Local Plan.

Unfortunately, the emerging Local Plan allocations are not clear on the future of any of the existing pitches west of Water Moor Lane, as draft policy suggests that the two sites could be developed but does not commit to them being provided within the same general area or linked to this application site in any way.

Sports Pitches and Facilities - Assessment of application against standards

It is important to note that adopted development plan policy has not required any form of formal sports pitch provision within the site, and has anticipated at least 800 and up to 900 houses under Policy F01. It would be difficult to accommodate even 2.4 ha. of land for formal sports pitches whilst also accommodating the other forms of public open space required within the development, alongside the large area required for drainage.

However, given the lack of public access to sports pitches, the questionable quality and usability of local 'public pitches' and the uncertainty of continued provision of the longer term, it is considered that Sport England's objection to the lack of on-site provision is justified.

Officers consider that the lack of access to formal sports pitches and facilities weighs heavily against the grant of planning permission in the planning balance.

Sports Pitches and Facilities - Mitigation options

The only means to directly and adequately address this shortfall would be to either:

- (i) require the applicant to provide a facility on land in their ownership and control to the west of Water Moor lane, or
- (ii) require the applicant to amend the proposed Masterplan and include provision within the development.

Whilst requiring off-site provision would be possible, the associated works would also be so expensive as to significantly reduce the viability of providing other planning obligations and contributions, including Affordable Housing. It would also complicate the future development of land west of Water Moor Lane, which could delay both the next stage of local plan growth and delay the provision of the facility needed to address the impact of this development. This is not considered a desirable option at this relatively early stage of the emerging Local Plan process when very limited weight can be apportioned to the likelihood of the land being developed west of Water Moor Lane.

The alternative of requiring the applicant to amend the proposed Masterplan and include formal sports provision within the development would also require a reappraisal of all the other public open space areas, as well as affecting the numbers of dwellings proposed, and incur similar costs and affect viability, and consequently also affect contributions to other infrastructure and affordable housing.

Whilst providing formal sports pitches on-site may be possible, to insist on doing so would also have to be considered against the fact that there is no explicit requirement to do so in the Site Allocation policy, nor is there an expectation for sports pitches within the Development Brief and it could be considered unreasonable to refuse the application on this basis.

Officers consider that whilst the shortfall cannot be entirely mitigated, it is necessary for the impact to be lessened, by enhancing facilities elsewhere.

Sports Pitches and Facilities - Alternatives to on-site provision

The 2020 Study has found that one of the greatest needs identified was for artificial turf pitches, both in terms of quantity and quality of provision.

The Council's 'North Norfolk Playing Pitch Strategy 2019' has identified four Priority projects for Fakenham, all of which are able to be assisted by contributions from this development.

The Priority Projects include:

- i. Providing an artificial / 3G FTP pitch in Fakenham, the preferred site of which is Clipbush Park. As the town also needs improved rugby facilities, the strategy suggests that this facility could include a 'rugby compliant shockpad'.
- ii. Providing access to an additional pitch for Fakenham Cricket Club, the preferred site of which is the former Fakenham Grammar School site.
- iii. Reinstatement of the playing field facilities at Trap Lane, Fakenham – by upgrading the non-turf cricket wicket and possibly providing another pitch type e.g. rugby.
- iv. Providing access to an additional pitch for Fakenham Rugby Football Club, which may be possible in combination with Trap Lane works or the Clipbush Park additional pitch.

These priority projects demonstrate that requiring a financial contribution in lieu of facilities is both necessary and reasonable and proportionate to the development.

A financial sum has therefore been calculated on the basis of the Open Space Standards of 2008, guidance which was in place when the allocation was adopted. The relevant contribution for off-site commuted sums for Parks is proposed as £342 per dwelling (up to £325,000 overall).

In considering options for spending this off-site contribution, the Council's Sports Development Team has identified the pressing need for an artificial pitch in Fakenham, and has been supportive of using this money at either Clipbush Park, or at the public (District and Town Council) Trap Lane site. Either location would be able to serve only half of the application site, and it must be considered which site represents the best public value from the future investment.

Option 1 - Fakenham Recreation Ground: Rudham Stile Lane / Trap Lane

Spending the contribution on new facilities at the Trap Lane Recreation Ground would likely be restricted in its effectiveness by the lack of on-site parking, the restricted existing highway network, and likely need to invest in other facilities at the site. Indeed, the NN Playing Pitch Strategy 2019 identifies this as a "disused football and cricket site".

Although there are currently few (if any) organisations which use the Recreation Ground, the benefits of investing at this site include: being able to ensure there is unhindered public access; expecting the District and Town Councils as site owners/managers to use a 3G pitch for other multi-sports such as touch rugby, hockey and possibly netball and tennis, as well as football; and providing a revenue for the Town through hiring the facility. It is noted that the Rugby Club needs a new pitch facility, and if a 'shockpad' is not compatible with the ambitions of the Clipbush Park site, it would certainly be a valuable and much more convenient location to introduce a rugby-friendly pitch at Trap Lane.

Option 2 – Fakenham Cricket Club / former Grammar School site

The Playing Pitch Strategy would support use of money on this development if the site were available, but the future of that site is very uncertain. Furthermore, a cricket pitch would have benefit but would serve a slightly smaller future need than the need which already exists for rugby and football. The Playing Pitch Strategy identified that works to Trap Lane could provide a possible cricket pitch alongside / as part of other refurbishment works, so other options exist.

Option 3 - Clipbush Park

Spending the contribution on new facilities at the Clipbush Park Fakenham Town FC site offers improved vehicle access and the ability to serve a range of established football teams from the wider area (pre-pandemic, Fakenham Town FC was allowing 20+ teams to share its grass pitches for training – see Playing Pitch Strategy report), and the ability to use existing on-site facilities without significant further investment to enable a new pitch, although the Club would also like to improve the car park and provide a social use space too.

However, the site is much less accessible by foot and bicycle, and serves a much smaller residential population (most of the 'walking distance area' is covered by employment sites and farmland). Crucially, the site is in private ownership and there is no Planning means available to require the invested capital sums to be spent on a 'general sport pitch' use, or require multiple sports use. Nor can Planning require the contribution to provide general public access to the facility; as the Clipbush Park site is not included in the application land, nor in

the applicant's ownership, there is no planning obligation mechanism to link to works being undertaken at Clipbush Park.

As a private facility, the commuted sum ought to be linked to a form of 'public use agreement' as an obligation on Clipbush Park, but this will not be possible to require. Instead, whilst Planning can secure a financial contribution, the expenditure of funds has to be arranged under a non-planning route. Therefore, Planning cannot enforce the provision of public access, and should not lend weight in its decision making to any suggestion that this will provide "public access". Nevertheless, there will still be some public benefit by improving football pitch facilities for the football community in and around Fakenham.

Additionally, the Council's Sports Development Team acknowledges the ability of the Norfolk Football Association to be able to assist towards funding a new facility, and recognises sports expansion as a priority in the NNDC Corporate Plan to 2019.

The Norfolk FA's preferred location is to develop the site at Clipbush Park, and offers a means to secure more funding and expertise in the artificial pitch provision. As the costs for a 3G pitch are said to be in the region of £650,000, the possible £325,000 from this development will go a long way to securing the facility, which the Norfolk FA and possible public funding sources could readily expand upon to provide an overdue facility in the shortest available timeframe. Notwithstanding the uncertainty of whether access for future residents will be possible, it is considered that the ability to help to serve some of the development's sporting needs, in the shortest feasible timeframe, should attract notable weight.

Sports Pitches and Facilities - Summary – proposed use of commuted sum

The Development Committee will need to be aware that requiring a commuted sum financial contribution is only proposed to lessen the detrimental impact of the development and would not wholly overcome the Sport England objection or remove that conflict with open space standards nor will it address the impact altogether. A contribution is needed to enhance off-site sports facilities in the vicinity of the site, as the only feasible way to provide a limited means to access to sports pitches in the town.

In the interests of providing better value for money, it is therefore considered most appropriate to require a contribution to be used for artificial sports pitch provision at Clipbush Park. Development Committee is therefore asked to endorse a recommendation which includes a section 106 planning obligation to secure up to £325,000 for use at Clipbush Park in the first instance, with other sites such as the Recreation Ground being considered as a fallback option, and noting the preference of the LPA that this be spent to secure general public access rights where possible. These provisions are in accordance with the Core Strategy policies SS 6 (Access and infrastructure) and CT 2 (Developer contributions).

It is acknowledged that doing so will likely significantly delay the provision of facilities needed to retain, refurbish and expand the Rugby Club, Cricket Club and the Trap Lane Recreation Ground. However, it is considered most appropriate for the Local Plan process to determine which facilities can be provided in which location, with the best associated infrastructure and access arrangements for each. This is preferable to requiring a scheme or financial contribution which could potentially commit to works which may hinder the optimal wider development of the land west of Water Moor Lane.

Sports Pitches and Facilities – Indoor Sports Facilities

Sport England have identified that the development fails to provide any on-site or off-site indoor sports provision, despite the significant demand that will be generated for indoor sports

facilities. Sport England also object to the proposal unless a financial contribution is secured in mitigation.

Whilst Sports England can calculate that the development will not require indoor sports provision on-site, they consider that a financial contribution is necessary, and demonstrable means of provision for off-site enhancement should be required. The Sport England calculations expect £712,778 for indoor sports provision.

In the absence of any current North Norfolk evidence base to assess the proposed sum and methodology behind it, and without current policy to suggest otherwise, Officers consider it necessary to accept Sport England's calculations in the interests of being compliant with Core Strategy policy CT 2 and NPPF expectations for the development to address its impacts and create sustainable healthy communities.

It is understood that the District Council held a desire to improve the provision of indoor sport, and possibly a swimming pool, in Fakenham; if some planned projects were confirmed this would provide sufficient assurance that the commuted sum can be both necessary and reasonable. In the event that the £712,778 sum cannot be spent on indoor sports in the usual s106 timeframe, it is considered appropriate to suggest a fall-back option for the sum to be transferred towards improved outdoor sports provision or alleviate the affordable housing under-supply.

10. Housing mix and Site Capacity

The Development Framework / Masterplan has been worked up to be able to reflect and accommodate a housing mix that reflects the prevailing type and size of housing found in Fakenham, using data from the Strategic Housing Market Assessment of 2017. That has also informed the pro-rata estimates of the need for open space types, affordable housing and the emerging Design Code exercise. Together these also influence density.

A density guideline has been indicated as a result. The site as a whole is approximately 35-40 dwellings per hectare, an average 37.5dpa, which is higher than most areas of North Norfolk and the edges of this area of Fakenham. The Design and Access Statement acknowledges this, but expects most dwellings to be 2 storeys, with some 1, 1.5, 2.5 and 3 storey buildings to add design interest, townscape variation and higher density where appropriate, such as around the local centre where a more concentrated form with terraces, flats, shared spaces and multiple uses will add to the vibrancy of the local centre. To counter the higher density overall, the exercise has shown that lower densities would be provided to the external edges of the site and where a more open feel is needed, which are principles that would be established through the Design Code and the detail of reserved matters.

Notwithstanding that the application provides more homes than would be anticipated, the scheme is actually within the same density expectations expressed in the Development Brief. It makes optimum use of the land to achieve an acceptable minimum density of no less than 40 dwellings per hectare without detriment to the existing character of the area, as required by Policy HO 7.

The applicant provided two 'Proving Layout' concepts as an illustration of the mixes that might be realised, and the capacity of the residential blocks shown in the Development Framework Masterplan. These were acceptable to Officers, and provide reassurance of the site's ability to include the amenity standards necessary for up to 950 dwellings.

The reserved matters detailed designs will nevertheless still need to ensure that the housing mix in each Phase provides a suitable distribution of housing types and sizes, and will need to provide:

- at least 40% of all dwellings as 2-bed or smaller, and
- at least 20% as 'accessible' homes,

in order to satisfy Core Strategy policy HO 1. These will be required by planning condition.

Affordable Housing will also need to be distributed around each Phase, and in groups ideally no larger than 8 homes, as per policy HO 2, to be confirmed by planning conditions and obligations.

The 'Proving Layout' and use of the forecasted housing mix requested by Strategic Housing Manager has demonstrated these can all be accommodated, whilst still providing a high quality of design overall, as required by Policy EN 4 and the NPPF.

11. Custom- and Self-Build housing

The Development Brief and the application masterplan have both identified the development constraints on Rudham Stile Lane. Officers considered it appropriate and necessary to require this area to be reserved for Self-Build and Custom Build Housing as a way to achieve design and highways safety objectives, as well as provide for a specific type of recognised housing needs group (in NPPF terms).

Custom and Self Build Housebuilding Plots - Principle

There is no specific policy support for Self-Build / Custom Build housing in the Core Strategy of 2008 as the concept was only recognised in legislation under the Self Build and Custom Housebuilding Act 2015 and its amendments through the Housing and Planning Act 2016.

In very general terms, the NPPG describes self-build and custom housebuilding as:

"The [2016] Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout."

NPPF paragraphs 59 and 61 do however provide in-principle support for self-build housing, and self-build housing is included within an LPA's Five Year Land Supply Statement (although there are no specific requirements to maintain a supply of self-build permissions within the five year land supply itself).

The Self Build and Custom Housebuilding Act 2015, as amended by the Housing and Planning Act 2016, places a duty on Local Planning Authorities to have a register of people who are interested in self-build or custom build projects in their area, and there are further duties to give enough 'suitable' development permissions to meet the identified demand on the register, whether for market or affordable housing. North Norfolk District Council keeps a Self Build and Custom Housebuilding register. The level of demand is established by reference to the number of entries added to an authority's register during a base period.

The Act requires LPAs to ensure there are enough permission(s) to provide serviced plots of land (or plots which in the LPA's view could be serviced within the lifetime of the permission) to meet the demand on the register for self-build and custom housebuilding in the authority's area in a rolling 3 year 'base period', from 2016. The current 3 year base period requirement is from 31 October 2019 to 30 October 2022.

Very few sites have been available for self-build/custom build developments and it is understood that there have not been many permissions granted pursuant to the 2016 Act in this District.

Providing at least 30 dwellings or plots for self-build and custom build dwellings (and no more than 30 with direct access onto Rudham Stile Lane) through this development would ensure there is a suitable permission in place on this sustainable and appropriate site for fulfilling the Council's duty for a significant period and certainly whilst the emerging Local Plan establishes its specific policies.

With this in mind, although there is not an individual policy for self-build developments, it is considered that the proposed inclusion of self build / custom build plots should be afforded some positive weight in the consideration of this application, as part of the planning balance.

Custom and Self Build Housebuilding Plots - Design and highway considerations

Rudham Stile Lane represents a long stretch of development frontage with significant access constraints, and the Development Brief expected only 30 dwellings to be accessed from Rudham Stile Lane directly. However, it would not be desirable to have a large area of housing which 'turns its back' onto Rudham Stile Lane because of needing to be accessed from within the site whilst avoiding rear parking courtyards.

For this reason, amongst others, Officers consider it necessary to require a low-density form of development to Rudham Stile Lane which addresses the street. The form of housing in this area would be determined by reserved matters but the development needs to provide a transition between the mixed character found along this northern edge of the town, and the character of the urban extension.

The area to be utilised has a linear arrangement which would be in keeping with the character of the areas to the south, subject to a suitable size and scale for each dwelling being secured at reserved matters stage. A Design Code condition, as proposed, will further inform the requirements for reserved matters.

Suitable residential amenity will be possible for future residents and existing neighbours, because the indicative masterplan shows adequate regards for light, outlook and privacy of neighbouring areas, whilst providing enough amenity space per dwelling, and being able to avoid overlooking, loss of light or privacy between proposed dwellings.

A 'Plot Passport' will then be required for each site, which will detail the parameters for each plot as each reserved matters application is submitted, and will help ensure a good level of design and appropriate materials, landscaping and levels of amenity for both the future occupants and the neighbours to the south and north. The future designs of each dwelling will therefore be required to in full accordance with the parameters and details set out in the Design Code and subsequent Plot Passport of each reserved matters.

As such, whilst accepting that the overall development will change the character of the northern fringe of the town, it is not considered that the development will have an adverse effect on the character of the surrounding area.

Custom and Self Build Housebuilding Plots - Summary

The Masterplan is therefore proposing no more than 30 dwellings / plots for Self-Build and Custom Build housing along Rudham Stile Lane. This is shown in the Masterplan, and will be required by conditions, with the housing type and marketing established by reserved matters informed by the Design Code and planning conditions. Servicing of the plots and access thereto will be required by conditions to meet the legal requirements of the 2015 & 2016 Acts, whilst planning obligations will be used to ensure that the plots are advertised and kept available for a specific period of time to ensure the permission is able to satisfy at least the Act's 'base period' duration.

Officers consider that the self build and custom housebuilding plots accord with the aims of Core Strategy policies EN 2, EN 4, EN 9, EN 13, CT 5 and CT 6.

12. Highway safety and accessibility

The application has provided a Transport Assessment looking at traffic distribution, flows and capacities of key sites within the network, and has undertaken supplementary investigations about concerns raised by the Town Council and local residents. These are discussed below.

The overriding principle of the movement strategy is to ensure almost all car access into and from the site is served via a spine road connecting a new roundabout on the A148 to the north to the roundabout on the A1067 via Clipbush Park, to the east.

As the link road will also provide the access to the extended employment area at Thorpland Road, and the hotel site at the north, there will need to be HGV / employment vehicle access restrictions at either end of the spine road to ensure that the road can remain residential in character and safety designs.

The movement strategy was established in the Development Brief to avoid an adverse effect on the Town and to discourage car-borne trips for local travel for services and facilities, and encourage more trips to the town centre and schools via walking, cycling and public transport links.

It should be noted that the Highway Authority have not raised an objection to the movement strategy or the works proposed to be undertaken, and suggest planning conditions to secure those works and their associated Traffic Regulation Order processes.

Some of the submitted plans require amendments before any permission is issued, but the final details will be secured by conditions.

Highway safety and accessibility - Connections via Water Moor Lane to Claypit Lane / Rudham Stile Lane (Bus Gate)

To this end it is proposed that Water Moor Lane is closed to all private vehicles heading south onto Rudham Stile Lane / Claypit Lane. This will be controlled by a new bus gate to be installed and controlled by cameras and possibly rising bollards. Existing residents will instead have to enter town via the A148/A1065 'Shell garage' roundabout or via Holt Road / Greenway Lane. The bus gate has been objected to as it removes a convenient link into town, but it will prove essential to avoid exacerbating congestion and safety implications at Rudham Stile Lane, on the Field Lane one-way system, and at the Greenway Lane / Claypit Lane / Queens Road light-controlled staggered junction, both from the new traffic of this development and the traffic of likely future development west of Water Moor Lane.

In a revision to the original submitted plans, vehicles will now be able to leave the town northwards through the bus gate to take a meandering route through the new site to reach the A148 or Clipbush Park area. Whilst this may be attractive to existing residents, the winding nature may still deter the route as a short cut in the interests of maintaining highway safety and residential amenity.

Water Moor Lane will therefore be closed for all but a small length alongside the existing garage site, with vehicle access to that site the only access to be available from Rudham Stile Lane. The remainder of Water Moor Lane would be 'stopped up' and converted to a green lane / pedestrian-cycleway up to the A148 where crossings points in the new roundabout will improve access to Norwich Long Lane and the limited PROW network north of the A148.

Highway safety and accessibility - Rudham Stile Lane

General access onto Rudham Stile Lane is to be avoided save for a maximum 30 dwellings to be provided with direct frontage access onto Rudham Stile Lane. This was also a part of the Development Brief, due to the need to minimise highway safety risks on Rudham Stile Lane approaching the former railway bridge, which is only a single lane and has poor visibility and areas without footpath.

This restriction accounts for the new development at Brick Kiln Road, which is providing 78 new dwellings and a limited number of windfall homes in the area.

Improvements to Rudham Stile Lane are required to accommodate the development, and it is proposed that the existing two areas of single lane road towards the west end are widened by cutting back the field edges to the north and creating two-way traffic, and providing a safe footpath on the north side.

Other than direct dwelling parking drives, there will be no vehicle access onto Rudham Stile Lane, so the volume of traffic linked to new dwellings should be restricted to 30 dwellings' as a result of this development.

Pedestrian and cycle links here will be encouraged throughout, and the masterplans show cycle links at Grove Lane, Thorpland Road and within the centre of the site, all connecting via links running alongside public open space routes. The Design Code and planning conditions can ensure suitable pedestrian connections are provided to align with and make use of the various links on the south side of Rudham Stile Lane leading to Greenway Lane.

Highway safety and accessibility - The new A148 roundabout

The proposed new roundabout will be positioned at the junction of Norwich Long Lane and the A148, and will involve the closure of the northern end of Water Moor Lane, as the new spine road will meet the A148 opposite Norwich Long Lane.

A crossing point will be included for improved pedestrian and cycle access to the north via Norwich Long Lane, which will include a contra-flow cycle lane for some of its length.

The roundabout is designed with a 40m internal circular diameter, which serves the needs of the development. There is also enough land around the roundabout location within the highway or applicant's control, to allow the roundabout design to be increased to a 50m diameter roundabout if needs be, without affecting the overall development framework intentions. The application does not need the new roundabout to be expanded in area to serve the scale of development proposed by this application, but the design does not prevent the applicant of highway authority installing a larger model should the need arise (subject to separate planning permission being gained first). A 50m roundabout would likely be easily

capable of accommodating the growth of any further significant development on land west of Water Moor Lane, which may be proposed through the emerging Local Plan, but that is for the local plan process to investigate and determine.

Highway safety and accessibility - Norwich Long Lane (link road to the B1105 Barsham Road)

Norwich Long Lane goes under various names but it is the unclassified road heading north-west from the A148 opposite Water Moor Lane. It currently acts as a short-cut for drivers looking to avoid the formal A148 / B1105 Barsham Road junction where there is occasional queueing. Norwich Long Lane is narrow, in parts only single width, and subject to the national speed limit (60mph).

The Highway Authority is keen to improve the safety of this route, and avoid it being exacerbated by impacts from this development. It is considered that if the road has to stay within its current width, then two-way traffic flows should be removed. As such the new roundabout will be designed to prevent traffic entering Norwich Long Lane from the A148 (northbound), although it will still be possible to head south and onto the A148.

The Highway Authority did consider whether Norwich Long Lane could be upsized and improved to allow 'two-way working' from the new roundabout. Albeit part of those works considered re-aligning the Wells Road and Norwich Long Lane staggered junction and effectively closing the A148/B1105 junction, the route in general required too much third party land to create a wide enough carriageway for general use within the timescales required by this application, and would have had additional consequences such as a notable loss of trees and hedgerows.

It is considered that the only deliverable option that can be introduced (appropriate to the scale of this development) is to allow southbound access onto the new roundabout, given that the route is single-width for the majority of its length. A minimal amount of width needed to introduce the beginnings of a contraflow north-bound cycle-only lane is available, and its provision will be a welcome improvement for safe cycling connections.

Highway safety and accessibility - Impacts on A148 / B1105 Barsham Road

Objections have been raised in respect of the impacts on the formal A148 / B1105 Barsham Road junction (which serves Wells, the Barshams, the Walsinghams, Wighton and Warham), where there is occasional queueing if people need to turn across the A148.

Turning right into- and out of- the A148 / B1105 junction is known to be difficult and there is already a 35m turning lane area within the A148. The Transport Assessment found the queuing area to turn right from the A148 into the B1105 to be easily contained by the turning lane. The traffic counts that were undertaken for the Transport Assessment were outside peak/holiday seasons but they were nonetheless during peak hours for 'normal traffic levels', which the TA is expected to use unless in very exceptional circumstances. The forecasted queuing was not considered dangerous when assessing the volume of traffic arising from this development.

Development Committee may be aware that the emerging Local Plan proposes development west of Water Moor Lane and more intervention will be needed at this junction in due course as general development growth in the wider area adds to the volume of traffic. No material weight should be attached to the emerging Local Plan when considering this application, and it is considered that such works are not necessary or reasonable as a result of the impacts of this development of up to 950 homes.

Highway safety and accessibility - Greenway Lane / Holt Road / Thorpland Road

Objections have been raised around safety concerns at the 5-way junction of Holt Road, Greenway and Thorpland Road. This was not expressly assessed within the original Transport Assessment submission because of the limited development anticipated to be using this route.

The Highway Authority did not consider further assessment to be necessary, but because there are local perceptions of the junction being dangerous and as the Town Council asked for a separate and specific assessment, the applicant undertook a traffic count nonetheless.

The survey found existing peak movement period flows to be very low, and the junction is found to be operating well within its capacity. It is acknowledged there is sub-standard visibility at this junction, but it is not considered necessary for mitigation or require a change to the established traffic movement strategy, because:

- there is simply not considered to be any notable peak-hour increase in traffic likely to be generated from the low-density Rudham Stile Lane frontage development to warrant further assessment, as only 30 dwellings are proposed to Rudham Stile Lane, and,
- the Transport Assessment that was undertaken provides evidence that there is sufficient capacity at this junction to absorb the low volumes of additional traffic, and,
- there was no official record of observed or recorded accident data in the period before the Transport Assessment was produced (2012-2017).

There are public concerns that recent developments at the west end of the wider allocation site have not been accounted for in the Transport Assessment, which could have an effect on Rudham Stile Lane and Thorpland Road in particular. These concerns include development at:

- the former Fakenham College on Highfield Road (earmarked for development as a new Special Education Needs school, and being considered by Norfolk County Council);
- further expansion of the Fakenham Academy on Field Lane,
- the development of Brick Kiln Farm (78 dwellings at Brick Kiln Road).

This is understandable, given how Rudham Stile Lane and Thorpland Road might be seen as something of a short cut, but this is not considered likely to cause significant volumes of additional traffic over the longer term.

Regarding the proposed new Special Education Needs school, it is considered that redevelopment of the ex-College site will attract fewer pro-rata visitors than a conventional school, and those will come from further afield, mostly using the more established roads (Wells Road and Highfield Road/Greenway Lane/Holt Road).

Any expansion of Fakenham Academy will likely serve to accommodate older-aged pupils, if any, for which car trips will be much reduced. As a Primary School is required within this application site, with opportunity to expand, there is unlikely to be any need for another primary school function at the Field Lane campus.

Traffic associated with developments to the west of Water Moor Lane which seek to leave Fakenham will favour a route north via the 'Bus Gate Contra-flow north-only access' road from Rudham Stile Lane / Claypit Lane onto Water Moor Lane and through a small section of the new development, onto the A148 at the new roundabout.

Similarly, traffic from the west aiming for the Morrisons supermarket, Clipbush Park and medical centre will likely favour a route north via the 'Bus Gate Contra-flow north-only access' road from Rudham Stile Lane / Claypit Lane onto Water Moor Lane and would turn right onto the new development's spine road, to access Trinity Road, the employment area and the supermarket and then the A1067 Clipbush Lane.

The Transport Assessment as submitted has included the Brick Kiln Farm development within its assessment of predicted car trip generation.

The works undertaken to Rudham Stile Lane (east of Water Moor Lane), made pursuant to the varied permission at Brick Kiln Farm, have improved the walking environment, and have made it less attractive to see Rudham Stile Lane/Thorpland Road as a 'rat run' route.

All these factors, in combination with any perception of the Thorpland Road / Greenway Lane junction being awkward, will serve to minimise the attraction of Rudham Stile Lane as an alternative route, and limit its increased traffic to being some of those maximum 30 dwellings proposed for direct access from Rudham Stile Lane itself.

Thorpland Road was shown in the Development Brief to need a new footpath around its junction with Rudham Stile Lane. The proposed plans include a 1.8m footpath along the west side of Thorpland Road for as much of its length as is possible between Greenway Lane and Rudham Stile Lane, albeit ownership and space restrictions may limit this in places, but detailed plans can be agreed by condition.

Highway safety and accessibility - The A148 / A1065 / Wells Road 'Shell garage' roundabout

There is a concern amongst local residents and the Town Council that the roundabout junction of the A148 / A1065 / B1148 / Wells Road (at the 'Shell garage') is already at capacity and results in lengthy queues and dangerous turning onto Wells Road into Fakenham. There are also verge overruns and other indications of the roundabout being under strain.

The Transport Assessment and a subsequent additional study of the roundabout capacity has found that there are some minor works possible to improve the flows around the roundabout, but the volume of traffic from this site will not justify a significant review of the roundabout capacity.

The left lane on the approach from Holt is currently only for use by traffic turning left into Wells Road, with the right hand lane being used for heading straight-ahead (A1065) or turning right (into the A148 to Kings Lynn).

The application proposes a scheme of minor works to widen the turning carriageway slightly on the northeast and northwest corners, to allow two vehicles to circulate comfortably when approaching the roundabout from the A148 west and from the A148 east. In addition, the application will re-align and re-sign the markings of the roundabout to allow the left lane from Holt to be used for left turn and straight-ahead travel, freeing up traffic in the right hand lane to turn right only; this is a small measure but responds to the Transport Assessment's findings that most traffic heads west toward Kings Lynn, but is currently required to share that lane.

Together, the physical widening and the lane re-signing will be of notable benefit to improve the flow of traffic and improve safety.

Outside of correcting this anomaly, the Transport Assessment has explored the peak period flows on that part of the network and found that the development does not trigger any further works or mitigation being required, notwithstanding local concerns.

Nevertheless, the Transport Assessment has found that the roundabout will eventually need mitigation, due to ever-increasing volumes of traffic, but not due to the volumes of traffic specifically triggered by this development. This accords with the informal views of Highway Authority officers, but any significant reworking of the roundabout will need to be considered outside this application or, if the need determines, as part of the next Local Plan linked to future growth.

Highway safety and accessibility - Sustainable travel

The Highway Authority also requests a Travel Plan be required for both residential and employment areas, to promote improved awareness and develop sustainable travel options within the site. This is to be required by condition and financed by planning obligation.

Highway Authority officers have advised that public transport connections through the site, and via Water Moor Lane / Claypit Lane, will be able to use the spine road route as part of amended bus routing, and this will prove beneficial in connecting the town to its new extension, and providing new residents with access to the town centre and local services and facilities. Planning conditions can secure the provision of bus stops.

Within the site, the development will be expected to promote cycling and walking through its hierarchy of streets, design of character areas, layouts, and detailed proposals for key routes such as shared space streets and the spine road, to reduce dominance and priority of cars in favour of cycling and walking. The masterplans already show optimal future routes, most prominent amongst those being the formalised Grove Lane linear route and open space area opposite the existing Grove Lane.

Whilst the detailed designs, routes, connections and parking levels will be determined by conditions, the 'proving layout' exercise and Design Code discussions have shown that suitable access and design can be achieved and Officers consider that the proposals satisfy the requirements of Core Strategy policies EN 4, CT 5 and CT 6.

13. Sewage treatment capacity

Site Allocation Policy F01 requires the application to demonstrate that the sewage generated by this development can be accommodated by the local Wastewater Treatment Centre, and not cause a demonstrable threat to the River Wensum Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), or to other ecology interest features. This is also a key requirement for enabling the application to pass the Habitats Regulations Assessment (HRA) as required by the Habitat's Regulations.

Sewage Treatment Capacity - Demands on the Fakenham Water Recycling Centre

Foul Flows from the site are proposed to drain to the Fakenham Water Recycling Centre, 1.9km to the south, at Hempton.

The application's Environmental Statement (Flood Risk Assessment) has set out that the Fakenham Waste Water Treatment Works (Water Recycling Centre) has the 'headroom' capacity to treat the waste water from the 950-dwelling development, and from a defined number of additional sites within the same Sewage Treatment Works catchment, whilst remaining within the limits of the current Discharge Consent Permit issued by the Environment Agency, without causing an adverse effect on the River Wensum.

The Environment Agency has corroborated this assessment, based on their own assessment of the current discharges in 2015 and the forecasted additional loads predicted from Anglian Water.

The current flows and outputs from the sewage treatment works is also of good quality and there is no need for a consent review under the Water Quality Directive being linked to any possible impacts from phosphates.

In summary, in 2016 the Water Recycling Centre was found to have sufficient headroom to accommodate this application (950 dwellings and employment and commercial uses including a hotel) as part of an overall 2000 possible additional properties, rising to 2,200 dwellings if water efficiencies improve and groundwater ingress reduces over time.

The basis of this assessment is detailed within the application's Wastewater Treatment Update Report (August 2016), ref 1007/NMT/WWTUR/08-16.

In preparing this application, the applicant worked with Anglian Water to gain a better understanding of the future capacity of the Fakenham Water Recycling Centre (WRC). The Anglian Water assessment took place in 2015-16, as detailed within the Wastewater Treatment Update Report (August 2016).

The Anglian Water assessment measures existing flows or loads being inputted into the water treatment works at the time, comparing that to the Discharge Consent Permit limits. It then inputs the expected growth in the town and surrounding parishes which make up the WRC catchment, then calculates a per-dwelling capacity available for future growth.

Sewage Treatment Capacity - Expected growth

When the forecasts for growth within Fakenham were made in 2016, it was prudent to cautiously include the 200 dwelling Sculthorpe application within the calculation, which has since been refused permission and dismissed on appeal. The sites have since been updated by the applicant's 'Supporting Evidence for Appropriate Assessment' document (September 2019).

The 'expected growth' assessment of 2016 included the following sites:

- 78 dwellings – Brick Kiln Farm (PO/14/1212 as amended).
- 101 dwellings at Trinity Road adj. medical centre (PF/15/1167 as amended).
- 80 dwellings to be built pursuant to Fakenham allocation site F05.
- 3.9ha planned retail development under Fakenham site policy ROS6.
- 20 dwellings in Fakenham under a 'windfall site'.
- 200 dwellings at Sculthorpe (refused but under appeal at the time).

The 2016 'expected growth' was therefore 479 in 2016, but Sculthorpe should now be deleted from this, as it has been refused, which reduces the 2016 forecast to 279.

The expected growth can then be refined by the applicant's 'Supporting Evidence for Appropriate Assessment' document (September 2019), to include the additional:

- 16 dwellings in Fakenham (ref PF/16/0784 & PF/16/1462).
- 32 dwellings allocated in development plan policy in parishes of Kings Lynn & West Norfolk Borough Council within the same WWTC catchment area.
- 315 dwellings to be built through 'windfall sites' over the construction period.

These additional sites amount to 363 dwellings. It can therefore be calculated that a reasonable forecasted growth in the Fakenham WRC catchment will amount to 279 + 363 =

642 dwellings between the 2015 measurement and the duration of this application construction. Further precaution might increase this to 700 dwellings.

The application's Wastewater Treatment Update Report and Anglian Water assessment found that of the commercial areas in this application, only the proposed hotel would create notable additional loads. The same calculation can be crudely applied to estimate a foul water flow prediction for the hotel, based on a worst-case scenario. Although the size (bed-spaces) of the hotel has not been proposed formally, the Transport Assessment has assumed 100 beds. At its most extreme, a worst-case estimate might consider the hotel to be equivalent to 100 extra dwellings.

It can therefore be assumed that 950 dwellings of this application, and 700 dwellings from elsewhere in the catchment, might amount to 1,650 dwellings being added to the existing loads, increasing to 1,750 when the hotel is considered.

This prediction of 1,750 'dwelling equivalents' is perhaps the most realistic value for assessing the available 'headroom' at the Fakenham Water Recycling Centre.

Sewage Treatment Capacity - Available capacity

The WRC capacity predictions of 2016 were modelled using the following factors:

- the anticipated growth listed above, as well as from this application;
- the higher daily water use per person of 131 l/h/day, rather than Anglian Water's target of 105l/h/d to reduce through education and efficiencies;
- a high allowance for some groundwater ingress into faulty sewers (45l/h/d); and,
- a higher population density per household for Fakenham than is the case in North Norfolk more generally.

In summary, the report finds that the measured flows of 2015 left some capacity for approximately 1550+ dwellings; that assessment used reasonable but 'worst case' measures on household size; water consumption per head; and groundwater ingress. As a 'worst case' that would mean the possible 1,750 'dwelling' growth from this application and other commitments, would exceed the measured 2015 WRC capacity by c. 200 dwellings.

However, Anglian Water's forecast allowed for some 'worst case' figures, such as a high water consumption value and a high groundwater ingress, which afford a 'buffer' in the calculations. This is an addition to the 'worst case' growth estimates including their own buffer around windfall rates and hotel use, for example. If these are reduced in line with expected water-saving efficiencies, the applicant's Wastewater Treatment Update Report considers there should be available capacity for at least 2,000 dwellings, and possibly even 2,200, compared to the 1,750 currently proposed / committed.

Therefore, notwithstanding that water consumption measurements and subsequent predictions are slightly dated, Officers consider the applicant's report to be a reasonable assessment. It is understood that that Anglian Water are improving their leak detection and groundwater ingress rates, and there are increased efficiencies being made throughout the water consumption cycle.

Furthermore, Anglian Water will be undertaking renewed monitoring and growth plans for their next 5-year investment cycle, of which there could be as many as 3 during the life of this permission, so allowing improvements to be made if permit thresholds are approached. Such investments would be made at the same time that the Discharge Permit Consent requirements also forecast improved phosphate reduction through the Best Available Technology Not

Entailing Excessive Cost (BATNEEC) expectations of the Water Framework Directive and Habitats Directive.

In summary, Officers consider it reasonable to expect a capacity 'headroom' beyond this application and other committed growth, of between 250 and 450 dwellings. This means there is ample capacity for the current application to be accommodated within the Water Recycling Centre without modification, and without exceeding the phosphate limits of the Environment Agency Discharge Permit Consent, nor requiring a consent review under the Water Quality Directive linked to any possible impacts from phosphates.

However, beyond this application and other committed growth, another review may be needed to confirm the capacity and demands on the WRC in respect of the next Local Plan.

14. Foul water disposal scheme

The application must also demonstrate that the sewage generated by this development can be accommodated by the sewage network downstream of the site, and be able to confirm that it will not result in flooding which could cause a threat to the River Wensum Special Area of Conservation, or cause flooding problems elsewhere. This is also a key requirement for enabling the application to pass the Appropriate Assessment (HRA) as required by the Habitat's Regulations.

Anglian Water has accepted that they can treat the sewage, but has identified that the volume of effluent would lead to unacceptable flooding within its existing network downstream of the site. As such, without mitigation it would not be possible to rule out the possibility of there being an unacceptable impact on the River Wensum. The applicant has therefore assessed the risk, in partnership with Anglian Water, and identified a possible mitigation strategy.

The proposal for discharging foul flows from the development has been refined within the Wastewater Flooding Mitigation Technical Note ref 1007/JSH/WWFM/05-19, proposed with the benefit of Anglian Water's Preliminary Hydraulic Modelling Output Report (05/04/19).

Foul Water Disposal - Proposed scheme

The foul drainage strategy is now proposed in agreement with Anglian Water Services, and comprises:

- A gravity-fed discharge, at a flow rate of 0.85 l/s, connecting to manhole TF93300601, situated at the corner of Rudham Stile Lane and Thorpland Road, outside The Barn. This connection would be able to serve approximately 750 dwellings and all commercial uses across the north and west of the site.
- A part-gravity, part-pumped discharge, via a pumping station located at the northern boundary of the site, connecting to manhole TF9331130764, situated at the roundabout at Trinity Road, outside Morrisons. This connection would be able to serve approximately 200 dwellings in the south-east corner of the site.

Foul Water Disposal - Mitigating foul water flood risk

These two points of foul water connection nevertheless still present a risk of storm event flooding within the network. Anglian Water has found it likely that without mitigation, the additional flows from the development would create an 'unsustainable increase in surcharge level in the sewer', which would pose an increased risk of flooding and mitigation would be required downstream of the two connection points.

Mitigation is likely to require a combination of off-site and on-site solutions. The mitigation options have been presented with the consent of Anglian Water and those indicative solutions will have capability to withstand a 1 in 30 year critical duration storm event; i.e. a fairly frequent event, of lower magnitude. A rarer event, of greater magnitude, could be considered to exceed the capacity of the options presented, but Anglian Water do not model their system for rainfall events of more than 1 in 30 years, because that is what the system is designed and constructed to accommodate.

Mitigation may require some works to the Anglian Water network, such as providing additional downstream storage or increased pipe capacity, as well as works on site. This off-site mitigation can be undertaken within land controlled by Anglian Water or for which Anglian Water has rights as statutory undertaker to provide that mitigation; the applicant would fund this through their standard per-dwelling connection charge, at no additional cost to the scheme's viability.

Additional on-site mitigation would be necessary, and the applicant has shown that additional foul water storage can be provided within the site, in the form of a 400m³ storage area, without compromise to the overall design approach or development capacity of the site.

The pumping station within the site will be increased in capacity from that originally proposed, and would be fitted with a pump-inhibit telemetry device, to ensure that the pumping station only sends its flows into the existing network when there is sufficient capacity within the downstream foul water network. Therefore, additional storage is planned-in at the on-site pumping station (shown on plan 1007/DRA/045), comprising up to 400m³ of foul water, in addition to that automatically required for on-site emergency storage for use in the event of pumping station failure.

Anglian Water has been able to confirm that they could adopt the pumping station, its additional capacity, and the telemetry system from the day of its installation, which offers some security of its safe operation and maintenance.

Foul Water Disposal - Securing mitigation

Conditions can therefore be relied upon to secure those mitigation measures proposed within the application and the Environmental Statement, and as are required to pass the Habitats Directive Appropriate Assessment.

These measures can be secured by Grampian-style condition, whereby each Reserved Matters application or Phase of development, must provide evidence of the off-site network capacity being provided, or committed to, during that phase of construction, sufficient to accommodate that phase of occupancy.

Furthermore, the first phase of development must provide the on-site pumping station, telemetry warning system and appropriate levels of additional storage (beyond standard emergency provisions), as proposed, and make these ready for use upon occupation of the relevant phase which relies on that system.

This means there may be some occupations possible within the area of the site served by gravity-fed foul water drainage, which will allow the occupation to begin to a limited extent, comprising up to 200 dwellings in the south-east corner of the site.

These conditions would be imposed with reasonable confidence of successful implementation and security of operation, being necessary to avoid a risk of harmful or likely significant effects on the River Wensum, or neighbouring properties, from downstream foul water flooding.

Foul Water Disposal - Fall back

Although the above proposed series of on-site mitigation and off-site network improvements are the preferred mitigation, and likely the most cost-effective, if these do not prove possible, or feasible, an alternative that has been presented is to install a new pumping station on the site to send all the sewage flows to the Sewage Treatment Works directly, via pipework running alongside the A148 highway verge. This might be able to bypass the existing network and possible risks of flooding downstream, but it has not been extensively analysed in detail, such as to fully understand the implications and timescales.

Foul Water Disposal - Impact on Designated Sites

Had there not been a clear set of mitigation measures proposed for foul water flood risk, the development would have been unable to confirm that it will contain its foul sewage, or avoid flooding downstream, or avoid an impact on the designated River Wensum Special Area of Conservation (SAC).

This issue was identified by Natural England (15/02/18) as needing mitigation, before the scheme can be said to be acceptable. As such, Natural England's objection on this issue is removed.

The Council's Appropriate Assessment pursuant to the Habitat Directive has found this issue to be addressed satisfactorily, subject to the mitigation being required by conditions, for the purposes of the outline permission.

The Council's Appropriate Assessment of the application has found that the mitigation must be installed at the outset, to ensure there is no likely significant effect on the River Wensum SAC.

In addition, the detailed designs for the drainage schemes must be subject to another HRA assessment at the Reserved Matters stage.

15. Surface Water Drainage

Surface Water Drainage - Proposed strategy

The surface water drainage scheme has differed from that originally submitted, and required refinement as the drained areas and the run-off rates needed confirmation. In the initial proposals, deep-bore soakaways were proposed in the south-east corner; these were considered unacceptable to consultees, and were contrary to the drainage hierarchy, and presented an unacceptable risk of contamination of the groundwater quality of the underlying aquifer.

Surface Water Drainage - Catchment A – 'north & west'

The vast majority of the site drains north, towards Water Moor Lane and the A148. The proposals include a large attenuation drainage basin on the northern edge of the site to collect and slow the water before disposal into an existing highway drain below the A148 and then into an existing watercourse drainage ditch that eventually drains into the River Stiffkey. This proposal was investigated in detail with on-site surveys and the disposal route was assessed for use. The disposal route requires some highways drain maintenance and clearance, but the route is feasible to connect up with the ditch network to the north of the A148, and provide a form of pollutant interceptor.

Current rates of greenfield flow from this part of the site ('Catchment A' in the Surface Water Discharge Statement) are 63.5l/s. The large attenuation basin will reduce this slightly to 60.8l/s, so if managed correctly, this represents an improvement and should provide ecological advantages and reduced flood risk.

Subject to conditions to clear the route, agree maintenance and management, and install suitable / upgraded pollutant interceptors, the proposal for Catchment A satisfies the drainage hierarchy, reduces risk of flooding, and protects downstream ecology.

Surface Water Drainage - Catchments B and C – north-east, and south-east

There is a proportion of the site on the eastern side which naturally falls towards the east / south-east corner towards Rudham Stile Lane & Thorpland Road. This area of the site is now proposed to have surface water drained via connections into the existing Anglian Water public surface water sewers. This is not the optimal form of drainage in accordance with the Sustainable Drainage Hierarchy but is dictated by the natural fall of the land and the generally poor level of permeability of the site preventing soakaway infiltration.

AWS initially assumed the ground to be more permeable, and therefore expected more on-site infiltration to be used, and at first only consented to the scheme having one point of surface water discharge connection via the public network, of a much lower volume / discharge rate.

The Lead Local Flood Authority (LLFA) had initially objected to the development because they were concerned that the necessary flow rates of water being discharged from the site were not calculated, and so the scheme could not be said to avoid a risk of flooding, or contributing to it elsewhere.

Anglian Water had initially agreed to the connection based on a different discharge rate that had not been based on the applicant's Soil Investigation reports; these investigations showed the site to be mostly sandy gravelly clay, with variable infiltration rates across the site, but none of those being especially permeable.

As a result, the LLFA and applicant have adopted a more appropriate soil type calculation, which is much less permeable than Anglian Water assumed, and therefore less likely to be able to infiltrate naturally. As a result, it has been agreed that two surface water connection points are necessary.

Surface Water Sewer connections into the Anglian Water Services surface water network are now proposed at manhole 0551 outside 15a Thorpland Road, and at manhole 2752 on Trinity Road, at the Morrisons roundabout. These are shown on plan 1007/DRA/041 rev F (see Appendix F of the Environmental Statement Supplement report), and detailed in Appendix A of the Surface Water Discharge Statement ref 1007/JSH/SWDS/07-20 (July 2020).

The applicant needed to ensure that Anglian Water Services (AWS) would be able to accommodate the flows from surface water in order to confirm there would be no longer-term impacts from risks of surface water flooding, either on the site or in the downstream AWS network.

Whilst the principle of using these connections were agreed by Anglian Water, the surface water discharge rates for the eastern / south-eastern parts of the development have only recently been agreed.

The Trinity Road manhole 2752 connection point serves a smaller area of housing in the north-east corner of the site, and the employment land. These combine to an area of 3.7ha, known as 'Catchment B', and flows will be temporarily held back by an attenuation basin and

underground tanks and oversized pipes. It has been calculated that the site can contain these features to secure a greenfield flow discharge rate releasing into the public sewer at no more than 5.8l/s.

The Thorpland Road connection into manhole 0551 will serve an area of 3.8ha, known as 'Catchment C', a small area of housing in the south-east corner. These surface water flows will be attenuated in a basin feature before being released into the sewer at a limited, 'greenfield equivalent' rate of no more than 6.0l/s. Subject to detailed designs being agreed by condition, and maintenance regimes, this should ensure the flows into the sewer are theoretically no larger / heavier than the existing field runoff.

In combination, the two points of connection for adding surface water into the public sewer network amounts to 11.8 l/s, to be split between Catchment B and C as described above. These precise requirements can be agreed by condition.

Having resolved the capacity of the surface water drainage system and the ability of the receiving network to accommodate those flows, at acceptable rates, the application is no longer subject to an objection by the Lead Local Flood Authority.

In summarising surface water drainage matters, the scheme submitted by the applicant has demonstrated that it can be accommodated within the existing surface water drainage network without risk of flooding. Subject to securing this by detailed designs pursuant to reserved matters and planning conditions, this means that it is not likely that the development's surface water discharges will create a significant effect on the River Wensum Special Area of Conservation, nor cause a risk of flooding to neighbouring residents or businesses.

Furthermore, the detailed proposals and investigations prepared at this outline permission stage have been able to successfully confirm that the scheme to be developed through reserved matters will no longer need to consider a deep bore soakaway system as was initially proposed, so protecting the site's underlying groundwater resource assets.

16. Design, Layout and Character

Whilst this is an outline planning application with means of access only for consideration at this stage, detailed discussions have taken place to understand the implications of the development.

The submitted application has generally followed the principles of the adopted Development Brief, although there are areas of relatively significant change. The application is submitted on the basis that the application's Masterplan and Framework Plan and Parameters Plan should all be approved and required to be implemented through Reserved Matters.

The proposals make some notable deviations from the adopted Development Brief, and the revised plans have also introduced some notable changes from the original submissions.

In recognising the concerns of the Design Officer and Landscape Officer it is accepted that in some respects the proposals fall short of the ambitions held for innovative and creative urban design, representing perhaps a missed opportunity of sorts. These include:

- the marginalisation of public open space, particularly south of the east-west spine road where a large area of open space is lost, replaced with a series of much smaller fragmented 'pocket parks';

- reduction of useable informal open space around the Local Centre, including removing the space needed for possible use as an informal sports pitch;
- the lack of any defined character areas or styles within the residential development; and,
- the much increased prominence / dominance of both a hotel and a newly-proposed public house at the north-west corner roundabout entrance into the site, as discussed elsewhere within this report.

However, in other areas the revised Masterplan offers improvements to the Development Brief. These include:

- an improved east-west link within the southern half;
- an improved layout in the northwest corner, including the introduction of an important and valuable open space area for this part of the site and a green link to break up the mass of development and provide connection to any future development to the west;
- improved definition of the local centre community area;
- the realignment of the Water Moor Lane connection to bring the bus route further into the site;
- creation of a new central north-south linear green link, connecting the site through open space and offering the chance for different character areas through detailed designs;
- improved positioning and function of the northern drainage attenuation basin as a beneficial recreation and ecological features (subject to receiving enough rainfall) and,
- the use of 'pocket parks' will potentially allow for a range of outdoor space uses and an interesting connecting route through the site.

Notwithstanding the many beneficial changes described above, Development Committee is asked to particularly note the significant concerns held by Officers around the introduction of a public house into the hotel site adjacent to the new roundabout, described in detail within the 'Hotel and Public House Site' section of this report.

As there remained recognised areas of concern on a range of topics, and a desire to see further details, the applicant and Officers from both the Planning Authority and Highway Authority sought to investigate design matters further during the consideration of this application.

Design, Layout and Character - Design Code

Officers hoped to establish a commitment to particular design standards, given the scale of impact the proposals might have and the new community that is being created. Officers do not expect detailed proposals from an application which is strategic in nature, but would expect a commitment that goes further than the aspiration of the Development Brief and somewhat indicative intentions of the submitted plans.

Normally, strategically-sized outline planning applications would be accompanied by a Design Code presented as part of the application. Officers have requested the applicant to undertake work on a Design Code, with the hope that it will inform Reserved Matters submissions and if possible give a clearer picture to the determination of the outline planning application.

To date, Officers have been largely encouraged by the informal discussions and negotiations to create the beginnings of a Design Code, and much of the emerging Design Code has been considered successful in principle, albeit this only explored the residential areas of the site.

Positive discussions include, for example, the spine road design, community square / local centre concept, and the layout and street tree landscaping principles which have to a degree

been much more considerately addressed than when originally submitted or where they were vague in the Design Brief.

Nevertheless, significant areas still remain in need of reappraisal, such as:

- trying to emphasise residential design character areas,
- clarifying transition between open space and residential areas,
- parking arrangements,
- integrating the school into the urban streetscape,
- reducing the likely dominance and siting, mass and 'hard' frontage of the hotel public house in the north west corner, which is of significant concern; and,
- proposing criteria against which all Reserved Matters applications will be assessed.

None of these are especially unusual requests, nor unfeasible to accommodate, but are considered essential to ensure detailed applications are coherent and of sufficiently high quality.

The applicant presented their amended application submission plans and emerging Design Code to the Fakenham Town Council and received much support in principle, but also received objections/concerns over some of the proposals. As such, in the event of this outline application being approved; the Town Council, Planning and Highways Officers should be invited to engage in further investigations and design coding discussions before any formal reserved matters submission is made.

However, it must be stressed that the applicant has declined to include a version of the Design Code in their application. As such, in making their decision on this outline planning application the Development Committee can lend no weight to the content or intentions described to date, and in any case there are no detailed proposals presented which go beyond establishing key urban design principles.

The absence of a submitted Design Code must therefore weigh against the proposal in the planning balance, detracting from the application because of its inability to confirm that the application will provide the high standards of design, landscaping, renewable energy content and amenity that are expected by Core Strategy policies EN 2, EN 4, EN 6 and EN 13 and by the NPPF sections 2, 8, 9, 11, 12 and 15.

Planning conditions can however require a Design Code to be formulated and submitted and approved by the Local Planning Authority in advance of any reserved matters applications. This will be conditioned as part of any outline planning application, in order to ensure that works do not commence before the development is confirmed to be able to satisfy the above policies.

In recognition of the efforts made to date, it is hoped that the Design Code will develop the encouraging features proposed so far, and there is no reason why Development Committee should not be able to determine the final Design Code in due course should they wish to.

17. Public Open Space and Landscaping

The application is providing a significant contribution to public open space of all types throughout the development. The Development Brief expected some 12.39ha in total, and the application proposes slightly more, at c.12.75ha.

Whilst the precise form and types of open space have been altered slightly from the quantity and distribution expected in the Development Brief, these do not raise a concern. If anything,

in many respects, the Development Framework offers a much improved landscaping proposal and a greater range of recreation areas than was ever anticipated. The distribution of pocket parks and the connections between spaces along linear corridors means that every area within the residential development has convenient access to play areas, structured park space, and informal open areas alike.

The proposed treatment of the four focal point parks is particularly welcome to add character and identity for the adjoining residential areas, including the potential for multiple uses at the Local Centre open space, for example, where an amphitheatre is cleverly positioned to make use of lower land levels.

The application also provides the necessary substantial landscaped buffer to the A148 and the eastern boundary as required by the Site Allocation policy and Development Brief, which protects the setting of the town and provides an acceptable backdrop for residential outlook.

The Development Brief expected 1.39ha of allotments, but this area is expanded to 1.46ha, which is important given that the Brick Kiln Road development was unable to provide its full quota of per-dwelling allotment requirements.

All perimeter areas and interior 'green corridors' benefit from extensive cycling and walking routes, making convenient access to the allotments and a feature of the main drainage pond, for example.

Undoubtedly the 'devil will be in the detail' but the principles established in the Masterplan and their descriptions in the Design and Access Statement provide very positive encouragement of these intentions being realised. The 'quantum of development' condition can also secure the proportions required in accordance with the general layout shown on plans.

18. Green Infrastructure and Off-site Public Rights of Way

Green Infrastructure and links to the Public Rights of Way (PRoW) network are identified to be poor in this part of Fakenham, which was impacted greatly by the bypass severing routes to the north and west. The application must therefore provide improved links and opportunities to enhance residents' access to the PRoW network.

The Development Framework masterplan has shown how the connections through the site can be aligned with links to the off-site areas.

Nevertheless, barriers will remain, such as in the case of access to the old Holt Road which could be linked to this site in the future in the northeastern corner from Thorpland Road but not until Cherry Tree Farm is developed and a path provided within it. And in the case of accessing Clipbush Park across the A1067 where a traffic island would be of significant benefit, but until the former County byway road to the east is itself linked to anywhere (such as Pensthorpe) there is not a reasonable justification for requiring any works from this development. Similarly, at the west of Rudham Stile Lane, new crossings over the A148 to the former railway would be beneficial from Trap Lane if the safety could be confirmed and there was a destination to achieve.

Instead, whilst it may appear modest in scale, the application is proposing works to enable better off-site connections as a starting point. Crossings will be provided at the A148 / A1067 roundabout, and across the Clipbush Park roundabout along with a new path, and across the new A148 roundabout to access the Norwich Long Lane northbound cycle gateway.

In addition, a financial contribution towards public access improvements is to be secured, to be used by the County Council, comprising £211 per dwellings (totalling approximately £200,000 overall). The County Council have identified this funding would be used towards developing the 'Pilgrims Route' cycle/path along the former Walsingham railway, or towards improving the former railway route on the west of the town.

Alongside the various benefits from routes within and around this development – not the least of which is recreating the cycle and footpath link along Grove Lane which has become impassable over time – the use of financial contributions are considered suitable and proportionate to the scale of development, and in accordance with Core Strategy policies SS6, EN 4, CT 2 and CT 5, and the Site Allocation policy F01, and the requirements of the Appropriate Assessment required by the Habitats Regulations.

19. Impacts on Natura 2000 Designated Sites

The site is in close proximity to the River Wensum Special Area of Conservation (SAC), and the Norfolk Coast Special Protection Area (SPA) and Ramsar Site, and the Wash SPA and Ramsar. All are considered close enough to be impacted by the recreational demands of future residents, with specific studies finding the needs of dog walkers in these sensitive locations is a critical impact. With the risk of impacts being considered to be likely, the development must ensure that it includes appropriate mitigation to avoid those impacts being significant, or remove them altogether. This is required by the Habitats Regulations.

Alongside the need for general PRoW access and connections with the countryside, there is a need to address the likely impacts from dog walking by providing sufficient open space on site to lessen the need to travel off-site for daily dogwalking and general recreation. The various significant areas of open space, routes around the site, and a circular walk of sorts will all allow the residents access to a network of paths and spaces to reduce the risk of impacts to an acceptable level.

The Council Ecologist, County Council and other consultees have also noted the need to protect sensitive areas of the River Wensum from riverbank erosion (which disturbs the sensitive balance and ecological habitats of the chalkland river). As the Council and its partners operate a monitoring, management and mitigation programme for internationally designated sites, part-funded through a payment of £205.02p per dwelling, this is one project that would benefit from the contribution to be secured for the visitor management programmes at all three internationally designated sites.

Additionally, the foul drainage strategy and mitigation therein, both on site and off site, will be required for protecting the River Wensum. Similarly, the surface water drainage strategy will be needed to avoid risks of flooding affecting the River Wensum. These proposals are discussed elsewhere.

The on-site recreation, links to off-site PRoW, new foul and surface water drainage schemes, and payment of the visitor impact contribution have all been assessed and taken into account as part of the Council's duty under the Habitats Regulations to undertake an Appropriate Assessment of the project, in line with the findings of the *People over Wind* case law requirements. Assuming these mitigations will be secured, the project has been confirmed to satisfy the Appropriate Assessment and comply with the Habitats Regulations.

20. Environmental Considerations and Residential Amenity

Environmental Considerations - Air Quality

The Environmental Protection Officer has objected to the proposals due to the impacts from air quality, and states that further mitigation should be provided. The National Planning Practice Guidance (NPPG) has advised that air quality is relevant to an application when the development would, in summary:

- Significantly affect traffic in the vicinity
- Generating or increasing traffic congestion
- Significantly changing traffic volumes, speed or both
- Significantly altering traffic composition on local roads, and,
- Comprise a construction site generating large HGV flows over a year or more.

Core Strategy policies SS 4 and EN 13 are also relevant, requiring “no unacceptable impacts on...air quality” (EN 13). Further, NPPF paragraph 181 expects all proposals to avoid exceeding relevant limits and where possible enhance air quality. As such, an Air Quality Assessment has been provided.

The application has predicted impacts from the site’s construction which will generate dust and HGV emissions, and from operation on the basis of traffic from up to 100 dwellings a year for 10 years, alongside a gradual uptake of the new employment site. There are no local Air Quality Management Areas so the relevant guidance and standards for nitrogen dioxide and particulate matter(s) has been forecasted and appraised against the ‘objective’ levels of international and national guidance.

The application’s assessment has stated there will be an “imperceptible” or “small” level of changes in these values, due to both construction and traffic, which are translated into a “negligible” impact on existing receptor sites around the development. However, notwithstanding these low levels of impacts, it is quite right to point out as the Environmental Protection Officer has done, that any worsening of the local conditions will cause a detrimental impact on the health and wellbeing of local residents and well as future residents. It is therefore necessary to assess the possible mitigation that can be introduced.

Construction impacts are forecasted to be “large” and the local area is of “medium” sensitivity, so the situation will need to be carefully planned, but it can be mitigated by controlling the on-site practices. HGVs will be required to access the site only from the A148 and A1067, by condition. During works, all haul roads etc will need to be in place, wheel washing facilities used and materials will need to be carefully stored and controlled, with earthworks undertaken with dampening. The Air Quality Report has proposed a range of factors needing to be subject to a Construction Management Plan, and these are fairly standard requirements to be provided by conditions. The proposals do not at this stage suggest whether there will be on-site concrete batching or other processing of raw materials, as may be necessary for a large site, but that can be assessed and controlled by the same condition.

Traffic impacts from the volume of development are going to increase the level of air emissions but these will remain far below the national ‘objective’ threshold levels (being less than half the level for all assessed values). The Air Quality Report factored-in the relative sustainability of the site, the ‘self-containment’ of Fakenham’s commuters, and the access and traffic strategy of the application, and found that traffic will be dispersed mostly around the A148 and therefore minimise impacts on receptors within the town, whilst the introduction of landscaping buffers and a set-back distance from the A148 will offer sufficient mitigation for new residents of this development.

However, the residential receptor/traffic impact assessment was made when the Water Moor Lane / Claypit Lane Bus Gate was originally proposed to prohibit all general traffic in both

directions, and since then the bus gate has been amended to allow north-bound traffic. This means there will be a different impact to that which was predicted, as experienced by those closest residents around the bus gate, as more traffic will pass by. However, this may not necessarily be worse; although bus traffic will increase there will be no general traffic heading south and possibly less attraction for residents to head north out of the town as there is at the moment. Although the specific impact has not been modelled, it is expected that any detrimental impact is extremely unlikely to be even close to the national thresholds and remain within acceptable limits, and so also comply with Policy EN 13.

Environmental Considerations - Noise

The application's Noise Assessment has examined the A148 and the employment areas and poultry units to the east. The volume of traffic will not cause a significant increase in noise from the A148 affecting the site, but mitigation will be provided by setting back the northern residential blocks away from the bypass and behind substantial landscape screening, and by enclosing gardens with brick walls or acoustic fences, and using protective acoustic glazing and specific noise-reduction / attenuation ventilation systems. It is recommended that a condition determines these mitigation measures through reserved matters details.

The noise from employment areas and poultry buildings (if brought back into use) could potentially be significant, but the closest dwellings that might be affected could be protected from the noise through similar mitigation measures. The Environmental Protection Officer has raised concerns about the potential impacts from the employment areas, but these can be addressed by conditions on the housing, by considerate design through the reserved matters, and use of landscape screening by conditions as a visual separation reducing the sense of proximity to the noise source. It is considered possible for an acoustic fence to be installed to surround the industrial site within the reserved matters details of the employment site or through the details of reserved matters of the relevant residential area, without detriment to the landscaping buffer or open space provision.

Environmental Considerations - Noise, Odour and dust from Poultry Farming (Laurel Farm)

The Environmental Protection Officer has objected to the application due to concerns about the potential impacts from any restored poultry farming at Laurel Farm on Thorpland Road. These concerns cannot be addressed by intervention at the Laurel Farm site itself, given it is outside the application site and applicant's ownership. The concerns are understandable, but are considered by Planning Officers to be unlikely to be realised in practice.

The Environmental Protection Officer has identified that the applicant's odour and dust assessment of the Laurel Farm site was undertaken when the farm was shut, used a visual inspection of any dust residue around the site, there was little remaining odour, and was undertaken in cold weather with wind directed away from the residential area. This of course would be different to an active operation creating new dust, with warmer temperatures causing greater odour and winds blowing toward the site. Whilst the applicant made some 'worst case' predictions, the Environmental Protection Officer remains concerned.

In the Planning Officer's opinion, the likelihood of the potential problems arising are considered slim. The opportunity for re-use will remain, but the attractiveness of doing so will reduce as the site's potential for redevelopment will be improved by a combination of phasing and re-appraisal of the employment area uses, as below. As this application site's employment area is proposed to be accessed, serviced and marketed in Phase 1 (with reasonable confidence of subsequent development) it will provide the means for Laurel Farm to be redeveloped and for the poultry sheds to be removed at the earliest opportunity. As the new residential area closest to these sites is to be the last / penultimate phase, it is hoped that the poultry farm site would have had the incentive to be removed by the time of residential occupation in this area.

Furthermore, there does not appear to be any intention to reintroduce agriculture into this site. Although the landowner of Laurel Farm has said they intend to bring the farm back into use, their statement was made in 2017 and the site has remained closed and unchanged in the interim. The poultry rearing at Laurel Farm has not been in use for at least 7 years, and two applications for the 'Prior Notification / Permitted Development' conversion of the buildings into residential dwellings were made in 2020. Both applications were refused by NNDC on the basis of the works needed to the buildings being too extensive to facilitate residential uses through Permitted Development. These were not 'full planning' applications so the principle (i.e. desirability of the loss of allocated employment land) was not a matter for debate.

Neither the landowner nor this applicant has presented a feasibility report in respect of whether the buildings could be brought back into use, so that question remains unanswered, and neither Planning and/or Environmental Permitting can require the site's demolition or cessation of use. It is therefore right for Environmental Protection colleagues to adopt a cautious, 'worst case' scenario however unlikely it may be for the poultry farm to be re-used.

However, it is considered that the application has made best efforts to minimise the potential impact on future residents by situating the dwellings outside the 400m buffer area that is recommended, and proposing a substantial tree planting area between the two uses. This provides confidence that the principle can be acceptable, with the possible impacts able to be minimised by detailed designs.

In the event that the farm remains in situ before those closest dwellings are constructed, conditions will be used to require details of 'worst case' mitigation, and if the farm is actually operating at that time, this would be informed by a contemporaneous assessment.

Environmental Considerations - Contamination

The application has included a Qualitative Risk Assessment and Site Investigation Report (within the larger Flood Risk Assessment) and this indicates that the site is not likely to be contaminated, especially so given its history, so it represents a very low risk to future residents and natural groundwaters. Nevertheless, the scale of the project requires further bespoke sampling and testing pursuant to the form of development that is proposed, in the interests of due diligence. These will address concerns of the Environment Agency, for example.

Furthermore, the drainage scheme has been amended to avoid the need for any deep-bore soakaways on site, whilst conditions can require mitigation within the drainage schemes to protect groundwater and surface water drainage outlets by using filter drains, the infiltration ponds and petrol interceptors. These will be required by conditions.

The Environmental Protection Officer has requested a condition for a Minerals and Materials Management Plan, to determine the use and recycling of materials within the site and their contamination credentials. This is suitable for condition.

21. Other Matters

Other Matters - Ecology / biodiversity

The site has very limited ecological interest at present, and the development will provide significant landscaping and wooded areas to enhance the biodiversity in the site. An ecological enhancement plan will be required by condition so that each phase provides specific biodiversity benefits within its landscaping areas. Conditions on preventing external

lighting will minimise the impacts on woodland acting as foraging areas. In addition to providing the mitigation measures relating to visitor impact at designated sites, this will ensure the proposals comply with Core Strategy policy EN 9.

Other Matters - Heritage and Town Centre Public Realm

The development will not have a direct impact on the heritage significance of any listed buildings (or their settings) nor impact on the character and appearance of any conservation areas. However there is the potential for the impact of traffic from this scheme and access to the town centre having a detrimental on the public realm. Conservation and Design Officers and the Town Council have been keen to investigate the means to improve parking solutions in the town centre area and enhance the public realm where possible. As this provides an opportunity to explore how best to cater for the increased dependence on the town centre, it is considered appropriate for the development to make a modest financial contribution to a scheme to examine parking and enhancing the town centre more generally; a scheme of £50 per dwelling will be secured by planning obligations for transport and heritage scheme investments, in line with Core Strategy policies SS 6, EN 8, CT 2 and CT 5.

Other Matters - Archaeology

The site has been found to contain potentially significant archaeological remains, principally a ring ditch relating to a prehistoric funerary monument. This needs more investigation further to the submitted desk-based assessment, geophysical survey and trial trenching reports. This can be secured by way of planning condition which will need to comprise a programme of archaeological mitigatory work with a series of targeted excavation and recording in each phase of development.

Other Matters - Trees and Landscape impacts

Whilst the site is not necessarily considered to be sensitive landscape it will be necessary to provide more substantial landscaping buffers to minimise the impacts on the surrounding rolling open farmland landscape type and to provide a suitable backdrop for residents' visual amenity. The site's Development Framework Masterplan has been closely informed by the Landscape and Visual Impact Assessment to provide the appropriate mitigation and relate to the surroundings and opportunities for improvement to the setting of the town.

The trees around the site's perimeter have been surveyed and the submitted Arboricultural Impact Assessment has found these to be of good quality. Conditions will expect tree protection measures to be in place during construction, and the Development Framework masterplan shows no reason why these should be affected by the development, whilst the landscaping proposals bolster the protection and landscape value they offer.

Landscape officers agree with the applicant's submitted conclusions on landscape, tree and ecology impacts and recommended measures, and the proposal is considered to accord with Core Strategy policies SS 4, EN 2, EN 4 and EN 9, and Site Allocation policy F01.

Other Matters - Renewable Energy generation

The application describes including industry-standard energy efficiency measures in the residential developments common to all major housebuilders, but there is no commitment to

go beyond the minimum Building Regulations Part L standards, and any specific enhanced energy efficiency proposals would not be easily monitored or enforced by the planning regime.

The application has proposed to include Electric Vehicle Charging points (albeit no details are provided) which is a benefit that goes beyond Core Strategy policy and can be conditioned.

Core Strategy policy EN 6 expects all developments of more than 10 dwellings to provide at least 10% of the site's energy demand from on-site renewable technologies, raising this expectation to be 20% for schemes of 100 dwellings or more. The application has not provided a Renewable Energy Strategy or made any proposals to do so. There are no reasons to suggest why this cannot be included through reserved matters details, but the expected use of on-site renewable energy has only been allowed for up to 10% on-site provision in the applicant's viability assessment, which is already constrained (see Section 24 of this report); it is considered reasonable therefore to only require the provision of at least 10% energy demand (beyond minimum building regulations energy efficiency standards) by renewable energy sources on site, within each phase (both residential and commercial).

Officers consider that with suitable conditions, the proposal would broadly accord with the aims of Policy EN 6, and despite being only half the requirement of provision, will still make a sizeable demonstrable contribution to renewable energy in new housing.

Other Matters – Re-use and Sustainable Minerals Extraction

The application will involve a significant degree of aggregate and other minerals resources and materials. There is scope to ensure the development is as sustainable as it can be in its minerals and materials dependency by seeking to agree details of a Minerals Use Strategy to examine the possible aggregate salvage and soil reclamation, and the possibilities of using recycled product. This will also help Minerals and Waste planning understand scope for minerals use and potential in the area.

22. Environmental Impact Assessment

The development has provided an Environmental Statement (ES Report) in 2017, which actually addressed more issues than the Council identified in its EIA Scoping Response as being likely to need to be covered by the ES Report. This is a detailed approach with appropriate technical assessments and data presented within a range of Appendices to the ES report. Given the passage of time and some minor amendments to the site's circumstances and the content of the application, an update to the Environmental Statement (the ES Supplement) was provided in May 2020.

Officers consider that the amendments to the application since the original ES Report was undertaken have been significantly beneficial but minor in their scale of change and environmental benefit, and therefore the findings of the 2017 ES Report assessment and conclusions remain valid, suitable and acceptable to be extended to the 2020 ES Supplement.

When read together, the whole of the application's ES Report is considered to provide a comprehensive assessment of the impacts of the development and the value of the mitigation measures proposed. The ES Report is able to demonstrate that the development will not have an unacceptable impact on the environment, and can be used to support a permission.

23. Planning obligations

The following list sets out the applicant's proposed section 106 contributions which are proposed to feature within a Section 106 legal agreement. These have all been proposed in partnership with Planning Officers and fulfil all consultee requests and policy requirements (with the exception of affordable housing). Based on today's valuations, financial contributions of up to circa **£7.3m** are expected to be provided together with various actions to deliver elements within the site. These include:

- £342.10 per dwelling (**up to £325,000 total**) Off-site Sports Pitch provision (Clipbush Park)
- £750.29 per dwelling (**up to £712,778**) Off-site Indoor Sports contribution
- £205.02p per dwelling (**up to £194,940**) for SPA/SAC sites' visitor impacts monitoring, managing and mitigation
- £211 per dwelling (**up to £200,450**) Off-site Green Infrastructure / Public Rights of Way
- £244 per dwelling (**up to £231,800**) Library contributions
- £50 per dwelling (**up to £47,500**) for Fakenham Town Centre traffic and public realm improvements
- £530 per dwelling (**up to £503,500 total**) for a Travel Plan, its management and monitoring

- 12.75ha public open space on site, including 1.46ha allotments, and open space maintenance contributions if any open space is adopted

- 2ha land for a primary school
- A possible additional 0.5ha for school and a possible 0.09ha for a nursery.
- Approximately **£5,085,714** (dependent on eventual housing mix) for building the school
- A 'fallback' provision (NCC "Option 2") of approximately £4,683,348 714 (dependent on eventual housing mix) for school expansions elsewhere.
- £10,000 for Norfolk County Council planning obligation monitoring

- Between 15% – 20% on-site affordable housing provision (TBC – see Section 24).

- Frequent Viability Re-appraisals to examine feasibility of making additional Affordable Housing contributions over time, either on-site or off-site (up to 45% provision overall), with the first review being required within 3 years of the date of outline permission (if not commenced), and at least every 5 years thereafter. And within those, to not fix the projected income from a Registered Providers' investment in the site.

- Servicing (i.e. building unhindered access and providing utility connections to the boundary) and Marketing of the Employment Site land for at least 5 years
- Servicing and Marketing of the Local Centre land and premises
- Servicing and Marketing of the Hotel and Public House Site land for 2 years
- Servicing and Marketing of the Self-Build / Custom Build Plots land for 2 years
- Management and maintenance of Sustainable Drainage systems.

Some variation of the above is possible, subject to:

- the outcome of the Viability Assessment, and
- Development Committee's decision.

Officers will set out that the affordable housing provision on site is compromised, and will invite Development Committee to consider where there may be possible alternative uses of financial contributions if the Committee seeks a higher proportion of Affordable Housing; this is discussed in Section 24 of the report, and in the recommendation.

24. Development Viability

Viability Review

The applicant has been unable to commit to a fully 'policy-compliant' list of developer contributions and affordable housing provision as expected by policies HO 2 and CT 2, and has presented a Viability Appraisal report for the Council's assessment. The Council has in turn appointed consultants to review the applicant's appraisal against industry practice and local financial circumstances. The process includes, in the most basic terms, analysing the expected housing and commercial returns to indicate a value of the site, and then examining the costs of the various infrastructure and construction elements, to leave an existing use value of the land and an accepted level of profit which will incentivise the scheme's delivery.

Complex projects like this strike a balance between risk and reward for the developer. Assuming a site does not incur a cost to the landowner by remaining undeveloped, if the residual land value is so low after the costs are applied, such that any reduced profit would not incentivise development, the landowner would either not proceed with the development or look to recoup the profit by reducing their non-construction costs, i.e. reducing planning obligations or removing some of the project's features.

The applicant's position is that they can provide the full range of financial contributions required by consultees and/or policy standards (as listed in Section 23 above), except for the affordable housing provision which would be limited to 15% (in comparison to the 45% expected by policy HO 2).

The Council's appointed consultants have returned their position, which sets out that the affordable housing should reasonably be expected to be 20%.

In summary terms, the Council's consultant considers the costs of the development to be overstated. In their opinion this should be rectified to allow 'savings' to be built into the viability appraisal, which would equate to 5% more affordable housing (by number) being able to be provided, raising the level of affordable housing from 15% to 20%. This difference would equate in real terms to approximately 47 more affordable units to be built (39 for affordable rent, 8 offered as shared ownership).

In arriving at their view, the Council's consultant has identified 4 main areas of difference which influence the gap of the outstanding 5% affordable housing provision:

1. Construction Costs
2. Finance costs linked with Section 106 Contributions
3. Income / value of an Affordable Housing Registered Provider's purchase of units

These higher costs and lower income will, in combination, suppress the value of the site, and therefore reduce the level of suitable return (profit) to the developer / landowner and in turn minimise the opportunities to provide planning obligations.

Viability Review - Construction costs

These have been assessed by the Council's consultant and are considered to be over-stated by some £7.4m. The applicant has proposed costs at or close to the Building Cost Information Services ("BCIS") as an acceptable benchmark, but the Council's consultant considers these are not site-specific nor reflecting the opportunities for savings by efficiencies of scale. The size of the site will be more attractive to volume housebuilders who would be likely to purchase this site which, from their experience of working for such organisations and from using benchmark data, are found to often result in economies of scale with much less

expensive building costs than the rates suggested by BCIS. Examples have been provided from various sites of a similar number of dwellings as proposed in the indicative phases in this development.

There is sound logic to this reasoning, and the Council's consultants' approach has been tested through examinations on Community Infrastructure Levy and were found to be sound, so there is accepted precedent for this approach to be adopted.

However, the applicant has also offered some explanatory factors why it may not be appropriate to assume adoption of all "volume" cost estimates in this case. The applicant has taken advice from three regional housebuilders who have indicated they would be unable to build at rates much lower than the BCIS values, although it is noted that these were not 'national' housebuilders. Whilst some of the largest developers may be able to reduce costs, the applicant contends that the examples used by the Council's consultants are geographically-specific, i.e. the less expensive construction cost examples provided from sites in East Yorkshire might reflect a lower-value lower-cost market, and the examples from the East Midlands might reflect a higher-competition/greater resource lower-cost market.

However, it should be noted that the Council's consultants have adopted a "location factor" in their calculations to address the geographic discrepancy, and still found that the proposed / benchmarked construction costs are significantly higher.

The Council's consultant has helped to explain the difference in approach. The model that volume housebuilders use to develop their sites is significantly different to the normal developer route for a variety of reasons. A smaller or even sub-national/regional developer, Registered Provider or Local Authority will procure a main contractor for all aspects of the scheme via either tendered or negotiated procurement routes, attracting large organisational overheads.

In comparison, the volume housebuilder approach will only appoint a main contractor for enabling works and utilise pre-agreed supply chain agreements with pricing reflective of high volumes and also the use of standard "known" products which make for an efficient build and offer other cost efficiencies (albeit sometimes not always priced to be locationally-sensitive in their use of materials, for example). As a result, the use of this approach will result in the following pricing benefits:

- there are no 'double profits' as homes are built at cost and the profit derives from sales revenue (in this case, the Council's consultant considers it should show a 6% saving within the construction cost);
- design fees are lower as volume housebuilders use a standard format;
- the supply chain is available and pre-agreed, and cheaper due to bulk buying power, and some housebuilders are now even producing their own materials to reduce costs; and,
- some of the on-site preliminary costs are reduced – in this case, the Council's consultant considers preliminary cost savings should show a 20% saving in the construction costs overall.

It is therefore considered that the Applicants benchmark projected costs are unlikely to reflect the full range of actual costs to the organisation developing / constructing this scheme.

Planning Officers do not consider either position should be adopted yet without further justification from the applicant, and it is an Officer's opinion that there is likely some areas for negotiation on this point.

Viability Review - Finance costs linked with Section 106 Contributions

It is standard practice for all local authority planning obligations involving financial contributions to be subject to indexation linking between the point at which the contribution is calculated until the time when the payment is due. This reflects the likely inflation to ensure that contributions provide the same benefit to public services at the time when the money is received. The NPPG advises that 'costs and values' of schemes should only be calculated in the viability appraisal at today's prices, not forecasting the growth in future house prices or possible inflation etc. In effect, actual house sales values only ever lag behind the date of the viability appraisal, so will always be outdated, whereas construction costs are always known contemporaneously. Indexation / inflation is normally met by house price inflation over time which is expected to at least keep pace with cost inflation although usually house price inflation exceed inflation of costs.

Unfortunately, the applicant has calculated the indexation on the financial contributions required under the Section 106 Agreement and has included that in the appraisal as a cost to the development 'today'. The result is a greater cost of £1.15m on the project that is not mirrored by indexing the other costs or house prices.

Planning Officers consider this to be unreasonable, and the Indexation costs should be removed from the applicant's viability appraisal. It is thought that removal of £1.15m costs would equate to a figure of approximately 2.5% additional affordable housing (or in numerical terms possibly 23 additional affordable homes).

Viability Review - Income / value of an Affordable Housing Registered Provider's purchase of units

The applicant has made an estimation of the income that would be created by a Registered Provider purchasing affordable housing dwellings. This will contribute to the overall value of the scheme so represents an income rather than a cost. Forecasting a lower per-dwelling income therefore suppresses the value of the site overall, so reduces the ability to provide planning obligations.

The applicant has adopted valuations provided to them by local Registered Providers (RP) who were surveyed for their potential (hypothetical) interest and feasibility in operating affordable dwellings within this site. The applicant has included a maximum benchmark rate of 48.1% and 62.5% of affordable rent and shared ownership respectively, which creates and a 'blended rate' of 51.2% overall, compared to the relevant income for a comparable open-market housing unit.

In stating that these should be considered a 'maximum', the applicant has not considered the possibility of RPs offering more than initially proposed, despite the fact that these benchmarks are much lower than the industry standard of assuming a 'blended rate' of at least 55%.

The Council's consultant's experience shows that there can be wide variances in the offers made by Registered Providers for affordable units due to a number of factors, and therefore advise that the applicant's figures should be accepted only as a minimum. Even if they are accepted for the purposes of valuation on the first stage of development, these figures should not be allowed to be seen as a 'fixed income' in any future viability review.

Currently the draft Section 106 includes various Viability Re-appraisal mechanisms to reflect the longer term development over time. Officers consider that the possible income from Registered Providers should be as stated 'at today's prices' for the first Phase of development, but subsequent phases should be subject to a review of the actual prices paid in earlier phases and a comparison against local industry practice at that point in time, i.e. not being an assumed 'fixed income'.

Viability Review - Other development costs

The viability appraisal is accepted as an accurate prediction for many of the features that are needed in the scheme for the development to be 'policy compliant', but some features are less cost efficient than others.

One of the notable costs is that of garages (£1.8m), which are not required by planning policy. However, these are considered to help increase the residential value of the site overall, and, subject to not being over-prominent in design terms and not hindering provision of on-site gardens or parking to relevant standards, these are not disputed.

Another notable cost is that of on-site renewable energy provision. Policy EN 6 requires at least 20% of the scheme's energy demands to be met by renewable energy, but the applicant's viability appraisal has only allowed for 10%, and that is said to come at a cost of £1,500 per dwelling (which the Council's consultant agrees with), needed across 40% of the site, amounting to approximately £570,000 overall. This is said to equate to roughly 1.2% affordable housing provision.

Whilst other features such as open space, landscaping, parkland and local centre facilities all incur a cost, these are considered to have significant local social and environmental benefits which may result in a greater benefit than the sum of each individual part, through creating the sustainable community envisaged by the Development Brief.

In contrast, however, the inclusion of renewable energy features is considered by Officers to be less cost-effective in the benefits that it brings, and also include a degree of liability on future homeowners.

Officers are reluctant to suggest any non-provision of renewable energy features on site, but have considered the alternatives and propose that if the Development Committee wishes to assign a higher priority for on-site affordable housing provision, then as a means to secure more affordable housing by reducing the costs of the development, this may have to be considered a possibility.

That said, costs of renewable energy would likely reduce, and their effectiveness and liability on homeowners would likely improve, over the 10-15 years of this development.

It would be regrettable to remove such a 'visible' display of meeting the challenge of climate change and encouraging a more sustainable lifestyle, and allowing the development to not just compromise but depart entirely from Core Strategy policy EN 6. However, there are other features that are being allowed for in the application which have environmental benefits, such as the improved cycle connections, the public transport infrastructure, the proposed use of electric vehicle charging points, and the proposed use of water conservation, recycling and efficiency measures (the latter two being secured by conditions).

Viability Review - Other planning obligations

The applicant's viability appraisal did not make any costing allowance for the provision of a Travel Plan to encourage sustainable travel, despite always intending to undertake one. Norfolk County Council as Local Highway Authority expect all schemes of this scale to provide a Travel Plan, whether funded by the applicant (and with a Bond paid to the County Council) or through directly engaging the County Council to produce, implement and manage the Travel Plan. The costs of either proposal are £530 / dwelling (up to £503,500 overall), and is considered to represent approximately 1% affordable housing provision, i.e. if the applicant

were required to provide a Travel Plan, the affordable housing on site might reduce by approximately 1%.

Members of the Development Committee may take the view that the scheme offers a public transport route, bus stop infrastructure, a school and local centre, and as many cycle and pedestrian routes as are possible to link to the town centre, such that the benefits of promoting more sustainable travel are in themselves rather limited. However, the success of Travel Plans is recognised if managed carefully and can include features such as bike renovation and purchase schemes, bus pass provision, local car club / hire schemes. The application and Environmental Statement have also been weighted to include the travel plan.

Officers consider that all efforts should be made to reduce car dependency and possible congestion, and encourage sustainable behaviour. As such the costs, though unfortunate for not being accounted for originally, are considered necessary to be incurred.

However, the Off-site Indoor Sports Contribution may be a little more limited in its scope for wider beneficial use. The proposed sum of £750.29 / dwelling (up to £712,778 overall) is a figure suggested by Sport England based on national standards, in the absence of local indoor sports centre provision costs. It is recognised that this contribution would have to be added towards a wider project, but it is not known when or where indoor sports projects may be planned and at a stage to be immediately deliverable at present.

Members of the Development Committee may wish to consider how immediate any benefit from the contribution might be, if the Off-Site Indoor Sports Contribution is to be secured, and consider using this towards on-site delivery of affordable housing instead. Based on the costs of the renewable energy it might be considered possible to provide in the region of an additional 1.5% affordable housing.

Viability Review - Summary and recommendation

The applicant has set out that all financial contributions can be provided save for affordable housing where only 15% is stated as being viable to deliver. However, the Council's viability consultant has challenged some of the applicant's assumptions and believes that 20% affordable housing provision can be viably provided.

The available evidence suggest that the applicant's proposed 15% provision of affordable housing is unjustifiably low, particularly as it includes some unreasonable costs linked to indexation. If these costs are removed then the 'baseline' affordable housing provision would in fact be at, or very close to, 17.5%. The other area of significant difference of opinion is that of construction costs, but this is a more nuanced position and requires further investigation and negotiation.

As part of viability considerations, it is entirely a matter of planning judgement for the Development Committee in apportioning monies required as part of S106 Obligations in order to make the development acceptable in planning terms. The Development Committee would be perfectly entitled to conclude that more affordable housing should be provided at the expense of other contributions including renewable energy, garages, travel plan and indoor sports funds.

Officers recommend the following:

- Further discussions and negotiations between parties, to establish the baseline value, at or very close to, 17.5% affordable housing provision.
- Further investigate building costs to explore an agreed position on actual construction costs in comparison to national standard costs, and the suitability to apply each one.

This will result in a valuation that allows affordable housing provision of at least 17.5% as an accepted / agreed baseline.

Members are then invited to consider the following alterations to the viability appraisal, and the content of the application overall:

- Inclusion of a Travel Plan cost (a possible reduction of c.1% AH provision [possibly 9 fewer additional affordable homes]).
- Removal of renewable energy on site (a possible increase of c. 1.2% AH provision [possibly 11 additional affordable homes]).
- Removal of off-site indoor sports funding (a possible increase of c. 1.5% AH provision [possibly 14 additional affordable homes]).

This will result in a revised affordable housing provision of circa 19.2% that is more closely aligned with the minimum expected by the Council's consultant.

However, whilst this would provide benefits by improving the social aspect of the sustainable development, it would also unfortunately result in a less environmentally-sustainable development than has been proposed so far, and would also be unable to address the full range of sporting needs of future residents, both of which are included within the development as currently proposed.

These are all matters of planning judgment for the Development Committee when making the overall planning balance.

The Planning Balance and Conclusions

The development represents a long term delivery plan of this allocated strategic urban extension site. Despite the larger numbers of homes proposed than was expected by adopted policy and the guiding Development Brief, the development has achieved many of the necessary layout and sustainability features that were the foundations of the sustainable community, and includes features that will help deliver and enhance the sustainability of future growth in this part of the town.

This application will provide a significant and steady future contribution to housing supply for both the District and Fakenham. Whilst there are more houses than the development plan anticipated when allocating the site, the increased numbers do allow more scope for other forms of housing, and the application will include an important proportion of affordable housing and self-build and custom housing within that, both of which have an increasing need and both of which attract positive weight in the planning balance.

Although unable to provide a comprehensive development of the whole allocation site as anticipated by the Development Brief, the application will nevertheless make an important contribution to employment land delivery by providing land for employment use and providing the means to access adjoining allocated employment areas, all in the first stage of development. This attracts significant weight over the concerns of there being a slight delay in delivery of the balance.

The scheme will include retailing uses and a local centre with nursery site, which can be allowed a flexibility of use to serve the growing community, whilst avoiding impacts on town centres. The local centre will likely include a school site, and funding, which will benefit the wider community. The hotel and public house site are larger than originally anticipated, and

though the public house may not be in the optimal location its benefits are nevertheless very important for jobs growth and optimising the hotel operations. These features create sustainability, design and landscaping concerns but they can be addressed through an amended masterplan and the weight attached to their economic opportunities is considered to significantly outweigh the concerns.

In terms of health and wellbeing for future residents the scheme will be able to provide a high quality design and suitable levels of residential amenity and public open space and landscaping features. Subject to conditions there will be and an appropriate mix of housing sizes, styles and affordable housing distribution within each stage of development. The commitment to a Design Code is a significant benefit, and can be required by condition.

Whilst there are concerns raised around air quality and relationship to existing employment and agricultural uses, these are either mitigated through the design and site features, or are not likely to reach unacceptable levels of impact, or are capable of being resolved by planning conditions. Drainage-related flood risk is addressed comprehensively and will also avoid risks of contamination to groundwaters.

The lack of formal outdoor and indoor sports pitch provision on site is regrettable and the weight against this under-supply is significant, but at worst it is considered to be equalised by the use of contributions for improved sports facilities in the wider community, given existing sports hubs may offer more active sports involvement than if pitches were provided as isolated features within this scheme.

The highways proposals have ensured all identified issues within the network have been addressed in a proportionate manner to the scale of development proposed. The impact of vehicles on the town centre will be minimised, whilst maintaining safe access through the site and to outlying areas, whilst recognising that the sustainability benefits from improved accessibility within and from the site, including the future public transport links and distribution of traffic onto the strategic highway network. These connections, cycle and pedestrian improvements and the intended use of a Travel Plan for the site are considered to weigh significantly in favour of the development, outweighing the concerns raised.

The application has made necessary provisions through amended designs and mitigation proposals to ensure that there is no unacceptable impact on ecological sites, especially by reducing the need to travel to Natura 2000 sites for daily recreation. Alongside mitigation measures secured through planning obligations and off-site mitigation works, these possible impacts are addressed and the integrity of the sites will be maintained, and the Habitat Regulations Appropriate Assessment is passed.

The overall planning balance can be seen to weigh generally very positively in favour of the development, but a significant concern surrounds the proposed 15% proportion of affordable housing put forward by the applicant. Whilst this has been examined as part of the viability appraisal by the Council's appointed viability consultants, there remain some areas of disagreement between the applicant and Officers regarding the affordable housing percentage for the initial phase of development. The difference amounts to 5% or 47 affordable dwellings. Ultimately Officers will not be able to support the proposal fully until these viability differences are resolved. The evidence suggests the baseline position should be 17.5% affordable housing with the possibility to further improve on this figure nearer to the 20%.

Whilst the applicant appears willing to provide the full range of other financial contributions, Members may consider it necessary to amend those obligations or remove some other planning features in favour of securing more affordable housing provision from the outset. That is a matter of planning judgment for the Development Committee but Officers consider a positive way forward can be achieved:

RECOMMENDATION:

- (1) Delegated authority for officers to secure amended plans regarding the hotel and public house site and possible roundabout expansion area (see Report Section 7).
- (2) Delegated authority for officers to liaise with the applicant and seek improved viability (see Report Section 24) which shall include:
 - Establishing the baseline value of on-site affordable housing provision at, or very close to, 17.5%, before other factors are allowed for, such as the travel plan.
 - Further investigating building costs to agree an acceptable position on actual construction costs in comparison to national standard costs.
- (3) Request Members confirm that the Travel Plan should be included in the development, with the consequent introduction of those costs in the viability appraisal (see Report Section 24).
- (4) Request Members confirm a position in respect of both:
 - a. Whether Committee wishes to include 10% renewable energy provision on site, or remove this and depart from policy EN 6, in the interests of securing more on-site affordable housing; and,
 - b. Whether Committee wishes to require financial contributions for off-site indoor sports enhancements in the town, or remove this and depart from policies SS 6 and CT 2, in the interests of securing more on-site affordable housing.

(see Report Section 24).
- (5) **APPROVAL**, subject to:
 - a. Satisfactory arrangements made pursuant to Recommendation part (1).
 - b. Completion of Section 106 Agreement in line with the requirements at Section 23 of this Report, unless modified by Recommendation parts (2), (3) and (4); and,
 - c. Conditions in line with the list below; and,
 - d. Any other conditions that may be considered necessary at the discretion of the Head of Planning.
- (6) Referral back to Development Committee if there is no agreement with the applicant to use a baseline value at or close to 17.5% Affordable Housing provision overall, before other factors are allowed for, such as the travel plan.

Summary of Suggested Conditions:

Reserved matters, Time limits, Phasing, Scope

1. Employment Land (Phase 1) – submit reserved matters in 3 years and commence in 2 years following grant of RM permission.
2. Phase 1 - submit reserved matters in 3 years and commence in 2.

3. Phase 2 (inc completion of linking spine road through the site) - submit reserved matters in 5 years and commence in 2.
4. Phases 3 & 4 (and any more) – submit reserved matters within 12 yrs, commence in 2.
5. Phasing Plan to be agreed, such issues to include:
 - a. Employment land works and provision
 - b. Site areas, content, road link, sequence of provision
 - c. POS provision, drainage extent, scope of further site / study investigations e.g. noise and odour.
6. Reserved Matters content – layout, scale, appearance and landscaping.
7. Quantum of Development to be defined (re local centre uses, public house, school).
8. Local Centre Masterplan to be agreed for general design and use specifications.
9. No more than 950 dwellings.
10. No more than 100 bedrooms within the hotel.
11. No more than 30 dwellings to be accessed from Rudham Stile Lane.
12. Design Code to be submitted and agreed before any Reserved Matters application.
13. Each Reserved Matters application shall be in substantial accordance with the Development Framework Masterplan and Parameters Plan, and subsequently approved Design Code, and shall include minimum quota of Public Open Space as per the submitted plans and expectations of the Design and Access Statement & ES Reports.
14. A whole-site Surface Water Drainage Strategy to be agreed, as per this submission.
15. A whole site Foul Water Drainage Strategy to be agreed, as per this submission, and to demonstrate liaison with Anglian Water in respect of the level of network mitigation to be provided and the timescales for delivery thereof.

Submission with Reserved Matters of each Phase

16. Details of use & appearance of residual land in Phase not being developed (e.g. school).
17. Contamination site assessments
18. Contamination remediation proposals
19. Contamination remediation to be completed pre-occupation / use
20. Contamination precautions during works
21. Contamination verification and validation pre-occupation inc any long term monitoring
22. Site-specific surface water drainage details & mitigation, to tie into whole site scheme.
23. Site-specific foul water drainage details, to tie into whole site scheme.
24. Commercial foul water effluent scheme and mitigation
25. Pumping station and telemetry details in relevant phase
26. Drainage management and maintenance details
27. Fire hydrants
28. Green infrastructure strategy (with context for the whole site)
29. Landscape strategy (hard and soft) (with context for the whole site)
30. Landscaping provision phasing scheme
31. Arboricultural Impact Assessments inc survey, protection plan, method statement
32. Noise surveys and mitigation proposals e.g. acoustic fencing, glazing, ventilation
33. Electric charging points per phase.
34. Framework / Overarching Travel Plan for whole site pre-commencement.
35. Provide detailed Travel Plan for each phase pre-occupation (a 'Plot Travel Plan').
36. Demonstrate how housing will provide at least 40% 2 bedrooms or less.
37. Demonstrate how housing will provide at least 20% as Accessible Housing.
38. Demonstrate affordable housing mix and layout distribution in each phase.
39. 10% on site renewable energy scheme details, inc mitigation eg ASHP noise if needed.
40. Water conservation and efficiency measures.

Pre-commencement of Reserved Matters

41. Archaeology investigations to be agreed

42. Archaeological evaluations to be completed pre-occupation.
43. Surface water drainage management and maintenance details
44. Foul water drainage management and maintenance details
45. Ecological Management Plan to accord with Green Infrastructure & Landscape schemes
46. Highways works in that phase to be provided before occupation (unless stated otherwise)
47. No occupation until foul and surface water drainage is in place for that dwelling
48. Non-spine road street lighting (inc POS areas).
49. Construction Environmental Management Plan to inc haul roads and delivery, amenity protection, ecology protection, HGV access routing.

Highways works

50. A148 roundabout details inc Traffic Regulation Order & s278 highways process being commenced (TRO). No occupation of dwellings or use of commercial areas until provided - unless the site is accessed in the first Phase from Clipbush Lane.
 51. Thorpland Road / Clipbush Lane works inc TRO. No occupation of any dwelling.
 52. Water Moor Lane (south end) and Bus Gate works inc TRO. Before 100 dwellings.
 53. Rudham Stile Lane widening inc TRO. No occupation of any dwelling on RSL.
 54. A148/A1067 roundabout crossing inc TRO. No occupation before 400 dwellings.
 55. A1065/A148 'Shell garage' roundabout works inc TRO. Before 250 dwellings.
 56. Thorpland Road footpath works inc TRO. Before 400 dwellings.
 57. Clipbush Park roundabout crossing point works inc TRO. Before 400 dwellings.
 58. Spine link road – provide by occupation of 380 dwellings.
 59. Stopping-up orders – schemes needed before each phase.
 60. No openings allowed onto A148 other than the roundabout, and everything else that may already exist is to be closed before occupation in that phase.
 61. Bus stop provision in each phase.
 62. On site street designs to be agreed.
 63. Street management, and maintenance. Must be maintained pre-adoption.
 64. Lighting for any highways areas, inc spine road.
65. Confirmation of the approved plans.