

**Ludham PF/19/0991 – Residential development consisting of 12 dwellings with associated access from Willow Way, footpath to School Road, open space, landscaping and parking: Land south of School Road, Ludham**

**Major Development**

**Target Date:** 21.10.2019

**Extension of Time:** 28.02.2021 (Further extension to be agreed beyond Development Committee date prior to Committee)

**Case Officer:** Tracey Meachen

**Full Planning Permission**

**SITE CONSTRAINTS**

Core Strategy - Countryside

Core Strategy - Residential Area

Core Strategy - Settlement Boundary

Landscape Character Area – Settled Fen Landscape Character Area

Proposed Residential Use Allocation

SFRA - Flood Warning and Flood Alert Area

SFRA - Flood Zone 2

SFRA - Dry Islands

Unclassified Road

**RELEVANT PLANNING HISTORY**

PF/17/1008 PF

Land south of School Road, Ludham, Great Yarmouth, NR29 5QN

Erection of 15 dwellings, new highway access, open space & landscaping

Refused 24/11/2017

This application was refused by delegated powers on the grounds of:

- Inappropriate density of the scheme,
- Would detract from views of grade I listed church,
- Uncharacteristic development in terms of design and layout,
- Lack of public benefits,
- Failed to demonstrate designated conservation sites would be protected from visitor pressures, and
- There would be capacity in Sewerage Treatment Works, with no adverse impacts on water quality within any protected watercourses.

**SITE AND SURROUNDINGS**

Ludham is a small village on the edge of the Norfolk Broads, and surrounded on 3 sides by the rivers Ant, Bure and Thurne as well as Womack Water. The application site is accessed from School Road and Willow Lane. There is a public footpath from Pound Lane towards Norwich Road, but with no visible access onto Norwich road.

The application site is located on agricultural land on the north west corner of the village. The site is adjacent a number of existing bungalows to the north and the east, with further

agricultural land to the south, and with further residential dwellings beyond, and to the west. The site would be accessed between two bungalows, numbers 10 -12 Willow Way by extending an existing highway turning head.

The southern boundary of the arable field, which the Site forms a part of, is enclosed by properties along Norwich Road (A1062), which is the main road through the village. These properties are predominantly bungalows with a number of two storey properties.

At the junction of School Road and Pound Lane the hedgerow is broken which affords open views towards the site from an informal layby. Views incorporate the settlement edge of Ludham and the parish church of St Catherine.

The site would be visible from a distance when approaching from Pound Road and School Road to the west and south west of the site.

The small residential areas around Whitegates and Broad Reaches are located outside the main village of Ludham, and visually enclose views towards the Site from the west and south west.

There are a number of Public Rights of Way which are on slightly higher ground to the north of the site, on either side of Goffins Lane. Views of the site are restricted from both the east and south by the existing settlement of Ludham and the existing topography and vegetation.

## **THIS APPLICATION**

Seeks full permission for the erection of 12 dwellings with associated access from Willow Way, a public footpath to School Road, open space, landscaping and parking. The proposed development comprises of the following mix:

- 1 x 1 bed bungalow
- 3 x 2 bed bungalow
- 5 x 3 bed bungalow
- 2 x 4 bed bungalow
- 1 x 4 bed dormer bungalow with bedrooms in the roof space.

## **REASON FOR REFERRAL TO COMMITTEE**

- The proposal is contrary to adopted Site Allocation Plan Policy LUD01.
- Councillor Adam Varley believes the application is deemed contentious and is of high profile status due to the foul water capacity and system needing further investigation and clarification, in respect of perceived flood risk and possible ecological impacts on the Broads linked to the habitat regulations assessment findings.

## **CONSULTATION RESPONSES**

Amended plans were received in response to the constructive comments made by both the Conservation and Design Officer about the design of the proposed dwellings, and Highways with regard to the road format and width.

The first round of consultation took place for a period of 21 days between 26/07/2019 to 16/08/2019. Following this consultations, amendments included

- Various design changes to elevations of all house types, such as the extension of eaves, exposed rafters, additional dormers, removal of roof lights, changes to window sizes and materials, etc.;
- House Type B was removed entirely and a new House Type G was introduced;
- The layout has been improved in accordance with comments made and to maintain visibility from School Road towards the Church of St Catherine's;
- The wildflower meadow on the western periphery of the site was removed in order to accommodate the now wider house elevation type requested;
- The road entrance from Willow Way was realigned and straightened;
- The pavements were widened at the entrance to Willow Way;
- The estate road was split into two private driveways; and
- Front garden sizes and driveway lengths were reduced.

These amendments were then consulted on for a further 21 days from 04/11/2019 to 25/11/2019.

Further amendments included the Site Layout Plan received 17/12/2019 in response to Highways further comments and the Master Landscape Plan as this was not previously updated to correspond with the amended site plan. No formal consultation was subsequently required as these did not materially change the scheme.

### **Anglian Water – No objections / comments provided**

Comments made 09/09/19.

Their records show no assets owned or adopted are located within the development boundary.

Wastewater services:

It was confirmed that the foul drainage from this development, which is within the catchment of Ludham-Walton Hall Water Recycling Centre, currently does not have capacity to treat the flows from the development site. However, Anglian Water agree they are obligated to accept the foul flows from the development if it receives planning consent. They are therefore committed to undertaking the necessary steps in ensuring there is sufficient treatment capacity should planning permission be granted.

Used Water Network:

Based on the submitted FRA & Drainage Strategy report, the sewerage system currently has available capacity for these flows. However, the developer should serve notice under Section 106 of the Water Industry Act 1991 if they wish to connect to it. They would then be advised on the most suitable point of connection. A number of informatives have also been suggested.

Surface Water Disposal:

A sustainable drainage system (SuDS) is the preferred method of surface water disposal followed by discharge to watercourse, and the connection to the sewer seen as the last option. As the details of the proposed method of surface water management submitted do not relate to Anglian Water operated assets, comments on the suitability of the surface water management cannot be provided. They suggest the Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should also be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

No further comments were made during the re-consultation.

**Community and Environment Services (Norfolk County Council) – Comments received.**

An archaeological evaluation by trial trenching took place on the application site in 2013 where evidence relating to settlement and other activities dated to the Anglo-Saxon, medieval and post-medieval periods were found. The potential is there for previously unidentified heritage assets to be buried within the site. As the significance of archaeological remains could potentially be affected by the proposed development, a programme of archaeological work in accordance with National Planning Policy Framework 2019 paragraphs 189 and 199 is requested should the application be approved. Planning conditions were requested as follows:

*A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and*

- 1) The programme and methodology of site investigation and recording,*
- 2) The programme for post investigation assessment,*
- 3) Provision to be made for analysis of the site investigation and recording,*
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation,*
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation and*
- 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.*

*B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).*

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

*In this case the programme of mitigatory work will comprise an archaeological excavation in accordance with a brief to be issued by Norfolk County Council Environment Service historic environment strategy and advice team. We now charge for our involvement in almost all planning cases.*

**Conservation and Design (North Norfolk District Council) – No objection subject to careful consideration of comments raised.**

Comments made on 03/09/19

Angular views towards the nearby Grade 1 Listed Church and Conservation Area need to be taken into serious consideration when contemplating the development.

*Concerns were raised as follows:*

*The siting of the D house type on Plot 10 is too detached from the main body of the development. Two storey dwellings should be avoided to the edge of the site and doesn't respect the angular views across the site towards the Grade 1 Listed Church and the*

*Conservation. It would be better located within the north east section of the land available with the two chalets being more definitively 'linked'*

*Specifically, on house type 'D' two dormers were suggested on the front elevation with exposed rafters and two '3' casement windows either side in line with the dormers above to provide balance and symmetry.*

*A maximum of 6 roof lights were suggested to the rear elevation. A minimum of 24 metres needs to be achieved between the rear principle windows of the proposed and the existing dwellings on Willow Way and School Road due to the height, though a greater distance would be better.*

*The depth of House Type C was considered too large creating a usable amenity which would be too small for the future owners. Therefore, plots 11 and 9 needed to be reduced in depth.*

*Suggested more architectural expression is used to enhance the designs, more contemporary lightweight fenestration is included, and the use of a stone Plinth or exposed raftering could be considered to add additional visual interest.*

Comments made on 22/10/19 following revised plans:

General points that would be beneficial to all the properties.

The windows should be recessed from the walled elevations.

The eaves line should not fall on the window heads, there needs to be at least one brick course gap.

Slate should not be considered on the roof.

Buff bricks are not appropriate.

Mix of smut clay tiles and red clay tiles would be more appropriate.

White Upvc Fascia and barge boards are not acceptable. Please use dark fascia boards, black or dark rainwater goods also.

Plot 'A' - Exposed Rafters Beams would be considered an improvement to the design. The smut tiles, subject to a sample being submitted could be considered acceptable. The half-timber and brick finish is considered acceptable. Garages could be positioned either side of the footpath between plots 5 and 6. Forward of these garages, the fence could be 1 metre high to make the footpath more 'open' for pedestrians. Furthermore, the footpath should be wider similar to the width achieved in the Landscape Masterplan. Indeed the fence / hedge / grass / footpath arrangement originally designed should be kept.

Plot 'B' - The removal of Plot 'B' is welcomed.

Plot 'C' - Corbelling, quoining or eaves details to be considered, and windows are too uniform. The use of a larger brick plinth is recommended. The buff brick with the blue engineering course is not appropriate in this location and a material matching one of the other acceptable dwelling materials proposed should be considered. Plot 12 in particular needs to be further angled away from the neighbouring property 12 Willow Way.

Plot 'D' - An External brick stack is suggested rather than the flue. Exposed rafter feet details are suggested. The porch needs a small window to the side. The W.C should be a single casement window and all, or the lower part, obscure glazed. Dark fascia boards instead of white, with black or dark rainwater goods. The rear roof lights should be shown correctly on the floor plans. Corbelling brick detailing is suggested. Small roof hips could help reduce the visual mass and a bulk. The smut tile or a clay pantile would be better than slate.

Plot 'E' Details generally acceptable. Plot 1 should be rotated further to face west. There should be a brick wall introduced concealing only the rear garden. The side elevation should have a lower 1 metre high wall or fence.

Plot 'F' - A dark grey Pantile is recommended.

Plot 'G' - A red pantile is recommended. The Hallway could be enlarged. The property needs a brick plinth base ideally.

Comments made 29/01/21

- The relocation of two-storey (Type D) house to the north east corner of the site will help in terms of mitigating the impact of the development upon the setting of the Grade I listed church. Inevitably, however, the scheme as a whole would still impinge upon, and in some cases block, existing views of the church tower from School Road. A modest amount of harm to the overall significance of this designated heritage asset therefore needs to be factored into the planning balance.
- The development would have no impact upon the Ludham Conservation Area.
- The layout remains broadly acceptable, albeit the changes made have unfortunately resulted in a slightly more regimented configuration of dwellings about the central space.
- The revisions that have been made to the individual house types, although generally to be welcomed (and broadly in accordance with earlier suggestions), have not in practice significantly lifted the overall quality of building design. For the most part, the units remain generally mild-mannered but ultimately would be lacking in genuine visual interest and innovation.
- The solar panels on the red roofs would be unfortunate eye-catchers within the landscape.
- The landscaping around the perimeter of the site would be crucial in terms of bedding the development into the existing built envelope.

### **Environmental Health (North Norfolk District Council) – No objections**

Recommended as the proposal intends to connect the development to mains sewer, the applicant may need to consult Anglian Water with regard the additional foul sewage discharge.

### **Landscape and Ecology Officer (North Norfolk District Council) – no objection subject to planning obligations secured through a Section 106 Legal Agreement.**

Comments made on 23/12/20.

Main points made include the following:

- Policy LUD01 requires the prior approval of a scheme of mitigation to minimise impacts on the Broads/Broadland SAC/SPA/Ramsar sites and Great Yarmouth and North Denes SAC; and
- Demonstration of adequate capacity within the sewage treatment works to ensure no adverse effects on European wildlife sites from water quality impacts.
- Since the publication of the Site Allocations DPD, new evidence has become available regarding the potential impacts of visitor disturbance arising from increased residential development across the county. This has led to the combined Norfolk local planning authorities document, the 'Green Infrastructure and Recreational Avoidance Mitigation Strategy' (GI/RAMS) which is currently being finalised for publication. It is expected to result in a developer charge for any new residential and tourism accommodation in the county, using a zone of influence based approach.

- A further HRA of the planning application is also considered necessary due to time passed and new evidence.

In addition, the planning application (ref. 17/1008) for a development of 15 residential dwellings on the site was refused in November 2017. Included in the reason for refusal was the failure to provide sufficient evidence to demonstrate that the development would not result in an adverse impact on designated nature conservation sites due to increased visitor pressure or that there was sufficient capacity in the receiving sewage treatment works to receive foul water from the development.

The current application included an Ecological Survey report (Norfolk Wildlife Services, 25th January 2019) and within the Ecological Survey report is a brief assessment of the effects of the development on nationally and internationally designated sites (Section 5.2.1-17). This assessment recommends that:

- the development contributes to the council's Habitats Regulations monitoring work as advised by Natural England secured through a S106 agreement; and
- to ensure drainage facilities have the capacity to treat additional water as a result of new development, that this issue of capacity and water quality is for Anglian Water to resolve when identifying future infrastructure investment requirements and is not a matter for the LPA.
- Due to the emerging Norfolk-wide strategic GI/RAMS and the new evidence obtained for the strategy, it has become apparent that the developer contribution required to fund the mitigation is likely to increase significantly. Therefore, the £50 identified in the Norfolk Wildlife Services Ecological report and the Planning, Design and Access Statement is unlikely to be sufficient and the Draft Heads of Terms for the S106 will need to be amended to reflect the final figure of the GI/RAMS.
- In addition, the Planning, Design and Access Statement states (page 2) that reassurances have been secured from Anglian Water (AW) that the required capacity at Ludham WRC will be provided and that AW have planned for this. The necessary permit from the Environment Agency (EA) has already been secured. Confirmation was received by the applicant from AW's Pre-development Planning Manager in a letter dated 10th May 2019 that Ludham WRC has been identified as an AMP7 investment scheme to provide additional flow capacity between 2020 and 2025. AW applied for a permit change to increase the Dry Weather Flow, which was approved in January 2019 for Ludham WRC. Further clarification was provided for in an email dated 5th June 2019, which states "the new permit means there is capacity within the permit for the 12 dwellings proposed", however that AW does not reserve capacity for sites without planning permission.

Comments made on 23/12/20:

The HRA for the development has been completed which *'requires that a developer contribution, in line with the emerging GI/RAMS, is required to be secured via a S106. This increases the developer contribution from the previously suggested £50 per dwelling to approximately £205.20 per dwelling'*.

**Lead Local Flood Authority (Norfolk County Council) – No comments**

**Local Highways Authority (Norfolk County Council) – supports the plans as amended subject to conditions.**

Comments made on 22/08/19: In response to the proposed layout as set out in drawing 18-1483-02A the following comments were offered:

1. Bends should have a minimum centreline radius of 20m so the radius of the first bend is too tight.
2. Too much adoptable carriageway is proposed. Should instead provide a turning head so the rest of the site can be served by two private drives.
3. We would normally expect estate roads to be a minimum of 4.8m wide. The plan and the planning statement indicate different widths for Willow Way. Road widths to be confirmed and Willow Way widened adjacent the site as necessary.
4. The change in footway width is too abrupt.
5. For the avoidance of doubt a footway link to School Road would require the extension of the existing footway and the layout plan annotated to confirm this provision.

Further comments made on 22/11/19: In response to the amended layout in drawing 18-1483-02D, the following comments were offered:

1. The applicant failed to confirm the existing carriageway width of Willow Way fronting No.s 12 & 14.
  2. A footway should be provided around all sides of the proposed turning head.
  3. Turning heads should be sized so large vehicles can manoeuvre without overhanging the footways – a slight enlargement of the proposed turning head is required.
- Clarification was also requested re a future road to the southern boundary, in which case, the adoptable standard road should be extended instead of using a turning head, and whether there would be a continual loop road rather than two private drives to the end of the adopted estate road.

Comment received 18/12/19:

The Highways Authority have agreed that the internal layout in drawing 02G is considered acceptable. However footway improvements in the vicinity of No 25 & 34 School Road are still awaited.

Comments received 19/10/20:

Dwg. no. 2135-03-001 was considered adequate to address the issue of off-site works in the form of footway improvements in the vicinity of No 25 & 34 School Road, and can therefore be secured by condition along with a Traffic Restriction Order for a 20mph zone on Willow Way.

The Highways Authority can therefore support the application subject to conditions.

**Natural England – No objections / Advice given**

Comments received 06/09/2017

*Advise that the proposed development provides a financial contribution to your Council's Habitats Regulations monitoring work to offset potential recreational impacts to:*



- *Broadland Ramsar*
- *The Broads Special Area of Conservation*
- *Winterton-Horsey Special Area of Conservation*
- *Ludham and Potter Heigham Marshes SSSI*
- *Alderfen Broad SSSI*
- *Ant Broads and Marshes SSSI*
- *Bure Broads and Marshes SSSI*
- *Shallam Dyke Marshes, Thurne SSSI*
- *Upper Thurne Broads and Marshes SSSI*
- *Winterton-Horsey Dunes SSSI*

*The Broads SAC and Winterton-Horsey SAC are known for recreational enjoyment and it is likely that new residents will travel a short distance to visit the international sites. A financial contribution to the council's Habitats Regulations monitoring work is therefore suggested, so monitoring of the effectiveness of mitigation measures can be undertaken.*

Comments received 08/11/2019

Based on the plans submitted, it is considered the proposed development will have no significant impacts on statutorily protected sites including nature conservation sites, European sites and sites of Special Scientific Interest.

**Parks and Recreation Team (North Norfolk District Council) – No objections**

A table was provided which showed that, for the housing mix indicated which would provide 12 dwellings, there should be a Public Open Space provision of £30,706 in line with Policies CT1 and CT2.

**Planning Obligations Co-Ordinator (Norfolk County Council) – No objections**

No response received as below threshold for obligations to be sought by the County Council.

**Planning Policy (North Norfolk District Council) – No objection**

The land is allocated for residential development in the North Norfolk Site Allocations Document (adopted Feb 2011). Development of the site is subject to Policy LUD01 which allocates the site for not more than 15 dwellings. As the principle of developing this site has been accepted following the adoption of the North Norfolk Local Development Framework Site Allocations Development Plan Document in 2011, subject to the proposal satisfactorily addressing the specific issues raised within Policy LUD01 together with demonstration of compliance with other relevant Core Strategy policies, the principle of development is considered acceptable.

**Public Rights of Way & Green Infrastructure (Norfolk County Council) – No objections**

Although Ludham Footpath 3, is in the vicinity of the development, it is not affected by it. After further information was provided within amended plans, Norfolk County Council confirmed it had no objection to the application on Public Rights of Way grounds.

**Strategic Housing (North Norfolk District Council) – No objection subject to the delivery of affordable housing**

Comments made on 01/08/19:

*This application is to provide a scheme of 12 homes of which three will be affordable (two for affordable rent and one will be sold on a shared ownership. The reduced level of 25% affordable housing (as opposed to policy complaint 50%) is being proposed under the Housing Incentive Scheme, with the offer of accelerated delivery.*

*There is a proven housing need for the provision of more affordable housing in Ludham, with 708 applicants on the Housing Register who have a housing need and would consider housing in Ludham. Of these, 69 applicants are in Bands 1 or 2, the highest need.*

### Proposed Housing Mix

*In November 2018 we provided the developer with a mix for three affordable homes in Ludham (based on housing need information and existing supply of affordable homes). The proposed mix of 1 x 1b, 1 x 2b, and 1 x 3b is broadly in line with that mix. The three bed unit would be required to meet Cat M4(2) standards.*

### Development Control Policies – Housing

*The proposed development meets the applicable development control policies in respect of the dwelling mix and type of houses and provision of affordable housing in line with Policies H01 and H02 as below:*

#### *H01 – Dwelling mix and Type*

- *Required 40% of dwellings have two bedrooms or fewer - Proposed 5 out of 12 (42%).*
- *Required 20% suitable for elderly infirm or disabled – majority of homes are bungalows and houses include provision of downstairs bedroom & bathroom*

#### *H02 – Provision of Affordable Housing*

*Required 50% of dwellings are affordable BUT Affordable Housing (Incentive 2) Reducing the quantity of affordable housing to 25% on large scale development proposals of 11 dwellings or more in defined parts of the district (Ludham is within this area) - Proposed 3 out of 12 (25%).*

*A Section 106 Agreement will be required to include the Council's standard affordable housing terms to ensure that the homes are protected in perpetuity as affordable housing in compliance with policy H02.*

Comments made on 04/12/19:

There are currently 662 households on the housing list who want to live in Ludham. Based on the 75 households in the top priority bands 1 and 2, there would be a preference of six affordable homes to be affordable rented although one of the two-bed homes could be shared ownership. The mix would then be 3 no. one-bed (Two person) Bungalow; 2 no. two-bed (Four person) Bungalow or House and 1 no. three-bed (Six Person) Bungalow or House.

### **Water Management Alliance (Broads Drainage Board) – No Objection subject to prior consent from the IDB**

As the site is near to the Internal Drainage District (IDD) of the Broads (2006) Internal Drainage Board (IDB), the Board's Byelaws apply. Initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development. If for

any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse within the IDD (directly or indirectly), then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy

([https://www.wlma.org.uk/uploads/WMA\\_Table\\_of\\_Charges\\_and\\_Fees.pdf](https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf)).

As the ability to implement a planning permission may be dependent on the granting of these consents, it is strongly recommended that the required consent is sought prior to determination of the planning application.

## **PARISH COUNCIL COMMENTS**

Comments made 07/08/19:

Although Ludham Parish Council supports this application, they have expressed some concerns regarding the foul water system within Willow Way. The system is currently substandard which is recognised as Anglian Water's responsibility. The Parish Council would like assurances from Anglian Water that the drainage system will be fit for purpose.

No further comments were made in respect of the re-consultation.

## **REPRESENTATIONS**

There were two periods of public consultation. The first round of consultations took place for a period of 21 days between 26/07/2019 to 16/08/2019. After amended plans were received, a second round of consultations were undertaken over a 21 day period from 04/11/2019 to 25/11/2019.

During the first public consultation period a total of 7 representations were made. 5 were submitted in opposition to the proposal and 2 comments were received.

The key points raised in OBJECTION are as follows:

- The existing field should be retained as a field;
- Access to proposed development would be adjacent existing dwellings, causing noise and disturbance due to traffic;
- Road is too narrow to cope with additional traffic, especially large construction or refuse/waste vehicles and will impact other nearby roads leading in to Willow Way;
- Traffic turning towards White Gates will join a single vehicle route causing a bottle neck in traffic with poor visibility;
- Area has flooding and drainage issues already, which need addressing prior to development
- The allocated field has been flooded for weeks;
- Drainage issues has led to toilets backing up in heavy rain
- Pikes Nursery sits three feet lower than the proposed site. It is already a moderate flood risk and will suffer from water displacement impacting properties;
- Construction works will cause atmospheric dust which will aggravate asthma sufferers;
- Development does not respect local context or street pattern, and fails to contribute positively to the area;

- Development will harm existing amenities eg on-road parking, green space, privacy and a quiet and safe residential environment;
- This historic example of a Norfolk village should be safeguarded;
- Development would result in an unacceptable level of harm to private amenity areas in terms of an overbearing form of development, potential overshadowing and overlooking and noise spoiling the enjoyment of occupiers within existing gardens; and
- Proposed new hedge should be increased in width to reduce impacts on neighbouring dwellings and to aid biodiversity.

The key points raised as COMMENTS include the following:

- The proposed access for all works traffic through a narrow single track roadway off Willow Way is inadequate and would cause disruption to the surrounding properties as it is the only route in and out of Willow Way Estate;
- Drainage of foul water and sewage should be via Norwich Road as Willow Way system is already inadequate. Otherwise Anglian Water must bring the system up to standard prior to development; and
- There is already access issues through Willow Way due to parked cars, and construction traffic or additional traffic produced by new development will add to existing highways issues.

2 Further objections were received February 2021 as follows:

- Surface water is still a flooding issue, the field still being flooded;
- Foul drainage issues;
- My property will bear the brunt of flooding from the Pikes Nursery development which is at a lower level than the proposed site.
- No 12 Willow Way is only 4 metres from the closest dwelling;
- Current views will be lost;
- Noise risk from proposed adjacent property to 12 Willow Way due to proximity;
- Adjacent garden to 12 Willow Way would remove privacy and a higher fence would restrict light, views and adversely enclose rear garden.

## **LOCAL MEMBER CONTACT**

Councillor A Varley – Comments made on 09/10/20

*Ludham is classed as a large growth/service village and encompasses a variety of good amenities: a shop, butchers, school, church, village hall, Doctor's surgery etc. All these facilities are fundamental in allowing the community to thrive and be classed as sustainable living. The services really allow expansion of the village and a greater number of residents to live within the community. This application for the development of 12 houses, on the field south of School Road, would be appropriate and allow sustainable living for the new residents, without extensive use of cars. This development does go towards our commitment of providing more homes for the residents North Norfolk. It is disappointing that the provider is not putting any affordable housing on the allocated site, but after a viability assessment, the developer has agreed on the provision of monies towards 25% for affordable housing in another location in the Parish or local vicinity. This initiative is encouraging and will go towards our priority of having a variety of housing options for residents of North Norfolk.*

*The access point to the new development being through Willow way seems to be the most appropriate and safer option. The other option would be to have a connected access onto the North; School Road. I feel this would be too dangerous to have a new access point on this road and the initiative to connect the new development onto Willow Way, through to School Road makes sound judgement. Highways have been fully involved with these points on access and believe that this initiative is the best option and will not cause detrimental issues with access of larger vehicles etc. I do ask that the planning department continue to listen to the concerns raised by these residents and act on these if necessary, but explain the mitigated proposals in the plans to make access etc. suitable and safer for residents down Willow Way.*

*The concept to establish a connecting footpath to the new development and School Road is a very good idea and will ensure that there is a safer access for pedestrians and cyclists. This will enable pedestrians to move through the development and towards the main centre of the village. The connection of this new footpath to existing pavements and overall surface improvement will ensure safer access down School Road – this is a well-used route for residents to get to the school or main village centre.*

*Overall, I think that the site layout and design aspects are in-keeping and sympathetic to the local area. The dwelling design is suitable and not deterring from the key characteristics of other nearby properties. The site is on low lying land and does have long beautiful views of the edge of the Parish. The developer and officers have clearly worked together on the design concept and I am pleased that this is stated in the landscape report – “The design of the new development (buildings and landscape) will create and enhance the sense of place and local identity, by including hard and soft materials and planting which respects local character and enhances biodiversity.” Residents’ concerns by “spoiled views”, especially of that of the Church are alleviated by careful assessments: “An assessment of views towards the Church was undertaken and confirms that key views to the church on the approach to Ludham along School Road will not be blocked.” This is positive and the incorporation of screening and a “landscape masterplan” will really help to reduce the potential detrimental effects of this development on the landscape. The new green and open spaces will help to create this rural feel and sustain the natural habitat for wildlife. This is very encouraging.*

*It is clear that this application has been meticulously planned and the design aspects really do go towards maintaining the core feel and values of the local area.*

*However, I ask on behalf of my own concerns and points raised by the Parish Council and residents, that emphasis is placed on the issue of the pipes and foul drainage system. Ludham and other rural Parishes do have issues with drainage and I just want to make sure that AW’s confirmation of the capacity is deemed satisfactory and will not be detrimental to Willow Way (the housing estate next to earmarked site) or other parts of the Parish.*

*I feel that this needs confirmation with all those concerned before the decision to approve this can be taken.*

## 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.

## **RELEVANT POLICIES**

### North Norfolk Site Allocations Plan 2011:

LUD01 – Land South of School Road

### North Norfolk Core Strategy Policies 2008:

SS 1 - Spatial Strategy for North Norfolk

SS 2 – Development in the Countryside

SS 3 – Housing

SS 4 – Environment

SS 6 – Access and Infrastructure

H0 1 – Dwelling mix and type

HO 2 – Provision of Affordable Housing

HO 7 – Making the most efficient use of land (Housing density)

EN 2 – Protection and enhancement of landscape and settlement character

EN 4 – Design

EN 6 – Sustainable construction and energy efficiency

EN 8 – Protecting and enhancing the historic environment

EN 9 – Biodiversity and geology

EN10 – Flood risk

EN 13 – Pollution and hazard prevention and minimisation

CT1 – Open Space Designations

CT 2 – Development contributions

CT 5 – The transport impact of new development

CT 6 – Parking provision

### Supplementary Planning Documents (SPDs):

North Norfolk Landscape Character Assessment 2021

North Norfolk Design Guide 2008

### North Norfolk District Council Housing Incentive Scheme (2013)

### National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 6 – Building a strong, competitive economy

Section 8: Promoting Safe and Healthy Communities

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 - Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment  
section 16 – Conserving and enhancing the historic environment

## **OFFICER ASSESSMENT**

### Site assessment:

Ludham is designated by the Core Strategy (2008) as a ‘Service Village’ and which has access to a range of facilities such as a couple of shops, school and nursery, church, village hall, public house and doctor’s surgery. Although not within the Conservation Area, the site does afford views towards the Conservation Area and the Grade 1 listed church.

The site is included within the Council’s Site Allocations Development Plan Document adopted Feb 2011 and is referred to as LUD 01 – Land South of School Road. The allocation expected no more than 15 dwellings of which 50% should be affordable housing. Whilst the site allocation states that the site is 1.2 hectares it is actually approximately 1.3 hectares in size. The planning application site area includes all 1.3ha of the policy allocation area.

The site is situated in close proximity to a number of heritage assets, including Church of St. Catherine and F H Chambers Memorial Grounds. However, the site is adjacent a more modern residential development to the north west of the village consisting of a mix of bungalows and houses built in the 1950’s and 1960’s. Materials used were mainly red brick with single pantile roof. This is typical of the buildings within School Lane and Willow Way surrounding the site. Buildings within Catfield Road and High Street become more traditional in character due to the historic centre which still retains many of the oldest buildings in Ludham. Norwich Road has a mix of building styles. The older buildings are located close to the High Street, but as it moves westward, buildings become more modern. The traditional detailing used, such as dormer windows, reflect those of the thatched cottages to the beginning of Norwich Road opposite the grounds of the grade 1 listed church. However, the architectural detailing becomes more basic as you travel further west.

The existing site is accessed from School Lane and Willow Way. Footpaths are provided to the side of the roads within this established residential estate, but there is no street lighting.

Members will be aware that an application for 15 dwellings (PF/17/1008) was previously refused on this site. Notwithstanding this, members should be aware that this application needs to be determined on its own merits.

Members should also be aware that plans have been received during the application to address design issues raised by both the Conservation and Design Officer and Highways Officer and that this has led to a further consultation on the scheme. Members should note that these changes are set out as follows:

- Various design changes to elevations of all house types, such as the extension of eaves, exposed rafters, additional dormers, removal of roof lights, changes to window sizes and materials, etc.;
- House Type B was removed entirely and a new House Type G was introduced;
- The layout has been improved in accordance with comments made and to maintain visibility from School Road towards the Church of St Catherine’s;

- The wildflower meadow on the western periphery of the site was removed in order to accommodate the now wider house elevation type requested;
- The road entrance from Willow Way was realigned and straightened;
- The pavements were widened at the entrance to Willow Way;
- The estate road was split into two private driveways; and
- Front garden sizes and driveway lengths were reduced.

Main Issues to consider:

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

1. Principle of Development

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

The Council can also demonstrate a Five Year Housing Land Supply and the Development Plan is considered to be up-to-date.

The application site is approximately 1.3 hectares in size and the current use of the land is as an agricultural field to the north west of the settlement of Ludham, which is identified within policy SS 1 of the adopted North Norfolk Core Strategy as a service village. The site is allocated within the North Norfolk Site Allocations Development Plan document, and is referenced Policy LUD01. As such, the provision of new market dwellings is acceptable in principle on this site so long as the application is able to demonstrate that it satisfies the requirements of the site allocations policy.

The policy was prepared in accordance with the vision, objectives and strategic policies of the adopted Core Strategy. The following points regarding the site have been made within the supporting text of the Policy LUD01:

- The site is a large agricultural field with no landscape features which lies adjacent residential developments to the south and east;
- Pedestrian routes are available to the school, recreation ground and general store.



- The large site could accommodate 40 dwellings, but this scale is not required within the village;
- A limit of 15 dwellings within the site would allow sufficient landscaping and open space within the site to respect the edge of settlement location and prominence within the local landscape;
- A small part of the site lies within Flood Risk Zone 2, which should remain undeveloped. The site would require a Flood Risk Assessment;
- A programme of archaeological work may need to be carried out;
- There are no surface water sewers in the vicinity of the site;
- The site is in single ownership meaning and the land owner has indicated support for the allocation.

In addition, Policy LUD01 itself limits development potential to 15 dwellings, and sets out a number of key development considerations that any proposals for development on this land should also satisfy:

- On site provision of the required proportion of affordable housing (50%);
- Contributions towards infrastructure, services and other community needs where required;
- A high quality landscaping scheme particularly along the western boundary;
- A form and site layout which will not block views from School Road to the Grade 1 listed church of St Catherine's;
- Prior approval of a scheme of mitigation to minimise potential impacts on the Broads SAC / Broadland SPA and Ramsar site and Great Yarmouth North Denes arising as a result of increased visitor pressure and on-going monitoring of such measures;
- Demonstration that there is adequate capacity in sewage treatment works and no adverse effect from water quality impacts on European Wildlife Sites; and
- A satisfactory FRA with appropriate mitigation measures where required.

The principle of development has been established through Policy LUD01. This proposal for 12 residential dwellings is considered to be acceptable in this context. However the site will be assessed against the key development considerations set out in Policy LUD01 through the relevant sections of this report and a consideration as to the conformity of this scheme to Policy LUD 01 is set out within the conclusion of this report.

## 2. Affordable Housing

Policy LUD01 of the adopted (Site Allocations Development Plan Document), stipulated that the development will be subject to compliance with adopted Core Strategy policies including on-site provision of the required proportion of affordable housing which is fifty percent.

It was highlighted by North Norfolk Strategic Housing that there are currently 662 households on the housing list who want to live in Ludham. This shows a need for housing in the settlement, and an identified need for affordable housing as identified by the large numbers of people on the housing list.

On the 14<sup>th</sup> June 2019, the applicant submitted a draft Heads of Term to provide 3 affordable dwellings on the site. On 19<sup>th</sup> July 2019, an application form was submitted for the North Norfolk Housing Delivery Incentive Scheme, however the applicant withdrew this submission and the proposal cannot be considered in regard to the Housing Delivery Incentive Scheme.

A Viability Assessment was submitted on 7 February 2020 (dated 31<sup>st</sup> January 2020) seeking to demonstrate that no affordable houses could be delivered on this site on viability grounds. The independent District Valuer assessed the submitted viability assessment and set out that a degree of affordable housing could be provided on the site, but that a policy compliant scheme (50% affordable housing on-site) would be unviable. This proposal is for market housing only but discussions have resulted in the negotiation of an agreement which would provide an off-site affordable housing contribution which is equal to the delivery of 3 affordable dwellings. The requirement of 50% would require 6 affordable dwellings, so this would represent a shortfall of 3. As such, it is proposed an overage clause is put in place which would be triggered at various stages of development. This top-up payment would be dependent on the land sale price.

An agreement for off-site contributions would not fulfil the requirements of policy LUD01 as it was preferred for all the required affordable houses to be provided on the site. However, the site was allocated in 2011, and still undeveloped. An off-site contribution would therefore be considered for 25% affordable dwellings. However, this represents a departure from the Development Plan

Notwithstanding the above the proposal is contrary to Policy HO1 of the adopted North Norfolk Core Strategy, as such this proposal would represent a departure from the Development Plan and the balance of material benefits of the scheme have been set out in the conclusion of this report.

### 3. Housing Mix and Type:

The Core Strategy has identified, within section 3, a deficit of smaller starter homes of one or two bedrooms. Policy HO 1 'Dwelling Mix and Type' sets out that on schemes of more than five dwellings, at least 40% of the total number of dwelling shall comprise dwellings that do not exceed more than 70 sqm. and which shall incorporate two bedrooms or fewer. In addition, 20% of the dwellings shall be suitable or easily adaptable for occupation by the elderly, infirm or disabled. Where calculations result in a part dwelling required, the figure would be rounded upwards.

On a scheme of 12 dwellings, Policy H01 would require a minimum of 5 dwellings of two bedrooms or less, and 3 dwellings which would be either suitable or easily adaptable for occupation by the elderly, infirm or disabled. Four of the bungalows have one or two bedrooms only. Nearly all the properties are single storey bungalows which have downstairs facilities suitable for the elderly and infirm. In addition, two of the 3 bed bungalows have wheelchair access with wider doors to be built to the Category 2 of Part M of the Building Regulations, 'Accessible and adaptable dwellings' standard. This standard ensures there would be 'reasonable provision for most people to access the dwelling, and incorporates features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users'.

The housing mix and type as indicated on drawing number 18-1483-02G, would therefore accord with policy H0 1 of the North Norfolk Core Strategy.

#### 4. Density, Layout, Design:

One of the reasons for refusal on the previous application (PF/17/1008) was that Policy LUD 01 seeks a low density development on this site, to ensure:

- a sense of openness.
- to reflect the edge of village location and prominence in the landscape, and
- provide sufficient levels of open space

In order to protect views of, and a sense of connection with, the surrounding natural landscape and the village of Ludham, and to protect the distant views of the Grade I listed Church of St Catherine's.

#### Density

Core Strategy Policy HO7 requires that housing developments in service villages should have an indicative density of not less than 30 dwellings per hectare. The NPPF also seeks to avoid homes being built at low densities due to land shortages for meeting identified housing needs. However, the NPPF also advises that policies should optimise the use of land and should use minimum density standards reflecting the accessibility and potential of an area. Lower densities can be applied if strong reasons can be made as to why a high density would be inappropriate. The NPPF also takes into account the 'desirability of maintaining an area's prevailing character and setting' and the 'importance of securing well-designed, attractive and healthy places'.

Only 12 dwellings are proposed on this site. The proposed dwellings and plot sizes are larger than those within the existing residential estate on adjacent land, and therefore it could be argued that an increased density would have been achievable. However, although the allocation policy (LUD01) stated that the site had the capacity to provide up to 40 dwellings, the site being 1.3 hectares in size, the policy limited development to no more than 15 dwellings.

It was identified that open space and landscaping was important within the site due to its edge of settlement location and its potential impact on the wider landscape and on the character of the area. Limiting the number of dwellings on the site gives a more appropriate density which will fit in with the needs of the village. It would also ensure a rural feel is retained with the provision of adequate open space, generous gaps between dwellings and dwellings served by adequate amenity space which includes parking areas, rear gardens which would provide private amenity space and waste collection areas with side access for waste collection days.

The density also complies with the requirements of the North Norfolk Design Guide which states that achieving minimum densities outlined within Policy H07 should be balanced against preserving local identity and integrating new development into existing settlements. This approach is supported in paragraph 122 to 123 of the NPPF, which states that, although decisions should support the efficient use of land, the prevailing character and setting of the proposed development should also be taken into account.

Therefore, although the application is not in accordance within the requirements of policy H07, it does accord with policy LUD01 of North Norfolk Site Allocations DPD. 15 dwellings were considered the optimum number of dwellings, but as the policy stressed a maximum of 15 dwellings, it implied fewer could be considered. The proposed level of density of only 10

dwellings per hectare would therefore be considered acceptable and within the guidelines of Policy LUD01, subject to the development demonstrating compliance with other relevant Core Strategy Policies.

### Layout

The North Norfolk Design Guide requires development schemes to comply with the requirements of Policy EN 4, and has produced a number of principles to help developers achieve this as follows:

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

To support this application a Landscape and Visual Impact Assessment has been undertaken to ensure that the historic views remain in place, and have placed great emphasis on rooftops and tree canopies to lessen the urban impacts and to maintain a countryside setting. The orientation of the buildings has been designed to break up the over regimented estate grid pattern and to create a more contemporary layout which is still harmonious to the existing.

Better links between buildings has been achieved through the amended plans after the comments by the Conservation and Design Officer (Summarised in the tables below), which were meant to improve the overall design quality of the scheme. The layout now shows acceptable levels of open space within a spacious distribution of houses which are well related to each other. The circular arrangement also creates a safer area where frontages are overlooked with natural surveillance that discourages crime. The distinction between public and private spaces, i.e. around the areas of open space, is clearly defined. The rear gardens are in conformity with the requirements of the North Norfolk Design Guide, being larger than the footprints of the properties. The public footpath which connects to School Road is well related to plots 5 and 6, and to the side of 64 School Road.

The Conservation and Design Officer had made a number of comments with regard to the original scheme, which the applicant has largely addressed. As a result, revisions have been made and amended plans submitted. The layout design and the scale of development now proposed within drawing number 18-1483-02G is considered acceptable. The comments and subsequent amendments regarding design are shown in the table below:

Conservation and Design Officer Comments 03/09/2019	Changes made as a result
Angular views towards the nearby Grade 1 Listed Church and Conservation Area need to be taken into serious consideration when contemplating the development.	House types on plots Type B removed for a design with shorter roof height, and type D moved to another plot. Lower roof heights to preserve views.

<p>The siting of the D house type on Plot 10 is too detached from the main body of the development. Two storey dwellings should be avoided to the edge of the site and doesn't respect the angular views across the site towards the Grade 1 Listed Church and the Conservation Area. It would be better located within the north east section of the land available with the two chalets being more definitively 'linked'</p>	<p>Type D replaced with type F which is single storey only and less obstructive to views of the church.</p> <p>Dwelling on Plot 9 close to joint boundary rather than angled away so this plot less visually disjointed.</p> <p>Type D moved to plot 4</p>
<p>Specifically, on house type 'D':</p> <ul style="list-style-type: none"> <li>- add 2 x dormers to the front elevation:</li> <li>- 2 x '3' casement windows either side in line with the dormers above to provide balance and symmetry;</li> <li>- 6 x roof lights to the rear elevation; and</li> </ul>	<p>Comments taken on board.</p>
<p>At least 24 metres between the rear windows proposed and existing dwellings on Willow Way and School Road due to the height.</p>	<p>Properties on plots 2-6 moved further forward in their plots to provide more space between the existing and proposed dwellings.</p>
<p>The depth of House Type C was considered too large creating a usable amenity which would be too small for the future owners. Therefore, plots 11 and 9 needed to be reduced in depth.</p>	<p>Both Plots have changed from house types C and D to house type F which is narrower than type C and not as tall as type D. The proposed house on Plot 10 has been moved forward to provide more private amenity space.</p>
<p>Suggested more architectural expression is used to enhance the designs, more contemporary lightweight fenestration is included, and the use of a stone Plinth or exposed rafting could be considered to add additional visual interest.</p>	<p>Window headers, more variety of house types, better use of plinths and corbelling to visually enhance some plots, greater variety in materials used to include boarding and render, and the addition of dentil course brickwork for some plots, to uplift the standard of design.</p>

<p>Conservation Comments 22/10/19</p> <p>Generally:</p> <ul style="list-style-type: none"> <li>- windows should be recessed; and</li> <li>- eaves line to have one brick course gap above window heads;</li> <li>- change of materials suggested</li> </ul>	<p>Windows do not seem to be recessed, but eaves heights have been raised.</p> <p>Change of materials have been taken on board so darker windows, rainwater goods and fascia boards, use of smut, red or grey pantiles instead of slate and multi red bricks instead of buff.</p>
---	---

<p>Plot A:</p> <ul style="list-style-type: none"> <li>- garages could be repositioned;</li> <li>- fence could be 1 metres high;</li> <li>- Footpath widened; and</li> <li>- original fence/hedge/grass/footpath arrangement should be kept.</li> </ul>	<p>House types changed, and position of garages on these plots altered to link the plots better, and to improve the layout.</p>
<p>Plot C:</p> <ul style="list-style-type: none"> <li>- Consider use of Corbelling, quoins or eaves detailing; and</li> <li>- windows too uniform.</li> </ul>	<p>Alterations made.</p>
<p>Plot 12 – property needs to be angled away from 12 Willow Way.</p>	<p>Front elevation of proposed property on plot 12 is moved further away, but rear elevation just as near to rear elevation of number 12 Willow Way.</p>
<p>Plot D:</p> <ul style="list-style-type: none"> <li>- external brick stack to replace the flue;</li> <li>- porch needs small window;</li> <li>- WC needs single casement obscure glazed window; and</li> <li>- corbelling and small roof hips suggested.</li> </ul>	<p>Brick stack, and corbelling introduced, plus small hips to main roof. Window detailing not included.</p>
<p>Plot G:</p> <ul style="list-style-type: none"> <li>- Hallway could be enlarged; and</li> <li>- brick plinth base required.</li> </ul>	<p>Brick plinth applied, but hallway stays the same width.</p>

As a result of the changes requested, there have been minor tweaks in the fenestration of the house types, resulting in an uplift in the visual appearance of each unit, and a better balance in design. The relationship between buildings has improved, although this has also led to the loss of a wildflower meadow area between plots 8 and 9. There have been changes in house types on plots to ensure views of the grade I listed church are better preserved. This has been achieved through the use of lower roof heights and the careful positioning of trees to ensure the development merges successfully into its location in order to maintain the character of the edge of settlement.

In addition, the areas of hardstanding for parking have been reduced so that they do not visually dominate and soft landscaping has been proposed to soften the appearance of the development, and to create a distant view into the site.

It is considered that the layout of the scheme is adequate, providing a circular road, and dwellings arranged around it in a circular pattern. The plots are of different sizes, as are the dwellings. Open space is provided within the centre of the circular road which provided a sense of spaciousness. The distinction between public and private spaces is therefore clearly defined. The rear gardens are in conformity with the requirements of the North Norfolk Design Guide; being larger than the footprints of the properties, and of an adequate shape. All plots have adequate amenity space provided in accordance with policy EN4, and as identified within the Design Guide. Houses have also been arranged to create sufficient public views and ensure natural surveillance to discourage crime.

## Design

Ludham includes a mix of house design and materials which reflects a pattern of development which spreads out from the village centre. More modern buildings are to the outskirts of the village, while the traditional, historic form is retained closest to the centre. The residential area immediately adjacent the application site is approximately mid-twentieth century housing with a combination of houses and bungalows, set within regimented street patterns. Materials are of red brick and render, and brown concrete roof tiles. Some of the two storey dwellings have red pantile roofs. The estate was built using basic construction methods, and is therefore not of an outstanding appearance. The original designs therefore reflected this building style.

Comments made by the Conservation and Design Officer (summarised in the tables set out in the layout section) have elevated the proposed development in terms of design and materials and introduced a greater variety of dwelling types so the bungalows will not all look the same. Features such as window headers, platform plinths, corbelling and dentil detailing to the eaves have visually enhance some plots. A greater variety in materials is to be used to include boarding and render, and the addition of dentil course brickwork for some plots, to uplift the standard of design. Additional dormers have been agreed, and windows altered in size and positioning to ensure a visual balance is achieved.

Initially, the design sought to provide a traditional vernacular with traditional brick facades and pantile roofs. Some buff bricks and Spanish natural roof slates were to be used alongside selected pantiles and red brickwork, as well as white soffits, rainwater goods and windows. These have now changed to combinations of multi red brickwork with natural boarding and coloured render. There would also be a mix of Smut, red and grey pantiles and dark coloured rainwater goods, doors and windows, and fascia to create a small residential estate of distinctive appearance which would blend into its surroundings.

## Design Summary

The density of development, layout and design are considered to be in accordance with the principles of Policy LUD01 and Policy EN 4 of the adopted North Norfolk Core Strategy and the supporting guidance as set out within the North Norfolk Design Guide.

## 5. Residential Amenity

### Site levels and amenity

The positioning of proposed dwellings in the plots within the application site have been well designed to prevent loss of privacy, loss of light or overbearing development. The dwellings outside the site area which would be impacted by the proposed development are number 10 Willows Way due to its proximity to the access road into the site, and number 12 Willows Way due to its proximity to a proposed dwelling on plot 12. The impact is all the more sensitive due to the slope of the agricultural field from north west to south east which would result in raised finished floor levels.

Due to the increasing risk of tidal flooding in the future and the south eastern part of the site already being within flood zone 2, plots 1,11 and 10 followed by plots 2 and 10 would need raised finished floor levels to prevent the risk of flooding during the lifetime of the development. As a result, it was agreed with the Environment Agency that a minimum level

of 3.75 metres AOD would minimise the impact of the 1 in 1000 year + climate change (0.1% + CC) AEP flood level on the development. The Flood Risk Assessment identifies the range in land levels as varying between 6.33 metres AOD to 2.67 metres AOD to the south east. There is therefore a site gradient of approximately 1:50 metres.

Appendix 6 of the Revised Flood Risk Assessment and Drainage Strategy identifies the Finished Floor Level for Plot 12 as having a finished floor level of 3.75 AOD adjacent no. 12 Willow Way. The plot, when taking the lowest AOD close to where the dwelling would be positioned (taken from the Location Plan and Site Plan) of 2.84 metres AOD, would have a FFL 900 metres higher than the existing ground level at this point. Plot 12 would also accommodate house type C which has a roof height which ranges from 4.3 metres to 5.4 metres. Adding on the minimum raised floor level of 900mm from the existing ground level, and the roof height would be a minimum height of 5.2 metres adjacent number 12 Willow Way, (although the eaves height is 2.6 metres without taking into account the FFL) which is a small single storey bungalow with a hedge between the west side elevation and the edge of the field which obscures any side windows of the bungalow from the site. The lowest point of the proposed roof on plot 12 would be furthest from the conservatory belonging to 12 Willow Way, and the properties are separated by approximately 2.2 metres at the nearest point.

#### Overlooking and overshadowing:

The existing bungalow at 12 Willow Way has a rear conservatory close to the joint boundary, and a small garden with a poor quality fence. There would be no overlooking from the proposed dwelling on plot 12 when looking across to number 12 Willow Way due to the positioning of dwellings and the existing hedge. However, there would be little privacy in the rear garden or conservatory when viewed from the garden of plot 12. A condition relating to a higher hedge or increased landscaping may afford each dwelling private amenity space to the rear garden. As the existing bungalow is east of plot 12, there should be no overshadowing of the property until late afternoon, and the property would already be subject of some shading in the afternoon due to the existing hedge. The Landscape Masterplan drawing number JBA 16/354-01 Rev D appears to show a one metre double staggered native hedge along the edge of the eastern boundary. The height could be conditioned to ensure privacy between the two gardens and for the existing conservatory, or a fence could be added.

Although there is a difference in FFL's levels due to the future potential for flood risk, additional screening between existing and proposed plots would improve areas of private amenity space and reduce overbearing impacts to an acceptable level.

#### Residential Amenity

The 2017 application for this site was refused because the design proposed would create an unacceptable level of harm to private amenity areas in terms of an overbearing form of development and potential overshadowing and overlooking.

The majority of the plots within this proposed scheme have sufficient distances between the plots and/or existing dwellings to maintain adequate privacy and other residential amenity in accordance with the North Norfolk Design Guide. Plots 1, 3, 4 and 12 need closer examination to ensure their amenity provided would be adequate to occupants of the dwellings on those plots, or to the existing neighbouring dwellings.

The North Norfolk Design Guide has a table which recommends distances between windows based on the type of room.



- Primary to primary windows should be at least 21 metres apart,
- Primary to secondary windows should be at least 18 metres apart,
- Primary to tertiary windows should be 12 metres apart,
- Secondary to secondary should be 15 metres apart, and
- Secondary to Tertiary windows should be 9 metres apart.

The design guide defines these as:

- Primary – main living room windows;
- Secondary – bedroom, kitchen and dining room windows, and secondary living room windows;
- Tertiary – bathroom, utility room, staircase and landing windows; and
- Blank walls with no windows.

### 12 Willow Way, and plot 12:

The proposed dwelling on plot 12 would have no side facing windows looking towards number 12 Willow Way apart from obscure glazed windows belonging to en-suites or bathrooms. The dwelling is angled so the rear elevation faces more towards the joint boundary. As this is a bungalow type 'C', there are no windows in the roof space, all windows being of ground floor height. The rear windows would face into the neighbour's rear garden, and only the angled en-suite windows of the side elevation would face towards the neighbouring property.

The neighbouring property is known as number 12 Willow Way. The side elevation facing the application site is hidden by a tall poor quality fence, but the fence stops to allow a rear conservatory to have views over the field. The conservatory therefore has windows facing towards the proposed dwelling.

The North Norfolk Design Guide does not mention conservatory windows. The applicants believe the conservatory is not a habitable room. Some authorities do, however, count it as a habitable room while others do not. Taking each in turn, distances between Tertiary windows (including bathrooms and en-suites) and living rooms would ideally be 12 metres while from Tertiary to Secondary windows (which includes bedrooms, kitchens, dining rooms and secondary windows to living rooms) should be 9 metres apart, and Tertiary to Tertiary is 3 metres. The applicants have indicated the distance between to be approximately 4 metres. The distance, should the conservatory not be counted as a habitable room, would be acceptable. However, the Conservatory is generally used as an additional living room, and as such, the distances are less than those recommended in the North Norfolk Design Guide. The two gardens are also so close as to remove any private external amenity space. There is therefore a need for a better boundary treatment to preserve privacy for the conservatory which should also be classed as private amenity space. There is the ability to increase the length of the fence, or to add to the height of the proposed hedge on the boundary, which can be maintained through a condition. The applicant points out that there are conifers and hedging of significant height around No. 12 Willow Way and which provides to the occupiers of the property. The additional hedgerow planting shown on the Landscape Masterplan would improve on this. The occupants of number 12 Willow Way are concerned about the impact on the privacy of the conservatory and rear garden, but also concerned about the effect of enclosure and overshadowing should there be a tall fence or hedge. As 12 Willow Way is to the east of Plot 12, there should be no overshadowing of the existing house and garden until late afternoon, which would not be considered unreasonable.<sup>197</sup>

#### Plots 3 and 4:

The only dwelling proposed with first floor windows in the roof space is on plot 4. There is one side window overlooking the blank side wall of plot 3. North Norfolk Design Guide states that distances between a bedroom window and a blank elevation should be 8.5 metres. The distance is not that great, but it is considered that overlooking of the dwelling would not occur, and the window would have views of the front garden rather than the rear private amenity space due to the angle of the properties in relation to each other.

There are also windows which follow the roof slope to the rear elevation and dormer windows to the front elevation. The distances between the rear roof slope windows and properties to the rear should be a minimum of 15 metres and to the front elevation, 18 metres. The proposed distances of the upper floor windows to window distances as set out in the North Norfolk Design Guide are more than satisfied for the front and rear elevations.

Road Access between numbers 10 and 12 Willow Way: Concerns have been raised in particular regarding the access road into the new development and its close proximity to existing dwellings numbered 10 and 12 Willow Way. The access is an extension of an existing turning head. The cars associated with the new development would pass by the front of number 12, and the side of number 10. The dwellings would be no closer to the highway, but would be subjected to more traffic noise as a result. It is therefore recognised that there would be an impact on these two existing dwellings as a result of development, but the impact is not considered unacceptable. Number 22 Willow Way is a corner plot similarly distanced from the road and numbers 42 and 44 are located closer to the highway. Therefore, these properties are already subject to traffic noise as cars move within the estate. The impact on numbers 10 and 12 would not be any greater than on any other property within the estate, and would therefore not represent an unreasonable impact with regards to noise or pollution.

#### Plot 1:

The proposed development on Plot 1 would be closer to the proposed access road. The room closest to the road would be a bedroom with a small bedroom window facing, and ornamental hedge. However, modern construction can provide better noise reduction inside properties, so this should not be an issue. Vehicle movements also reduce in volume at night compared to the day, so the distance of the property proposed for plot 1 to the highway is considered acceptable for a small scheme of only 12 dwellings.

In all, the proposed development is compliant with the requirements of Core Strategy Policy EN 4 in respect of design and policy EN13 regarding amenity.

## 6. Historic Environment

Policy EN 8 seeks to preserve or enhance the character and appearance of designated assets, other important historic buildings, structures, monuments and landscapes, and their settings through high quality sensitive design. It also states that development which has an adverse impact on their special historic or architectural interest will not be permitted.

However, it should be noted that the strict 'no harm permissible' requirement in Policy EN 8 is not in strict conformity with the guidance contained in the National Planning Policy Framework (NPPF). As a result, in considering any proposal for the site the Local Planning

Authority will need to take into consideration Section 16, paragraph 196 of the NPPF. This requires that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, including its setting, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 192 of the National Planning Policy Framework 2019 states:

'In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to
- c) sustainable communities including their economic vitality; and
- d) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 goes on to give weight to an asset's conservation in accordance to its importance.

There are a number of heritage assets within close proximity to the site, including.

- Church of St Catherine (Grade 1) 186 metres south east
- F H Chambers memorial in grounds of the church (Grade II) 190 metres south east
- Church View (Grade II) 206 metres to the east
- Former Saddlers Shop with adjoining cottage (Grade II) 216 metres to the east
- Ludham War Memorial Cross (Grade II) 226 metres to the east
- 1-5 Yarmouth Road (Grade II) 281 metres to the east
- The Stores (Grade II) 303 metres to the east

This proposal is not considered to have an impact upon the Conservation Area, but it is considered that the proposal would have an impact upon the Church of St. Catherine. The scheme would impact existing views of the church tower from School Road, and may block views of it from certain angles. From the point that the site was allocated for development, it was accepted that there would be some impact on the views of the church tower when viewed from the outskirts of the village. Even if the viewpoints remained from every angle, there would still be a change in backdrop, with the proposed development to be seen in the foreground.

It is noted the lengths that have been taken to ensure impacts are kept to a minimum. Bungalows are less distinctive while taking up a larger footprint. They are therefore harder to achieve quality designs and interesting detailing compared to two storey dwellings. However, the use of bungalows has also been useful in keeping the impacts of development low with regard to the views of the church tower, which will be seen above roof tops rather than through the gaps between buildings.

It is considered that this would result in a modest amount of harm to the overall significance of this designated heritage asset which can be considered within the planning balance. However, the harm caused to the views of the church of St Catherine's, which would incorporate the context of the existing built form, must be considered against the public benefits when weighing up the planning balance. A conclusion is made regarding this in the Planning Balance section towards the end of this report

## *Archaeological Heritage*

The Archaeological Heritage should also be taken into account. Policy EN8 within the Core Strategy states that where required, 'development proposals affecting sites of known archaeological interest will include an assessment of their implications and ensure that provision is made for the preservation of important archaeological remains.

It has been identified, due to previous trial trenching evaluations on the site in 2013, that there could be Anglo-Saxon, medieval and post-medieval activity in the area. Due to the potential for buried archaeological remains on the site, a condition would need to be applied to the decision notice to ensure a programme of archaeological work is undertaken in accordance with the NPPF 2019 before any development can take place. Paragraph 189 of the NPPF states 'where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

NCC Environmental Services are satisfied that a condition requiring a programme of archaeological works to be undertaken prior to development in accordance with paragraphs 189 and 199 of the NPPF 2019. The proposed development would therefore comply with policy EN 8 of the North Norfolk Core Strategy subject to the suggested condition proposed.

## 7. Landscape

The settlement of Ludham is located within the 'Settled Fen' landscape type. As such, the landscape has fairly open topography which is also mostly flat. Land therefore would have a sense of openness which new development should be sympathetic to, in order to protect the special qualities of and local distinctiveness of the area as required by Core Strategy Policy EN2 and Site Allocation Policy LUD01.

The submitted Landscape and Visual Impact Appraisal recognises the hedgerows with hedgerow trees as important features within the landscape. It also points out that a combination of the local topography and existing hedgerows, small blocks of vegetation and existing built form restrict views into the site despite the surrounding characterisation of large open fields. Therefore, viewpoints of the village and the Grade I Listed Church are important and should be retained. The height and positioning of tree planting and the low level height of the proposed bungalows will help protect these views.

The landscape master plan has been careful to ensure development maintains a rural low level approach to the village, and creating a central green corridor with pockets of open space to break up the built form. Tree planting helps to soften the impact of development and to prevent any overlooking between properties, as will additional low level planting.

The Landscape Masterplan appears to be compliant with Core Strategy Policy EN 2 which seeks to protect and enhance the existing landscape and settlement character. The proposed landscaping is also compliant with Policy LUD01 as the landscaping has taken into account the retention of views towards the Grade I Listed Church within Ludham and seeks to ensure the scheme incorporates a high quality landscaping scheme, particularly along the western boundary of the site, as required by Policy LUD01.

## 8. Trees

A tree protection scheme has been included (drawing number OAS/1412-TS02) which shows an approximate line of protective fencing to be erected in accordance with BS5837. Overall, with the proposed planting plan consisting of the planting of a large number of trees and hedges, as well as marginal planting around the attenuation pond, it is considered there would be sufficient enhancement to the biodiversity value of the site which would accord with the requirements of Policy EN 9.

## 9. Ecology and Biodiversity

Policy EN 2 expects proposals to be informed by, and sympathetic to the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies. Proposals should therefore enhance, amongst other things, the biodiversity of an area and the pattern of distinctive landscape features such as ecological corridors.

Policy EN 9 seeks to protect the biodiversity of land, minimising the fragmentation of habitats while maximising opportunities to restore, enhance or connect natural habitats and to incorporate beneficial biodiversity conservation features.

The proposed development would result in the loss of approximately 1.5 ha of arable land and associated grass margins, which indicates the site is of low ecological value for wildlife. Low scale precautionary measures can be taken prior to development to discourage wildlife in the area therefore reducing harm during clearance works.

Trees and hedges are to be retained around the perimeter of the site to the north and east boundaries. Some trees have been identified as requiring protection during development, and shown on the submitted Tree Protection Plan. Additional enhancements have been suggested within the submitted Ecological Survey submitted with the application. To ensure a net biodiversity net gain is achieved on the site which includes 'hedgehog highways' through any close board fencing within and surrounding the site, shelves should be incorporated into the SUDS pond with native aquatic vegetation, hedgerows planted along the western and southern boundaries which should utilise native varieties, the use of native plants, trees and shrubs in greenspace areas, and the use of 5 bird and 5 bat boxes within the development. These measures can be secured by condition.

## 10. Habitats Regulation Assessment:

Policy LUD01 of the Site Allocations DPD (2011) identified that any proposed development should provide further mitigation due to the potential to adversely affect the Broads SAC, Broadland SPA and Ramsar site and North Denes SPA. This would involve a programme of monitoring to assess the impact of development on these sites in terms of visitor disturbance, and further assessment of water quality issues to ensure continued compliance with appropriate discharge levels. The Landscape Officer and Planning Policy agree that a scheme of mitigation is required to minimise impacts and to ensure that sewage treatment works have capacity for the proposed development and to ensure there would be no adverse impacts on the surrounding European Wildlife Sites. This is also stipulated as a requirement within Policy LUD01.

From 2011, there has been a collaboration between local authorities based within the Norfolk area which has led to a Norfolk-wide strategic approach to this issue. This would result in a fee which is non-negotiable, and paid as part of the legal obligations agreed for the scheme.

Recreation Impacts Study: Visitor Surveys at European Protected sites (2016) by Footprint Ecology, highlighted that there will be a 14% increase of visitors to the Broads and a 9% increase of visitors to the North Norfolk coast during the current plan period as a result of the planned residential growth across the County. Historically, a fee of £50 has been sought for each residential dwelling within the District has been secured through planning obligations. This fee goes towards monitoring and mitigating visitor impact on the North Norfolk Coast Special Area of Conservation (SAC) and Special Protection Area (SPA) and other Natura 2000 sites.

The Landscape Officer has highlighted the introduction of the Norfolk Green Infrastructure and Recreational Avoidance Mitigation Strategy (GI/RAMS) which is currently being finalised, and which introduces a developer charge using a zone of influence based approach. This charge amounts to £205.02 per dwelling, and replaces the former charge of £50 per dwelling. While the final report has yet to be adopted by the Norfolk Strategic Framework, the evidence base presented in the draft report has been accepted in principle and will be in place before development commences, and before the payment is due to be made. Natural England also supports this need for a financial contribution to the council's Habitats Regulations monitoring work.

In addition, under the Conservation of Habitats and Species Regulations 2017 (as amended) stated the 'competent authority', which in this case is North Norfolk District Council, must undertake a formal assessment of the implications of any new plan or project or designated European sites (known as Natura 2000 sites). The North Norfolk District Council has therefore prepared a further HRA of the site as the competent authority under the EU 'Habitats' Directive 92/43/EEC.

Within the document, it was agreed that sufficient evidence had been provided by both Anglian Water and the applicant to confirm that Ludham WRC has sufficient capacity to treat the foul water flows from the development, within permitted targets. The resultant discharges into the Broads network would therefore not be expected to adversely impact the integrity of the Habitats Sites.

The report also identified that the site on its own would not result in a significant effect on Natura 2000/Ramsar sites. However, the accumulative impacts of the proposed growth in Norfolk, which could amount to 84,000 new dwellings, cannot rule out a likely significant effect. In which case, the GI/RAMS assessed financial contribution from developers to implement the scheme of monitoring and any necessary mitigation identified as required to protect the conservation features of Natura 2000 sites should be payable.

Further to this, the application also includes a footpath from the site to School Road to improve the Public Rights of Way network, which will encourage people to utilise local footways and help reduce the impact upon the European Sites within the District.

The application refused in 2017 failed to demonstrate that the development will be unlikely to have an adverse direct or cumulative impact on designated international nature conservation sites and sites of special scientific interest (SSSIs), or prevention, or mitigation, of potential impacts from increased visitor pressure at each of the designated sites.

This application, has provided sufficient evidence to show that the requested further mitigation requested would be provided. Therefore, so long as the S106 agreement includes the necessary financial contribution identified, and the application is conditioned to ensure measures outlined in the Ecology Report are carried out, then the application would comply with policies EN 2 and EN 9 of the North Norfolk Core Strategy should planning permission be granted.

#### 11. Open Space:

Core Strategy Policy CT2 requires developer contributions for schemes of 10 dwellings or more where there is insufficient capacity in infrastructure, services, community facilities or open space. The Core Strategy's Open Space Standards therefore require a development of 12 dwellings to provide the following levels of open space:

- Parks = 381 sqm
- Play = 112 sqm
- Greenspace = 293 sqm
- Allotments = 188 sqm
- Total = 974 sqm

The development provides three areas of Amenity Green Space:

- Northern open space area with footpath running through – 703m<sup>2</sup>
- Central area – 1080m<sup>2</sup> which also incorporates a SUDS pond which measures 451m<sup>2</sup>. The SUDS pond cannot be used as part of the calculation for open space requirements which reduces the amount on site provision.
- Western periphery wildlife corridor – 375m<sup>2</sup>

The quantum of open space proposed to be provided on the central and northern areas of the site meet the definition of Amenity Green Space as set out in the 2019 Open Space Study. Further, the study identifies a deficit of Amenity Green Space of 1.07ha in the parish.

With regards to Parks and Recreation and Play Space, the development is within 600 metres of Catfield Road recreation field and children's play area. However, off site contributions would still be requested and would be used to improve the existing park facilities and play area.

As a result of this deficiency the following off-site contributions are required by planning obligation:

- Play: £5,600 (To be spent on Play Equipment in the Parish to be agreed with the District Council)
- Recreational Parks: £13,241 (To be spent to improve recreational areas in the Parish to be agreed with the District Council)
- Allotments: £6,518 for off-site allotments provision.

The applicant has agreed these proposals and this will form part of Section 106 Legal Agreement. Subject to this agreement the proposal is considered to be in accordance with

Policy CT 2 of the adopted North Norfolk Core Strategy and Policy LUD01 of the North Norfolk Site Allocations Development Plan Document.

## 12. Highways and Parking:

Core Strategy Policy CT5 states that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location and that development proposals will be considered against the relevant criteria of that policy which states that:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability;
- the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;
- the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.

However, paragraph 32 of the NPPF, also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Policy CT6 seeks to ensure adequate parking is provided, including for cyclists.

### *Sustainable Transport*

The principle of 12 dwellings on this site has already been established as part of the 'Site Allocation' i.e. the site is in a relatively sustainable location and in a rural context has reasonable access to services and facilities.

### *Highway Safety*

Some objections and letters of concern have been received regarding the narrowness of Willows Way and its ability to cope with additional traffic generated by the 12 dwellings proposed, possibly causing obstruction and bottlenecks through the village.

It is accepted that there will be more traffic as a result of development, and that this may slow down traffic moving through Willow Way and School Road. However, this would not represent unsafe access. Although additional traffic movements will be generated by the development, it is only a small development of 12 dwellings, and all occupants will not be leaving or coming home at the same time. There would be some filtering of traffic as occupants would have differing schedules and travel needs. Also, not every journey would be by car. The centre of the village is only a short walk away, and many people who are conscious of climate change tend to cycle more often where possible.



Highways have been involved with the proposal, and asked for a number of alterations and amendments:

<b>Highways comments 22/08/2019</b>	<b>Results</b>
Road bends should have a 20m centreline radius so as not to be too tight;	These were added.
Too much adoptable carriageway is proposed. Would be better to have a turning head so the rest of the site is served by two private driveways.	Blue dotted lined introduced in front of plot 8, with black lines either side. May be indicative that road no longer meets.
Minimum width of 4.8m.	Maximum width 6.5m, minimum 4.8m.
Change in footway width too abrupt.	Tapered footpaths introduced.
A footway link to School Road requires the extension of the existing footway, and layout plan annotated to confirm this provision.	Plan annotated to read 'new footway on School Road to link with the existing'.
<b>Highways comments 22/11/2019</b>	
A footway should be provided around all sides of the proposed turning head.	Additional footways introduced as suggested.
Turning head should be of adequate size for larger vehicles to manoeuvre. Enlarge slightly.	Enlarged as suggested.
Clarification required re a future road to the southern boundary.	The turning head is finished with a path to show no future road planned at this stage.
Clarification of a continual loop or two separate driveways to the end of the adopted estate road.	The path and turning head would suggest two separate driveways rather than a continual loop.

As a result of the comments made by Highways, there have been a number of improvements made to the development scheme which includes the tapering of the footpaths either side of the access road, and a greater width of road for vehicles to access the new development. The angle of the access road within the site has also been altered to reduce the bend in the road, and to enable easier access for road users. The continual loop in the circular road has been closed off so that the road can only be used for appropriate access and would encourage the reduction in speeds of cars using it. Highways now consider the proposals to be acceptable subject to some conditions relating to detailing of improvement works, footways, street lighting, and drainage, the provision of on-site parking for construction workers, access for deliveries and wheel washing facilities during the construction period as well as the change in road traffic speed to 20mph which requires a Traffic Regulation Order to be put in place.

The footpath required further clarification that it would link into the existing footpath on School Road. This was clarified within amendments and annotated onto the site plan. The footpath would provide a safer pedestrian link to the village. The only direct route to the centre of the village is either Norwich Road or School Road. Some dwellings to the south of the application site would still find it nearer to walk along the existing Willow Way path, but those located to the north would find the proposed pathway more convenient. It does create an alternative access for residents of Willow Way to access the countryside and popular walking routes.

Highways are satisfied with the standard of access into the site, and the proposal appears to meet the requirements of Core Strategy Policy CT5.

### *Parking*

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

- 1 x 1 bedroom units
- 8 x 2 and 3 bedroom units
- 3 x 4 bedroom units

According to Core Strategy Policy CT6, the development should deliver an average of 1.5 spaces per 1 bedroom unit, 2 spaces per 2/3 bedroom unit and a minimum of 3 spaces per 4 bedroom unit, amounting to a total on-site requirement of 26/27 car park spaces.

When taking into account the amount of hardstanding which would allow tandem parking, and available garage space, each plot does appear to have provided the minimum parking standard as outlined within Appendix C of the North Norfolk Core strategy. The development is therefore considered to be compliant with Policy CT6 of the North Norfolk Core Strategy.

### **13. Flood Risk and Drainage (Policy EN 10)**

The 2017 application was unable to prove that there would be capacity for the proposed development within the intended receiving sewage treatment works. It was therefore also unable to confirm that there would be no adverse effect on water quality within the European protected watercourses or SSSI sites. This application needs to be able to demonstrate these measures are now in place.

Policy EN 10 ensures the sequential test is applied to ensure most new development is located within Flood Risk Zone 1, and development in Flood Zones 2 and 3 will be restricted. However, a Strategic Flood Risk Assessment is still required for sites within Flood Zone 1 of 1 hectare or greater, and sites which are surrounded by Flood Zones 2 or 3. This issue has been considered under Site Levels and amenity. Subject of raised floor levels, the residential development of the site is considered to be acceptable. The site does have a small section within Flood Zone 2, but this is part of the garden area of Plot 12, and all residential dwellings are to be built within Flood Zone 1 only.

Policy EN10 also expects new development to have appropriate surface water drainage arrangements for dealing with surface water run-off. The use of Sustainable Urban Drainage systems is preferred.

### *SUDs:*

LUD01 points out that a small part of the site lies within Flood Risk Zone 2, and should therefore remain undeveloped. The policy stipulates that the site would require a Flood Risk Assessment with appropriate mitigation measures where required. Part of the rear garden of plot 12 would be the only area within Flood Zone 2. The FRA states that flooding on the site would be minimised by the use of:

- Permeable surfaces where possible,
- a suitable Foul Water Drainage Strategy to be incorporated to minimise flood risk; and to
- Introduce a suitable Maintenance Management Plan for all SUDS and piped drainage systems for the lifetime of the development.
- Finished floor levels of the dwellings, which are all located within Flood Zone 1, would be raised and safe refuge will be available within the site.

The use of a sustainable drainage system (in the form of an attenuating pond) has been incorporated into the scheme. Geology findings confirm that infiltration SuDS drainage techniques are suitable for the site, and a SuDS Attenuation Basin is to be located within the open space area to the middle of the site. This will drain the main highways roads and footways, excess water flowing from driveways, and other sources of surface water which has not been able to soak into the ground. It is expected that slow infiltration rates from the pond into the surrounding ground area will prevent surface water flooding due to a rapid inundation of rain.

The application is considered to be in accordance with Policy EN10 which requires development to be in Flood Zone 1. The raising of the floor levels to a minimum of 3.75 metres above AOD will also ensure against any future flood risk and this will be secured by way of condition.

*Existing foul drainage:*

Ludham Parish Council, residents and Landscape Officer have expressed concerns regarding the inadequacy of the present sewerage system in Willow Walk. Additional development would exacerbate existing inadequacies with detrimental impacts on public health, and impact on residents and the parish council are particularly concerned re drainage and sewerage. Anglian Water accept that the previous application was partially refused on the basis of a lack of capacity at the receiving water recycling centre.

This application has been accompanied by an Anglian Water Pre-Assessment Report which demonstrates that Ludham's Waste Recycling Capacity is being increased. The Dry Weather Flow capacity will increase from 800 to 1062 cubic metres per day. Anglian Water's Water Recycling Long Term Plan highlighted the need to increase the Environmental Permit which was done in 2019 and resulted in Ludham WRC being identified as an AMP7 investment scheme to provide the additional capacity between 2020 to 2025. Investments have therefore taken into account all planned growth until 2036 in the Ludham catchment area. It is therefore confirmed that there is sufficient flow capacity for this development as a result of changes in investment since the previous application was refused. It is the responsibility of Anglian Water rather than the developer to ensure the sewerage network and the water recycling centre can accommodate the expected sewerage output. It is expected that Anglian Water will take into account build start dates and phasing so that the system is updated prior to development and the occupation of the dwellings.

Taking all this into account, the application complies with Policy LUD01 which requires the application to demonstrate that there is adequate capacity in sewage treatment works for the development, and therefore there will be no adverse effect from water quality impacts on European Wildlife Sites.

#### 14. Sustainable Construction and Energy Efficiency:

Policy EN6 sets out a requirement for new development to provide at least 10% of the development's predicted total energy usage through renewable energy under policy EN 6. The previous application had not proposed or considered any means of on-site renewable energy generation.

This application intends to meet the thermal and energy efficiency requirements as set within Building Regulations. The site intends to provide renewable energy generation through the use of solar PV roof arrays, with seven of the 12 plots providing southerly-aspect pitched roof areas. The Energy Consumption document submitted with the application shows that the solar panels would provide 11% of the total predicted energy demand for each dwelling. The proposal therefore complies with Policy EN 6 of the adopted North Norfolk Core Strategy.

#### 15. Other Considerations:

##### *Refuse collection:*

The refuse and waste collection report submitted within the application suggests the road within the site would be constructed to an adoptable standard, and would provide clear and safe access for waste collection vehicles. It is indicated on dwg. No. 18-1483-02G which replaces the drawing attached to the refuse collection report. It shows that collection points would be adjacent the road, and stored to the side of the buildings. With the landscaping proposed for the site, the storage of bins would not be noticeable.

#### 16. Planning Obligations:

The 2017 application had failed to provide any public open space, play areas or allotments or to make a positive contribution to health and wellbeing of communities as expected by the National Planning Policy Framework.

This application seeks to provide the following in the form of Section 106 Planning Obligations.

##### *Affordable housing off-site contributions:*

A viability assessment was undertaken, the results of which has provided the following planning obligations:

An Affordable Housing commuted sum of £195,000 in lieu of on-site provision of three affordable dwellings. It has been agreed that fifty percent of this sum would be payable before more than 35% of the dwellings are completed with the remaining fifty percent payable before more than 60% of the dwellings are occupied.

Payment of an overage 'top up' will also apply as follows:

- a. On when the land sale price is secured above £480,000
- b. 50% of proceeds above base sum of £480,000

- c. Maximum Sum of £585,000 - the maximum sum of £580,000 includes the base commuted sum of £195,000. The maximum sum would therefore be £580,000 - £195,000 = £390,000.
- d. Top up payment secured by restriction on title and payable on transfer of the land.
- e. Good faith/anti avoidance clause to ensure land transferred at fair value
- f. All sums indexed by RICS BCIS All tender.

*Open Space:*

- Play: £5,600 (To be spent on Play Equipment in the Parish to be agreed with the District Council)
- Recreational Parks: £13,241 (To be spent to improve recreational areas in the Parish to be agreed with the District Council)
- Allotments: £6,518 for off-site allotments provision.

*SPA / SAC visitor impact mitigation contributions:*

- £205.02 per dwelling which would amount to £2,450.

Subject to the management of the proposed open space and allotments being secured by condition and policy-related contributions to be provided in regard to play and park provision via a Section 106 agreement, the proposal is considered to be in general accordance with the requirements of Core Strategy CT 2.

17. Planning Balance:

The principle of development has been established through Policy LUD01 of the Site Allocations Development Plan Document. This proposal for 12 residential properties does not accord with the affordable housing element of this policy and is therefore contrary to Policy LUD01. Whilst this development proposal falls short of the strict policy requirements set out in Policy LUD01 it is important to consider the material benefits regarding this proposal:

- Off-site affordable housing provision (Equivalent of 3 Units, 25%)
- A surplus provision of Amenity Green Space provided on site, which meets a local identified need as set out within the 2019 Open Space Study;
- A programme of monitoring be initiated to assess impacts of development from visitor disturbance on the Broads SAC / Broadland SPA and Ramsar site, and Great Yarmouth North Denes which would require Developer Contributions as advised by Natural England;
- Important views from School Road to the Grade I Listed Church retained;
- Delivery of a site that has been allocated since 2011, which will help support the existing services and facilities within Ludham.

Whilst 50% affordable housing is not proposed through this application, the applicant has demonstrated that this is not viable in this case, but that 25% affordable by way of an off-site contribution is viable. The Council's Viability Consultant has corroborated this figure of 25%, to which Officer's agree. Therefore, whilst this proposal does not strictly accord with Policy LUD01, the proposal is considered to be in accordance with the broad aims of the policy.

In regard to the Historic Environment, the views of the Grade I Listed Church would change due to the nature of development and would result in a modest amount of harm to the overall significance of the designated asset. This is low level of harm is to be measured against the public benefits of the scheme, which include:

- a high quality landscaping scheme to settle the proposed development into its surroundings,
- an improvement to the Public Right of Way network with a footpath leading to School Road which will provide a greater connectivity,
- on site provision of amenity green space in excess of the open space requirements that would meet a demonstrated need in the area,
- off-site contributions which would improve the provision of open space in Ludham, and
- off-site contributions which would provide a minimum of 3 affordable dwellings, and which incorporates an overage fee dependent on the sale price of land which could potentially top up this number of affordable dwellings.

In regard to the Historic Environment, it has been demonstrated that the modest harm to the designated heritage asset would be far outweighed by the aforementioned public benefits of the scheme. The proposal is therefore considered to be in accordance with the NPPF in this regard.

On balance it is the considered opinion of Officers that whilst this proposal represents a departure from Development Plan policies, the material considerations discussed within this report, which include the public benefits cited above, are sufficient to outweigh the departure in this case. The recommendation is therefore one of approval, subject to completion of a Section 106 agreement to secure the planning obligation and public benefits described above and subject to compliance with the with the conditions listed below.

## **RECOMMENDATION**

### Part 1:

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

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

- Provision of a commuted sum of £195,000 in lieu of on-site provision of three affordable dwellings, plus an overage fee - the amount dependent on the land sale price.
- Public Open Space contributions of £25,359 in total comprising: Allotments £6,518; Play enhancement £5,600; and Parks £13,241;
- SPA / SAC visitor impact mitigation contributions - £205.02 per dwelling (total £2450);

2) The imposition of the appropriate conditions to include:

1. Time Limit – three years beginning with the date on which this permission is granted
2. The development shall be undertaken in strict accordance with the plans
3. Materials in accordance with details submitted
4. Construction Management Plan (pre-commencement)
5. Traffic Regulation Order (pre-commencement)

6. Renewable Energy to provide at least 20% from renewable sources (pre-commencement)
7. Detailed plans of roads and footways to be provided.(pre-commencement)
8. Off-site highway improvement works (including Public Rights of Way works shall be completed prior to first occupation (pre-commencement)
9. Traffic Regulation Order for 20mph zone (pre-commencement)
10. Archaeological Scheme of Investigation (pre-commencement)
11. Drainage to be provided before occupation (pre-commencement)
12. Parking and turning areas prior to occupation and thereafter retained.(pre-occupation)
13. Road and footways shall be constructed to binder course surfacing level from the dwelling to the adjoining County road (pre-occupation)
14. All roads, footways, street lighting, etc to be in accordance with the approved specification (prior to occupation of 11<sup>th</sup> Dwelling)
15. Bathroom windows opaque glazed to level 5.
16. PD rights removed to protect views of Grade I Listed church
17. Ecology
18. External Lighting prior to installation
19. Tree protection measures in accordance with details submitted.
20. Hedges – proposed hedge planting requirements.
21. Further landscaping details required including a landscaping management plan
22. No retained tree shall be lopped, topped, etc.
23. Any new tree or shrub dies or is damaged shall be replaced

Any other conditions that may be considered necessary at the discretion of the Assistant Director of Planning.

Part 2:

That the application be refused if a suitable section 106 agreement is not completed within 3 months of the date of resolution to approve, and in the opinion of the Assistant Director of Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale.