

Former Sports Ground, North Walsham PO/20/1251 – Erection of up to 54 dwellings with public open space, new vehicular access, landscaping and associated infrastructure (Outline application with full details of the proposed means of access only. Details of layout, scale, appearance and landscaping are reserved for future determination)

Major Development

-Target Date: 14 December 2020

-Extension of Time: 28 October 2021

Case Officer: Mr James Mann

Outline Planning Permission

SITE CONSTRAINTS

Designated Education Allocation within the Site Allocations Development Plan Document

Designated Open Land Area within the Core Strategy

Within the defined Settlement Boundary of North Walsham

Contaminated Land

Mineral Safeguard Area - Underlain by Sand and Gravel (Policy CS16 of the Norfolk Minerals and Waste Core Strategy)

Gas Pipe Buffer Zone

EA Risk of Flooding from Surface Water 1 in 30

EA Risk of Flooding from Surface Water 1 in 100

EA Risk of Flooding from Surface Water 1 in 1000

SFRA - Areas Susceptible to Groundwater Flooding

SFRA - Risk of Flooding from Surface Water + CC

RELEVANT PLANNING HISTORY

PLA/2008/1351

Playing Field, Station Road, North Walsham

Erection of Sixth Form College

Approved 10/01/2013

THE SITE

The site is situated to the south of North Walsham town centre, between the Bittern Line Railway to the north with the A149 beyond, Station Road to the south and the Victory Swim and Fitness centre adjoining the site to the east. In Planning Policy terms, the site is situated within the North Walsham Settlement Boundary, is a designated Open Land Area and is allocated for educational use.

Existing residential development is located to the south and to the west of the site. The majority of the dwellings to the south are late C19/ early C20 traditional two-storey red brick, tile and rendered properties of relatively low density with larger plot sizes. Directly to the east of the site are a number of bungalows which back directly on to the site itself. There are further single and two-storey properties to the northwest of the site.

The site is currently characterised by open recreational space (playing fields). However, the site is in the private ownership of the Paston Foundation; there is currently no public access to the site. This is illustrated by the 'Private Property' signage around the periphery of the site.

North Norfolk District Council have a lease agreement on the site adjacent to this site with an Options Agreement for part of this site. As part of this process North Norfolk District Council were served notice due to the highways works forming part of this leased land (included within the red line boundary), during this consultation North Norfolk District Council stated that the Options Agreement expires in 2022 and that there is no appetite to take up this Options Agreement.

THIS APPLICATION

This application is for the erection of up to 54 dwellings (including the provision of 45% affordable dwellings – circa 24) with public open space, new vehicular access, landscaping and associated infrastructure. This application is outline with full details of the proposed means of access, all other details (scale, appearance, landscaping) are reserved for future determination.

REASON FOR COMMITTEE CALL IN

This application has been called in to Development Committee on grounds of the policy conflicts in regard to the education allocation and open space.

CONSULTATION RESPONSES

A consultation was held between 15 September and 6 October 2020. Following additional information and revised plans a further 21 day consultation was held between 10 August and 31 August 2021.

North Walsham Town Council – Object

The Town Council feel that the developers have not taken their views into account following a presentation made to the parish. The Town Council have concerns regarding the width of the road and the amount of traffic that will subsequently use the road if permission is granted.

Network Rail – No objection, subject to an informative note

Network rail raise concerns regarding the existing trees on the north of the site, and require demonstration that the underpass access can still be maintained.

Advice is given by Network Rail on a number of potential issues that may arise from development within close proximity to the rail network.

An Informative note is proposed to ensure that the issues are considered before the submission of any Reserved Matters application.

British Pipeline Agency Ltd – No objection

No pipelines apparatus falls within the vicinity of the site

National Grid (now Cadent Gas Ltd) – No objection, subject to an informative note

An informative note is required to set out what should be undertaken prior to any on-site works

Health and Safety Executive (HSE) - Do not advise against

Natural England – **no comments made, formal advice given**

Sport England – **Object, if minded to approve the application should be referred to the Secretary of State, via the National Planning Casework Unit.**

The loss of the open space does not meet any of the exceptions as set out by Sport England. The Norfolk FA would be supportive of an off-site financial contribution toward a 3G sports pitch at North Walsham Football Club.

In the response it quotes the Norfolk FA as saying that Station Road is currently used for recreational football activity and by the FE college. A subsequent comment from the FA stated that they are happy to be led by the college – in that no football activity has been carried out since 2017 – and confirm that there is no affiliated football being placed at the facility.

However, the application is still not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Local Highway Authority (Norfolk County Council (NCC)) – **No objection subject to conditions**

Original objection made on 11 December 2020 on the basis of a lack of information and this was followed up with further comments and holding objections on the 19 January and 9 April 2021. Following the provision of further information, the objection was removed subject to conditions.

Education – Children's Services (NCC) – **No objection**

Norfolk County Council as the Education Authority have no requirement for the site at the present moment in time, nor any medium-long term plans for the site.

Historic Environment Officer (NCC) – **No objection subject to conditions**

Conditions required to ensure that an archaeological written scheme of investigation is submitted and then carried out prior to the commencement of development.

Lead Local Flood Authority (LLFA) (NCC) – **no objection subject to conditions**

No objection subject to a condition in regard to the agreement of further details prior to occupation.

Planning Obligations Co-ordinator (NCC) – **obligations sought**

There is spare capacity in the Early Education sector and at Primary and High School levels - no contribution required.

Library provision – £4,050 (£75 per dwelling)

1 fire hydrant required at a cost of £921 by way of planning condition

£266.20 per dwelling for mitigation works for the Weavers Way Trail, North Walsham Circular Walks and Weavers Way County Wildlife Site by means of necessary improvements including, but not limited to:

- Enhancing surface treatments,
- Improvements to access points,
- Improved signage for/to the Trails network in the vicinity of the site
- Biodiversity measures within the Weavers Way County Wildlife Site.

Public Rights of Way & Green Infrastructure (Norfolk County Council) – obligations sought

Recommend an informal circular path encompassing the whole site to help alleviate the increased footfall and consequent impact on the adjacent Weavers Way long-distance Norfolk Trail and County Wildlife site.

Anglian Water – comments made

Assets – none affected

Wastewater – North Walsham Water Recycling Centre has capacity for these flows

Used Water – Sewerage system has capacity for these flows – informative required if connecting to an Anglian Water network

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

Finance & Asset Management Team (North Norfolk District Council (NNDC)) – No comment made

Sports & Countryside (NNDC) – No comment made

Conservation and Design Officer (NNDC) – No Objection made

All matters reserved except access are reserved at this time.

Landscape Officer (NNDC) – No objection subject to conditions

Ecology

A significant portion of the site is currently amenity grassland (former playing field) surrounded by patches of scrub and rough grassland, and semi-mature to mature trees. It is adjacent to the Weavers Way, main railway line, and further greenspace to the north-east. Three sections of hedgerow exist on the site as well as a mature oak tree.

The Landscape Section consider that, contrary to the Ecological Assessment, the scrub areas of the site to north contain potential for foraging bats and that these areas should be protected and enhanced as important ecological corridors of movement. These should remain as scrub and not be gentrified through the development process. It is also considered that this area has biodiversity value and the loss would have a negative impact upon biodiversity.

There will also be an impact on the species able to utilise the site for foraging once developed due to the increased amount of artificial light pollution. As lighting is likely to be included as part of the development (both street lighting and external domestic lighting) then the suitability of the habitat for foraging bats will decrease dramatically.

Ability to establish biodiversity corridors limited due to the outline nature of the application.

Shadow HRA

A Shadow HRA has been completed for the application by Hopkins Ecology which states that the proposed development will not have an impact on the integrity of any International or European sites. The Shadow HRA has reached this conclusion on the assumption that a significant effect is not considered likely and an Appropriate Assessment has not been carried out.

The Landscape Section consider that a likely significant effect cannot be ruled out due to the in combination effects of recreational disturbance on the Broads, Norfolk Valley Fens, East Coast and North Norfolk Coast 'European Protected' sites according to the most up to date evidence gathered as part of the emerging Norfolk GI/RAMS project. This project has calculated that the Zone of Influence (ZOI) for recreational impacts arising from the in combination effects of residential development for the Broads is 25km, the Norfolk Valley Fens is 15km, the East Coast sites is 30km and the North Norfolk Coast is 42km.

Natural England have provided comment on the application and have not raised any objections, however the Local Planning Authority is the Competent Authority under the Habitats Regulations and is required to assess the application and the potential for likely significant effect on European Sites.

Natural England have provided interim advice to local authorities (dated 12th August 2019) regarding the emerging Norfolk GI/RAMS and the evidence based calculated ZOIs. NE anticipate that any new residential development within an identified zone will constitute a likely significant effect on the sensitive interest features of the identified designated site through increased recreational pressure, either when considered alone or in combination. The Landscape Section recommend that the Shadow HRA is amended to reflect the most recent and up to date evidence base and that if necessary mitigation is secured to reduce the impact to an acceptable level (no adverse effect in the integrity of the designated sites). This mitigation is likely to take the form of a developer contribution in line with the emerging Norfolk GI/RAMS, which is currently in the region of £200 per dwelling. A S106 would need to be prepared to reflect this expected requirement.

Landscape Impact and Landscape Design

Site designated under Policy CT 1 and forms, collectively with the Victory Leisure Centre and area to the east of the railway line, forms a composite area of open space. It is a notable area of open undeveloped land west of the A149 within the main town settlement, and performs an important function providing a green link between an established residential area and the town centre.

Given that this is an Outline application to determine access only, there can be no guarantee of the quality, or amount of open space that will ultimately be assigned within any future site layout, all of which is currently purely indicative.

Arboriculture

The removal of the hedge and the replacement of the hedge is considered to be acceptable.

A full Arboricultural Method Statement to cover the construction of the access road on to the site from Station Road is required to be submitted prior to the commencement of development.

Strategic Housing (NNDC) – no objection subject to conditions

24 of the 54 homes are proposed to be affordable, equating to the 45% required. There are 1,337 households on the council waiting list who want to live in North Walsham, 183 are in the top priority bands 1 and 2. In addition 12 include a wheelchair user.

If possible the developer should consider replacing some of the two and three-bed homes with one-bed homes and providing some homes suitable of meeting the needs of wheelchair users.

Space Standards - The developer proposes that the two-bed homes are suitable for four person occupancy and the three-bed homes are suitable for five person occupancy. This makes the homes suitable for four and five person households and allows flexibility of use for different household types.

Economic Development (NNDC) – no objection

No objection subject to all commercial and economic uses being explored on the site

Planning Policy Officer (NNDC) – objection, subject to further information

Proposal in conflict with Policy CT 1. Further information required in regard to the Open Land use of the site and whether or not this land is required within North Walsham.

Property Services (NNDC) – No objection

Whilst there is an option agreement on the land this expires on 30.09.2022 there is no appetite for the Council to take up this option agreement. The Leisure Facilities and Playing Pitch Strategy highlights the need for a 3G pitch but that this is to be provided at the Greens Road Site.

Environmental Health (North Norfolk District Council) – No objection subject to conditions

Contaminated Land - Full investigation and assessment into the presence of possible contaminants affecting the site shall be carried out in accordance with the land quality preliminary risk assessment conclusion, 7.1.7. No development of areas subject to possible contaminants until remediation work has been undertaken as agreed by the Local Planning Authority.

Noise - Noise Impact Assessment required

External Lighting - Details requires prior to the installation of any external lighting

REPRESENTATIONS

14 representations were made during the initial formal consultation period. 13 were in **objection** whilst 1 general comment was made. The following are a summary of the points raised:

- Increased traffic and speed of traffic
- Open space / green field / play space needs to be retained
- Poor access, including those with disabilities
- The site is allocated for education/open space
- Not part of the Development Plan for North Walsham
- Local services and facilities and the infrastructure (in particular water) are stretched / limited / over capacity
- Wildlife – nearby pond in residential garden not assessed by the ecological report. Also sightings of wildlife including birds of prey, deer and bats.
- The pavement along Station Road is narrow
- Local Planning Authority should consult with Sport England
- The findings of the Open Space Study should be taken into consideration when assessing this application
- Proximity to gas storage tanks
- Covenant on the site
- Should be developing on brownfield land
- Clarification of the access of the development
- Little in the way of traffic analysis undertaken
- Concerns raised around boundary treatments
- Will the money benefit North Walsham

A further 5 representations were made during the second 21 day consultation, all raised in **objection** on the following grounds:

- Road infrastructure not adequate and would represent a safety risk
- Pavement is very narrow
- Site was left to the town as a recreation use
- Not earmarked for development in the Development Plan, designated for an education/open space use
- The traffic survey is now considered to be out of date
- Damage to wildlife
- Access should be through Victory swimming pool site
- Impact upon the value of properties

LOCAL MEMBER CONTACT

The Local Members, Cllr. Lloyd and Cllr. Birch were consulted through the formal consultation period. Correspondence was sent on 15 March 2021 to update on the main considerations. Cllr. Lloyd on the 16 March set out that if a positive recommendation were to be made that in order to mitigate the loss of open space contributions should be sought towards North Walsham Football Club, Bradfield Cricket Club and/or North Walsham Rugby Club with a preference for North Walsham Football Club. A further email was sent to Cllr. Lloyd and Cllr. Birch on 5 August 2021 and given the policy conflicts in regard to open space and education land it was considered that the application should be called in to Development Committee.

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 Core Strategy (2008)

SS 1: Spatial Strategy for North Norfolk
SS 4: Environment
SS 6: Access and Infrastructure
SS 10: North Walsham
HO 1: Dwelling Mix and Type
HO 2: Provision of Affordable Housing
HO 7: Making the Most Efficient Use of Land (Housing Density)
EN 4: Design
EN 6: Sustainable Construction and Energy Efficiency
EN 9: Biodiversity & Geology
EN 10: Development and Flood Risk
EN 13: Pollution and Hazard Prevention and Minimisation
CT 1: Open Space Designations
CT 2: Developer Contributions
CT 5: The Transport Impact of New Development
CT 6: Parking Provision

North Norfolk Site Specific Allocations DPD (2011)

ED 1: Paston College Relocation

Other Material Considerations:

National Planning Policy Framework (NPPF) (2019):

Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment

Supplementary Planning Documents (SPDs)

North Norfolk Design Guide (2008)
Landscape Character Assessment (2021)

OFFICER ASSESSMENT

Main Issues:

1. Principle of Development
2. Housing Mix and affordable housing provision
3. Highways
4. Design and Amenity
5. Open Space Provision
6. Landscape and Trees
7. Ecology
8. Flood Risk
9. Environmental Considerations (Noise pollution, Light pollution, refuse and waste and water quality).
10. Other considerations (Flood risk – Minerals and Waste – Archaeology)
11. Section 106 Obligations
12. Planning Balance and Recommendation

1. Principle of Development

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

The development plan comprises the Core Strategy (2008) (CS) and the Site Allocations Development Plan Document (DPD) (2011). Although the development plan preceded the National Planning Policy Framework (NPPF) published in 2012 and updated in 2018 and again in 2021, the relevant policies are consistent with the NPPF. Furthermore, the Council can currently demonstrate a Five Year Housing Land Supply. As such, the policies within the development plan are considered to be up to date, and, therefore, should be given full weight in decision-taking.

The site as proposed, is situated within the settlement boundary of North Walsham, a town defined as a Principle Settlement through Policy SS1 of the Core Strategy (CS). Principle Settlements are considered the most sustainable locations for growth within the defined settlement hierarchy; North Walsham provides services and facilities to the residents of the town itself and performs a functional role to the wider rural community.

The site is designated as an Open Land Area under Policy CT1 of the Core Strategy and is also allocated through the Site Allocations DPD, Policy ED1, for educational purposes. These designations are fundamental to the consideration of this application and due consideration is set out as follows.

Education Allocation (Policy ED1)

The site is allocated through Policy ED1 of the Site Allocations Development Plan Document for educational purposes. The intention of the policy was to allow for Paston College, currently operating on two sites, to re-locate its operations onto one site (the proposed site for this application). An application (PF/08/1351) for the relocation of Paston College onto the site, in line with Policy ED1, was granted planning permission in 2013. However, the permission was not implemented and expired as of the 10th January 2018.

It is set out in the Supporting Statement for this proposal that following the grant of permission in 2013 for the relocation of Paston College, government funding was not forthcoming and that, combined with cuts in public spending, the plans for the relocation of the college were abandoned. The operation of Paston College was transferred to Norwich City College in 2017 and they have confirmed that they have no educational requirement for the land at Paston Park (this proposed application site).

The Norfolk Football Association (FA), quoted within Sport England's objection letter, stated that the site is used by the college to host curriculum based activity, but this is disputed by the applicant who affirm that the site has not been used since 2017. The FA do however confirm that no affiliated football is being played on this site.

Further to this, Norfolk County Council in their role as the Education Authority have set out that there would be no need for education contributions from this proposal and that the site itself is not required by the County Council for education purposes.

It must also be noted that the Paston Foundation have expressed that approximately £75,000 could go towards secondary education in Norfolk per annum as a result of the predicted sales from this development. This cannot be secured in any way through obligation nor can this be said to meet an identified need, therefore no weight is given to this, but it is important to highlight the aspirations of the Paston College Foundation.

In any event, any proposal on this site should be in conformity with the wording of Policy ED1 unless it can be demonstrated, in line with Paragraph 122 of the NPPF, that there is no reasonable prospect of an application coming forward for an educational use. Where this can be demonstrated, Paragraph 120 makes clear that Local Planning Authorities should support applications for alternative uses on the land where the proposed use would contribute to meeting an unmet need for development in the area.

On the basis of this evidence it is considered that there is no reasonable prospect in the site coming forward for the intended education use. Therefore in line with Paragraph 122 of the NPPF, this departure from Policy ED 1 of the Development Plan is justified.

Open Land Designation

The site is also designated as an Open Land Area under Policy CT1 of the adopted Core Strategy. Open land Areas are defined as: "*Areas of open space which make an important contribution to the appearance of an area or opportunities for informal recreation*". Policy CT1 states that development will not be permitted on Open Land Areas except where it enhances the open character or recreational use of the land.

An Amenity Greenspace Study review, commissioned by North Norfolk District Council to provide evidence for the emerging Local Plan, was undertaken in April 2019 and concluded that the site should continue to be designated as open space, specifically 'Amenity Green Space and Education/Formal Recreation Area'.

In terms of open character, this proposal is situated on a site totalling approximately 3.8 hectares and the total open space proposed equates to a minimum of 1.84 hectares (further detail in regard to open space provision is set out in Section 5 of this report). The proposal also seeks to retain the tree lined frontage along the southern boundary of the site with Station Road and retains open elements to the east and the north of the site. Whilst this proposal would result in the loss of open character, the provision of approximately one third of the site being retained as open space goes some way to compensate for this loss.

Further, in terms of recreational use, the site, at present, is locked and fenced. This proposal seeks to provide a significant amount of Parks and Recreation land on the site, which will be fully accessible to the public.

Notwithstanding that the site has not been accessible since 2017, Sport England raised objection to the loss of the designated open land, however, note that a financial contribution toward North Walsham Football Club would be supported by the Football Association. This is further expanded within Section 5 of this report.

Given the statutory objection from Sport England, this would not be considered to be in accordance with Policy CT 1 and would represent a departure from policy. However, weight is to be given to the current nature of the recreational value of the site and the monies that would be provided toward the Football Club in North Walsham. These material considerations are considered in the planning balance of this report.

Summary of the Principle of Development

The proposal represents a departure from Policy ED 1 of the Site Allocations Development Plan, but as demonstrated there is evidence to suggest that a proposal will not come forward for the intended educational use of the land. Therefore, in accordance with Paragraph 122 of the NPPF a departure from the Development Plan is justified. The proposal also represents a departure from Policy CT 1 of the Core Strategy in that the development of two-thirds of an Open Land area, would, by definition, result in the loss of an open land area.

This departure from the Development Plan is considered against the material benefits within the planning balance set out in the conclusion of this report (Section 12).

2. Housing Mix and Affordable Housing Provision

Although a reserved matter, Policy HO1 states that on schemes of five or more dwellings at least 40% of the total number of dwellings should be two bedroom dwellings and should not comprise more than 70sqm internal floor space and that 20% of dwellings shall be suitable or easily adaptable for occupation by the elderly, infirm or disabled.

In line with Policy HO1, a scheme for 54 dwellings would be expected to comprise of the following:

- 22 two bedroom dwellings, comprising not more than 70sqm internal floorspace

- 11 suitable or easily adaptable dwellings for occupation by the elderly, inform or disabled, such as to Lifetime Homes standards.

The Planning Statement in support of this application sets out that 25 of the 54 dwellings would be two-bedroom, which is well above the requirement within Policy HO1, further 12 of the proposed dwellings are bungalows. It is recommended that the applicant consider the inclusion of more one-bedroom dwellings and more wheelchair accessible homes as part of any reserved matters application. This would indicate that the policy requirements can be met on site at the Reserved Matters stage and is therefore in accordance with Policy HO 1.

Policy HO 2, states that proposals of 10 or more dwellings are required to provide at least 45% affordable housing on site, of which, 80% should be social rented accommodation. The affordable housing is expected to be provided on site in groups of not more than eight units.

This proposal seeks to provide 24 affordable houses on site, equating to the 45% affordable housing requirement. These would be for general needs houses and Strategic Housing have set out that there are 1,337 households on the Council's housing list (as of 8 April 2021) who want to live in North Walsham, of these 183 are in the top two priority bands 1 and 2.

Members should note that the Council's District Valuer has independently assessed the proposals and considers that 45% affordable dwellings can be delivered on the site.

The provision of the 24 affordable houses on site will be secured through a Section 106 legal agreement containing the Council's standard terms in relation to phasing of delivery, protection as affordable housing in perpetuity, recycling and nomination agreements. Subject to this Section 106 agreement being signed the proposal is considered to be in accordance with Policy HO 2 of the Core Strategy.

3. Highways

Policy CT 5 sets out that development will need to be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location taking into account modes of sustainable transport, safe access to the highway network without the detriment of amenity or character of the locality; and whether the wider network can accommodate the proposal.

Highway Access

This outline application includes details of access. The site is proposed to be accessed from Station Road via a single means of access. The access as shown the Preliminary Site Access Design plan (2 Feb 2021) provides a 6.0m wide access road with 1.8m wide footways and a 6.0m junction radii, achieving visibility splays of 2.4m by 43m. Additional tracking has been provided to show this will be accessible by all vehicles.

Subject to conditions to ensure the visibility splays remain in place and the highways works are undertaken in accordance with these plans it is considered that the access is considered to be acceptable and in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

Highway Safety

Norfolk County Council in their role as the Highway Authority initially had concerns regarding the width of Station Road, with a requirement for developments of this scale to typically be served by a 5.5m width road. Detailed measurements of Station Road were subsequently provided demonstrating that the road is on average between 5.0m and 5.2m in width, with the narrowest part of the road being 4.9m. The footway along the northern extent of Station Road is typically 1.7m narrowing to 1.4m toward Norwich Road. Notwithstanding that this is less than what the Highway Authority would typically require in this location, given that Station Road is relatively straight and has access to the wider highway network at both ends the Highway Authority have not raised an objection on these grounds.

Further improvements are required to the junction of Station Road/Norwich Road and this is within the same ownership, albeit currently leased to North Norfolk District Council. Notice was served on North Norfolk District Council, as the leaseholder of the land, and the red line boundary was subsequently amended to include this area of land. The proposed off-site highway improvements are to be secured by way of condition.

Subject to conditions, the proposal is considered to be in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy in regard Highway Safety.

Sustainable Transport

The proposal is situated within the centre of North Walsham and within close proximity to the North Walsham Train station and adjoins the Weavers Way Cycle Path. The indicative layout of the site demonstrates pedestrian and cycle ways across the site connecting Station Road and the Weavers Way Cycle Path. Norfolk County Council in their role as the Highways Authority initially raised concerns regarding the Transport Assessment as this did not provide an assessment of the route to school. However, this was included in a revised Transport Assessment and this is considered to be acceptable from a sustainable transport perspective.

Subject to a condition to ensure that the layout mirrors the principles set out within the indicative layout the proposal would be considered to provide for safe and convenient access on foot, cycle public and private transport and is therefore considered to be in accordance with CT 5 of the adopted North Norfolk Core Strategy.

Car Parking

Appendix C of the adopted Core Strategy provides the detail for Policy CT 6 in regard to quantum of parking. Based on the indicative housing mix of:

25 2-bed dwellings;
26 3-bed dwellings; and
3 4-bed dwellings.

Based on Appendix C this would require a total of 111-114 car parking spaces. 2 per 2/3-bed dwelling and 3 minimum to 4 maximum on the 4-bed dwellings. No detail has been provided of this, however, the indicative layout shows garages and/or driveways for most dwellings and the developable area of the site is considered large enough to provide the sufficient car parking requirements.

The layout is a reserved matter, but a condition will be sought to ensure that the layout will seek to address the minimum parking standards in line with the principles of the indicative layout. Subject to this condition, the proposal is considered to be in accordance with Policy CT 6 of the adopted North Norfolk Core Strategy.

4. Design and Amenity

This application is for outline only with all matters reserved, save access. The design comments relate to the high level principles of density and use of the land therefore in line with Policy EN 4 of the North Norfolk Core Strategy and the supporting guidance set out within the North Norfolk Design Guide.

Land use

A minimum requirement of 1.84ha will be secured by way of planning obligation through a Section 106 agreement and this is shown on the 'Parameter Plan – Open Space, Movement and Access'. The site totals 3.8ha and approximately 2 ha of the site comprise the developable area.

Policy HO 7 requires that in Principle Settlements, which North Walsham is defined as in Policy SS 1, that densities are not less than 40 dwellings per hectare. The National Planning Policy Framework in paragraph 122 emphasises that decisions should support development which makes efficient use of the land, specifically mentioning the desirability of maintaining an areas' prevailing character and setting.

On the basis of a developable area of approximately 2ha and the provision of up to 54 dwellings this would approximately translate to 27 dwellings per hectare. This would be well below the minimum of 40 dwellings per hectare as prescribed by Policy HO 7, but, given the current character and use of the site, the proposal would represent an efficient use of the land and is therefore in accordance with Paragraph 122 of the NPPF.

Layout

The indicative layout demonstrates that there is sufficient space to provide a suitable dwelling mix, with adequate gardens and room for parking provision. The indicative layout also seeks to maximise connectivity through the site linking to the Weavers Way Cycle Path immediately adjacent to the north of the site. This provides improved access from Station Road to the Weavers Way Cycle Path. The indicative layout is considered to be in accordance with Policy EN 4 and the guidance set out within the North Norfolk Design Guide.

A condition will be set out to ensure that the layout reflects the principles of the indicative layout.

Noise

Due to the proximity of the site to nearby railway line and the A149 to the north and the swimming pool to the east concerns have been raised regarding noise. The indicative layout and the proposed developable area are considered to be large enough to ensure that the necessary mitigation can be undertaken. However, a Noise Impact Assessment is required to be secured by way of condition to inform the layout of the proposal.

Residential Amenity

Policy EN 4 states that '*Proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity.*' The North Norfolk Design Guide in Paragraph 3.3.10 sets out minimum distances between dwellings looking at different types of elevation based on the living accommodation views that would be affected. Although this proposal is outline and the layout is indicative, it is imperative to ensure that the quantum of development can be delivered on this site without having a detrimental impact upon neighbouring residential properties and within the proposed site itself.

Existing Residential development

The properties to the south east of the site, situated on the north of Station Road are two-storey properties with large rear gardens. Based on the indicative layout, the proposal would be approx. 30m window to window, which is well in excess of the minimum distances required in the North Norfolk Design Guide.

The properties on the western boundary, along Oak Road are single storey bungalows with limited amenity space. The distances here would be approximately 22m which would be considered acceptable in

There is a standalone property off Oak Road, which is approximately 20m from the indicative layout, however, it is considered that any arising impact can be mitigated through careful consideration of layout at the Reserved Matters stage.

New Residential development

Some of the internal measurements between properties are below the distances set out within the North Norfolk Design Guidance. However, the layout is indicative and it is unknown at this stage the internal layouts of the dwellings. It is considered that this can be carefully designed to mitigate any impact upon residential amenity.

Summary

Whilst the development represents a departure from Policy HO 7 in regard to density of development, this is in accordance with the National Planning Policy Framework. Subject to a condition, the indicative layout and the elements proposed are considered to be in accordance with Policy EN 4 and the guidance set out within the North Norfolk Design Guide.

5. Open Space Provision

The Open Space Assessment 2019 calculator sets out that a scheme of 54 dwellings would be required to provide the following on site provision:

- 1,220.00 sqm. (Amenity Green Space);
- 122.20 sqm. Play Space (Children).

The calculator also requires an off-site contribution towards the following:

- £16,380 towards Allotments equivalent to 733.20sqm.

- £124,930 towards off-site Parks & Recreation Grounds equivalent to 1,344.20 sqm.
- £8,383 towards Play Space (Youth) equivalent to 114.34 sqm.
- £37,100 towards Natural Green Space equivalent to 1,833 sqm.

This proposal seeks to provide a total of 18,840sqm. of Open Space on site which is inclusive of the following:

- A Locally Equipped Area of Play (LEAP): Minimum of 1,000sqm.
- A Local Area of Play (LAP): Minimum of 100sqm.
- An Outdoor Gym: Minimum of 500sqm.
- Formal Planting: Minimum of 750sqm.
- Amenity Green Space: Minimum of 13,0723sqm.;and
- Retained and enhanced scrub: Minimum of 3,417sqm.

According to the definitions set out within Section 5.2 of the Open Space Assessment 2019 this open space would meet the requirements of Amenity Green Space (AGS), Parks and Recreation and Play Space (Children). As a result of the provision of Parks and Green Space and Play Space for children being met on site, the following off site contributions are to be sought:

- £16,380 towards allotments
- £8,383 toward Play Space (Youth)
- £37,100 towards Natural Green Space

The total open space overall exceeds the requirements of the Open Space Calculator, but would result in a net-loss of open space due to the loss of the allocated open land area. This has raised objections from Sport England who, despite the use of the land not being accessible to the public, object on the basis that this would represent a departure from Para 99 of the NPPF and that the proposal does not meet any of the exceptions set out within Sport England Policy. However, they also raise that Norfolk County Football Association are keen for monies to be directed toward a 3G Pitch in North Walsham.

The North Norfolk Open Space Study 2019 highlights that North Walsham has a significant deficit of all typologies of open space. Particularly Allotments (deficit of 7.2 hectares), Amenity Greenspace (deficit of 9.75 hectares) and Recreation Grounds (deficit of 5.14 hectares). This scheme is providing additional Amenity Greenspace and Parks and Recreation Space. It is important to ensure that off-site provision is made towards to allotments to meet this identified need. However, the remaining off-site open space contributions are proposed to be directed towards the provision of a 3G Pitch at North Walsham Football Club as follows:

- £16,380 towards allotments
- £45,483 towards the provision of a new 3G football pitch at North Walsham Football Club

Whilst the provision of this monies to the football club does not alleviate or overcome the objections raised by Sport England, the existing playing field is closed to the public and the on-site provision and the off-site contributions would provide a significant community benefit in regard to accessible open space.

Within Sport England's latest objection letter is a quote from the Norfolk Football Association which asserts that Station Road is used for recreational activity. However, Paston College have provided evidence to suggest that the site has not been used since 2017. The Norfolk Football

Association subsequently clarified their comments by confirming that no affiliated football is being played at the facility.

Sport England maintain their objection and if Members make a positive recommendation then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Whilst this proposal would result in the loss of a designated open land area and is therefore contrary to policy CT 1 (as established in Section 1 of this report), this proposal seeks to provide more open space on-site than is required by the Open Space Calculator and additional off-site improvements which can both be secured through a legal agreement. It is therefore considered to be in accordance with Policy CT 2 of the adopted North Norfolk Core Strategy.

6. Landscape and Trees

Policy EN 2 sets out that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the following relevant elements of the landscape:

- the special qualities of the distinctiveness of the area;
- distinctive settlement character;
- the pattern of distinctive landscape features, such as watercourses, woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife; and
- the setting of, and views from, the North Walsham Conservation Area.

The site, together with Victory Leisure Centre, forms a linear area of open space. It is a notable area of open undeveloped land west of the A149 within the main town settlement, and performs an important function providing a green link between an established residential area and the town centre. A total of a minimum of 1.84 hectares of the site will be retained as open space areas will be secured through a Section 106 Agreement. This will go some way to ensure that a significant area of the site is retained as open land and, furthermore, would ensure that the site is accessible and usable for recreational purposes.

Trees and hedgerow

The Trees along Station Road are worthy of a Tree Preservation Order. No trees are proposed to be removed as a result of this proposal and all will be retained and protected through the construction of this site. A total of 37.6m section of hedge will be replaced with a new mixed native hedge of the same length or greater.

Conditions will be required to ensure that no trees are lost through the construction of the access road and a no-dig solution is to be agreed with the Highway Authority prior to the commencement of the development.

Summary

Subject to conditions and the securing of the open space through a legal agreement, the proposals are considered to be in accordance with Policies EN 2, EN 4 and EN 9 of the adopted North Norfolk Core Strategy.

7. Ecology

Policy EN 9 sets out that development proposals should protect the biodiversity value of the land, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate.

Policy EN 9 also states that development proposals which will cause a direct or indirect adverse effect to nationally or regionally designated sites or protected species will not be permitted unless:

- They cannot be located on alternative sites that would cause less or no harm;
- The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and
- Prevention, mitigation and compensation measures are provided.

On-site ecology and biodiversity

The site proposed is currently amenity grassland, as a former playing field, surrounding by scrub and rough grassland and semi-mature to mature trees. Three sections of hedgerow exist on the site as well as a mature oak tree.

The ecological assessment as part of this site suggested that protected species, including great crested newt, roosting bats, reptiles, water voles, otters and badger are absent from the site due to the lack of suitable habitat. Notwithstanding the conclusions of the report, Landscape Officers (North Norfolk District Council) consider the site does contain the potential for bat foraging and that the scrub to the northern edge of the site is important ecologically. The report recommends a number of enhancement measures and mitigation, but this is not considered to be sufficient to mitigate the impact upon the potential loss of the shrub land.

As a result of this the applicant has sought to retain and enhance a minimum of 3,417sqm of scrub land and set this out on a parameters plan, which is to be secured through a legal agreement as a minimum provision for any reserved matters application on this site.

Direct and Indirect impact upon designated sites

Policy EN 9 goes on to set out that development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated areas, or protected species will not be permitted unless they cannot be located on alternative sites that would cause less or no harm; the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and prevention, mitigation and compensation measures are provided.

A Shadow Habitats Regulation Assessment has been completed for the application by Hopkins Ecology which states that the proposed development will have not have an impact on the integrity of any International or European sites. The Shadow HRA has reached this conclusion on the assumption that a significant effect is not considered likely and an Appropriate Assessment has not been carried out.

Landscape Officers (north Norfolk District Council) consider that a likely significant effect cannot be ruled out due to the in combination effects of recreational disturbance on the Broads, Norfolk Valley Fens, East Coast and North Norfolk Coast 'European Protected' sites according to the most up to date evidence gathered as part of the emerging Norfolk Green Infrastructure/

Recreational Avoidance Mitigation Study (GI/RAMS) project. This project has calculated that the Zone of Influence (ZOI) for recreational impacts arising from the in combination effects of residential development for the Broads is 25km, the Norfolk Valley Fens is 15km, the East Coast sites is 30km and the North Norfolk Coast is 42km.

Natural England have provided comment on the application and have not raised any objections, however the Local Planning Authority is the Competent Authority under the Habitats Regulations and is required to assess the application and the potential for likely significant effect on European Sites.

Natural England have provided interim advice to local authorities (dated 12th August 2019) regarding the emerging Norfolk GI/RAMS and the evidence based calculated ZOIs. Natural England anticipate that any new residential development within an identified zone will constitute a likely significant effect on the sensitive interest features of the identified designated site through increased recreational pressure, either when considered alone or in combination.

Following the comments raised by the Landscape Officers an updated Shadow Habitats Regulation Assessment has been submitted within sets out a developer contribution will be made towards the indirect impact upon European designated sites. This will be secured by way of a Section 106 legal obligation.

Summary

Subject to conditions and a Section 106 obligation, as outlined above, the proposal is considered to be in accordance with Policy EN 9 of the adopted North Norfolk Core Strategy.

8. Flood Risk

Policy EN 10 states that most new development should be located in Flood Zone 1, but that development that is surrounding by areas of Flood Zone 2 and 3 will be treated as if it is in the higher flood risk areas. Further, surface water drainage arrangements for dealing with surface water runoff will be required and the preference is for Sustainable Drainage Systems.

This proposal is situated within Flood Zone 1 and the nearest area of increased flood risk is situated approximately 2km to the north east of the site. The North West corner of the site is susceptible to surface water flooding and the surrounding road network to the west and south west of the site is particularly vulnerable to surface water flooding.

The Flood Risk Assessment submitted as part of this application sets out that a communal infiltration basin is to be proposed within the North West corner of the site and permeable paving and a filter trench will provide sufficient pollution control. The Flood Risk Assessment demonstrates that the area would be suitable for an infiltration basin with adequate infiltration rates being demonstrated through three tests. Further all new dwellings will be constructed 150mm above the surrounding ground level in line with best practice.

In regard to water quality, the site is located above a 'Moderately Productive Aquifer' indicating that the ground beneath the site could allow groundwater to move. The Flood Risk Assessment sets out that permeable paving and filter trenches will be used to ameliorate the pollution potential from hardstanding parking areas.

The Flood Risk Assessment establishes that in principle the proposal will be able to mitigate the increased surface run off from the development to ensure that there is no risk of flooding on site

or an increase in flood risk nearby. Subject to condition to ensure that detailed drainage proposals will form part of a reserved matters application, the proposal is considered to be in accordance with Policy EN 10 of the adopted North Norfolk Core Strategy.

9. Environmental Considerations (Noise pollution, Light pollution, refuse and waste and water quality).

Policy EN 13 sets out that all development proposal should minimise and, where possible reduce all emissions and other forms of pollution and ensure no deterioration in water quality.

Contaminated Land

As part of this application a Preliminary Risk Assessment was carried out in regard to contamination. This identified a number of potential plausible pollutant linkages that could represent an unacceptable risk to sensitive receptors (future property, construction workers, future residents and groundwater). The study concluded that the proposed use is a feasible use for the site assuming mitigation, management and good practice is employed.

As such, a condition is required to ensure that any future intrusive investigation should comprise the recovery of soil and groundwater samples as well as on-site ground gas monitoring via boreholes investigation targets at key locations. Following this a risk assessment should be undertaken to establish if potential unacceptable risks to sensitive receptors are present at the site.

Noise Pollution

Due to the proximity of the site to nearby railway line and the A149 to the north and the swimming pool to the east concerns have been raised regarding noise. It is set out in Section 4 of this report that it is considered that when considering the site layout, developable area and size of the site this impact can be mitigated. However, a Noise Impact Assessment is required to be secured by way of condition to inform the layout of the proposal.

Light Pollution

No detail has been provided regarding external lighting, a condition would therefore be required to ensure that there would not be a significant detrimental impact as a result of light pollution.

Archeology

A condition is required to secure that an archaeological scheme of investigation is undertaken prior to the commencement of development to ensure that provision is made for the preservation of important archaeological remains in accordance with Policy EN 8 of the adopted North Norfolk Core Strategy.

Refuse and Waste

A condition would be required to ensure that a refuse and waste strategy is provided prior to the construction of the development.

Summary

Subject to the aforementioned conditions the proposal is considered to be in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy.

10. Other material planning considerations:

Wastewater and used water

Anglian Water have confirmed that they have capacity to take wastewater treatment at the North Walsham Water Recycling Centre and used water within the existing sewerage system.

Minerals and Waste

The site is identified as being situated within a Mineral Safeguard Area. The Norfolk County Council Minerals Core Strategy Policy CS16 'Safeguarding mineral and waste sites and mineral resources' sets out that the scheme should provide "*appropriate investigations carried out to assess whether any mineral resource there is of economic value, and if so, whether the material could be economically extracted prior to the development taking place*".

As such, a condition would be required to ensure that a Mineral Resource Safeguarding Assessment would be provided as part of the Reserved Matters application.

Major Hazard Zone

The site is not situated within a Major Hazard Zone as identified by the Health and Safety Executive, however the site is located within 250m of an existing COMAH (Control of Major Accident Hazards) (British Pipeline Agency) facility that could result in the nearby community being exposed to odour, noise, dust and pests.

However, the response from the Health and Safety Executive states that they do not object to the proposal. Cadent gas have also provided informative notes and raised no objection to the proposal. Subject to careful consideration of the informative notes proposed, it is not considered to result in an

Network Rail

Network Rail raised no comments through the original consultation period, but raised a number of 'issues' during the second consultation period. It is the opinion of Officers that these issues are largely generic and have been addressed through the negotiation period and can be resolved between the grant of outline planning permission and the Reserved Matters application. An informative note is proposed to ensure that the applicant address these issues prior to the Reserved Matters application being submitted. This will ensure that when Network Rail are consulted on the Reserved Matters application, all of their concerns have been addressed.

Heritage:

It should be noted that the strict '*no harm permissible*' clause in Policy EN 8 is not in strict conformity with the guidance contained in the National Planning Policy Framework (NPPF). As a result, in considering any proposal for the site the Local Planning Authority will need to take into consideration Section 16, paragraph 199 of the NPPF. This requires that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, including any contribution made by its setting, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The site is situated within close proximity to the North Walsham Conservation Area (approx. 150m to the north of the site). However, the North Walsham rail way line runs between the site and the Conservation Area. This is raised and provides a clear separation between the site and Conservation Area, both visually and the morphological development of the Town. There would therefore be no impact upon the Historic Environment and is therefore in accordance with Policy EN 8 of the North Norfolk Core Strategy.

11. Planning Obligations

A Section 106 is to be required to secure the following:

- 45% affordable housing on site
- A minimum of 18,840sqm. of Open Space on site which is inclusive of the following:
 - A Locally Equipped Area of Play (LEAP): Minimum of 1,000sqm.
 - A Local Area of Play (LAP): Minimum of 100sqm.
 - An Outdoor Gym: Minimum of 500sqm.
 - Formal Planting: Minimum of 750sqm.
 - Amenity Green Space: Minimum of 13,0723sqm.;and
 - Retained and enhanced scrub: Minimum of 3,417sqm.
- SPA/SAC visitor pressure monitoring and mitigation: £185.93 per dwelling
- Norfolk County Council Library provision: £4,050 (£75 per dwelling)
- £14,378 (£266.20 per dwelling towards the Weavers Way Trail, North Walsham Circular Walks and Weavers Way County Wildlife Site.
- £16,380 off-site open space contributions towards allotments
- £45,483 off-site open space contributions towards the provision of a new 3G football pitch or associated infrastructure at North Walsham Football Club

1no. fire hydrant per 50 dwellings to be provided required at a cost of £921 by way of planning condition

12. Planning Balance and Recommendation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise. The proposal to provide 54 dwellings on land designated as an Open Land Area and an Education Allocation represents a departure from the Core Strategy and is contrary to Policies ED 1 of the Site Allocations Development Plan and Policy CT 1 of the adopted North Norfolk Core Strategy.

In spite of this Material Benefits

- Delivery of circa 54 new dwellings, which will boost the supply of housing in North Norfolk
- 45% affordable housing for General Needs accommodation
- Open Space provision on site of 1.84 hectares
- Open Space contributions to be provided towards allotments and towards the provision of a 3G sports pitch at North Walsham Football Club and/or associated infrastructure
- Employment opportunities during the development of the site
- Support the services and facilities of North Walsham
- Making an inaccessible area of open space accessible to the public

- Highways improvement works to the junction of Station Road and Norwich Road.

In addition to this, the Paston Foundation have expressed that approximately £75,000 could go towards secondary education in Norfolk per annum as a result of the predicted sales from this development. Whilst it is important to recognise the aspirations of the Paston Foundation, Officers cannot give this any weight in the decision making as this cannot be secured in any way and does not meet the national tests for sound planning obligations.

Whilst the proposal represents a departure from the Development Plan, it is considered that the material benefits would indicate that a departure is justified. **Approval** is therefore recommended subject to conditions as considered necessary by the Head of Planning.

RECOMMENDATION

Part 1: Delegate authority to the Assistant Director of Planning to APPROVE subject to:

1) Referral of the application to the Secretary of State, via the National Planning Casework Unit, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009.

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

- 45% affordable housing on site
- A minimum of 18,840sqm. of Open Space on site which is inclusive of the following:
 - A Locally Equipped Area of Play (LEAP): Minimum of 1,000sqm.
 - A Local Area of Play (LAP): Minimum of 100sqm.
 - An Outdoor Gym: Minimum of 500sqm.
 - Formal Planting: Minimum of 750sqm.
 - Amenity Green Space: Minimum of 13,0723sqm.;and
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- Norfolk County Council Library provision: £4,050 (£75 per dwelling)
- £14,378 (£266.20 per dwelling towards the Weavers Way Trail, North Walsham Circular Walks and Weavers Way County Wildlife Site.
- £16,380 off-site open space contributions towards allotments
- £45,483 off-site open space contributions towards the provision of a new 3G football pitch at North Walsham Football Club

3) The imposition of the appropriate conditions to include:

1. Time Limit
2. Reserved Matters
3. Plans
4. Indicative layout
5. Hard and Soft Landscaping Plans
6. Contaminated Land
7. Noise Impact Assessment
8. Fire Hydrant
9. Construction Traffic Management
10. Construction Environmental Management Plan

11. Arboricultural Impact Assessment
12. Access and Arboricultural Method Statement
13. Highways – Detailed Plans
14. Highways – On-site parking for construction workers
15. Highways – Completion of highways works
16. Highways – Highways to binder course
17. Highways – Visibility Splays
18. Highways – Off-site highway works
19. Flood Risk
20. Archaeology
21. 10% renewable energy
22. Small mammal gaps
23. 10 year tree protection
24. External lighting

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

Part 3:

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