



NORTH NORFOLK LOCAL PLAN 2036

**Examination Hearing Statement – Matter 5 – Policy H20 & Policy H27/1
Land at Heath Farm**

Prepared by Strutt & Parker on behalf of NORTH NORFOLK TOMATOES LLP

January 2024

Site Name: North Norfolk Local Plan- Heath Farm Holt

Client Name: North Norfolk Tomatoes LLP

Type of Report: Examination Hearing Statement

Prepared by: David Fletcher



Approved by: David Fletcher



Date: January 2024

COPYRIGHT © STRUTT & PARKER. This publication is the sole property of Strutt & Parker and must not be copied, reproduced or transmitted in any form or by any means, either in whole or in part, without the prior written consent of Strutt & Parker. The information contained in this publication has been obtained from sources generally regarded to be reliable. However, no representation is made, or warranty given, in respect of the accuracy of this information. We would like to be informed of any inaccuracies so that we may correct them. Strutt & Parker does not accept any liability in negligence or otherwise for any loss or damage suffered by any party resulting from reliance on this publication.

Strutt & Parker, 66-68 Hills Road, Cambridge, CB2 1LA

David.fletcher@struttandparker.com

Tel No: 07826 949603

CONTENTS

1.	INTRODUCTION	1
2.	INSPECTOR'S MATTERS, ISSUES AND QUESTIONS.....	2
3.	CONCLUSION.....	6

1. INTRODUCTION

- 1.1 This Statement has been prepared by Strutt & Parker on behalf of North Norfolk Tomatoes LLP for the Examination of the North Norfolk Local Plan.
- 1.2 Strutt & Parker, on behalf of North Norfolk Tomatoes, have been promoting land at Heath Farm, Holt as part of the emerging Local Plan. This Statement should be read in conjunction with the Representations submitted in March 2022 at the Regulation 19 Pre-submission consultation stage of the emerging Plan.
- 1.3 North Norfolk Tomatoes LLP have been promoting land at Heath Farm, which has a residential allocation under Policy H20 of the local plan. North Norfolk Tomatoes are also the landowners of the employment land proposed to be removed from the plan under policy H27/1.
- 1.4 North Norfolk Tomatoes LLP, as landowners of the site, fully support the proposed allocation of Heath Farm for residential development under Policy H20. For reasons set out within this matter statement subject to the schedule of minor modifications as set out within of Proposed Additional Minor Modifications are being incorporated into the Adopted version of the Local Plan then the policy wording is considered to be sound, positively prepared and in accordance with national policy,
- 1.5 In respect of Policy H27/1 as set out within our Regulation 19 submission, the proposed allocation of the site is not supported by North Norfolk Tomatoes LLP and is therefore no longer available for development. The deletion of this site as set out within the schedule of minor modifications is required in order to ensure that the Local Plan is sound and deliverable.
- 1.6 Section 2 provides a response to each of the planning inspectors Issues, Matters and Questions in turn.

2. INSPECTOR'S MATTERS, ISSUES AND QUESTIONS

Matter 5: Places & Housing Sites – Heath Farm Holt

2.1 A response is provided to each question in turn:

a) Has the site been allocated previously or is it a new allocation?

2.2 The site is a new allocation. As set out in paragraph 12.2.1 of the emerging Local Plan the allocation of the site would be an extension of the previous allocation at Heath Farm within the adopted Local Plan, the vast majority of which has been built out.

b) Does the site have planning permission and/or are there current applications under consideration? If so, please list.

2.3 The site does not have permission and there are no current planning applications under consideration.

c) Are any modifications suggested to the policy or text, or the site boundaries? If so, why, and are they justified or required for effectiveness?

2.4 Yes, as set out within Core Document A5.11 Appendix K Schedule 4 – Schedule of Proposed Additional Minor Modifications, some minor amendments to the wording of policy H20 are proposed. In accordance with our Regulation 19 representations, it is considered that the proposed changes to the policy wording are required for the plan to be sound in planning terms.

2.5 An assessment has been provided of each of the proposed main modifications in turn. For completeness we have included the deleted words with a strikethrough and the new policy words in bold:

1. *Amend Criterion 1 of the Policy to the following: Access being delivered off Nightjar Road and ~~new~~ **existing** A148 roundabout and delivery of footpath connections to footpath FP9a;*

2.6 The proposed amendment above was requested by the Highway Authority and it is required to ensure that the policy wording is factually correct, given that the roundabout that will serve the development on the A148 has already been built and adopted by the Highway Authority.

2. *Add new Criterion 2 of the policy: **provision of a landscape buffer, of approximately 1.3 hectares adjacent to the east and south-eastern boundary of the site;***

2.7 The proposed amendment above was requested as part of our Regulation 19 statement. It is required in order to secure the adequate safeguarding of Heath Farm, both from a heritage and residential amenity terms. The proposed wording as set out above is fully supported and it is considered to be justified, effective and in accordance with national policy.

3. **Amend Criterion 8 of the Policy to the following: On-site provision of *open space will be delivered in accordance with the standards set out in the Local Plan*; ~~minimum of 1.55 hectare of open space~~;**

- 2.8 The revision to criterion 8 is fully supported and it is considered necessary to ensure that the proposed policy wording is sound in planning terms. As set out within our Regulation 19 representation it is considered to be both unnecessary and premature to prescribe a minimum level of open space to be delivered on the site. Policy HC2 sets out clear standards for the provision of on site public open space. Following the standards within HC2 will allow for a development led quantum of open space to be delivered on site, rather than following a pre-determined level, which does then not accord with wider Development Management policies.
- 2.9 Provided that the 3 modifications to the policy set out above are incorporated then it is considered that the policy wording for policy H20 is sound in planning terms and accords with national policy.
- 2.10 In respect to allocation H27/1, Schedule 4: Proposed Minor Modifications proposes the full deletion of this policy from the plan. In accordance with our Regulation 19 representations, the deletion of policy H27/1 is strongly supported by North Norfolk Tomatoes LLP. For reasons set out within our Regulation 19 representations the allocation is not supported by the landowner and it is not considered to be viable or deliverable. In order to accord with national policy, it is therefore critical that in order to be sound that allocation H27/1 is deleted.

d) Have the impacts and effects of the development been properly taken into account?

- 2.11 Yes the impacts and effects of the development have been fully considered. To support the deliverability of the site, technical work in respect of transport, flood risk & drainage, utilities was prepared and submitted at Regulation 18 stage of the plan. This technical work demonstrated that the site is fully deliverable in planning terms. In addition, the amendment to the policy wording to require the provision of a 1.3 hectare tree belt to be planted will ensure the adequate protection of the setting of Heath Farm listed building.

e) Are the components of the proposal (number of dwellings, units of elderly care accommodation, amount of public open space etc..) in the first sentence of the policy for the site justified?

- 2.12 It is considered that the delivery of housing is fully justified in order for North Norfolk to meet their objectively assessed housing needs. The first sentence of the policy refers to elderly persons accommodation, which is in turn expanded upon during criterion 9 of the policy, which currently states the following:

'Delivery of a comprehensive development in accordance with agreed phasing, which ensures delivery of all aspects of allocated uses including not less than 60 units of specialist elderly persons accommodation'

- 2.13 The requirement for the delivery of not less 60 units of specialist elderly persons accommodation is effectively repeating policy HOU2 of the draft Local Plan. Policy HOU2 states that all developments of more than 151 dwellings shall deliver a minimum of 60 units of specialist elderly/care provision. However, unlike policy H20 policy HOU2 provides additional clarification in terms of the types of specialist elderly/care accommodation to be delivered and includes the policy text:

‘where there is demonstrated to be a local need at the time of the application.’

- 2.14 It is considered unnecessary and not justified or effective for Policy H20 to repeat the policy wording for HOU2, which is a strategic policy within the Local Plan. In addition, it is not considered to be justified or effective for Policy H20 to have a more onerous policy wording than policy HOU2 in respect of the delivery of specialist elderly/care accommodation that does not take into account local need for such provision.

- 2.15 In order to be sound, it is considered that the following changes need to be made to the policy wording. For ease of reference the text to be deleted is highlighted in red with the new text added in bold:

*“Delivery of a comprehensive development in accordance with agreed phasing, which ensures delivery of all aspects of allocated uses including ~~not less than 60 units of~~ specialist elderly persons accommodation **in accordance with the standards set out in the Local Plan**”*

- 2.16 It is considered that the above change is required to ensure consistency between Policy HOU2 and H20 and it will ensure that the H20 policy wording is justified, effective and therefore sound in planning terms. The above wording is consistent with the proposed wording for criterion 8 of policy H20. As set out within paragraphs 2.8-2.10 above, criterion 8 of the policy (public open space) was amended following our representation made at Regulation 19 stage. For ease of reference, the relevant Regulation 19 representation is attached and can be reviewed in Appendix A of this statement. It is considered that the same principle applies to specialist elderly care accommodation as it does to public open space and that the quantum of elderly care accommodation should be determined at outline planning application stage, in accordance with other policies in the Local Plan.

- 2.17 In the event that the above wording is not agreeable, as an alternative the wording *‘where there is a demonstrated to be a local need at the time of the application’* should be introduced at the end of the wording within criterion 9. This would also ensure that the policy is justified and that policy H20 is broadly consistent with policy HOU2.

f) What form would the public open space take?

- 2.18 The exact form and layout of the public open space will be discussed further with North Norfolk District Council at planning application stage. It will be the intention that the on-site open space fully complies with policy HC2 of the Local Plan.

g) Having regard to these components, is the capacity of the site justified?

- 2.19 Yes, the capacity of the site is considered to be justified.

h) What is the landownership position and is the site currently being promoted by a developer?

2.20 The site is under single landownership and they are committed to the delivery of site H20. The site is not being promoted by a developer. The landowners have extensive experience of selling land to developers, including the land adjacent to the site at Heath Farm, which was sold and has been built out by Lovell.

i) Are the site specific requirements for development of the site justified, consistent with national policy and would they be effective?

2.21 Provided that the proposed minor modifications to the policy wording are incorporated then it is considered that the requirements for the development of the site are justified and accord with national policy.

j) Given the components of the proposals and the site requirements, would development of the site be viable?

2.22 Yes, it is considered that the site is viable.

k) Overall is the site deliverable within the plan period and is the expected timescale for the development of the site set out in the Council's updated housing trajectory realistic? Has the landowner/developer confirmed this?

2.23 Yes, the revised housing trajectory for the site, which sets out that 30 dwellings will be delivered in 2026/2027 and that the development will be complete in 2030/2031, is considered to be realistic. The landowners support the housing trajectory proposed.

3. CONCLUSION

- 3.1 North Norfolk Tomatoes LLP confirm their full support for Policy H20, subject to the requested minor modification to the Policy wording as set out within A5.11 Appendix K: Schedule 4: Proposed Minor Modifications being taken forward within the adopted version of the Local Plan.
- 3.2 In addition, we would like to reiterate the need for Policy H27/1 to be deleted from the plan. The proposed allocation of Policy H27/1 for employment is not viable and is not supported by the landowner and is therefore not deliverable in planning terms.

APPENDIX A



Regulation 19 Consultation: Proposed Submission Version
Local Plan

Land at Heath Farm, Holt

Prepared by Strutt & Parker on behalf of North Norfolk Tomatoes

4th March 2022

Site Name:	Land at Heath Farm
Client Name:	North Norfolk Tomatoes
Type of Report:	North Norfolk District Council: Regulation 19 Proposed Submission Version Local Plan
Prepared by:	Jack Millar
Checked by:	David Fletcher
Date:	4 th March 2022

COPYRIGHT © STRUTT & PARKER. This publication is the sole property of Strutt & Parker and must not be copied, reproduced or transmitted in any form or by any means, either in whole or in part, without the prior written consent of Strutt & Parker. Strutt & Parker does not accept any liability in negligence or otherwise for any loss or damage suffered by any party resulting from reliance on this publication.

CONTENTS

1. INTRODUCTION	4
2 PLANNING CONSIDERATION.....	5
3 SUMMARY	9

1. INTRODUCTION

- 1.1 This representation has been prepared by Strutt & Parker on behalf of North Norfolk Tomatoes, in relation to a parcel of land at Heath Farm. This representation has been prepared in response to North Norfolk's Proposed Submission Version (Regulation 19 Publication) Local Plan Consultation. The Proposed Submission Version Local Plan includes an allocation for residential land on land owned by our clients (Holt, Land at Heath Farm, H20). Allocation H20 is shown in Figure 1 below:

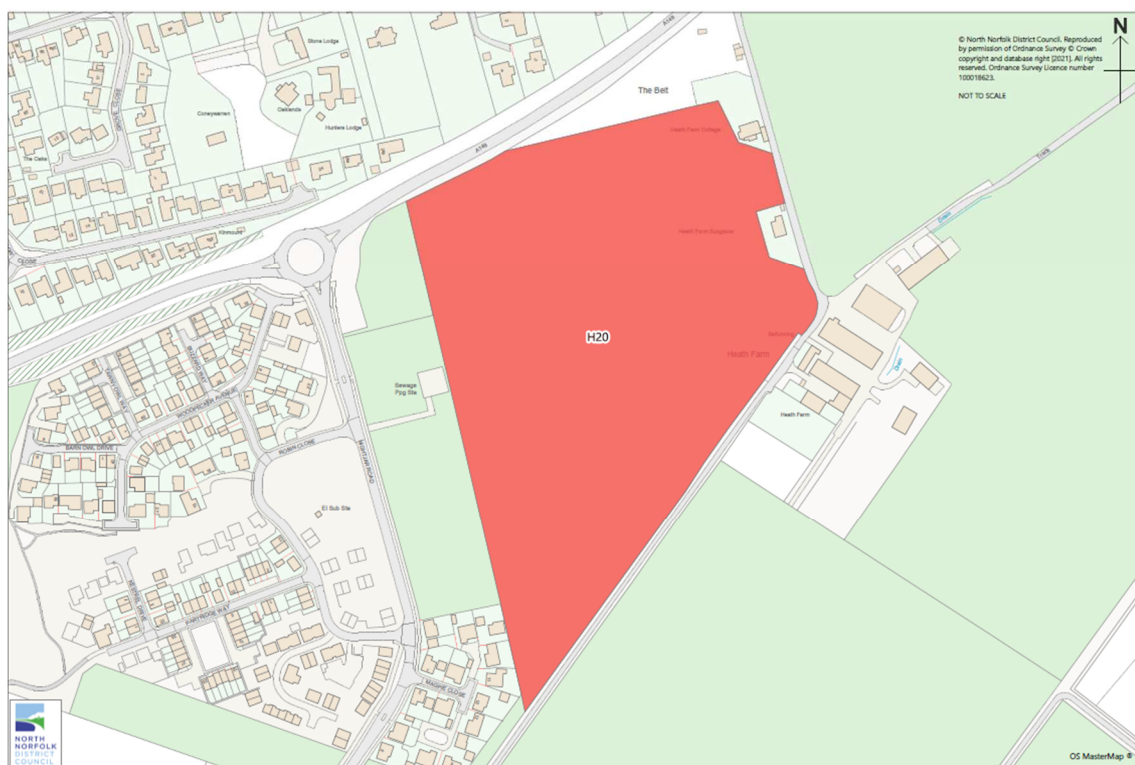


Figure 1: Allocation H20

- 1.2 The purpose of this representation relates specifically to Policy H20 (Residential: Land at Heath Farm). For reasons explained further within Section 2 of this report, the North Norfolk Tomatoes LLP as landowners of the site, in principle fully support the proposed allocation as set out in Policy H20. It is however requested, that some adjustments are made to the wording of the policy in order for it to be considered to be sound in planning terms. Accounting for the position of the landowners of the site, it is requested that Policy H20 is amended as set out in Section 2 of this report.

2 PLANNING CONSIDERATION

2.1 The purpose of this Regulation 19 consultation is to test if the Proposed Submission Version Local Plan is legally compliant and sound. The tests of soundness are set out in Paragraph 35 of the National Planning Policy Framework (2021). According to Paragraph 35, plans are 'sound' if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

2.2 Policy DS 1 Development Site Allocations of the Proposed Submission Version Local Plan sets out the sites proposed for allocation in the proposed local plan. This includes an allocation on our clients' land (Holt, Land at Heath Farm, H20, approximate 180 dwellings, 60 units of elderly care accommodation, open space and supporting infrastructure). Further details relating to the requirements for development of this site are provided by site-specific Policy H20.

Policy H20

Land at Heath Farm

Land amounting to 7.1 hectares, as defined on the Policies Map, is allocated for residential development of approximately 180 dwellings, elderly persons accommodation, public open space, and associated on and off-site infrastructure.

Planning permission will be granted subject to compliance with the relevant policies within this Plan and the following site specific requirements:

- 1. Access being delivered off Nightjar Road and new A148 roundabout and delivery of footpath connections to footpath FP9a;*
- 2. Submission of a heritage impact assessment incorporating suitable open space and landscaping to preserve and enhance the setting of the Listed Buildings at Heath Farm to the south east of the site;*
- 3. Submission of a Transport Assessment identifying sustainable traffic mitigation measures to include; delivery of enhanced pedestrian access improvements across and along the A148 to facilitate pedestrian access to the medical centre, and bus stops on Cromer Road and the east of the town;*

4. *That the existing Anglian Water Main is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing water mains should be located in highways or public open space;*
5. *A layout of development which protects the alignment of the medium pressure gas main which crosses the site;*
6. *Submission and approval of effective Surface Water Management Plan ensuring that there is no increase in greenfield run off rates;*
7. *Submission of a Foul Drainage Strategy setting how additional foul flows will be accommodated within the foul sewerage network and implemented prior to first occupation of any dwellings;*
8. *On-site provision of minimum of 1.55 ha open space;*
9. *Delivery of comprehensive development in accordance with agreed phasing which ensures delivery of all aspects of the allocated uses including not less than 60 units of specialist elderly persons accommodation;*
10. *Submission of adequate information in order to undertake a project Level Habitat Regulation Assessment, HRA, addressing issues relating to hydrological issues, site design, layout, drainage, supporting habitats and habitat survey, localised recreational impacts and provision of suitable long term drainage maintenance strategy designed to mitigate impacts on European sites, and*
11. *Appropriate contributions towards mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance & Mitigation Strategy (GIRAMS).*

The site is underlain by a defined Mineral Safeguarding Area for sand and gravel. Any future development on this site will need to address the requirements of Norfolk Minerals and Waste Core Strategy Policy CS16 - 'safeguarding' (or any successor policy) in relation to mineral resources, to the satisfaction of the Mineral Planning Authority.

- 2.3 The allocation of the site under Policy H20 is in general fully supported by North Norfolk Tomatoes LLP. For reasons explained within our earlier representations on the emerging Local Plan, the site is fully deliverable in planning terms and provides for a logical expansion to Holt. It is however, requested for some adjustments to be made to the policy wording in order for it to be considered sound in planning terms.
- 2.4 We would therefore make the following comments in relation to the requirements of Policy H20:

Setting of Health Farm

- 2.5 The landowners fully support the second requirement within the policy, which requires the submission of a Heritage Impact Assessment to ensure that the setting of the Listed Buildings at Health Farm are safeguarded as a result of the development. The landowners are strongly committed to ensuring the safeguarding of the listed buildings.
- 2.6 In order to safeguard the setting of Health Farm both in heritage and residential amenity terms, it is the landowner's intention for a wide landscape buffer of approximately 1.3 hectares to be provided along the east and south-east boundary of the site, to be retained by the landowners. Whilst it is possible that this may result in a reduction in total number

of dwellings being delivered to approximately 150-160 the applicants are committed to ensuring that this buffer is provided between the residential development and Heath Farm.

Footpath Connection

2.7 Footpath FP9a currently runs along the farm track connecting Hempstead Road to the A148. The farm track is used extensively by farm vehicles, and increased non-vehicular movements along the footpath could lead to safety issues. Introducing multiple connections to the existing footpath is therefore considered inappropriate. Instead, a single footpath connection is considered to be appropriate. One footpath will provide ease of access for all new residents within the development.

2.8 We would suggest the rewording of this requirement to state:

1. Access being delivered off Nightjar Road and new A148 roundabout and delivery ~~a of~~ ~~footpath connections~~ to footpath FP9a;

Enhanced Pedestrian Access Improvements over the A148

2.9 Point 3 of policy H20 requires the delivery of enhanced pedestrian access improvements across and along the A148 to facilitate pedestrian access to the medical centre and bus stops on Cromer Road and the east of the town.

2.10 Whilst the landowners have no objection in principle to this requirement and the sustainability benefits are understood, the provision for these improvements may necessitate the need for third party land outside of the applicants control. Whilst every effort will be made to ensure the delivery of a safe crossing point, it is considered that some flexibility is needed within the wording of the policy, to allow for the event that this is not achievable or not deemed practical by the Highway Authority.

2.11 We suggest that the wording of this requirement is amended to state:

2. Submission of a Transport Statement identifying sustainable traffic mitigation measures. **Reasonable endeavours will be used to scope out the feasibility of the delivery** of enhanced pedestrian improvements across and along the A148 to facilitate pedestrian access to the medical centre, and bus stops on Cromer road and the east side of the town.

Open Space

2.12 Policy HC2 of the emerging Local Plan sets out the requirements of North Norfolk District Council having regard to on site open space requirements. It is considered premature and unnecessary to prescribe a minimum area of open space to be delivered on site within H/20 at this stage, given that provision of open space is controlled under policy HC2.

2.13 This is particularly the case given the need on this site for a buffer to be maintained with Heath Farm to the east of the site (refer to paragraph 2.5 and 2.6 of this statement). It is the intention of North Norfolk Tomatoes to maintain a substantial buffer to Heath

Farmhouse, which could in itself impact upon the quantum of developable area and number of residential dwellings. In order to ensure that the policy wording is effective in planning terms, the area of open space to be provided should be determined at outline planning application stage in accordance with the policies of the Local Plan.

8. We would suggest the rewording of this requirement to state:

8. ~~On-site provision of minimum of 1.55 ha open space;~~ Open space will be delivered in accordance with the standards set out in the Local Plan.

3 SUMMARY

- 3.1 As set out in this representation, the proposed allocation of Heath Farm for residential development, under policy H20 of the Local Plan is in generally fully supported. It is requested that consideration is given to the following amendments to the policy wording to ensure that it is justified and effective and therefore sound in planning terms:
1. It is the landowner's intention to retain a substantial buffer of landscaping adjacent to Health Farm. It is possible that this may result in a slightly reduced quantum of development being delivered of approximately 150-160 dwellings.
 2. Re- wording of point 1 of the policy to require the provision of one footpath connection to footpath FP9a
 3. Re- wording of point 3 of the policy in order to give flexibility to the delivery of the crossing over the A148 to allow for the event that it may not be deliverable in planning terms.
 4. Amendment to point 7 of the policy, to remove the requirement for 1.55 hectares of open space to be provided on the site.
- 3.2 It is considered that the above amendments of Policy H20 are required in order for this policy to be considered sound in planning terms.